

ROW POLICY FOR LAYING OF OPTICAL FIBER CABLE ALONG THE RAILWAY TRACKS AND INFRASTRUCTURE.

Policy objectives:

- A. The policy is guided by the Principles circulated on 31/12/2020, in the guidelines by the Government of Pakistan, Ministry of Information Technology vide Gazette of Pakistan under registered No. M-302/L-7646, which envisage.
 - i. Levy of reasonable / fair NOC charges on No profit. No loss basis.
 - ii. Non-discrimination between the licensees.
 - iii. That public Authority therefore, will not treat grant of permission to the licensees for the use of right-of-way as a means of commercial benefits of the right-of-way, imposition of tax or revenue generation.
 - iv. In case of relocation of cable is required by OFC Company, the authority / department needs to provide alternate ROW without any extra fee.
 - v. Signal and Telecommunication infrastructure will be treated critical infrastructure and any damage to it shall be considered as debilitating privacy, National security, Public health & safety.
 - vi. Payable charges will not include the cost of land.
 - vii. Application will be processed on fast track basis.
 - viii. No government department are allowed to seal, dismantle or forcefully shutdown the BTS or cause damage to Telecommunication equipment.
 - ix. Three years count will start from the date of issuance of Policy.
 - x. The cable length along tunnels/bridges, culverts etc will be counted in the length of the cable for Rental Charges per meter per annum (as per applicable slab).
 - xi. On revision of the agreement, applicable charges of that time will be charged.
- B. To attract the un-tapped potential revenue of long lead optical fiber laying along continuous ROW of PR.

1. GENERAL REQUIREMENTS

- a. The application processing fee (Rs.10,000/- Non-refundable) shall be charged from each applicant.
- b. One-time NOC Charges for each case depending upon the length of work will be charged to successful applicant as under:

0 to 10 KM	11 to 30 KM	31 to 50 KM	51 to 100 KM	Above 100 KM
Rs. 300, 000/-	Rs. 600, 000/-	Rs. 800,000/-	Rs. 1200,000/-	Rs. 1500,000/-

- c. After completion of 25 years from the date of issuance of this policy, all operators /companies in agreement with PR has to accept / adopt the new policy at that time, however the new policy shall be reviewed in consultation with operators/companies in agreement.

- 512
6/2
- d. The cable will be laid preferably within 5 feet inside from extreme edge of Railway ROW alignment. The Company will provide complete GIS drawings and layout of its installations to Pakistan Railways. However, PR shall indicate the Zero and the Extreme Point within which trenching can be done. In case of any difficulty, Chief Engineer/Open Line will be the authority to decide the matter. The repair work shall be done in a manner that does not adversely impact the business and working of Pakistan Railways in any manner whatsoever. In case any party is aggrieved of the decision of Chief Engineer/Open Line, it will file appeal before Chief Executive Officer/Sr. GM, P.R, HQs. Office, Lahore.
 - e. The cable shall be passed along the bridges and tunnels after due procedure / permission of respective PR departments.
 - f. No right of operator/company will be established over the land where cable shall be laid.
 - g. Company has right to repair the cable fault, however for any major repair/relocation/maintenance of cable, company shall bring up the issue with advance notice to PR.
 - h. Company will submit GIS map of planned and laid OFC route to PR for its record. Physical marker/posts will be installed by the company for identification of Optical Fiber Cable route.
 - i. This policy shall supersede the all existing ROW policies for the laying of optical fiber cable in PR.
 - j. Companies will relocate / maintain the fiber cable at its own risk and cost, however PR will convey the company in writing at least 10 days in advance if relocation required by PR.
 - k. PR will not allow any excavation work on the corridor dedicated for Optical Fiber Cable.
 - l. The operator/company shall be allowed to lay one duct with only one cable having multiple fiber threads. Operator/Company will be allowed to place Hand Hole Covers at suitable distance for maintenance purposes. However, ROW Charges will be applicable on the basis of No. of cables inside the conduit and ROW charges will be per OFC cable.
 - m. All cost involved for the execution of project i.e. laying, track/road crossing etc. shall be the sole responsibility of the operator /company.
 - n. The work shall be executed as per quality/SOPs of OFC laying.
 - o. One window application processing units will be established by PR to be headed by Divisional Telecom Engineer and Divisional Engineer at Divisional level and Chief Engineer/Telecom& Director General/P&L at PR Headquarters as Focal persons to process the cases for approval as early as possible preferably within a period of one month.
 - p. A grace period of six months will be offered to OFC operators wanting to lay cable in long stretches of more than 100 kilometers.
 - q. The operator shall facilitate for PR requirements where applicable regardless of any slab/option applicable with mutual understanding.
 - r. All the licensee firms benefitting discount shall provide 12 cores of fiber for use of PR.
 - s. The supervision/security of OFC shall be sole responsibility of vendor/operator/industry.

