
REVISED RIGHT OF WAY (RoW) PROCESSES AND GUIDELINE

Taraba State Government

Lead Agency: Ministry of Rural and Urban Development

1. Introduction

The Right of Way (RoW) is a critical public asset that enables the deployment of infrastructure such as telecommunications networks, power lines, water pipelines, and transport systems. This guideline sets out the **standardized, transparent, and predictable process** for granting, managing, and monitoring RoW in Taraba State.

It aims to:

- Facilitate **rapid infrastructure deployment**
 - Protect **public safety, environment, and existing utilities**
 - Ensure **fair and harmonized fees**
 - Clarify the **roles of all Ministries, Departments and Agencies (MDAs)** involved
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2. Objectives

The key objectives of this guideline are:

- **Streamline** the RoW approval process through a clear, time-bound workflow
 - **Harmonize** RoW fees in line with the **₦145/meter Executive Order**
 - **Define roles and responsibilities** of all MDAs in the end-to-end process
 - **Promote transparency** through digital records and public disclosure
 - **Protect infrastructure corridors**, environment, and public safety
 - **Support investment** in broadband, utilities, and public infrastructure
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3. Legal and Regulatory Basis

The administration of RoW in Taraba State is grounded in the following laws, regulations, and executive instruments:

3.1 State Laws and Regulations

1. Taraba State Right of Way Regulation, 2024

- Provides the primary framework for RoW applications, approvals, monitoring, and enforcement.
- Defines fees, timelines, documentation, and penalties.

2. Building Lines (Regulation) Law Cap 136 (1993)

- Establishes building lines and setback requirements.
- Protects corridors for utilities and public infrastructure.

3. Building Lines Regulation Law Cap 22 (1997)

- Strengthens enforcement of building lines and corridor protection.
- Guides alignment of utilities within approved corridors.

4. Taraba State Order 2003

- Provides additional authority for regulating land use, public infrastructure corridors, and utility placement.

3.2 Executive Instruments

5. Executive Order on Harmonized Right of Way Fee (₦145 per linear meter)

- Adopts the national harmonized RoW fee of **₦145/meter**.
- Standardizes RoW pricing across the state.
- Provides for monitoring fees and payment procedures.

3.3 Federal Laws

6. Nigerian Communications Act (NCA), 2003 – Section 135

- Recognizes the role of states in granting RoW for telecom infrastructure.
- Requires non-discriminatory, fair, and transparent access.

7. Nigerian Urban and Regional Planning Law (Decree 88 of 1992; Decree 18 of 1999)

- Governs land use planning and development control.

- Provides the framework for corridor alignment, environmental and safety compliance.

4. Institutional Framework and MDAs Involved

The RoW process is multi-agency. The following MDAs are involved in the end-to-end process:

- **Ministry of Rural and Urban Development (MRUD)** – *Lead Agency*
- **Taraba State Geographic Information Service (TSGIS)**
- **Ministry of Works & Infrastructure**
- **Ministry of Environment**
- **Taraba State Internal Revenue Service (TIRS)**
- **Ministry of Transport**
- **Ministry of Justice**
- **Local Government Councils**
- **ICT/Digital Economy Agency (where applicable)**
- **Ministry of Information** (for public disclosure and communication)

4.1 Lead Agency – Ministry of Rural and Urban Development

- Receives and processes RoW applications
- Coordinates all other MDAs
- Issues RoW approvals and permits
- Oversees monitoring and enforcement

4.2 Supporting MDAs and Their Roles

- **TSGIS**
 - Validates route alignment and corridor availability
 - Integrates as-built data into state geospatial systems
- **Ministry of Works & Infrastructure**
 - Reviews technical designs and construction methods
 - Ensures protection of existing public infrastructure
- **Ministry of Environment**

