

No.PBW (B&R)(B)3(4)19/2001
Government of Himachal Pradesh.
Public Works Department.

From:

The Secretary (PW) to the
Government of Himachal Pradesh,
Shimla-171 002

To

1. The Chairman,
HPSEB, Vidyut Bhawan, Shimla-171004
2. The Secretary (I&PH) to the
Government of Himachal Pradesh, Shimla-2
3. The Secretary (IT) to the
Government of Himachal Pradesh, Shimla-2
4. The Secretary (Urban Local Bodies) to the
Government of Himachal Pradesh
5. The Engineer-in-Chief,
HPPWD, US Club, Shimla 171 001
6. The Engineer-in-Chief,
Irrigation & Public Health,
H.P., Shimla 171 001
7. The Commissioner,
Municipal Corporation, Shimla 171 001
8. All The Zonal Chief Engineers,
HPPWD in HP
9. All the Zonal Chief Engineers,
Irrigation & Public Health in HP
10. All the Superintending Engineers,
HP PWD in Himachal Pradesh
11. Chief General Manager,
BSNL/Department of Telecommunication,
Shimla-171 009

Dated: Shimla-171 002, the 26th April, 2002

Subject: - **“Right of Way” Policy**

Sir,

I am directed to say that the State Government have framed Right of Way
Policy as under:-

- (i) Any service providing agency like Department of Telecommunication authorized and registered/licensed infrastructure providers, I&PH, HPSEB etc. is eligible to avail of the Right of Way facility/permission. However, enforceability for the permission so granted shall be restricted to the extent of provision/scope of service contained/defined for the license so granted by the Department of Telecommunication of the telecommunication infrastructure and also the agreement to be entered into by the service providing agencies with the Department of Public Works or the concerned agency.
- (ii) This Right of Way Policy will be applicable for all roads owned and managed by State Government, Local Bodies and Public Sector Undertakings in the State. Permission for Right of Way will be granted by Executive Engineer of the Public Works Department as per guidelines and design parameters laid down by the office of Engineer-in-Chief/Zonal Chief Engineers with respect to roads owned and managed by Public Works Department. With respect to roads owned by other Departments of the Government, Local Bodies, Public Sector Undertakings etc. the appropriate authority for granting permission will be designated by them. However, in case of National Highway lands permission of Right of Way will be granted by MORTH or its designated authority through Chief Engineer, National Highway, Himachal Pradesh.
- (iii) The Engineer-in-Chief/Zonal Chief Engineers will provide broad guidelines for various options depending upon topography and site conditions for availing of Right of Way facility are as under:-
 - a) Trenchless technology where cutting of road pavement is avoided and work can be carried out by drilling hole beneath the road pavement;
 - b) Creation of appropriate engineering structures on hill side of the road or on the valley side of the road at reasonable levels thereby avoiding digging of the road;
 - c) Providing structures/poles for overhead cables;
 - d) Underground ducts.

- (iv) The Executive Engineer will grant permission based on topography and site specific conditions within 15 days alongwith map after receipt of application and deposit of restoration/reinstatement charges.
- (v) Restoration/reinstatement of the road damaged due to digging and other activities while laying cables/ducts or construction of structures while availing the Right of Way will be done by the Public Works Department/owner of the road. Realistic charges/rates for restoration/reinstatement work will be fixed by concerned Zonal Chief Engineers or by Engineer-in-Chief from time to time.
- (vi) Cables/ducts shall ordinarily be laid at the edge of the road or at the minimum distance of 15 mtrs. From the central line of the road where the road land is available. The top of the casing/conduct pipe of service lane shall be at least 1.2 mtrs. below the surface of the road.
- (vii) The user Department/agency shall ensure that the debris/waste material if any shall be disposed off by them at their own cost failing which the owner of the road will do so at the cost of the user agency. The digging of the trenches would be strictly regulated so that cables are laid and trenches are filled up before the close of the work every day. Filling should be completed to the satisfaction of the Department. While carrying out digging work, necessary caution like barricading, traffic diversion signs, danger lighting etc. shall be provided by the user.
- (viii) As per the site conditions if private land has to be utilized or private structures are to be utilized, the use agency will be required to meet the cost of land acquisition/rentals etc. as the case may be.
- (ix) Shifting of existing facilities like telephone cables, electrical lines, electrical poles etc. wherever required would be done in a time bound manner and at their own cost. All the user agencies will ensure that there is no hindrance to the free flow of traffic.

- (x) All the service providing agencies would give at least 15 days' notice when they want to undertake major repairs/maintenance/provide additional installations. All the service providing agencies would be required to deposit funds in advance with the PWD for restoration etc.
- (xi) The validity of "Right of Way" in respect of Telecommunication Department/licensee would be co-terminus with the validity of license.
- (xii) In respect of Telecommunication Department "Right of Way" facility would be available to the existing and future licensees and they will have to bear the cost involved in the re-installation and restoration.
- (xiii) The service providers would be liable to pay full compensation to the aggrieved owners for any damage sustained by them by reasons of the exercise of right of way facility.
- (xiv) All the service providing agencies shall ensure that while laying their installations they do not damage the other utilities and would ensure security and safety of these installations.
- (xv) The basic telecom service provider/licensee will provide to the State Government a bandwidth of 2 mbps at the Distt. and State headquarters nodes. However, the necessary installation of electronic equipments etc. in the respective nodes would be done by the State Government itself. This free bandwidth facility provided by basic service licensee will not include video conferencing, international connectivity, creation of Internet Kiosks etc. from the infrastructure providers.
- (xvi) The permission granted shall not in any way be deemed to confer to the licensee/service provider any ownership right or any interest in route/highway land/property.

(xvii) The PWD would make provision of service lanes/underground ducts in all the roads to be constructed under various schemes/programmes and in improvement and widening work of existing/new National Highways as far as possible, particularly in urban centers. The cost of providing this facility would be recovered from the service providing agencies similarly the Department of Public Works henceforth would make a provision in all the bridges and culverts for the service lanes and would recover the cost from the service providing agencies.

It is requested that the aforesaid policy be implemented accordingly.

This issues with the prior concurrence of Finance Department and approval of Council of Ministers.

Yours faithfully,

(Subhash C. Negi)
Secretary (PW) to the
Government of Himachal Pradesh.