2. ROW RATES FOR MORE THAN 100 KM:

- a. The ROW rental charges shall be flat PKR. 30/- per running meter per annum. These rates are fixed for first three years and then will be increased @5% per annum on compound basis. The bridges, tunnels more than six meter carry the cable along the tracks shall be charged one time @ 300,000 per bridge, the bridges /tunnels up to six meter will not be charged.
- b. Pakistan Railway shall give the space for establishing the co-location center in station limits, a piece of land not more than of 150 sq. yard as and where required by the company/bidder at the prevailing rates/policy of PR in the area.
- c. Railway Track Crossing shall be charged @ PKR. 300,000/- (one time charges). However, the length of track crossings shall be charged in the length of project. To overcome inflationary effect, these rates will be increases after every three years (03) as per yearly CPI rates.
- d. The length of the OFC shall be in continuous stretch/one go.
- e. Operators who willing to provide 12 cores cable for PR's own use with drops at each station, the ROW rental charges shall be Rs.25/- per meter per annum. These rates are fixed for first three years and then will be increased @5% per annum on compound basis. The bridges, tunnels more than six meter carry the cable along the tracks shall be charged one time @ 300,000 per bridge, the bridges /tunnels up to six meter will not be charged.
- e-1. If an operator/applicant interested in more than 1000 km with willing/interested to facilitate PR with 12 Cores fiber for PR's own use with drops at each station, the operator shall be charged as @ Rs.20 per meter per annum. These rates are fixed for first three years and then will be increased @5% per annum on compound basis. The bridges, tunnels more than six meter carry the cable along the tracks shall be charged one time @ 300,000 per bridge, the bridges /tunnels up to six meter will not be charged.

3. ROW RATES FROM 25 TO 100 KM

- a. The ROW rental charges shall be flat PKR. 30/- per running meter per annum. These rates are fixed for first three years and then will be increased @5% per annum on compound basis. The bridges, tunnels more than six meter carry the cable along the tracks shall be charged one time @ 300,000 per bridge, the bridges /tunnels up to six meter will not be charged.
- b. Pakistan Railway shall give the space for establishing the co-location center in station limits, a piece not more than 150 sq. yard as and where required by the company/bidder at the prevailing rates/policy of PR in the area.
- c. Railway Track Crossing shall be charged @ PKR. 300,000/- (one time charges). However, the length of track crossings shall be charged in the length of project. To overcome inflationary effect, these rates will be increases after every three years (03) as per yearly CPI rates.
- d. The length of the OFC shall be in a continuous stretch/ one go.

NOTE:

For less than 25 km, application processing fee and one-time NOC Charges will remain same. However Rental Charges shall be flat PKR. 30/- per running meter per annum (the charges applicable will be for 25 KMs in case the stretch of the OFC is between 0 to 25 KM the minimum OFC charges will be whole 25 KMs). The bridges, tunnels carry the cable along the tracks shall be charged according to the rates part of this policy. (See Para-5).

4. TRACK CROSSING CHARGES

The Operators/companies interested only in track crossing, shall be charged only one time payment @PKR 600,000/- per crossing (as per agreement). It is further clarified that on expiry of existing agreements with companies for crossing of tracks, these agreements shall be renewed on the new policy as described above. Any minor railway land involved in crossing of track shall not be charged. The demand notes already issued shall be revised according to new policy. For new applicants after three years the applicable rates will be increased @5% per annum on compound basis.

5. BRIDGES/CULVERTS CROSSING RENTAL CHARGES

The bridges/culverts crossing rental charges will be as below:

- a. The bridges/tunnels upto six meters will not be charged
- b. The bridges/tunnels more than six meters shall be charged one time @ 300,000 per bridge.

The rates will be applicable to all operators whether getting benefit of discount or otherwise.

6. ROAD CROSSING CHARGES

The operators/companies interested in road crossing in cities owned by PR shall be charged @PKR 100,000/- per crossing (In advance one-time payment) for more than 4 meter. For new applicants after three years the applicable rates will be increased @5% per annum on compound basis. If any road cut is involved to pass the duct, it is the responsibility of the operator /company to restore it at its own cost according to the PR satisfaction.

