



MUNISIPALITEIT DAWID KRUIJER MUNICIPALITY

POLICY 010/2020 RAADSBELEID

SUBJECT/ONDERWERP: WAYLEAVE POLICY

REFERENCE/VERWYSING: 16.3.B

RESOLUTION NR/BESLUIT NO: 16.2/11/2020

DATE/DATUM: 24 November 2020

1. PURPOSE

To provide for the regulation of all work to be executed in any Public Road Reserve within the jurisdictional area of the Municipality and to ensure that the Municipality delivers on its service delivery objectives in terms of section 152 of the Constitution of the Republic of South Africa, 1996.

2. POLICY PHILOSOPHY AND PRINCIPLE

The Municipality is required to provide uninterrupted Services to all its residents at all times and remains committed to continuously improve its capacity for effective and developmental service delivery; and

The Municipality has an obligation to protect all Service infrastructure within its road reserve boundaries; and

The Municipality is committed to prevent damage to vehicles, injuries to vehicle occupants and pedestrians, to reduce the delays caused by road works and to prevent the reduction of the effective life span and durability of roads, footways and other Services.

3. DEFINITIONS

The following words and phrases shall have the meaning assigned to them in this Policy, unless the context clearly indicates otherwise, in which event the meaning shall be confined to the context of the text:

Authorised Agent	A person authorized to implement the provisions of this Policy, including but not limited to – (a) peace officers as contemplated in Section 334 of the Criminal Procedure Act No 51 of 1977; (b) municipal police officers as contemplated in the South African Police Service Act No 68 of 1995 or duly appointed by the Municipality; and/or
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	(c) such employees, agents, delegated nominees, representatives and/or service providers of the Municipality as are specifically authorised by the Municipality in this regard.
Backfilling	The replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but excludes the surfacing (see Reinstatement).
Certificate of Completion	The document issued by the Service Coordinator as proof that Work in the Public Road Reserve was completed according to the requirements of this Policy.
Completion Notice	The document submitted by the Wayleave Holder to the Service Coordinator when the Work in the Public Road Reserve has been completed.
Council	The Municipal Council of the Dawid Kruiper Municipality, or its successor in title, and any committee or person to which or whom an instruction has been given or any power, function or duty has been delegated or sub-delegated in terms of, or as contemplated in, Section 59 of the Local Government: Municipal Systems Act No. 32 of 2000.
Cross Cut	The excavation of a trench by hand to identify and/or confirm the positions of existing Services in the Public Road Reserve.
Distance of Excavation	The shortest horizontal distance between an excavation and the existing service nearest to the excavation.
Electric structure	Any power line tower, electric pole, switch box, miniature substation fence or building or any other structure used in the distribution of electricity.
Emergency Work	Any Work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses.
Lane Rentals	Rentals determined by the Council from time to time to be paid to the Municipality in respect of Work in the Public Road Reserve that results in time delay costs being incurred by the users of the Public Road Reserve provided that departments of the Municipality shall be excluded from the liability to pay the same.
Municipal Department	Any Department of the Municipality.
Municipality	The Dawid Kruiper Municipality as a legal entity and local sphere of Government and established in terms Section 12 of the Local Government: Municipal Structures Act No.117 of 1998;
Newly Surfaced	Any road that has been constructed, re-constructed or re-surfaced during the preceding five years;
Outdoor Advertising	The act or process of notifying, warning, informing or making known or any other act of transferring information in a visual manner, primarily to attract the attention of road users;
Protected Road Surfaces	Roads across which no digging of trenches will be permitted.
Public Road Reserve	The full width of a Public road and includes the verge and the roadway.
Reinstatement	Refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
Routine Maintenance Work	All types of Work involved in maintaining the Services in the Public Road Reserve and does not require excavation, traffic control or Reinstatement activities.

Service	Any infrastructure in the Public Road Reserve that is used for supplying a product or service that is intended for public use and that is the property of a Service Agency.
Service Agency	Any Municipal Department, public agency or private company that owns a Service in the Public Road Reserve.
Service Coordinator	The institutional body established within the Council's Municipal area, with the responsibility to coordinate and regulate any Work undertaken in those sections of the Public Road Reserve that fall within the Municipal area of the Council, provided that these responsibilities may be delegated to an official within the Council administration.
Service Enquiry	The process that must be followed by a Wayleave Applicant to obtain the position of existing services from all Service Agencies prior to applying for a Wayleave.
Trenchless Methods	Methods used to place Services under the road without excavating trenches through the surfacing and structural layers. Specialized drilling equipment is normally used.
Wayleave	The formal approval, and its accompanying conditions, in the prescribed format of Council, to carry out Work in the Public Road Reserve. A Wayleave is issued by the Service Coordinator and consists of a Wayleave form and approved drawings.
Wayleave Applicant	The person, institution or Service Agency who currently owns or would own the future Service, who applies for a Wayleave, or on whose behalf an application is made for a Wayleave.
Wayleave Holder	The person, institution or Service Agency who is in possession of a Wayleave approved by the Service Coordinator.
Work	The Public Road Reserve means any activity related to a Service, carried out within the Public Road Reserve. It includes, but is not limited to, any project related activities, irrespective of the size of the project.
Work Not Requiring a Wayleave	All types of work which do not require excavation, traffic control or Reinstatement activities and for which a Wayleave is not required.

4. OVERVIEW

- 4.1. This Policy applies to all persons who carry out Work in the Public Road Reserve in the Municipal area of the Council, such as internal Municipal Departments, external organisations, Service Agencies and contractors. It does not apply to Work in national or provincial Road Reserves within the judicial area of the Council.
- 4.2. This policy provides for the establishment of a Service Coordinator to:
- (a) Improve the inter departmental communication on annual Work plans and the execution of such Work;
 - (b) Coordinate and regulate all Work carried out within the Public Road Reserve;
 - (c) Minimize the danger and inconvenience to the public;
 - (d) Minimize the damage to existing Services;
 - (e) Reduce the number of legal claims; and,
 - (f) Promote the use of technology such as Geographical Information Systems (GIS) to locate Services.
- 4.3. The coordination of Work in the Public Road Reserve deals with two aspects, namely:

- (a) Planning the time schedule for future Work (including new construction, rehabilitation or Routine Maintenance Work) in the Public Road Reserve so that the Work can be executed in a logical sequence, e.g. avoiding the placement of a Service in a newly surfaced road; and
- (b) The application for and approval of Wayleaves for the execution of any Work in the Public Road Reserve.