- Reviews and approves EIA/EMP where applicable
 - Monitors environmental compliance during and after works
 - **TIRS**
 - Manages all RoW-related payments and receipts
 - Ensures correct application of fees, surcharges, and penalties
 - **Ministry of Transport**
 - Reviews traffic management plans for works affecting roads
 - Ensures minimal disruption to traffic and road safety
 - **Ministry of Justice**
 - Provides legal vetting of instruments, MoUs, and enforcement actions
 - Supports prosecution of serious violations
 - **Local Government Councils**
 - Participate in route verification within their jurisdiction
 - Support monitoring and community engagement
 - **ICT/Digital Economy Agency**
 - Supports digitalization of RoW processes and records
 - Integrates RoW data into state digital platforms
 - **Ministry of Information**
 - Publishes RoW guidelines, fees, and approvals for transparency
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5. End-to-End Right of Way Process

5.1 Stage 1 – Application Submission

Lead: Ministry of Rural and Urban Development

Supporting MDAs: TSGIS, Environment, Works, TIRS, Justice (as needed)

Applicant submits:

- Company registration documents (CAC)
- Tax Clearance Certificate and relevant state levies
- Detailed route maps and technical drawings (GIS-compatible where possible)

- Environmental Impact Assessment (EIA) or Environmental Management Plan (EMP), where applicable
- Method statement and construction schedule
- Health, Safety and Environment (HSE) plan
- Evidence of engagement with affected communities (where required)
- Contact details of responsible officer

Outcome:

- Acknowledgement of receipt
 - Application reference number
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5.2 Stage 2 – Preliminary Screening and Fee Assessment

Lead: MRUD

Supporting: TIRS, TSGIS, Environment, Works

Activities:

- Check completeness of documents
- Confirm project category (telecom, power, water, etc.)
- Determine applicable fees:
 - Application fee
 - RoW fee (₦145/meter)
 - Monitoring fee (e.g., minimum 10% of RoW fee, as per regulation)
 - Environmental review fee (if applicable)
 - Mapping/verification fee (TSGIS)

Outcome:

- Issuance of **Provisional Assessment Notice** to the applicant
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5.3 Stage 3 – Payment of Fees

Lead: TIRS

Supporting: MRUD, Environment, TSGIS

- Applicant pays all assessed fees through **approved government channels** (no cash to individuals).
- TIRS issues **e-receipt** or official payment confirmation.
- MRUD and relevant MDAs are notified electronically of payment.

Outcome:

- Application moves to **technical and field review** stage.
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5.4 Stage 4 – Route and Location Verification

Lead: MRUD

Supporting: TSGIS, Works, Transport, Local Governments

Activities:

- Desk review of proposed route using TSGIS data
- Field inspection of the corridor
- Identification of conflicts with:
 - Existing utilities (water, power, telecom, drainage)
 - Road infrastructure
 - Sensitive areas (schools, hospitals, heritage sites)
- Engagement with Local Government and communities where necessary
- Adjustment of route where conflicts are identified

Outcome:

- **Route Verification Report** (approved, modified, or rejected)
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5.5 Stage 5 – Environmental and Technical Compliance Review

Lead: Ministry of Environment & Ministry of Works

Supporting: MRUD

Activities:

- Review EIA/EMP (where required by law)
- Confirm mitigation measures for:
 - Soil erosion

- Vegetation disturbance
- Water bodies
- Noise and dust
- Review technical design:
 - Depth of ducts/trenches
 - Distance from road edges and other utilities
 - Safety measures and standards

Outcome:

- **Environmental Clearance** and **Technical Clearance** (or queries issued to applicant)
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5.6 Stage 6 – Inter-Agency Clearance and Consolidation

Lead: MRUD

Supporting: Works, Environment, TSGIS, Justice, Transport

- MRUD consolidates all inputs:
 - Route Verification Report
 - Environmental Clearance
 - Technical Clearance
 - Payment confirmation
- Where necessary, Ministry of Justice reviews legal aspects (e.g., MoUs, special conditions).

Timeline:

- Complete applications should be processed within **21 working days** from confirmation of payment, subject to the RoW Regulation.

