



HARMONIZATION OF RIGHT OF WAY CHARGES AND IMPLEMENTATION STRATEGIES

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Contents

- I. Background**
- II. Current Status**
- III. Highlights of the Ministerial Committee's Report**
- IV. Recommendations and Prayers**



I. Background

- ❑ The Ministry from inception was confronted with
 - ✓ the challenge of multiple/exorbitant Right of Way charges.
- ❑ This led to an earlier presentation to the National Economic Council (NEC) on 11th Dec., 2012 titled **“Building of a National Information and Communication Technology (ICT) Infrastructure: the Role of States and Local Governments”**
- ❑ NEC thereafter constituted a Committee that reviewed the document presented and made some recommendations on:
 - ❖ the responsibility of States and Local Governments
 - ❖ Role of Telecommunication Operators on the Management of RoW issues
- ❑ The recommendations were adopted by the NEC on 10th July, 2013.

I. Background (2)

- ❑ NEC mandated State Governments to adopt and implement Federal Ministry of Works Guidelines for grant of Right of Way to ICT Service Providers on Federal Highways.
- ❑ The Guidelines among other things pegged administrative charges of
 - ✓ N145 per linear meter RoW fee for every new build;
 - ✓ N20 per metre annual fee for existing ducts; and
 - ✓ a review process every five years.
- ❑ It is important to note that despite the NEC's mandate, most States adopted different and higher rates.

II. Current Status

- ❑ On my assumption of duty, Telecommunication Operators requested for my intervention to resolve the challenges associated with the multiple/exorbitant RoW charges demanded by
 - some Federal MDAs;
 - States; and
 - Local Government Authorities.

- ❑ Based on this, I constituted a Ministerial Committee to develop an appropriate document that will articulate the issues and recommend mitigating strategies.



II. Current Status (2)

- ❑ The Committee reviewed:
 - ✓ The current practices;
 - ✓ supporting Laws, Acts, Legislations, Legal and Institutional frameworks, Guidelines and Edicts on Right of Way Charges;
 - ✓ some global best practices of the Organization for Economic Co-operation and Development (OECD/OCDE) countries which revealed that countries such as Australia, Germany and Singapore operated a centralized regime for the management of RoW issues.



III. Highlights of the Ministerial Committee's Report

- ❑ The Ministerial Committee deliberated on the subject and considered
 - ✓ the governance structure of Nigeria,
 - ✓ the provisions of Land Use Act Cap 15 LFN 2004, Section 28 and 29 and
 - ✓ recommended the review and to incorporate/insert a Section in the Nigeria Communications Act 2003, and the National ICT Policy to address RoW issues as follows:
 - i. Establishment at each tier of Government a designated licensing Agency comprising officials from relevant MDAs to design, construct service ducts and manage all RoW issues;
 - ii. Recognition of ICT infrastructure as a “Public Utility Infrastructure” with regards to:
 - ✓ the review/update and amendment of the Nigeria Communications Act 2003, the National ICT Policy and the Land Use Act;
 - iii. Enterprises are to obtain RoW permits from a Designated Agency at Federal, States and Local Government Levels, which shall be responsible for the enforcement of the approved uniform standards and rates;

III. Highlights of the Ministerial Committee's Report (2)

- iv. The Designated Agency should plan, design, build and manage a network of service ducts for the deployment of public utility infrastructure;
- v. Enterprises in partnership with MDAs will design, deploy optic fibre acoustic sensors network as part of National Security Network for the protection of the Critical National Infrastructure such as oil and gas pipelines, rail lines, power lines, roads and Bridges, ICT infrastructure, water pipelines, etc.

☐ Copies of the report have been circulated to all Stakeholders for their acceptance, buy-in and implementation.