4.4. The coordination of work schedules may result in specific coordination issues where the Service Coordinator has to ensure an acceptable solution for the Service Agencies involved.

4.5. The Service Coordinator's role is to facilitate coordination between the various Service Agencies. Each Service Agency will have their own project leaders who are responsible for the implementation of their projects along with compliance with the Council's policies, procedures and standards.

5. PLANNING WORK TIME SCHEDULES

5.1. The basic procedure that must be followed for planning the time schedule of future Work is as follows:

- (a) By 30 April of each year the various internal Service Agencies shall submit Work Plans, as defined in the Integrated Development Plan of the Council, for the next 3-year period to the Service Coordinator. External Service Agencies will be invited, but not obligated, to participate in the process.
- (b) These Work Plans shall show:
 - (i) The nature of the Work e.g. the placement of a new water main, or the replacement of a water/ sewer line.
 - (ii) The location of the Work in terms of street blocks and the side of the Public Road Reserve where the Work will be executed, with due regard for the Council's typical cross-section for the Public Road Reserve.
 - (iii) The extent of the Work i.e. the start and end positions.
 - (iv) The planned timing of the Work i.e. from month/year to month/year.
 - (v) Reference to the Work in the latest approved Integrated Development Plan of Council if applicable.

5.2. The Service Coordinator shall review the Work plans in order to determine possible conflicts in the planned Work.

5.3. Before the end of May each year the Service Coordinator shall schedule a Service co- ordination meeting with the Service Agencies where the identified conflicts will be discussed and resolved.

5.4. A second co-ordination meeting may be held in July/August to resolve any changes resulting from the budget approval process.

6. BASIC WAYLEAVE PROCEDURE

6.1. Only the holder of a valid Wayleave (Service Agency) may order Work to be carried out in the Public Road Reserve. The work must be done by a Contractor under supervision of a Professional Engineer.

6.2. Permission to Work in the Public Road Reserve must be obtained from the Service Coordinator through a formal Wayleave application. The Wayleave application forms are available from the Service Coordinator or from the relevant Municipal Department. The application must be submitted by a Professional Engineer.

- 6.3. Telecommunications & other external applications: All installations or reinstatements done for or on behalf of a Network Licensee and/or Service Owner involving the excavation and backfill of trenches in the Municipality road reserve, shall be under taken by a CIDB contractor with a minimum 2CE designation & with a grading appropriate to the value of the contract.
- 6.4. Proof of CIDB Registration must be submitted with the wayleave application.
- 6.5. The Wayleave Applicant must first conduct a Service Enquiry, which is the process of obtaining Service plans indicating the positions of existing Services from the Service Agencies identified by the Service Coordinator. The Service plans must indicate the positions and type of Services in the area where the Work will be undertaken.
- 6.6. The control section on the Wayleave application form must be signed by each Service Agency, indicating the following:
 - (a) The Service Agency has, in principle, no objection to the issuing of the Wayleave approval;
 - (b) The Service Agency has given the Applicant details of its Services in the immediate area where the Applicant proposes to work;
 - (c) The Wayleave Applicant has been given the conditions for working in the vicinity of the Service Agency's Services, and
 - (d) Whether the Service Agency has the need to review the detail design before commencement of construction.

This approval will be subject to technical compliance with the standards of the Service Agencies involved, as well as compliance with the Work planned by the Municipality within the area under consideration.

- 6.7. Once the control section has been signed by all the Service Agencies, the application must be submitted for the issuing of a Wayleave in accordance with the procedure set out in this Policy. No Work in the Public Road Reserve may commence before a Wayleave has been approved and issued by the Municipality for such Work.
- 6.8. The Wayleave application with the final designs will be re-submitted to the Service Agencies by the Service Coordinator if the need for a review of the final design has been indicated in the control section of the Wayleave application. Service Agencies will then be allowed two working days to review the application and if required by them, indicate their further requirements and/or conditions that must be compiled with.
- 6.9. If the Wayleave application complies with the provisions of this Policy and all Service Agencies have approved the application in principle, then the Service Coordinator will review the Wayleave for approval. A Wayleave will be rejected or withdrawn, as the case may be, if all provisions of this Policy are not met or if there are conflicts with existing or planned future Services. If the Wayleave application is approved, the Service Coordinator will issue a Wayleave.
- 6.10. The approval of a Wayleave means that:
 - (a) the Wayleave Holder has permission to:
 - (i) place a new Service in the Public Road Reserve (or do maintenance/upgrading/alterations of an existing Service);
 - (ii) do excavations in the Public Road Reserve;

- (iii) do vehicular and pedestrian control in the Public Road Reserve; and
 - (iv) do Reinstatement Work on the road and pavement surfaces where excavations have been made;
- (b) the Council has to protect the new Service in its position in the Public Road Reserve against damage by other Service Agencies working in the Public Road Reserve, and
 - (c) any Service which is not installed, upgraded or removed, as the case may be according to the Wayleave and approved drawings, will be relocated or removed at the Wayleave Holder's cost. The Wayleave Holder's responsibility in this regard will remain, even after a Certificate of Completion has been issued.
 - (d) The cost associated with relocating the Service when a road is widened or rebuilt remains with the Service Agency that owns the Service.
 - (e) The cost to relocate a Service owned by the Council must be included in the project cost.