Outcome:

- Draft **RoW Approval Letter** and **Permit Conditions**
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5.7 Stage 7 – Approval and Permit Issuance

Lead: MRUD

The RoW approval shall clearly state:

- Approved route and coordinates
- Total length (meters) and fee basis
- Validity period of the permit
- Conditions of work (time windows, safety, restoration, etc.)
- Reporting obligations (progress updates, completion notice)

Outcome:

- Official **Right of Way Permit** issued to the applicant
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5.8 Stage 8 – Pre-Execution Notification

Lead: Applicant

Oversight: MRUD, Works, Transport, Local Governments

- Applicant must give **at least 7 days' written notice** before commencement of works.
- Notice must include:
 - Start date and expected completion date
 - Work segments and schedule
 - Traffic management plan (if on/near roads)

Outcome:

- MDAs prepare for monitoring and supervision
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5.9 Stage 9 – Execution of Works

Lead (Oversight): MRUD & Works

Supporting: Environment, Transport, Local Governments

Requirements during execution:

- Compliance with approved route and technical standards
- Proper traffic management and safety signage
- Protection of existing utilities
- Environmental safeguards (dust control, waste management, erosion control)

- Daily site supervision logs (by contractor and, periodically, by MDAs)

Outcome:

- Works completed in line with permit conditions
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5.10 Stage 10 – Restoration and As-Built Documentation

Lead: MRUD

Supporting: TSGIS, Works

After completion:

- Applicant restores all affected surfaces (roads, pavements, verges) to acceptable standards.
- Applicant submits:
 - **As-built drawings** (with coordinates)
 - **Completion report**
 - **Photo evidence** of restoration
- TSGIS integrates as-built data into state geospatial systems.

Outcome:

- **Completion Certificate** or **Compliance Confirmation** issued
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6. Fees and Charges

6.1 Core Fees

- **Right of Way Fee:** ₦145 per linear meter (as per Executive Order)
- **Application/Processing Fee:** As prescribed in the RoW Regulation
- **Monitoring Fee:** Minimum percentage (e.g., 10%) of RoW fee, as set in the Regulation
- **Environmental Review Fee:** Where EIA/EMP is required
- **Mapping/Verification Fee:** For TSGIS services

6.2 Payment Rules

- All payments must be made through **official government channels** (banks, e-payment platforms).

- No cash payments to individuals are permitted.
 - Proof of payment is mandatory before processing continues.
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7. Timelines

- **Acknowledgement of Application:** Within 2 working days
 - **Preliminary Screening & Fee Assessment:** Within 5 working days
 - **Technical, Environmental & Route Review:** Within 14 working days (for complete applications)
 - **Total Processing Time:** Within **21 working days** after confirmation of payment, subject to complexity and completeness
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8. Monitoring, Compliance and Enforcement

8.1 Monitoring

Lead: MRUD

Supporting: Works, Environment, Transport, Local Governments

- Periodic site inspections during execution
- Random checks for compliance with route, depth, safety, and environmental standards
- Post-completion inspections to confirm restoration

8.2 Non-Compliance and Penalties

Violations may include:

- Working without a valid RoW permit
- Deviating from approved route
- Non-payment or under-payment of fees
- Failure to restore affected areas
- Damage to existing public infrastructure

Penalties may include:

- **50% surcharge** on unpaid or under-paid fees

- **Daily fines** (e.g., ₦50,000 per day) for continued non-compliance, as provided in the RoW Regulation
 - Full cost of repair or replacement of damaged infrastructure
 - Suspension or revocation of RoW permit
 - Legal action and prosecution (with Ministry of Justice support)
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9. Transparency and Public Disclosure

Lead: MRUD

Supporting: ICT/Digital Agency, TSGIS, Ministry of Information

- Publish RoW guidelines, fees, and processes on official state platforms
 - Maintain a **digital registry** of all RoW permits issued
 - Publish **quarterly summaries** of approvals and key statistics
 - Provide clear contact channels for complaints and enquiries
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10. Review and Amendment

This guideline shall be reviewed periodically to:

- Reflect changes in laws and regulations
- Incorporate technological and industry developments
- Address implementation challenges and stakeholder feedback

Amendments shall be approved through the appropriate state processes and communicated publicly.