



ABIA STATE MINISTRY OF WORKS

STATE SECRETARIAT, UMUAHIA Tel.....

APPLICATION PROCESS AND GUIDELINES FOR OBTAINING APPROVAL FOR RIGHT OF WAY (ROW)

These Process and Guidelines are issued:

1. In accordance with and towards actualization of the provisions of the Abia State Executive Order on Right of Way (ROW) issued by His Excellency, Dr Alex Chioma Otti, Executive Governor of Abia State.
2. In keeping with mandate of the Ministry of Works, the Ministry is authorized to issue permits for use of Right of Way to all requesting entities.

Further to the above and consistent with the applicable laws in that regard, including the provisions of the Interpretation Act, the Land Use Act, the Nigeria Communication, and other relevant enactments, all entities seeking to obtain a Right of Way Permit are required to apply through the following process:

Step 1: Submit Your Application:

The Applicant will submit a letter of application addressed to: The Hon. Commissioner for Works, Abia State Secretariat, Umuahia, Abia State clearly stating the purpose and the duration of the occupation.

The application should be supported with the following information:

- i. Current Company address and name, designation, physical address, electronic email address and valid Telephone details of Project Manager/contact person of the applicant
- ii. The subject of the application should clearly state, 'Application for Right of Way'
- iii. Proof of Tax Identification Number
- iv.. Indicate location/area of interest for installation

STEP 2: Submit Copies Of All Required Documents.

The applying entity shall gather and submit photocopies of the following documents: a Certificate of Incorporation of the company

- b. Certified True Copy (CTC) of Article & Memorandum of Association
- c. Certified True Copies (CTC) of form CO7 (List of company Directors)
- d. Tax Clearance certificate or evidence of Current Tax clearance certificate

Certificates of qualified technical staff (where applicable)

- e. Project proposal including the line survey, route diagram, scope of work, detailed network plan showing the ways of passing and anchoring the installations: proper starting and end point of the installation, exact length applied for in meters or the surface in M2, cross sectional dimension of intended trench excavation and No and type of capacity of cable and ducts to be laid.
- f. Evidence of funding
- g. Portfolio of prior infrastructure deployment and detailed layout diagrams for engineering structures and junctions. Schematic diagrams of the general conditions for the organization of the site and excavation and backfill methods.
- i. Approved Environmental Management Plan from Abia State Environmental protection Agency. Ministry of Environment
 - i. Environmental Impact Assessment
 - ii. Abia State Basic Environmental Law 2013
 - iii. Town and country Planning law of Abia State
- j. Evidence of payment of all charges/fees

Step 3: Examination of Application:

1. The Abia State Ministry of Works shall examination the application and shall within 3 working days of submission of the application confirm whether the application is complete or if whether there is any deficiency in the application.
2. Where it considers that there is a deficiency on the application, it shall notify the applicant in writing or via email specifying details of deficiency and or such additional information that it reasonably requires to evaluate the application.

3. Where the application is satisfactory and or (where the applicant has made good any deficiency in the application, the Abia State Ministry of Works shall issue the applicant with an invoice for the payment of all fees relating to the approval within 7 working days of the submission of the application
4. The Applicant shall make the invoiced payment within 3 days of receipt of the invoice.

Step 4: Payment of fees which may not exceed:

- a. Right of Way charge at One hundred and forty-five naira(N145) per linear meter
- b. An Application fee of fifty thousand naira (N50,000) for base transceiver station and street cabinets intended to house the technical installations only
- c. Five Hundred Thousand naira (N500,000) per site for base transceiver station per year
- d. Payment of sum of Three hundred naira (N300) per meter square (m2) occupied on the ground for other installations such as street cabinets intended to house the technical installation for serving subscribers
- e. In the course of trenching, if any utility is damaged, the applicant will pay 2% of contract sum and One Hundred Thousand Naira N100,000 for each day the damage lasts after notice has been duly given
- f. If cables are found to obstruct road works, it shall be carried out by the applicant at its own expenses.

The Ministry shall coordinate inspection of proposed routes, study of route Diagram and distance to be covered including re-assessment of the project proposal, site survey, Risk assessment and occupational health and safety plans in association with Ministry of Lands and Housing, and Ministry of Environment;

Step 5:

Successful applicants are notified via phone or text to visit the Ministry of Works office for collection of ROW permit at the corporate office stated below.

Time frame

1. The time frame to process the applications and grant the right of way shall be Twenty One (21) working days from date of the submission of the applications for the applications that meet the minimum requirements.
2. If the application is not approved after 21 working days from the date the application is received, the Abia State Ministry of Works shall provide the licensee operator a written statement identifying its reason its failure to approve and identify where applicable which Ministry is responsible for the refusal.

3. Where the Abia State Ministry of Works fails to

- i. Confirm Approval in writing within the stipulated 21 working days; and
- ii. Provide the licensee operator a written statement identifying its reasons for its failure to approve;

Such application will be deemed granted and the Applicants shall commence the deployment of the planned infrastructure as if a formal approval has been received

An approval relating to communications infrastructure may only be denied in the following cases;

- a. Where the applicant fails to provide the necessary information or to pay the relevant fees as stipulated and or within the time stipulated in the regulations;
- b. Where the grant of the right of way will be in contraventions of the Dig-Once Policy specified by the state;
- c. Where the Nigerian Communications Commission notifies the Abia State Ministry of Works of its disapproval of deployment of such infrastructure on the grounds that the applicant is not licensed to deploy such infrastructure or that the deployment does not satisfy its specification and or standard.
- d. If the intended installation, placing or maintenance of network facilities could affect the integrity of the works and safety of users shall be deemed incompatible with the use of public domain;
- e. If the request can be set under conditions equivalent to those that would result from granting right of way by the use of the existing facilities of another occupier for the public domain, if such use does not compromise the use of the facilities by the occupier.

Upon completion of the works, the applicant shall obtain the appropriate certificate from competent authorities and forward a copy to the Abia State Ministry of Works.

For more information, inquiries or complaints, please, contact us via email otumchere.oti@abiastate.gov.ng or come to the corporate office at Abia State Secretariat

Sign Engr. Dom Otumchere
Hon. Commissioner
Ministry of Works