6.11. All conditions contained in the Wayleave shall be deemed to be part of this Policy.

6.12. All preliminary Work requested by the Service Agencies, the specification documents, and this Policy, must be adhered to before commencement of the Work. Such requests include inter alia that:

- (a) the municipal traffic department must always be notified in writing seven (7) working days in advance by the Wayleave Holder;
- (b) the Service Coordinator and the contact person of each Service Agency involved must be informed 48 hours prior to commencing with the Work by the Wayleave Holder;
- (c) any additional notification requirements or notice periods specified by the Service Agencies must be adhered to;
- (d) the municipal police must be requested to remove parking meter heads where Work necessitates the removal of parking meters with due agreement for compensation in loss of revenue where applicable;
- (e) written proof must be submitted that the Wayleave Holder and/or the Contractor carrying out the Work, has adequate public liability insurance, as may be determined by the Service Coordinator from time to time.

6.13. The Work must be carried out according to the procedures and specifications as referred to in the Wayleave document, the conditions under which the Work was approved and any other requirements of affected Service Agencies.

6.14. The Wayleave and the approved Service plans of the Service Agencies must be kept on site at all times while the Work is in progress.

6.15. The Wayleave Applicant will always be issued with one copy of the approved Wayleave. Additional copies may be obtained from the Service Coordinator if the Wayleave is applicable to more than one Work area or Work team.

6.16. Work will be stopped if the Wayleave with the approved Service plans are not available during inspections on site, until the required documents are available on site.

6.17. On completion of the Work all trenches and excavations in the Public Road Reserve must be backfilled and reinstated according to the specifications referred to in this Policy and to the satisfaction of the Service Coordinator. Permanent Reinstatements are the responsibility of the Municipality's Directorate Civil Engineering Services or the Wayleave Holder as per the Wayleave specific conditions.

- 6.18. Where permanent Reinstatement is to be done by the Municipality's Directorate Civil Engineering Services, a request must be submitted within 24 hours after the Backfilling has been completed.
- 6.19. On completion of the Work and temporary or permanent Reinstatement, as may be applicable, a Completion Notice must be delivered to the Service Coordinator by the Wayleave Holder. Any requirements by the Service Agencies with regard to interim notices after completion or certain activities must be adhered to.
- 6.20. The Service Coordinator must review the Completion Notice, as well as carry out a site inspection to ensure that all Wayleave requirements have been met. A Certificate of Completion will be issued by the Service Coordinator once all requirements have been met.
- 6.21. The guarantee period will be 12 months from the date of completion, or such longer period as required by the circumstances and nature of the Work and stated on the Certificate of Completion.

7. WORK IN THE PUBLIC ROAD RESERVE

- 7.1. Work in the Public Road Reserve includes the digging of trenches, tunnelling, erection of outdoor advertising signs, erection of structures, street shaping and landscaping, planting and maintenance of ground covers and trees in the Public Road Reserve and any other Work that may affect motorists, cyclists pedestrians, the road, footways, kerbing, traffic signs, traffic signals, street lighting, underground or overhead Services or any other structure or Service that is contained within the Public Road Reserve.
- 7.2. The types of Work that require approval from the relevant Service Agencies before a Wayleave is granted and that will be conducted according to the procedures in Section 6 of this Policy, in general refer to the positioning of the new Service (or maintenance of an existing Service), excavation in the Public Road Reserve, traffic control and Reinstatement of the roadway and pavements. Examples include inter alia:
 - (a) Work relating to the installation or maintenance of underground or overhead Services by the Municipality's Service Agencies responsible for roads and storm water, water and sanitation, electricity, land and environmental planning and city planning;
 - (b) Work related to the installation or maintenance of underground or overhead Services done by non-Council Service Agencies like telecommunication, electricity, gas, oil and regional water supply;
 - (c) The erection of structures that require approved building plans in terms of the National Building Regulations and Building Standards Act 103 of 1997;
 - (d) The erection of advertising signs and structures that require approval in terms of the relevant by-laws;
 - (e) Road works, such as the construction of new roads, road widening or accesses to developments, undertaken by developers;
 - (f) The installation of new connection points for municipal Services, such as water, sewers, electricity and storm water drainage for developments;
 - (g) Erection of hoardings in the Public Road Reserve;
 - (h) Installation of Services by private concerns, e.g. data cables to connect different buildings;
 - (i) The installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers;
 - (j) The planting of trees or any other plants and the installation of irrigation pipes;
 - (k) Temporary road closures for construction purposes, and
 - (l) Traffic calming devices.

- 7.3. The types of Work for which prior approval from Service Agencies cannot be obtained due to do the nature of the Work is deemed Emergency Work and must be undertaken according to the procedures set out in Section 15 of this Policy.
- 7.4. The types of Work that do not include any construction work, but will require traffic control due to the activities taking place within the Public Road Reserve (Work Not Requiring a Wayleave), must be executed according to the procedures set out in Section 16 of this Policy.
- 7.5. With reference to the “*One Trench*” methodology & the 1m dedicated space for Telecoms, the primary networks must generally be installed on one side of the road. “*Fibre to home*” network may be allowed on both side of the road to minimize road crossings. Irrespective of the network category, no network may be installed outside the space allocated for networks.
- 7.6. No service will be allowed longitudinally in the roadway. Services may only be installed in the verges & only if there is sufficient space. Where insufficient space along the route exists, alternative routes must be determined in collaboration with the relevant municipal officials, to be approved by Director: Civil Engineering Services.
- 7.7. Where road crossings are made via open trenching or directional drilling, an additional Class 10 HDPE duct of minimum 110mm \varnothing must be provided for the Municipality to avoid future road damages, the cost there for will be for the Service Owner. Duct Markers must be implemented at such locations & will remain the property of the Municipality.
- 7.8. Where existing duct have been installed for the Municipality & are available under roads, they shall be used for road crossings after obtaining permission from the Director: Civil Engineering Services.
- 7.9. Positioning of telecommunication infrastructure may not compromise future expansion of the Municipality’s infrastructure or available space in the road reserve. Where the Service Owner has deviated from the approved position within the road reserve & expansion of existing infrastructure is required, the Service Owner shall relocate such services at their own cost.

