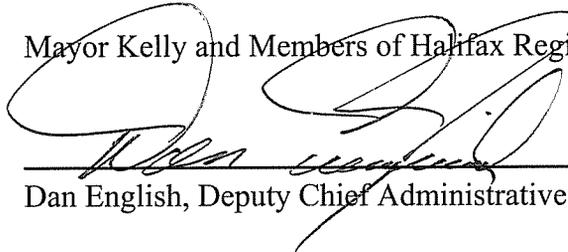


Halifax Regional Council  
September 10, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:   
Dan English, Deputy Chief Administrative Officer

DATE: September 9, 2002

SUBJECT: Nova Scotia Power

### INFORMATION REPORT

#### ORIGIN

At the Halifax Regional Council meeting of July 17, 2001, the following resolution was passed:

**MOVED by Councillor Mosher, seconded by Councillor Sloane that:**

1. Whereas section 3.1.7 - Tree Trimming, of the CAN/CSA - C22.33 does not dictate specific clearances and distances for trimming, Council direct Urban Forestry staff on the existing Joint Urban Forest Committee to ensure that NSPI pruning is in fact necessary and reasonable, meets professional arboriculture industry standards and specifications, and that the aesthetic appearance of HRM's street tree population is maintained and protected.
2. A committee be struck to investigate the feasibility of installing underground utilities in new developments, such committee shall consist of staff from Planning and Development Services, Public Works & Transportation, Parks and Recreation, and Legal Services report through the Deputy Chief Administrative Officer, Dan English, to EMT.
3. The Mayor write NPSI asking for reconsideration of its policy to secure vegetation easements in new developments in areas adjacent to street line.
4. Failing a positive response to a reconsideration of its vegetation easement policy, that staff initiate an application to the URB for a review of the reasonableness of the vegetation management policy.

## **BACKGROUND**

Concerns have been expressed by members of Council and the public on various occasions about NSPI's present methods of tree trimming and cutting. Concerns have also been raised about the long-term implications of NSPI's vegetation management program, including the impact of the NSPI vegetation easements on the urban landscape. Council has also requested staff to investigate the feasibility of requiring underground services in areas of new development.

Staff have met with NSPI regarding these three specific areas - tree trimming clearance standards, new subdivision easements, and underground services. This report will update Council on the outcome of these discussions. Staff will continue to meet with NSPI to ensure that progress is being made on these issues.

## **DISCUSSION**

### **Vegetation Management Easements**

This is the NSPI policy which requires subdivision developers to provide 20 ft. ~~wide clear-cut~~ easements on both sides of new streets.

HRM has expressed concerns that this policy conflicts with HRM planning objectives to maintain mature tree growth to the greatest extent possible and to establish new growth to replace that which must be removed. An additional HRM concern is that these easements give NSPI the right to install telecommunications conduit, pipelines and other infrastructure which is far more than required for vegetation management. However, NSPI has confirmed in a letter to us that "there was, and is, no intent by NSPI to restrict the development of gas distribution or telecommunications infrastructure in HRM through the acquisition of easements."

NSPI has generally held firm on their requirement and have offered only to reduce the requirement to one side of the street rather than two.

HRM is now in the process of making application to the Utility & Review Board (UARB) to direct NSPI to remove the Vegetation Management Easement requirement within HRM.

### **NSPI Maintenance Tree Trimming**

This item concerns the NSPI practice of cutting tree limbs on existing mature trees within HRM right-of-ways to provide clearance from overhead power lines.

HRM and NSPI staff have made significant progress on a mutually acceptable process to manage required trimming of trees to maintain proper power service. Agreement has been reached on items such as notification process, joint review, dispute resolution process and cooperation on future design.

However, tree clearances remains an outstanding point of disagreement. In an effort to increase reliability and improve safety and, in our opinion to reduce its power line maintenance costs, NSPI has increased its tree trimming clearance distances to a range from 7 ft. to 10 ft. for primary lines and from 3 ft. to 5 ft for secondary lines. HRM continues to express concern that this practice address only NSP's needs and is not properly balanced with HRM's objective of an aesthetically pleasing and comfortable street environment for its citizens.