III. Highlights of the Ministerial Committee's Report (3)

Statement of Facts

- ✓ Presently, various operators who desire to build a network, design, survey, dig, deploy fibre ducts and lay fibre and manage their individual network
- ✓ This amounts to duplication of efforts, multiple earthworks and trenches,

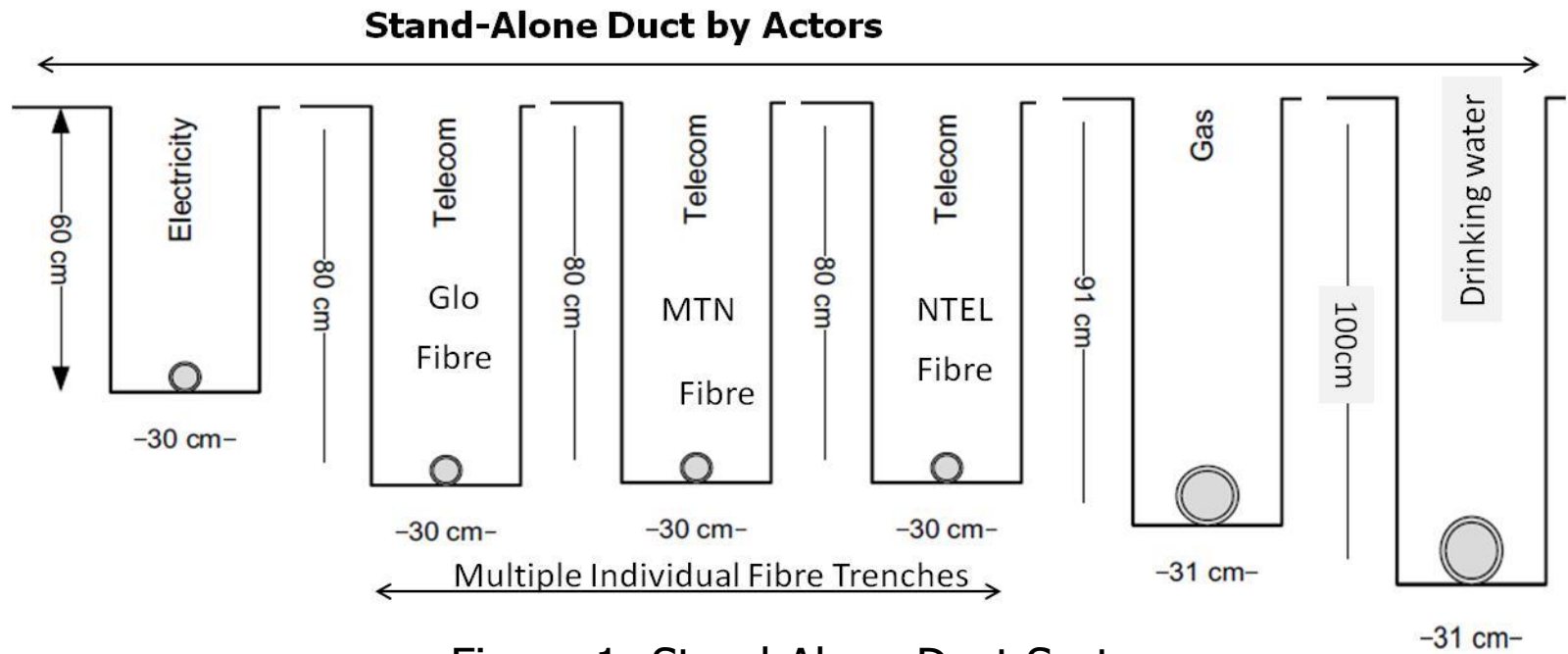
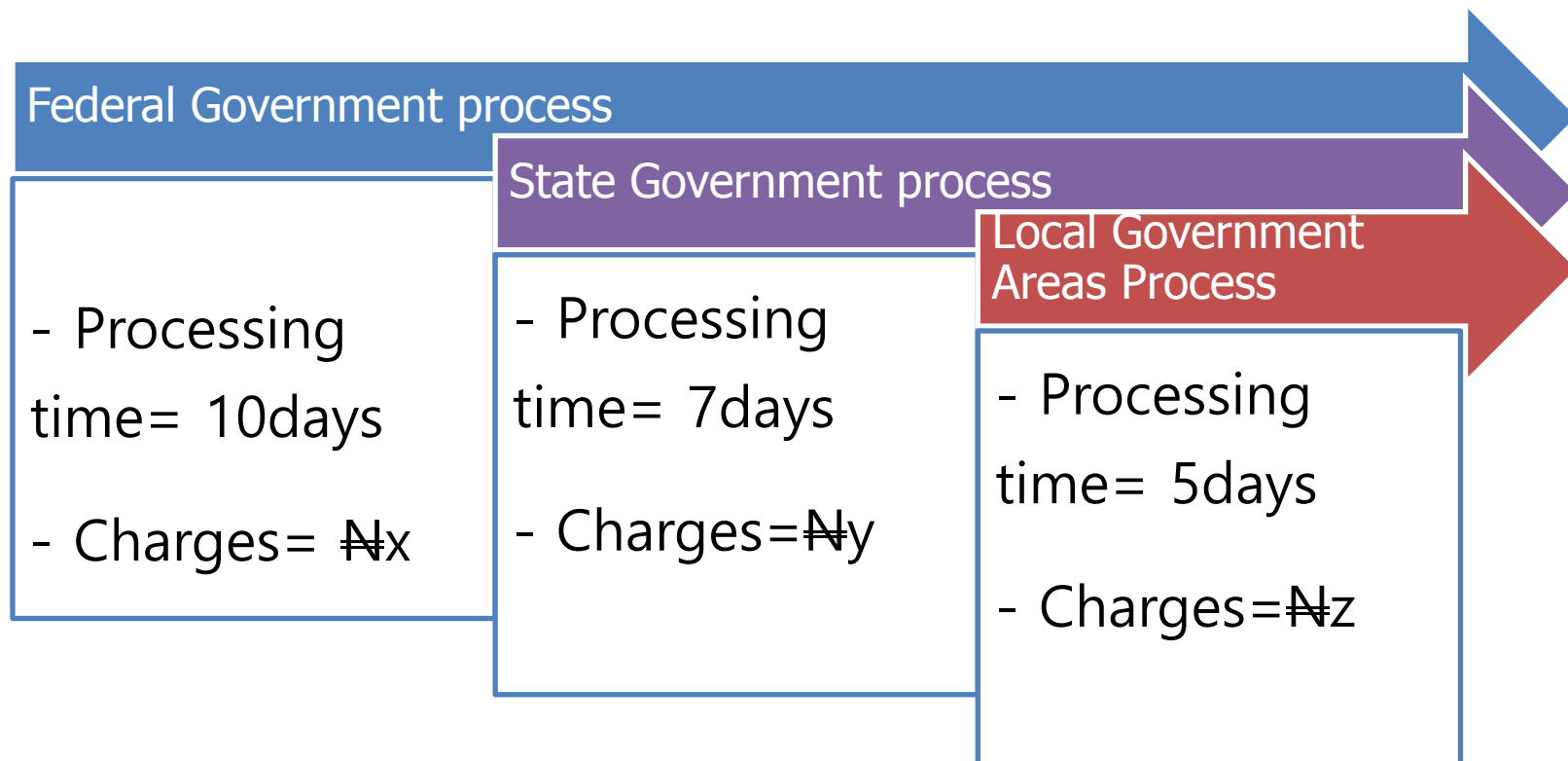