7. ROW POLICY FOR CITIES

- a. One-time NOC Charges for each case depending upon the length of work will be charged to successful applicant as under:

0 to 10 KM	11 to 30 KM	31 to 50 KM	51 to 100 KM	Above 100 KM
Rs. 200, 000/-	Rs. 500, 000/-	Rs. 600,000/-	Rs. 1000,000/-	Rs. 1200,000/-

- b. The ROW rental charges shall be flat PKR. 30/- per running meter per annum. These rates are fixed for first three years and then will be increased @5% per annum on compound basis.
- c. The operator / company shall be allowed to lay one duct (not more than 90mm dia) with pulling of multiple fiber cables.
- d. The proper back filling, restoration of trenches will be the responsibility of company.
- e. The companies/operators shall be allowed for placing/construction of hand hole (3ft x 3ft) at suitable locations (after 250 meter) in the metro networks for the pulling of cables subject to prevailing rates/policy of PR in the area.

8. PRE-QUALIFICATION CRITERIA

- a. PTA license holder of TIP (Telecom Infrastructure Provider) / LDI.
- b. All the companies or consortiums are allowed to participate in laying OFC along the Railway tracks and Infrastructure, subject to license from PTA/Concerned authority.

- c. The company or bidder is not blacklisted for business cycle with Govt. of Pakistan. Follow SOPs of taxation policy properly and is own active tax payer list.

9. **INDEMNITY**

Indemnity to Pakistan Railways to any loss related to the contract due to negligence or misconduct on part of the operator. Either Party shall not be liable to the other party for any direct, indirect, consequential or business loss under the terms of the contract.

10. **DISPUTE RESOLUTION**

In case of any dispute, claim or controversy arising out of, or relating to, any matter concerning this Agreement, the Parties shall first try to settle the matter amicably, by negotiations between authorized representatives of each party at Principal Officer level.

- a. If not resolved then it will be referred to CEO, Pakistan Railways, Lahore
- b. On non-solving of the dispute by CEO it will be referred to Secretary Railway/ Chairman.
- c. In case of non-resolution of matter even at the level of secretary/ Chairman Railways, the parties will be at Liberty to refer the matter to Arbitration under Arbitration Act.

11. **PAYMENT MODE:**

Company will pay ROW payment as below:

- a. Advance rent (ROW charges) of one year (first year).
- b. Security money in shape of Bank Guarantee equal to 01 year rent refundable at the end of agreement term.
- c. Rent/ ROW charges will be paid on annual basis (in advance) within 30 days from the start of the year.
- d. In case of delayed payment by more than 30 days, 2% penalty will be imposed per month. In case of delay in payments for more than 90 days the contract will liable to be terminated.

12. **EVENTS OF DEFAULT:**

- a. Non-payment of due fees/ row charges (rent) for more than 90 days.
- b. Cause of damage to PR infrastructure or train safety.
- c. Un-authorized alterations/ additions in number of OFC cables.

13. **APPLICABLE TAXES.**

Above rates are net off tax, all applicable taxes as per prescribed rates will be added in above rates for the deduction of tax. All direct and in direct taxes be included.

14. **SOP FOR NOC FOR LAYING OF OPTICAL FIBER CABLE:**

- a. Sponsoring Agency should submit its application to the concerned Divisional Superintendent along with site plan indicating total area required for laying OFC at extreme edge of Railway boundary along with applications fee (non-refundable) of Rs. 10,000/-. The cases will be prepared by concerned Divisional Engineer. However, Divisional Telecom Engineer will act as focal person.
- b. The DEN after obtaining the approval of DS shall forward the proposal to DG/P&L for processing the case for the approval of CEO/ Sr. GM to issue NOC to the sponsoring agency. He will also enclose sponsoring agency request, site plan, check list & calculation of tentative NOC charges along with all other fee as envisage in the policy duly signed by him.

- c. On receipt of proposal, DG/P&L will process the case and will obtain Technical vetting of CEN/Telecom, Chief Signal Engineer, Advisor IT/ Director IT and CEN/Open Line before being sent to CEO/ Sr. GM for approval.
- d. After Technical vetting of proposal by the above said officers, proposal shall be sent to CEO/Sr. GM for final approval for issuance of NOC. The payment shall be paid in advance before execution of the agreement.

15. POLICY VALIDATION

This policy stands valid till revision of the existing policy or after 25 years as the case may be, by the Competent Authority i.e. Pakistan Railways in consultation with the operators /companies already in agreement with PR, or as the case may be. The revision will be applicable on the new applicants.