

ZAMFARA STATE OF NIGERIA

**ZAMFARA URBAN AND REGIONAL PLANNING BOARD
(ZUREPB)**

Canteen Area, Opposite Civil Service Commission,
J.B. Yakubu Road, Gusau

**ZAMFARA STATE RIGHT OF WAY
(FIBRE OPTIC DEPLOYMENT) REGULATIONS,**

REGULATION NO. 5

Z.S.L.N. No. 5

Made under the powers conferred on the Zamfara Urban and
Regional Planning Board by the Zamfara State Urban and
Regional Planning Board Law and all other powers enabling
it in that behalf, and in furtherance of Executive Order
No. 9, 2023 and Executive Order No. 14, 2024

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Register of Approved Right of Way Permits

In exercise of the powers conferred on the Zamfara Urban and Regional Planning Board by the Zamfara State Urban and Regional Planning Board Law and all other powers enabling it in that behalf, and in furtherance of the Zamfara State Executive Order No. 9, 2023 (Harmonised and Standardised Aggregate Fee for Obtaining Right of Way) and the Zamfara State Government Waiver on Right of Way Charges Order No. 14, 2024 (Z.S.L.N. No. 14, 2024), I, TPL. Abdullahi Bala, Executive Secretary of the Zamfara Urban and Regional Planning Board, hereby make the following Regulations.

PART I — PRELIMINARY

1. Citation and commencement

- (1) These Regulations may be cited as the Zamfara State Right of Way (Fibre Optic Deployment) Regulations, .
- (2) These Regulations shall come into force on the date of their publication in the Zamfara State Gazette and shall also be published on the official website of the Zamfara State Government.

2. Application

- (1) These Regulations apply to every licensee under the Nigerian Communications Act, 2003 that seeks to install, place, lay, operate or maintain fibre optic cables, ducts or other network facilities on, through, under, over or across any road, public land or other property under the control of the Zamfara State Government in any of the fourteen (14) Local Government Areas of the State.
- (2) These Regulations bind every Ministry, Department and Agency of the Zamfara State Government that has a legal mandate to grant approvals or impose fees in respect of Right of Way for fibre optic deployment.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“Aggregate Right of Way Fee” means the total of all fees charged per linear metre by all State-level Ministries, Departments and Agencies for the deployment of fibre optic cable, including Right of Way fees, annual per-metre fees, excavation or digging fees and reinstatement fees;

“As-Laid Drawing” means a drawing and geospatial record showing the actual position of network facilities installed under a Right of Way Permit;

“Board” means the Zamfara Urban and Regional Planning Board (ZUREPB);

“Dig-Once” means the principle that a road or public land is excavated once for the installation of ducts capable of carrying the facilities of more than one licensee;

“Executive Secretary” means the Executive Secretary of the Board;

“Licensee” means a person holding a valid licence issued by the Nigerian Communications Commission to deploy or operate network facilities;

“Network Facilities” means fibre optic cables, ducts, manholes, handholes, markers and associated equipment;

“Reinstatement” means the restoration of a road, drain, culvert, bridge, walkway or other public asset disturbed by the works to a condition no worse than its condition before the works began;

“Right of Way Permit” or “Permit” means the written approval issued by the Board under these Regulations;

“UARN” means the Unique Application Reference Number issued by the Board on registration of an application;

“Waiver Period” means the period of four (4) years from 29 February 2024 to 28 February 2028 during which Right of Way charges are waived under Executive Order No. 14, 2024, or any extension of that period; and

“Working day” means any day other than a Saturday, Sunday or public holiday in Zamfara State.

4. Objectives

The objectives of these Regulations are to—

- (a) provide a clear, predictable and transparent procedure for obtaining Right of Way for fibre optic deployment in Zamfara State;

- (b) give legal effect to the aggregate fee cap of ₦145 per linear metre and to the waiver of Right of Way charges;
- (c) expand broadband coverage to urban, rural and underserved communities across the State;
- (d) protect roads and other public assets through dig-once, duct sharing and proper reinstatement; and
- (e) ensure coordination among the State Ministries, Departments and Agencies involved in Right of Way approvals.