Figure 1: Stand-Alone Duct System

III. Highlights of the Ministerial Committee's Report (4)

Challenges Associated with Multiple charges on Right of Way

- ❑ Overlapping process lead to time loss
- ❑ Increase in overhead costs such as administrative and licensing costs



Total Time taken = 23days; Charges = $N(x + y + z)$

III. Highlights of the Ministerial Committee's Report (5)

Implementation Strategy

- ❑ All new designs for Roads, Bridges, rail lines, water ways etc should provide for shared duct that will have the capacity to host all public utility infrastructure and to be managed by a designated agency in all tiers of Government;
- ❑ The estimated depth of such trench should be about 60cm to 100cm while the width should be about 122cm.
- ❑ Safety net is usually observed for the deployment of the various public utility infrastructures within the same duct as shown on the diagram at figures 2 and 3.

III. Highlights of the Ministerial Committee's Report (6)

Implementation Strategy

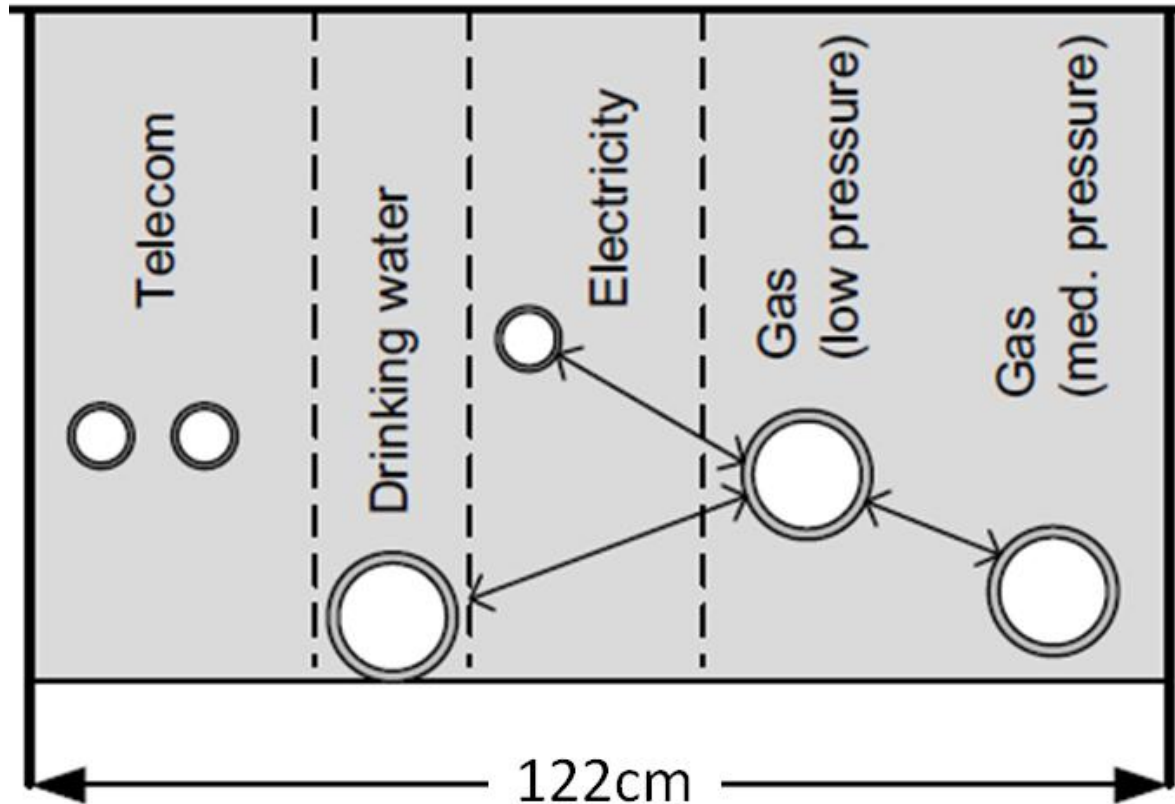


Figure 2: Example of Shared Duct

III. Highlights of the Ministerial Committee's Report (7)

Implementation Strategy

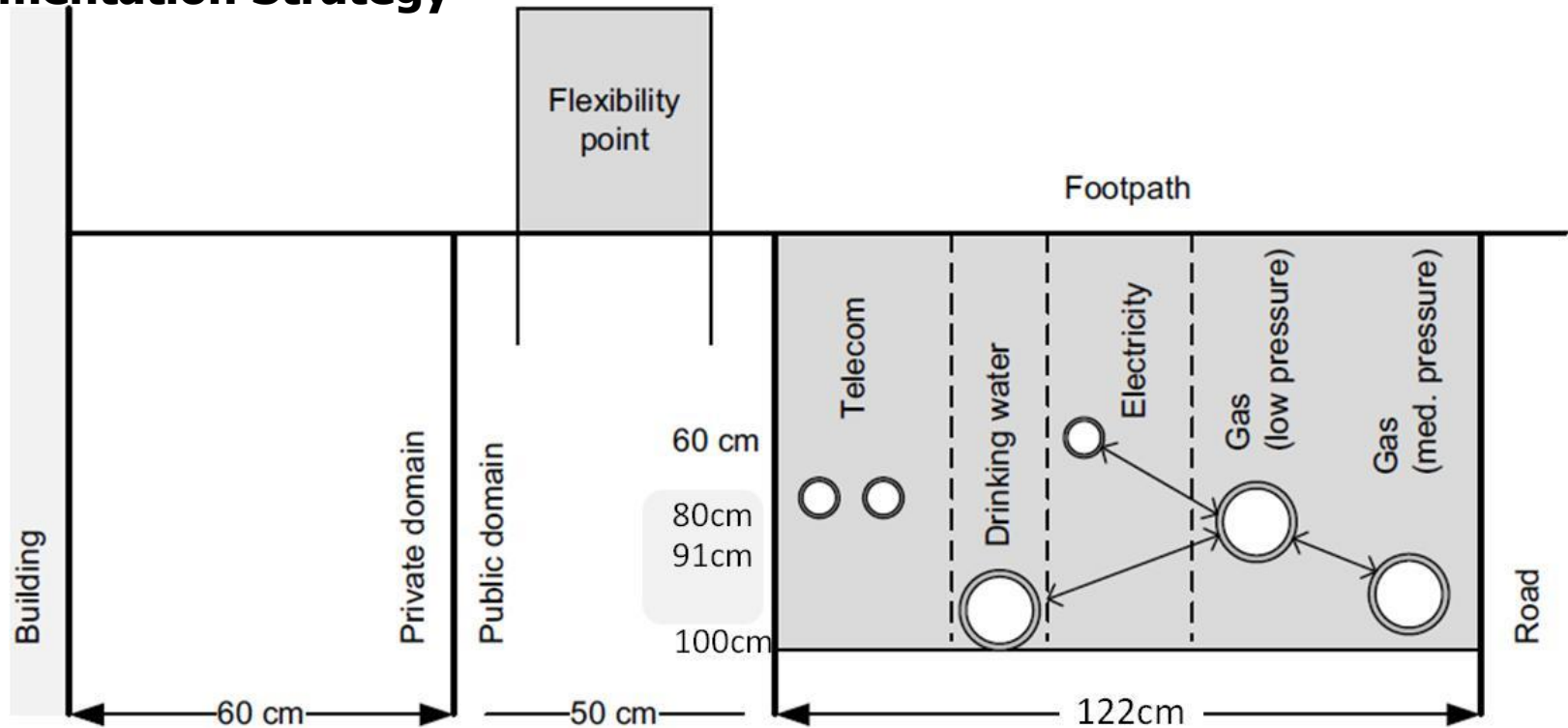


Figure 3: Shared Duct in relation to buildings and Roads

III. Highlights of the Ministerial Committee's Report (8)

Benefits

- ❑ Economies of scale
- ❑ Reduced cost of infrastructure deployment,
- ❑ Guarantee the design, deployment and utilization of electronic grid system that will support effective and efficient service delivery,
- ❑ Fast network deployment