8. WAYLEAVES

- 8.1. All Work in the Public Road Reserve is controlled by a Wayleave.
- 8.2. A single Wayleave Application may be submitted for a large project that covers Work in multiple streets, provided that the positions and expected commencement/completion dates of all Work in the Public Road Reserve are adequately described in the Application. Each street and position where Work will be carried out must be clearly identified in the Wayleave Application.
- 8.3. General conditions are stated on the Wayleave from and may include, but are not restricted to the following:
 - (a) Description of Work to be done;
 - (b) Timeframe within which the Work much be done, and
 - (c) Location of Work to be done. (Provision can be made for big projects with multiple locations. The scope of big projects must be limited to manageable portions from the Wayleave perspective. The Service Coordinator will be able to direct project managers in this regard).
- 8.4. Additionally, there may be Specific conditions relating to the Wayleave which will be stated on or referred to on the Wayleave. Such conditions may include:

- (a) Specific working conditions required in terms of the Occupational Health and Safety Act 85 of 1993;
- (b) Methods of Work execution in Protected Roads and precincts;
- (c) Specific conditions required by the Service Agencies, and
- (d) Reinstatement requirements.

8.5. To obtain a Wayleave, a Wayleave application from must be submitted, together with:

- (a) A traffic control plan showing how vehicular and pedestrian traffic will be accommodated during the execution of the Work in the Public Road Reserve;
- (b) Three copies of the design drawing showing details of the proposed Work.
- (c) Digital and printed photographs clearly showing the area of the proposed work;
- (d) written proof that Environmental Impact Assessment (EIA) and Water Use License Application (WULA) requirements have been met;
- (e) the payment of the required deposit or submission of proof of financial guarantees, and
- (f) payment of the prescribed fee.

8.6. Details required on the design drawing referred to above are:

- (a) A clear description of the proposed Work;
- (b) Indication where Services are to be installed and the depth of the Services below the surface level of the relevant portion of the Public Road Reserve
- (c) Distance of the Service from the Public Road Reserve boundary (i.e. the property boundary);
- (d) The position of all existing above ground structures, traffic signals, trees and street furniture;
- (e) Position and extent of all underground structures such as manholes, chambers and junction boxes;
- (f) The location of all other Services in the Public Road Reserve. Services are located by obtaining information from the Service Agencies (Service Enquiry) and by doing Cross Cuts. Cross Cuts are required in all cases where excavations form part of the Work, and
- (g) A Wayleave will only be issued once all requirements have been complied with and will be subject to the conditions specified in this Policy and on the Wayleave form.

8.7. When the Wayleave application is for a Municipal Department and the Wayleave Applicant can provide a written assurance that the relevant Municipal Department will be responsible for obtaining the deposit or proof of sureties that are required to protect the Municipality's interests, then the payment of a security deposit will not be required.

8.8. The application for a Wayleave must be submitted in time to ensure that the Wayleave can be issued before the work is programmed to start. Work being carried out in the Public Road Reserve without a Wayleave must be reported to the Service Coordinator and will be stopped by the Authorized Agent on site. A copy of the Wayleave must therefore always be on site when work is being done in the Public Road Reserve.

8.9. The Service Coordinator will respond to the application within a period of 30 working days for a new Wayleave application, this includes review of applications & Cross Cuts.

8.10. The Wayleave Holder accepts full responsibility for all costs associated with and resulting from the Work carried out in the Public Road Reserve.

- 8.11. Only Work described in the Wayleave may be executed. If the conditions on site necessitate a deviation from the planned Work, the Service Coordinator must be informed before any Work is done. These deviations may be in relation to the position of the Service or the timing of the Works. The Service Coordinator may inform the Wayleave Holder of additional approvals that must be obtained from the Service Agencies affected by the deviation as well as further requirements in terms of drawings and specifications. Work will only be allowed to continue once the Service Coordinator is satisfied that all the additional requirements have been met.
- 8.12. The Wayleave Holder must complete the Work within the time specified on the Wayleave or the approved time extension.
- 8.13. A Wayleave Holder who fails to complete the Work within the specified time window will be given a written notice to either complete the Work or apply for a time extension within two (2) days.
- 8.14. If upon expiry of the notice period of two days referred to above the Wayleave Holder has not completed the work or applied for an extension, the Work will be stopped and made safe by the Service Coordinator at the expense of the Wayleave Holder.

9. EXISTING SERVICES AND PLANNED SERVICES

- 9.1. The Wayleave Applicant must submit Service drawings indicating the position of Services in the area of Work with the Wayleave application form. This information is obtained by means of a Service Enquiry from the relevant Service Agencies.
- 9.2. Service Agencies may require additional precautions relating to Work in the vicinity of their Services and must specify these in writing to the Wayleave applicant.
- 9.3. As part of the Undertaking/Indemnity on the Wayleave application form, the Applicant has to confirm that the necessary information has been obtained from the Service Agencies and undertakes to adhere to the additional conditions laid down by the various Service Agencies. The control section on the Wayleave application form, signed by the Service Agencies, will serve as proof that the Service Agencies approved that a Wayleave may be issued.
- 9.4. It is the responsibility of each Service Agency, and not the Service Coordinator, to ensure that the information given to Wayleave Applicants is accurate and up to date. Approval of a Wayleave by the Service Coordinator will not in any way be interpreted as an approval for the waiving any of the conditions or requirements of a Service Agency.
- 9.5. Cross Cuts must always be done by the Wayleave applicant in the area where excavation Work is planned. The purpose of Cross Cuts is to establish and confirm the position of Services in areas where the information on Services are unclear or uncertain.
- 9.6. A Cross Cut is done by excavating a trench that runs from the edge of the road up to the property boundary, perpendicular to the normal direction of Services. Excavation must always be done by hand. The minimum depth of the Cross Cut trench is 1 meter below the lowest point of the Public Road Reserve, depending on service to be installed.
- 9.7. Because Cross Cuts are excavations in the Public Road Reserve in the immediate vicinity of existing Services, a Wayleave must be obtained before Cross Cuts may be done. The application process is essentially the same as that described for a Wayleave in this Policy, but a much quicker procedure is followed and the Cross Cuts Wayleave will be issued immediately after a Service Enquiry has been done by the Wayleave Applicant.