5. General obligations of Licensees

Consistent with the Nigerian Communications Act, 2003, a Licensee shall, in installing and maintaining its Network Facilities—

- (a) obtain the approvals required under these Regulations before commencing any works;
- (b) take all reasonable steps to cause as little detriment, inconvenience and damage as practicable;
- (c) act in accordance with good engineering practice;
- (d) protect the safety of persons and property;
- (e) ensure that the works interfere as little as practicable with public utilities, public roads and paths, the movement of traffic and the use of land;
- (f) protect the environment and comply with applicable environmental laws;
- (g) use reasonable efforts to enter into agreements with public utilities whose operations are likely to be affected by the works; and
- (h) reinstate all land and public assets disturbed by the works in accordance with regulation 10.

PART II — FEES AND CHARGES

6. Aggregate fee cap

- (1) The Aggregate Right of Way Fee payable for fibre optic deployment in Zamfara State shall not exceed ₦145 (One Hundred and Forty-Five Naira) per linear metre.
- (2) No Ministry, Department or Agency of the Zamfara State Government shall impose any per-linear-metre fee, levy or charge that, alone or together with any other such fee, exceeds the cap in sub-regulation (1).
- (3) The Board shall be the sole State-level authority to assess and demand any Right of Way fee for fibre optic deployment, in line with Executive Order No. 9, 2023.

7. Waiver of Right of Way charges

(1) During the Waiver Period, the Right of Way charge for fibre optic deployment is ₦0 (zero Naira) per linear metre, as provided under Executive Order No. 14, 2024.

(2) No officer or agent of the Board, the Zamfara State Internal Revenue Service or any other Ministry, Department or Agency shall demand or receive any Right of Way charge from a Licensee during the Waiver Period.

(3) On the expiry or revocation of the Waiver Period, the cap in regulation 6 shall continue to apply without further instrument.

8. No other charges

The application form, registration, site inspection, processing, issuance of the Permit and any extension of the Permit shall be free of charge. No application, processing, inspection, certificate or documentation fee shall be charged under these Regulations.

9. Payment channel

(1) Any lawful payment due under these Regulations shall be made only to the Zamfara State Internal Revenue Service (ZIRS) through www.payzamfara.com, against an official receipt.

(2) Any officer or agent who demands or accepts payment outside the official channel shall be subject to disciplinary action and prosecution under applicable law.

10. Reinstatement

(1) A Licensee shall, at its own cost, reinstate any road, culvert, drain, bridge, walkway or other public asset disturbed by its works, to the standards of the Zamfara State Ministry of Works and Infrastructure, within fourteen (14) days of completing works on each section.

(2) Where a Licensee fails to reinstate within the period in sub-regulation (1) after written notice from the Board, the Board or the Ministry of Works and Infrastructure may carry out the reinstatement and recover the documented cost from the Licensee as a debt due to the State.

(3) Reinstatement carried out by the Licensee, and the recovery of costs under sub-regulation (2), shall not be treated as a Right of Way fee. Any reinstatement charge imposed as a per-linear-metre fee shall count toward the Aggregate Right of Way Fee under regulation 6.

PART III — APPLICATION AND GRANT OF RIGHT OF WAY PERMIT

11. Application

(1) An application for a Right of Way Permit shall be made to the Executive Secretary on the prescribed form, stating the purpose and duration of the proposed occupation, and shall be accompanied by a technical file describing the planned works, including—

(a) the route required, in line with the State road inventory;

- (b) a plan of the network showing the ways of passing and anchoring the installations;
- (c) the starting and end points of the installation, with coordinates in WGS 84;
- (d) where the installation is on or beside a road, the side of the road (left-hand or right-hand side);
- (e) the exact length applied for in metres or the surface in square metres and, where applicable, the height of the installation;
- (f) the cross-sectional dimensions of the intended trench;
- (g) the number, type and capacity of ducts and cables to be laid;
- (h) technical data needed to assess the possibility of sharing existing facilities;
- (i) detailed layout diagrams for engineering structures and junctions;
- (j) A3 coloured line drawings showing the proposed route, manholes and base stations of connection;
- (k) a road distance schedule showing ring name or base station ID, proposed distance (m), road name, starting and ending coordinates and manhole coordinates, in hard and soft copy;
- (l) excavation, backfill and reinstatement methods;
- (m) the general site organisation, and the name and address of the project manager; and
- (n) a work schedule showing the commencement date and expected duration of the works.