- ❑ Assured ease of revenue generation as well as data collection on
 - number of homes and business premises connected;
 - amount of energy generated, distributed and utilized;
 - amount of gas supplied and utilized;
 - amount of water distributed and utilized;
 - amount of bandwidth distributed and utilized;

- ❑ Aid statistical data collection for proper National Planning.



III. Highlights of the Ministerial Committee's Report (9)

Benefits

- ❑ Easy deployment of essential public utility facilities to homes such as Fibre-to-the Home, Gas-to-the Home, Water-to-the Home, Electricity-to-the Home as well as the delivery of essential services to other places of need such as schools, industries, Government facilities, railways etc.
- ❑ Supports ease of deployment of acoustic fibre optic sensors as part of Security network infrastructure and for purposes of monitoring/surveillance, operation and maintenance of the public utility infrastructure network.

IV. Recommendations and Prayers

- ❑ The Council is invited to note that the shared duct strategy will facilitate the harmonization of Right of Way charges and accelerate the transition of our various Cities, towns and villages to a Smart Status and support the needed growth of the economy.
- ❑ Council and indeed all Stakeholders are invited to consider, adopt and approve the use of shared duct Strategy managed by designated agency in all tiers of Government for the deployment of public utility infrastructure for effective and efficient services delivery and accelerated socio-economic development of our dear nation.



THANK YOU