10. ROAD CATEGORIES

- 10.1. All roads are classified under one of the functional categories described below. The functional category of a road determines the Backfilling and Reinstatement specifications applicable to that road.
- 10.2. The following road categories will be applicable:

Category	Road Type
1	Urban Freeway/Motorways
2	Major (inter) urban arterials
3	Minor (intra) urban arterials
4	Inter neighbourhood distributors Intra neighbourhood distributors
5	Residential streets

- 10.3. All Roads have been categorized into one of the above by the Council. For any specific Road this information can be obtained from the Service Coordinator.

11. PROTECTED ROAD SURFACES

- 11.1. Protected Road surfaces are road surfaces where excavation of trenches is not permitted. A road surface is protected if it has been designated a Protected Road Surface by the Council. A road surface is designated as protected when the road is of particular strategic importance (Category 1 to 3 roads) & other roads deemed necessary, if it possesses special engineering difficulties or if it has been newly constructed or resurfaced.
- 11.2. Any road surface that has been newly constructed, reconstructed or resurfaced must be protected for a minimum period of five (5) years. A longer period may be applicable, depending on the type of surfacing and pavement layers. A list of roads that fall in this category is available from the Service Coordinator. The Service Coordinator may relax the protected period, depending on specific circumstances and after consultation with the relevant roads and transport department.
- 11.3. If a road surface is protected it will be indicated as such on the Wayleave by the Service Coordinator.
- 11.4. Protected Road surfaces or such other road surfaces as may be indicated on the Wayleave at the discretion of the Municipality, may only be crossed using Trenchless Methods. If such methods cannot be used for some reason, special permission to excavate must be obtained from the Service Coordinator.
- 11.5. For the purpose of planning Work by Service Agencies, Category 4 and 5 roads may be regarded as unprotected unless they have been newly constructed or resurfaced and provided that the first 20m from an intersection with any other road category is considered to be protected.

12. PROTECTED PRECINCTS

- 12.1. Work in protected precincts is subject to special trenching methods and care to ensure minimal damage to specialized and expensive material and furniture. The Service Coordinator will inform the Wayleave Applicant of the required methods and may request that a third party contractor be used to carry out the Work.
- 12.2. A list of protected precincts is available from the Service Coordinator.

13. COSTS

13.1. Fees will be charged on the following basis:

- (a) The initial fee is a fixed amount that is payable by the Wayleave Applicant upon submission of a Wayleave application form. This fee amount will be determined by the Council on the recommendation of the Service Coordinator from time to time;
- (b) A further processing fee covers the Municipality's costs for work done by the Service Coordinator. Processing fees will not be payable by National-, Provincial- or Local Government bodies, and
- (c) Initially the Wayleave Applicant must obtain comments from the various Service Agencies on the Wayleave application. The further fee will be determined by the Service Coordinator by taking into account the nature and extent of the comments required.
- (d) A scale of further fees for obtaining comments will be determined by the Council on the recommendation of the Service Coordinator from time to time. All affected parties will be notified of any changes to the processing fees, which apply from 1 July each year. Details of the current fee are available from the Service Coordinator.

13.2. Security Deposit

The following arrangements will apply:

- (a) A refundable security deposit will be charged for each Wayleave being issued. Security deposits will not be charged for Work done departmentally by Municipal Departments;
- (b) The deposit amount as determined in the Council Tariff Structure as approved from time to time.
- (c) Wayleave Applicants who can produce proof of sureties or deposits held by other Municipal agencies for the same project will be waived if the Service Coordinator considers the amount retained sufficient to cover the potential risks involved;
- (d) As an alternative to a security deposit a guarantee may also be submitted, subject to approved by the Service Coordinator. The guarantee can be used for more than one approved Wayleave, provided that the validity period and guaranteed sum are sufficient for the multiple Wayleaves;
- (e) The Municipality will have the right to use the deposit to cover costs incurred by the Service Coordinator in relation to the Wayleave under consideration; and
- (f) The responsibility remains with the Wayleave Holder to ensure that the contractor engaged in the implementation of the Work has valid and sufficient public liability insurance.

13.3. Reinstatement Cost

Arrangements for the Reinstatement cost will as follows:

- (a) When the permanent Reinstatement or any other repair work has to be done by the Municipality and coordinated through the Service Coordinator, the cost involved will be payable by the Wayleave Holder in advance upon request to the Municipality;
- (b) The cost for Reinstatement will be determined using the relevant Reinstatement rates as determined by the Service Coordinator;
- (c) The Wayleave Holder must submit a request for reinstatement based on the expected area to be Reinstated. The work will be done by the Municipality and the final invoiced amount payable will be determined using the measured area of the final Reinstatement as agreed between the Service Coordinator and the Wayleave Holder,
- (d) The Reinstatement area will be measured using straight lines along the edge of the trench. Proper cutting tools must be used in order to ensure a smooth and straight edge; and
- (e) It is important to note that the decision as to who does the permanent Reinstatement lies with the Service Coordinator. Project Managers must therefore allow for the Reinstatement cost as

an item in the contract document which is payable to either the contractor or the Service Coordinator.

13.4. Other Costs can result from any of the following:

- (a) Damage to existing Services;
- (b) Relocation of existing Services;
- (c) Testing of Services and Backfills;
- (d) Costs claimed by the municipal police from external Service Agencies for loss in revenue due to removed parking meters;
- (e) Lane rentals;
- (f) Services rendered by the Service Coordinator in completing Work or altering Work to conform to Wayleave specifications, and
- (g) Claims that may result from the Work, e.g. third party claims.

13.5. All such costs will be borne by the Wayleave Holder who is expected to make provision for recovery from the person executing Work in the Public Road Reserve.

13.6. A party wishing to dispute the costs charged to him as a result of any of the above reasons will do so at their own cost.

14. TRAFFIC CONTROL

14.1. It is the responsibility of the Wayleave Holder to ensure that all laws regarding traffic, safety, traffic signs and barricading are complied with while executing Work in the Public Road Reserve.

14.2. The person working in the Public Road Reserve shall therefore take all necessary precautions and measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which Work is in progress, or is uncompleted.

