

NIGER STATE RIGHT OF WAY FOR FIBRE OPTIC DEPLOYMENT REGULATION 2024

In exercise of the powers conferred upon the Niger State Urban and Regional Planning Board by section 74 of the Niger State Urban and Regional Planning Board Edict (Law) 1999, and other powers enabling it, the Niger State Urban and Regional Planning Development Board hereby makes the following Regulations.

Part 1 - CITATION AND COMMENCEMENT

1. Citation

This Regulation may be cited as the Niger State Right of Way Regulation 2024, No: 02 and shall come into operation on the 30th Dec. 2024

2. Interpretation

In this Regulation, unless the context otherwise requires:

“**Additional Ducts**” means extra conduits or pathways installed alongside existing infrastructure to facilitate future installations and sharing of utility services among multiple operators.

“**Applicant**” means an individual or entity that submits a request for permission to install or maintain infrastructure within the Right of Way, including telecommunications companies, utility providers, or other licensed operators.

“**As Laid Drawings**” means detailed drawings that document the actual installation of infrastructure, including the depth, location, and type of ducts and cables laid.

“**Artery**” means in the case of land or subsoil use, a duct containing or not containing cables, or a cable in the ground; in all other cases, all cables pulled between two supports.

“**Board**” means Niger State Urban Development Board.

“**Colocation**” means where multiple entities (such as service providers or operators) share the same physical infrastructure or facilities.

“**Completion Certificate**” means a formal document issued by the Niger State Urban Development Board confirming that the installation of infrastructure has been completed in accordance with the approved plans and Regulations.

“Environmental Impact Assessment (EIA)” means a process used to evaluate the potential environmental effects of a proposed project before it is carried out.

“Licensee Operator” means an individual or entity that has been granted a license by Niger State Urban Development Board to install, maintain, or operate network facilities within a specified jurisdiction.

“Network Facilities” means the physical infrastructure used for telecommunications or utility services, including cables, ducts, poles, and other equipment necessary for the transmission of data or electricity.

“Public Domain” means land or property owned by the government and accessible to the public, including roads, parks, and other areas where infrastructure may be installed.

“Public Utility” means an organization that provides essential services to the public, such as water, electricity, gas, or telecommunications.

“Sanctions” means penalties or disciplinary actions imposed for non-compliance with the Regulations, which may include fines, suspension, or termination of the Right of Way.

“Technical Data” means information necessary to assess the feasibility and safety of proposed installations, including specifications, engineering designs, and operational parameters.

“Working Days” means the days of the week (typically Monday through Friday) during which normal business operations are conducted, excluding weekends and public holidays.

“Joint Measurements” means collaborative assessments conducted by Niger State Urban Development Board and the Applicant to measure and verify the dimensions and conditions of the site where the infrastructure is to be installed.

“Right of Way (RoW) Permit” means the permission granted to install, maintain, or operate infrastructure on public or private land.

Part 2 - PREAMBLE

1. Purpose

The purpose of this Regulation is to facilitate the efficient deployment of telecommunications and utility infrastructure while ensuring minimal disruption to public spaces and the environment.

2. Scope of Application

This Regulation applies to all Licensee Operators seeking to install, place, lay, or maintain network facilities on, under, or across public land within Niger State.

3. Commitment to Public Interest

In all activities, Licensee Operators shall prioritize public safety, environmental sustainability, and the interests of local communities.

4. Collaboration with Authorities

Licensee Operators are encouraged to work collaboratively with local government and regulatory bodies to ensure compliance with all applicable laws and standards.

5. Regulatory Framework

This Regulation is established in accordance with the provisions of the Nigerian Communications Act, 2003, and other relevant laws and Regulations.

6. Acknowledgment of Stakeholders

The successful implementation of this Regulation relies on the cooperation of all stakeholders, including government agencies, utility providers, and the public.

PART 3 – LICENSING AND APPROVAL REQUIREMENTS FOR NETWORK FACILITIES INSTALLATION

7. Licensing Requirements

By virtue of clause 135 of the Nigerian Communications Act, 2003, a Licensee Operator under the above-mentioned Act:

a. Shall require approvals of the State Government, Local Government and the Niger State Urban Development Board for installation, placing, installing, or maintenance of any network facilities ("Network Facilities") on, through, under, or across any land, and it shall be the responsibility of such licensees to obtain such approvals.

b. Shall, in installing its Network Facilities, take all reasonable steps to ensure that the Operator causes as little detriment and inconvenience, and does as little damage, as is practicable.

- c. Shall take all reasonable steps to restore the land to a condition that is similar to its condition before the activity began.
- d. Shall, in connection with the installation of its Network Facilities, take all reasonable steps to:
 - i. Act in accordance with good engineering practice;
 - ii. Protect the safety of persons and property;
 - iii. Ensure that the activity interferes as little as practicable with the operations of a public utility, public roads and paths, the movement of traffic and the use of land; and
 - iv. Protect the environment.
- e. Shall take all reasonable efforts to enter into respective agreements with public utilities that make provision for the manner in which the licensee will engage in activities that are related to the installation of its Network Facilities and likely to affect the operations of the utility.

8. Right of Way (RoW) Applications Process and Fee Structure

- a. Pursuant to Clause 135 of the Nigerian Communications Act, 2003, and its authority over Rights of Way (RoW) within Niger State, the Niger State Urban Development Board shall receive and process applications or requests from licensed operators for the installation, placement, or maintenance of telecommunications network facilities.
- b. Pursuant to the provision of the Niger State Urban and Regional Planning Development Board Edict (Law) No.3 of 1999, the Board shall charge an aggregate fee not exceeding ₦145 per linear meter for the deployment of Fibre Optic cables.

9. Application for Right of Way (RoW) Permit

- 1. A Licensee Operator intending to install, place, lay, or maintain any Network Facilities on, through, under, or across any public land within Niger State shall be required to apply to the Niger State Urban Development Board.
- 2. The application shall strictly follow the steps outlined by the Niger State Urban Development Board in the Guideline For Application And Obtaining Right Of Way (Row) Permit In Niger State, 2023.

