

## CHAPTER - VII

### **NOC Requirement for Laying of utilities such as Sui Gas Pipeline, Electricity line, Oil Pipeline, Water/ Sewerage Pipeline, Optical Fiber Line, Telephone Line etc.**

1. Different Government agencies as well as non-governmental agencies can use the NHA Right of Way (ROW) by obtaining No Objection Certificate (NOC) with the payment of rental charges to the authority to pass/lay/carry any cable, wire, pipeline, drain, duct, sewer or channel of any kind of utility through, across, under or over any road, highway, motorway and bridge under its control as per Rule 11 & 12 of National Highways and Strategic Roads (Control) Rules 1998, as amended in 2002.
2. The Government /non-governmental agencies will pay annual lease rent to the authority in advance for five (05) years or on yearly basis or as prescribed by the authority. The agency has to deposit yearly advance rental charges by 31<sup>st</sup> July every year. The authority reserve the right to remove the utility from its Right of Way (ROW), if their annual advance payment is not received from due date as described in Chapter III, Regulation 11.
3. The Right of Way (ROW) usage charges shall be as under:
  - (i) Rs. 10.00 per running meter upto 12" for corridor use.
  - (ii) Rs. 16.00 per running meter upto 18" dia for corridor use.
  - (iii) Rs. 24 per running meter for dia 24" dia for corridor use.
  - (iv) In case of dia more than 24", the Member (Operations), NHA will decide the rental charges on case to case basis as per use and availability of NHA corridor.
  - (v) Rs. 20.00 per running meter will be charged in case of 1x1 meter duct or corridor use for cables, wires etc.
  - (vi) In case the utility duct is more than 1x1 meter size, Member (Operations) NHA will decide the rental charges on case to case basis.

(vii) Special Rent will be charged from all agencies using the authority, bridges/culverts (utility ducts or super structure) to cross the utilities. The annual charges shall be as follows :

- Major River/Railway Bridge Rs. 500,000/-
- Bridges from 51 to 100 meter length Rs. 100,000/-
- Bridges upto 50 meter length Rs. 75,000/-

The Rates shall be changed with the approval of the Board. These rates will also be applicable to already existing utilities in ROW.

4. NHA reserve the right to cancel any NOC and re-occupy leased land, without paying any compensation to the utility department or agency or person or the Firm as the case may be. In addition to this the applicant will have no objection in removing the facility out of Right of Way (ROW) in case of road expansion.

5. The Authority reverses the right to cancel the NOC and reoccupy the ROW at any time for its convenience, for the purpose of planned utilization of ROW or if it becomes necessary in the public interest, after serving Thirty (30) days notice to the concerned agency. The agency shall remove all the structures (sui gas pipelines, electricity lines, oil pipe lines, water/sewerage pipelines, optical fiber cable, telephone lines etc.) within notice period at its own expense without any compensation whatsoever on this account.

**6. Procedure for processing of application:**

(1) The Government /non-government agency shall submit an application to the office of General Manager (Operations)/(Region) or Corridor Management Contractor along with following details:

- (a) Layout plan along with the details such as geometric layout, topographic details, cross sectional details, technical information (07 copies), duly verified by concerned representative of company and Dy. Director (Maintenance).
- (b) Undertaking on stamp paper of Rs. 100/- that all conditions laid down in NHA offer letter shall be abided by them - **Appendix-VIII**.
- (c) NOC registration fee of Rs. 20,000/- (non-refundable).
- (d) Agency will submit yearly advance charges in shape of Bank draft in favor of NHA, RM Account, Islamabad.
- (e) Road Reinstatement charges will be charged in addition to this as per procedure laid down in NHA Code 2000 (if road cut is involved).

(f) Deputy Director (Maintenance) or CMC or Director (OMU) RAMD, NHA will make visit to the specific site along with the applicant to ensure that the said cable, wire, pipeline, drain, duct, sewer or channel are laid at the extreme edge of ROW and cause no hindrance or safety crisis.

(g) After site confirmation, the case will be processed by the Deputy Director (Maintenance) or CMC and forwarded to General Manager (Operations)/(Region) who after satisfaction shall recommend the case to RAMD, HQ to get approval of competent authority [i.e. Member (Operations)/Chairman NHA]. NOC will be issued by Director (OMU).

#### **7. Methodology of Payment:**

All payment will be made in favor of NHA RM Account, Islamabad through bank draft/pay order.