14.3. An approved traffic control plan must be kept available on site as part of the conditions under which the Wayleave is approved.

14.4. Traffic signs and barricading shall be done according to the latest edition of the Southern African Development Community Road Traffic Signs Manual.

14.5. The Wayleave Holder must contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the Work is being done and whether points-men will be required.

14.6. Work carried out on arterials, major collectors and central business district roads and such other roads as may be determined by the Municipality or the Service Coordinator will be restricted to outside peak traffic periods. Peak periods are from 6:30 to 08:00 and 15:30 to 18:00. These times apply 5 days a week. The Service Coordinator may allow work to be done during peak periods in cases where traffic and/or pedestrian flow will not be affected by the work.

14.7. The importance of adequate traffic signs and barricading will at all times be observed and respected and the Service Coordinator shall be at liberty to demand compliance with such measures he or she deems appropriate in the circumstances. These measures are intended to ensure the maximum safety of motorists, pedestrians and workers and also the minimum disruption of vehicles and pedestrians. Work sites must be properly barricaded and signed irrespective of how long the Work will last. The safety

precautions must be maintained for the full period that risks exist in the Public Road Reserve due to the Work being performed.

15. TEMPORARY ROAD CLOSURES FOR CONSTRUCTION PURPOSES

- 15.1. The granting of a Wayleave does not give the Wayleave Holder the authority to close the road completely to traffic. Methods of construction and programmes of work must therefore be determined on the basis that no road, or portion of road, may completely be closed to traffic for any appreciable period.
- 15.2. In exceptional circumstances permission may be granted for the temporary closure of a road or portion of road to traffic. The Wayleave Holder may apply to the Council separately for approval two weeks prior to the road being closed. A road closure will be approved for a specific period only (time and date) and will only be valid for this specific period. If the Work is not carried out during that period, an application for a new road closure will have to be made.

16. LANE RENTAL

- 16.1. Lane rental refers to the rental of space in the Public Road Reserve for any purpose other than providing a service to road users (e.g. for site offices, storage of construction material, etc.).
- 16.2. The payment of lane rentals for work in the Public Road Reserve is mainly aimed at encouraging Wayleave Holders to reduce the impact on road users by limiting construction time to a minimum. Lane rentals will be payable from the date that work commences in the road reserve up to the date that a Certificate of Completion has been issued.
- 16.3. Lane rental is managed by the Municipality's Traffic Department.
- 16.4. The rates for Lane Rental are set by the Council and are available from the Service Coordinator.

17. EMERGENCY WORK

- 17.1. Emergency Work is defined as any Work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses. Lack of proper planning of Work to be carried out will not justify the carrying out of Emergency Work.
- 17.2. A categorized list of Emergency Work will be maintained by the Service Coordinator and will serve as a guideline for Service Agencies as well as the Service Coordinator in determining whether Work is an Emergency. Examples of Emergency Work include inter alia:
 - (a) Electricity supply failures;
 - (b) Burst water pipes;
 - (c) Waste water blockages resulting in overflows;
 - (d) Flooding damage, and
 - (e) Sinkholes
- 17.3. The Service Coordinator will provide an emergency number for the use of Service Agencies that require information on the position of Services in the area where Emergency Work is to be carried out.
- 17.4. The Service Coordinator must be notified in writing within one working day from commencing with Emergency Work. An Emergency Notification Certificate (obtainable from the Service Coordinator) must be used for this purpose. An alternative electronic Emergency Notification system can be used if mutually agreed upon by the Service Agency and the Service Coordinator. If the Service Coordinator is not notified within 24 hours from the first working day, the Work will be reinstated by the Service Coordinator and the cost thereof will be invoiced against the Service Agency.

- 17.5. The Emergency Notification must always be certified by an Authorised Agent of the Service Agency as an emergency situation that requires their immediate attention.
- 17.6. Emergency Work must be done in accordance with all procedures and specifications applicable to the types of Work as set out in this Policy and as required by other Service Agencies whose Services are affected.
- 17.7. Reinstatement of the Public Road Reserve will be done within two weeks by the Service Coordinator upon receipt of a notification from the Service Agency that the Emergency Work has been completed.
- 17.8. The responsibility remains with the Service Agency to ensure that their drawing information is updated according to the alterations made during the Emergency Work.

18. WORK NOT REQUIRING A WAYLEAVE

- 18.1. Work not requiring a Wayleave is limited to Work with a short duration and with minimal effect on existing Services, traffic and pedestrians.
- 18.2. A categorised list of Work not requiring a Wayleave will be maintained by the Service Coordinator and will serve as a guideline for Service Agencies as well as the Service Coordinator in determining whether work falls under this category.
- 18.3. Typical examples of Work not requiring a Wayleave are:
 - (a) Routine Maintenance Work as defined in Section1;
 - (b) any Work that relates to maintaining the vegetation in the Road reserve through cutting, removing or relocating of plants;
 - (c) the placement of advertising material on or within structures pre-erected for that purpose;
 - (d) the erection of signs and road furniture, with or without outdoor advertising, where foundation excavations do not exceed a depth of 350 mm, and
 - (e) temporary diversion of traffic for public events such as sport events, mass action, parades, etc.

19. EXCAVATIONS

- 19.1. The area that is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The top of the trench in a road must be cut with a saw to ensure smooth, uniform edges.
- 19.2. All excavations must comply with the statutory requirements for health and safety standards. The Wayleave Holder must pay specific attention to:
 - (a) excavations that need to be executed in accordance with the Occupational Health and Safety Act 85 of 1993 ('the Health and Safety Act') and its Regulations;
 - (b) excavations deeper than 1.5 m must be shored or V-cut according to the Occupational Health and Safety Act, and
 - (c) excavations deeper than 1.5 m must be registered with the Department of Labour prior to commencement of the work. The registration includes the scope of the work, depth of trench and the construction method (shoring or V-cut method according to the Occupational Health and Safety Act).