12. Supporting documents

In addition to the technical file, every application shall be accompanied by—

- (a) the name, designation, address, telephone number and email address of the contact person;
- (b) a copy of the Licensee's current licence issued by the Nigerian Communications Commission;
- (c) the Certificate of Incorporation, Memorandum and Articles of Association and Form CO7 (Particulars of Directors);
- (d) photo identification and passport photographs of the Directors;
- (e) a current Tax Clearance Certificate;
- (f) certificates of qualified technical staff, where applicable;
- (g) a Site Analysis Report and Plan;
- (h) an Environmental Impact Assessment or environmental screening approval, where required by law;
- (i) a project proposal, including scope of work, evidence of funding, portfolio of prior fibre deployment, risk assessment, and occupational health and safety plan; and

- (j) a map of the affected settlements and Local Government Areas showing the routing of the ducts.

13. Registration and completeness check

- (1) The Board shall, within one (1) working day of submission, register the application, issue a UARN and an acknowledgement, and confirm whether the application is complete.
- (2) Where the application is incomplete, the Board shall notify the applicant in writing or by email, specifying the deficiency and any further information reasonably required. The period in regulation 15 shall run from the date the complete application is received.

14. Site inspection

- (1) The Board shall inspect the proposed route within four (4) working days of registration and record its findings in a Site Analysis Report.
- (2) The applicant shall be informed of the inspection date and may accompany the inspection team. Any variation between the distance applied for and the distance found shall be recorded, and the applicant shall submit an amended route schedule.

15. Decision

- (1) The Board shall grant or refuse the application within ten (10) working days of receipt of a complete application.
- (2) A refusal shall be in writing and shall state the reasons and, where applicable, the steps the applicant may take to obtain approval.
- (3) Where the Board fails to communicate its decision within the period in sub-regulation (1), the application shall be deemed approved, and the applicant may proceed with the works as if a Permit had been issued, subject to its obligations under these Regulations.

16. Grounds for refusal

An application may be refused only where—

- (a) the applicant fails to provide the information required under regulations 11 and 12;
- (b) the Nigerian Communications Commission notifies the Board that the applicant is not licensed to deploy such infrastructure, or that the deployment does not meet its technical standards;
- (c) the proposed works would affect the integrity of a road or public asset or the safety of its users, and cannot be modified to avoid that effect;
- (d) the proposed works conflict with the dig-once requirements in regulation 17; or
- (e) the request can be met on equivalent terms by using existing ducts or facilities of another operator, without compromising that operator's use.

17. Dig-once and duct sharing

- (1) The Board may require a Licensee to install up to two (2) additional ducts to accommodate other Licensees and avoid repeated excavation of the same road.
- (2) Where a grant would use all the space available on a route, the Board may make the Permit conditional on the installation of additional ducts and on the Licensee publishing the terms of access to them.
- (3) The Board shall coordinate with the Ministry of Works and Infrastructure so that, where practicable, ducts are laid during new road construction or rehabilitation.

18. Commencement of works

- (1) No Licensee shall commence works until the Permit has been issued, or is deemed approved under regulation 15(3).
- (2) The Licensee shall give the Board, the relevant Local Government Area and the traditional leaders of the affected communities at least forty-eight (48) hours' notice before starting works.
- (3) The Licensee shall be responsible for the safety of its personnel and shall coordinate with the appropriate security agencies for works in remote or high-risk areas. No fee shall be charged by the Board for such coordination.
- (4) A Permit remains valid for twelve (12) months for commencement of works and may be extended free of charge on written request.