8. Owing to the extra ordinary complexity, difficulty and cost of construction of an asphalt road and technical factors which preclude proper restoration of a disturbed asphalt surface to the original design specification, it is imperative that an asphalt road not be tampered with or cut after its construction. To avoid road cut for transverse passage of utilities, the following procedures shall be adopted:

- a. Thrust boring under highways without disturbing the surface/flow of traffic.
- b. Methodology statement for passage of utilities with minimum disturbance to the road, highway and traffic flow where thrust boring is not feasible with the following details along with the proposed cross section and plan/drawing in triplicate with the following details:-
  - (i) Precise chainage of National Highway at which the crossing is intended.
  - (ii) Location of ingress and egress of the proposed utility line.
  - (iii) Layout of the proposed utility line astride the ROW and the prescribed ribbon in case the utility line is to be laid longitudinally in the prescribed ribbon, duly verified by agency's representative and Dy. Director (Maintenance) concerned.
  - (iv) Type of utility/pipeline and depth of proposed crossing; special safety precautions, if any, required during the laying of pipeline and subsequently.

- (v) Name and address of the company's authorized official who will be responsible for the work at site.
- (vi) An undertaking for removal of utility service at any time on the notice by NHA within the time prescribed in the notice (Annexure-A).
- (vii) The utility company will pay supervisory charges to NHA at the amount to be prescribed with the approval of Chairman, NHA.

9. The Dy. Director (Maintenance) or CMC will visit site and give their recommendations to the General Manager (Operations)/(Region) whether laying of utility service is feasible or not. If the project is feasible the Dy. Director (Maintenance) or CMC will give an offer to the utility company with the approval of General Manager (Operations)/ (Region) as per Performa given at (**Appendix-IX**).

10. On fulfilling/acceptance of the terms and conditions of the offer letter, the case along with complete documents will be forwarded with the clear recommendation by the General Manager (Operations) for approval of the Member (Operations) through RAMD Section. NOC will be issued by RAMD with the approval of the competent authority as per Performa given at (**Appendix-X**). However, where cutting of road is not involved and length of a utility line is not more than 300 meters, the Regional GM will approve the case for grant of NOC under intimation to NHA HQ.

11. The government agency, the firm or person or department after issuance of NOC will ensure the following:-

(1) Carriage, storage and safety of materials/labour to be used for crossing of the road or laying of utility lines in the safe secure manners at its own risk and cost.

(2) The temporary stores/offices for completion of work will be kept away at the minimum distance of 30 meters from toe of embankment of the nearest carriageway.

(3) No disturbance to the traffic.

(4) Furnish a schedule of work and its methodology.

12. The Dy. Director (Maint) or CMC will supervise the work of government agency, the firm or person or department to ensure that conditions of NOC are fully adopted during the works. In case of violation, he will issue notice to the company for work as per terms and conditions of NOC under intimation to General Manager Region and RAMD, otherwise work at site will be stopped with the approval of General Manager Region.

13. On completion of work the utility department will submit following documents to the Dy. Director (Maintenance) or CMC.

(1) As built drawing in triplicate which will be verified by Dy. Director (Maintenance) or CMC. Two copies of drawing will be sent to Regional General Manager by placing one copy for their own record and the second will be sent to the RAMD.

(2) Certificate of completion of work.

14. Cutting of a macadamized/asphalt or concrete road for crossing of utility lines shall be permissible under the following circumstances only:-

(a) When arrangements for thrust boring are not available with the utility company at any of its locations/stations.

(b) All efforts to arrange for thrust boring equipment within the Region have failed. General Manager (Regional) will render a certificate to this effect. A statistical analysis will be conducted at RAMD periodically to assess/ascertain trends in the Regions.

15. The original record will be maintained in the offices of Dy. Director (Maintenance) or CMC. Copies thereof will be maintained at RAMD for statistical purposes.

16. The Dy. Director (Maintenance) or CMC will ensure that annual lease rent from utility companies /departments is being received regularly by 15th of January each year. The rental charges will be collected by Dy. Director (Maintenance) or CMC on the basis of inventories verified by Regional General Managers or RAMD. In case of failure for the payment of lease rent a fine will be charged to the utility department or agency or firm as prescribed in Chapter III Regulation 11.

**APPENDIX-VIII**

**UNDERTAKING**

(On stamp paper of Rs.100/-)

We, M/s ....., a Company having Registered Office at ..... and Head office at ..... hereby accept the terms and conditions offered vide Dy. Director (Maintenance) or CMC letter No. .... dated ..... and do hereby undertake for the purpose of laying ..... at Km .....+.....) Section of National Highway/strategic road/Motorway (N...../M..... ) as per drawing/layout plan (8 copies enclosed). We further undertake that:-

- a. (Company) agrees to relocate the utility line outside R.O.W., at our own expense, as and when called upon to do so by NHA or by its authorized representative, without demanding any charges or compensation from NHA thereof.
- b. (Company) agrees to furnish a detailed schedule along with methodology statement for execution of work to NHA/Deputy Director (Maint) concerned at least one week in advance prior to the start of work.
- c. Notwithstanding to any terms and condition undertaking is hereby given that in the event of the National Highway Authority owned interest and consideration of the NHA so desires, then the pipeline will be removed, relocated dismantled, repaired the damages etc, complete to the full satisfaction of NHA within 30 days from the date of issue of such letter notice instructions from the authorized local representative of the NHA, not below the rank of the Deputy Director at our own cost and expenses. If we fail to carry out the constructions within the notice period the NHA will be eligible to remove our works, materials, etc on our risk and cost and we should lose our right of any claim against the National Highway Authority on any account.