- 19.3. For all Work where excavations are required, a construction board (Wayleave name board) must be conspicuously displayed at the site indicating the approved Wayleave number, name of the Wayleave Holder and name of the Construction Company. The said name board layout must be in accordance with the standard specifications of the Municipality.
- 19.4. The minimum depth that any Service may be placed under a road surface is 800 mm measured from the level of the surfacing of the road to the top of the Service. The minimum depth at any other place in the Public Road Reserve, e.g. on a verge, is also 800 mm measured from the level of the surfacing of the road and not from natural ground level. Services not subject to being laid at a specific grade such as water pipes and cables should not be placed at depths in excess of the 800 mm as this could interfere with future Services that has to be laid at a specific grade, such as sewers and storm water pipes.
- 19.5. All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians.
- 19.6. The view of motorists must be kept clear at all times and not be affected by any obstructions such as excavated material, road signs or hoardings.
- 19.7. A safe passage must be kept open for pedestrian traffic at all times.
- 19.8. Excavation areas must be clearly demarcated with warning signs that allow ample time for motorists and pedestrians to alter their routes when necessary.
- 19.9. The Wayleave Holder is held responsible for any damage to existing Services. Services, indicated on the drawings or on site by representatives of the relevant Service Agencies, must be opened by careful hand excavation. If the Services cannot be found, the relevant Service Agency must be contacted again by the Wayleave Holder for further clarity and instructions. Under no circumstances may a Wayleave Holder excavate with mechanical equipment or use drilling equipment (Trenchless Methods) before known Services have been identified, found and clearly marked. When found, services must be marked and protected or supported as required by the Service Agency. If Services need to be relocated, instructions from the Service Agency must be complied with as if the same were the instructions and requirements of the Municipality. The Wayleave Holder will be responsible for all relocation costs. If any Service is damaged as a result of the Work, the relevant Service Agency and the Service Coordinator must be contacted immediately and be informed of the full detail and extent of the damage as well as the cause of the damage. Any wrong information that is wilfully wrong or withheld shall be dealt with in terms of the law.
- 19.10. Adequate preventative measures must be taken to ensure that no water (e.g. due to rain or otherwise) flows into the open trenches since this will result in the weakening of the structural layers of the road. Any water that is present in the trenches must be pumped out before Backfilling. Water must be pumped into the storm water system and not into sewer manholes. Any material that has become wet must be removed from the bottom of the trench before Backfilling may commence.
- 19.11. The Wayleave Holder must prevent foreign materials from entering the drains and ensure that silting does not occur, either from pumping operations or as a result of rain. If any silting or other contamination does occur, the Wayleave Holder must clean the drains or request the Service Coordinator to do it at the cost of the Wayleave Holder.
- 19.12. All re-usable materials such as concrete blocks, slabs, kerbs, gutters, channels and storm water inlets must be removed with care and re-used if possible. Any surplus material must be returned to the Civil Engineering Services Division stores. The address will be available from the Service Coordinator.

- 19.13. If any street furniture (e.g. street names, traffic signs, bus shelters, etc.) or other services (e.g. cables, pipes etc.) have to be removed, arrangements must be made with the relevant Service Agency for the removal, storage and re-erection thereof. The cost specified by the relevant authority will be for the Wayleave Holder's account.
- 19.14. Where excavations are made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength that are properly secured against movement. The occupants of the properties must be kept informed at all times of how their accesses will be affected.
- 19.15. The finishing, cleaning up and reinstatement of the construction site to its previous condition is considered part of the Work and must be completed within 14 days after Reinstatement of the trench has been done. If the Wayleave holder fails to do so, action will be taken by the Council as stated in this Policy.

20. "ONE TRENCH" OR CO-BUILDING METHODOLOGY FOR TELECOMS

- 20.1. All Network Licensees or Service Owners will have to make use of the same space allocation ("*One trench*") for telecommunication services in the road reserve. The maximum permissible space allocations per route for all networks be 1.0m wide & no telecommunications infrastructure may transgress the maximum permissible space allocation. Once the first licensee has installed services, further licensees must install their services so that a width of no more than 1.0m is occupied by all telecommunication services.
- 20.2. Should the first width of 1.0m not be available for telecommunication services, then the next meter shall be investigated. The Network Licensee or appointed Engineers shall in association with the Municipality's service departments, determine a viable position for services.
- 20.3. All Network Licensees applying for wayleaves for a specific route must contact all other active Network Licensees within the Municipality to afford them the opportunity to share trenches or co-build along the route. Documentary proof that all services providers have been contacted must be submitted together with the wayleave application. If no response of a Network Licensee is received within 7 days, evidence that the opportunity to share the trench/co-build has been delivered to the Network Licensee's nominated contact person will suffice to confirm that:
- a) The Network Licensee has been notified of the pending work & have been given the opportunity to indicate any cables that they might have in the area to current application;
 - b) The Network Licensee has been given the opportunity to share/co-build.
 - c) Should a Network Licensee elect to share a trench with the first applicant, the service providers must reach a mutual agreement upfront on the cost apportionment.
- 20.4. Once a Service Provider has started construction in an area, moratorium for the installation of additional services by other Service Providers will be applicable for a 2-year period from the date that the final completion certificate for the specific area has been submitted & signed off by the Director: Civil Engineering Services.

21. MICRO-TRENCHING

- 21.1. Micro-trenching will be allowed subject to approval of the method statement & specifications with the Service Provider's Engineer. The approval will also be subject to where the investigation (test holes or ground penetrating radar, etc) indicated that no services will be damaged by micro-trenching.

- 21.2. All micro-trenching allowed will share the same 1.0m space allocated to telecommunication services. Only one micro-trench will be allowed in roads.

22. TRENCHLESS METHODS

- 22.1. If Trenchless Methods are used, disruption of traffic flow and pedestrian movement can be reduced considerably or totally eliminated. However, it is important that the Wayleave Holder using such methods must have all the necessary equipment and expertise to complete the Work successfully. Trenchless Methods can be used for all road categories, but shall be used for all roads classified as “*Protected*” as defined by this Policy.
- 22.2. Work using these methods can only be done as approved in the Wayleave. The position of existing Services must be located accurately. If any Services are damaged, the Wayleave Holder will be responsible for all costs.
- 22.3. The depth to the top of any tunnel that is drilled for the installation of new Services must be at least 800 mm measured from the lowest level of the road surfacing.