19. Works outside public land

- (1) Where a route crosses farmland, community land, a grazing reserve, a stock route or private land outside public Right of Way, the Licensee shall obtain the consent of the rights holder and consult the community and the relevant Local Government Area before works begin.
- (2) Compensation for crops, trees or other assets damaged on such land shall be assessed under applicable law and paid directly to the affected persons. Such compensation is not a Right of Way fee.

PART IV — DUTIES DURING AND AFTER WORKS

20. Conduct of works

The Licensee shall provide warning signs, barriers and traffic management at all work sites, keep trenches safe, and maintain access to homes, businesses and farms throughout the works.

21. As-laid drawings

(1) Within thirty (30) days of completing the works, the Licensee shall submit to the Board an As-Laid Drawing for each Permit, in hard copy and in digital GIS format (WGS 84), and the Board shall share a copy with the Zamfara Geographic Information Service (ZAGIS).

(2) The As-Laid Drawing shall show the depth of trenching; the number, type and capacity of ducts; the types of cables; the depth of markers; the position of ducts relative to the road centre line; and the positions of manholes and other installations.

22. Completion

On completion of the works, the Licensee shall obtain a completion certificate from the Board after inspection of the reinstatement, and forward a copy to the Ministry of Works and Infrastructure.

23. Relocation

Where Network Facilities obstruct the construction or rehabilitation of a road or other public works, the Licensee shall relocate them at its own expense within a reasonable period, not being less than thirty (30) days after written notice from the Board.

24. Maintenance and emergency repair

A Licensee may carry out emergency repairs on its Network Facilities without prior approval, provided that it notifies the Board within twenty-four (24) hours and reinstates the site in accordance with regulation 10.

PART V — TRANSPARENCY AND COMPLAINTS

25. Publication

(1) The Board shall publish these Regulations, the Fibre Optic Right of Way Permit Application Guidelines and the application form on the official website of the Zamfara State Government (www.zamfara.gov.ng), in a clearly titled section.

(2) The Guidelines shall be kept consistent with these Regulations and shall list, for each step, the responsible office, the documents required, the cost and the timeframe.

26. Register of approved permits

The Board shall maintain a register of approved Right of Way Permits in the form in the Schedule, and shall publish it on the official website of the State Government at least once every quarter. The register shall show, for each Permit, the Licensee, the UARN, the route and Local Government Area, the length approved, the fees charged and the date of approval.

27. Complaints

Any complaint relating to an application, a demand for payment or the conduct of an officer shall be directed to the Executive Secretary, who shall respond in writing within ten (10) working days. This is without prejudice to any other remedy available under law.

PART VI — SANCTIONS

28. Sanctions

(1) A Licensee who commences works without a Permit, or breaches regulations 18, 20, 21, 22, 23 or 24, shall be liable to any of the following—

- (a) a fine not exceeding ₦2,000,000 (Two Million Naira);
- (b) suspension of the Permit; or
- (c) revocation of the Permit.

(2) Except in an emergency affecting public safety, no sanction shall be imposed unless the Licensee has been given written notice of the breach and not less than fourteen (14) days to remedy it or to be heard.

PART VII — MISCELLANEOUS

29. Relationship with Executive Orders

These Regulations give effect to Executive Order No. 9, 2023 and Executive Order No. 14, 2024. Where either Order is amended, extended or revoked, the fee cap in regulation 6 and the procedures in these Regulations shall continue to apply.

30. Review

The Board shall review these Regulations at least once every two (2) years, in consultation with Licensees and relevant Ministries, Departments and Agencies.

31. Revocation and savings

The Guidelines for Obtaining Right of Way previously issued by the Board are replaced by the Guidelines issued under these Regulations. Applications pending at commencement shall be processed under these Regulations, and Permits already issued remain valid.

SCHEDULE

(Regulation 26)

REGISTER OF APPROVED RIGHT OF WAY PERMITS

S/N	Licensee	UARN	Route / LGA	Length (m)	Fees (₦)	Date of Approval	Remarks

Signed

TPL. Abdullahi Bala

Executive Secretary

Zamfara Urban and Regional Planning Board (ZUREPB)