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Signature and Stamp  
Company  
(Notary Public)

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For and on behalf of  
Managing Director  
(Company's Seal)

**APPENDIX-IX**

**NATIONAL HIGHWAY AUTHORITY**  
"TYPICAL OFFER LETTER"

Address: .....  
Telephone Number: .....  
Dated: .....

No.....

To: \_\_\_\_\_  
\_\_\_\_\_

Subject:- **Offer letter for Processing of Grant of NOC for Laying of Utility at Km .....+..... of National Highway / Motorway**

Dear Sir,

This refers to your request bearing No. .... dated ..... for grant of permission to lay/cross a ..... at the captioned location.

2. The National Highway Authority may grant a NOC/permission for the execution of the proposed work, subject to your fulfillment of the conditions as under:-

- a. an undertaking as per the specimen attached.
- b. Five years annual lease rent in advance will be paid by you through bank draft or pay order amounting to Rs. .... and subsequently it will be paid before 31<sup>st</sup> July of each financial year otherwise fine will be imposed as prescribed by NHA from time to time.
- c. You will pay supervisory charges to NHA at the amount of Rs..... per day.
- d. Work at site after grant of NOC will be started upto entire satisfaction of the authorized representative of NHA.
- e. Safe and secure arrangements for labour and stores as well as carriage of material and machinery will be responsibility of your company.
- f. Temporary office/store arrangements will be kept away at a minimum distance of 30 meters from the toe of embankment of the nearest carriageway.

- g. There will be no hindrance to the traffic during the works at site.
- h. Any loss/damage caused to the road due to construction work will be borne by the company.
- i. In case of thrust boring, it will be with appropriate equipments horizontally.
- j. The depth of pipe line/conduit will not be less than 1.5 meters under any circumstances.
- k. On completion of work "as built drawing" will be submitted to NHA before leaving site.
- l. Your company will get NOC from all other concerned quarters.
  - m. Reinstatement charges amounting to Rs..... as per estimate attached shall be deposited in favor of NHA RM Account, Islamabad.
  - n. Departmental charges @ 45% of the estimate amounting to Rs. .... to be deposited in favor of NHA RM Account, Islamabad.
  - o. NOC charges @ Rs. 20,000/- to be deposited in favor of NHA RM Account, Islamabad.
  - p. The owner of the amenity will enter into an agreement with NHA as per specimen attached.

3. Kindly furnish the requisite undertaking along with plans, bank draft or pay orders and other documents as specified therein at your earliest convenience so that the case may be processed for decision of the competent authority.

Dy. Director (Maintenance) or CMC

C.C.

Member (Operations)  
 General Manager (Operations)  
 General Manager (Region)  
 File

**APPENDIX-X**

**NATIONAL HIGHWAY AUTHORITY**  
"TYPICAL NOC LETTER"

Address: 27 Mauve Area, G-9/1, Islamabad  
Telephone Number: 051-9261148  
Dated: .....

No.....

To: \_\_\_\_\_  
\_\_\_\_\_

Subject:- **Grant of NOC for Laying of ..... at  
Km .....+..... of National Highway / Motorway**

Consequent upon fulfillment of conditions by your company as specified in NHA offer letter No:..... dated ..... issued by Dy. Director (Maintenance) ....., the competent authority has decided to grant NOC for laying ..... as per layout plan/drawing received from your company with the undertaking dated .....

2. The terms and conditions of the offer letter/undertaking will be strictly followed. One approved copy of the layout plan is enclosed herewith for your necessary action. Please ensure compliance with the conditions governing the grant of NOC in the light of our offer letter already accepted by you.

Director (OMU)

Copy to:-

Member (Operations)  
General Manager (Operations)  
GM (Region) (1)

Please ensure that the conditions specified in the offer of NOC are complied with. In case of non-compliance, the work should be stopped and the matter reported to this office for cancellation of NOC.

(2) Two certified prints of the layout plan are enclosed herewith. Please hand over one of the drawing to D.D (Maint)/PD concerned for monitoring the work.

Dy. Director (Maintenance) concerned or CMC