23. BACKFILLING AND REINSTATEMENT

- 23.1. Any trenching activity inevitably disturbs the structural integrity of a road or footway. Backfilling and Reinstatement must therefore restore the pavement to prevent any failures or deterioration that will result in road user discomfort and/or increased costs.
- 23.2. Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but excludes the surfacing.
- 23.3. Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of Roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways or verges.
- 23.4. Backfilling must in all cases be done by the Wayleave Holder in accordance with the specifications as set out in the Wayleave. Permanent Reinstatement can either be done by the Municipality’s Civil Engineering Division or by the Wayleave Holder. The Service Coordinator will decide whether the Wayleave Holder will be allowed to do the permanent Reinstatement based on proven resources and performance history.
- 23.5. The Wayleave Holder must obtain prior written approval from the Municipality’s Civil Engineering Services Division for the Backfilling specification to be used. The proposed specification shall be submitted to the Municipality’s Civil Engineering Services Division, who shall provide written comments on the specification, or an alternative specification within 7 working days after the request is received. The standard Civil Engineering Services backfilling specification shown on the typical plans will normally be accepted, but specific requirements may be applicable, depending on site-specific conditions.
- 23.6. The standard Backfill specifications of the Civil Engineering Services Division will be applicable, but the Wayleave Holder must nevertheless obtain approval for his proposed Backfill specifications.
- 23.7. When the Wayleave conditions place the responsibility of the permanent Reinstatement on the Wayleave Holder, then the Reinstatement specification must also be approved in advance by the Municipality’s Civil Engineering Services Division. This shall be done in accordance with the principles set out in section 19.5 above.

- 23.8. Permanent Backfilling and Reinstatement done by the Wayleave Holder will be subject to a guarantee period of one year based on the performance specifications provided in the standard specifications of the Municipality's Civil Engineering Services Division.
- 23.9. If permanent Reinstatement is done by the Municipality's Civil Engineering Services Division, the Wayleave Holder must do a temporary Reinstatement as specified. The Wayleave Holder will then be charged for the permanent Reinstatement at the applicable rates defined by the Service Coordinator.
- 23.10. The temporary Reinstatement will be removed by the Municipality's Civil Engineering Services Division and the Backfilling will be tested. If the Backfill does not comply with the applicable specifications, it will be replaced at the cost of the Wayleave Holder. These costs are over and above the normal Reinstatement costs. The temporary Backfill must be done according to the standard specifications of the Civil Engineering Services Division.
- 23.11. The Wayleave Holder is responsible for maintaining the temporary Reinstatement for a two-week period after the issuing of the Certificate of Completion by the Service Coordinator. During this period the Wayleave Holder will be held liable for any claims relating to the Work that was carried out; provided that the Wayleave Holder shall be held liable for an indefinite period due to any latent defects in the design or construction of the Work. The Wayleave Holder must inspect and repair any damage to the temporary Reinstatement on a daily basis.
- 23.12. Temporary Reinstatement must be done where the Wayleave Holder leaves the site with the view of returning to complete the Work. The Wayleave Holder must maintain the temporary Reinstatement during this period. The Wayleave Holder may not leave the site for more than 14 working days if a permanent Reinstatement is not done. A Wayleave Holder who leaves the site unattended for longer will be charged a penalty fee, the amount whereof will be determined by the Council.
- 23.13. The use of temporary Reinstatements is generally not desirable and the use thereof must be kept to a minimum. The Wayleave Holder must deliver a request for permanent Reinstatement to the Civil Engineering Services Division as soon as the permanent Backfilling of the pavement layers has been completed. The permanent Reinstatement by the Civil Engineering Services Division will be done within two weeks after a written request has been received, provided that the Backfilling has been done according to specification.

24. COMPLETION NOTICE AND CERTIFICATE OF COMPLETION

- 24.1. Upon completion of the Work, the Wayleave Holder must fill in the Completion Notice and return it to the Service Coordinator within two working days thereafter. The Wayleave Holder must also notify all other Service Agencies as specified in the Wayleave. Notifications may also be required by some Service Agencies before final completion (e.g. after pipes have been laid, before Backfilling, etc.).
- 24.2. After receipt of the Completion Notice, the Service Coordinator will do an inspection of the completed work and inform all Service Agencies that a Completion Notice has been submitted. The Wayleave Holder may be required to attend the inspection.
- 24.3. When the Service Coordinator is satisfied that all Work has been completed according to the requirements of the Wayleave, a Certificate of Completion will be issued to the Wayleave Holder. The 12-month guarantee period for permanent Reinstatement and the two-week maintenance period for temporary Reinstatement respectively, shall only then commence.

- 24.4. Completion of the Work means that all work has been completed according to the specification document(s), and that all materials, equipment and rubble have been removed and the site is completely cleared and cleaned to the satisfaction of the Service Coordinator and that either the permanent or temporary Reinstatement, as the case may be, was then duly executed by the Wayleave Holder. Furthermore, it requires that all applicable documentation and as-built information as specified on the Wayleave have been handed to the Service Coordinator for proper and accurate recording purposes.
- 24.5. Where a single Wayleave has been issued for Work in more than one street or area, a Completion Notice must be submitted after completion of each street or area.

25. ROLES

Directorate Civil Engineering Services; Risk Management Office within the office of the Municipal Manager

26. RELATED POLICIES

Policy 019/2016: STRAATAFKONDIGINGS & OPTOGTE

Policy 045/2017: OORSKAKELING VAN BOGRONDSE ELEKTRIESE AANSLUITINGS NA ONDERGRONDSE AANSLUITINGS

TRH 22 Pavement Management System

TRH 26 South African Road Classification and Access Management Manual

TRH 27 South African Manual for Permitting Services in Road Reserves

SOUTH AFRICAN ROAD SAFETY AUDIT MANUAL

27. REPEAL

This Policy replaces any previous policy in this regard.