At this time, required tree trimming is being largely addressed on a case by case basis.

### **Underground Services in New Subdivisions**

This is a proposal to investigate the feasibility of placing all utility services in new subdivisions underground . This would include sewer, water, power, telecommunications and natural gas (if available). Acceptance of such a policy by NSP would be critical to the initiative. HRM and NSP have agreed to form a committee to investigate the feasibility of such a policy in both practical and financial terms and provide a summary of constraints, options, costs and stakeholder positions. The terms of reference of this committee are attached.

### **BUDGET IMPLICATIONS**

Any costs will be allocated from approved 2002/03 Operating budget.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, polices and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

There are no recommended alternatives as Council has already approved this approach.

### **ATTACHMENTS**

1. Terms of Reference HRM/NSPI Feasibility Study Underground Utilities in New Developments
2. Letter from Nova Scotia Power dated January 21, 2002

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Phillip C. Francis, P.Eng. Natural Gas, Telecom & Policy Engineer, Phone: 490-6219  
Mary Ellen Donovan, Sr. Solicitor, phone: 490-4219

**Halifax Regional Municipality / Nova Scotia Power Inc.**  
**Feasibility Study**  
**Underground Utilities in New Developments**

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## **Introduction**

HRM is currently involved in several joint initiatives with NSPI which relate to vegetation management practices, both in new developments as well as in existing developed areas of the Municipality. The primary focus is the relationship between street trees and overhead utilities, and one area of concern is a review of existing practices in new developments. HRM Regional Council has therefore instructed staff to investigate the feasibility of installing power, telecommunication, and natural gas services in a common trench in new developments.

## **Project Purpose**

The project purpose is to investigate the feasibility in both practical and financial terms, of installing all utilities in new developments underground in a common trench.

## **Study Objectives**

Involve all relevant stakeholders, and provide advice which accurately reflect positions of industry, utilities, and HRM business units involved.

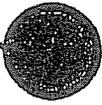
Provide accurate cost data, including capital and operating.

## **Scope of Work**

1.     Background Data  
Review practices in other Municipalities by assembling current survey results (NSPI, HRM Legal Services, PWT) and augmenting with new survey(s) as required. Assemble and review relevant technical and regulatory standards for each stakeholder, including specifications, legislation, URB approved rules and regulations, and municipal plan policy.
  
2.     Analysis  
Identify technical and regulatory constraints to installing utilities underground as well as installing in a shared trench. With constraints known, develop and cost options.
  
3.     Summary  
Provide a written Summary, including constraints, options, costs, and stakeholder positions.

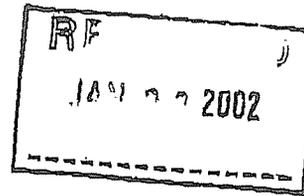
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Nova Scotia Power Inc.  
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**NOVA SCOTIA**  
**POWER**  
An Emera Company

January 21, 2002

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Mr. Dan English  
Deputy Chief Administrative Officer  
Halifax Regional Municipality  
PO Box 1749  
1841 Argyle Street, 2<sup>nd</sup> Floor  
Halifax, NS B3J 3A5

Dear Mr. English:

I am writing to provide the municipality with clarification on NSPI's position respecting easements for new right of way construction. In the July 4, 2001 meeting with HRM officials, which included you and Mayor Kelly, HRM raised the concern that NSPI easements within HRM might in some way restrict future development of natural gas distribution and communication infrastructure in the municipality.

NSPI's purpose in acquiring easements for new right of way construction is to provide the company with the ability to manage and maintain our infrastructure. The inclusion of vegetation standards in these easements resulted from the development of a new integrated vegetation management policy in 1998. The aim of this new policy is to improve reliability and service to our customers. There was, and is, no intent by NSPI to restrict the development of gas distribution or telecommunications infrastructure in HRM through the acquisition of easements.

If you have any questions regarding the document, please feel free to contact Mark Sidebottom, General Manager, Customer Operations. He can be reached at 428-6847.

Sincerely,

Chris Huskison, P.Eng.  
Chief Operating Officer

c: Mark Sidebottom

Enclosure (1)