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August 11, 2005

Dale Sopha, Engineering Assistant, Utility Engineering  
Utilities Kingston  
1211 John Counter Blvd.  
Kingston, Ontario  
K7L 4X7

Dear Mr. Sopha:

**Reference: Encroachment Permit – EC-2005-42O-20**

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Attached please find Encroachment Permit Number **EC2005-42O-20**, which has been issued in accordance with the PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT, R.S.O. 1990, CHAPTER P.50.

Also attached please find **Receipt Number – 42O-30529** for the amount of \$350.00.

Please note that a copy of this permit and conditions must be on the construction site at all times. Also, please instruct your contractor and/or staff to familiarize themselves with the conditions of the Permit and adhere to them.

**Before commencing construction, prior notification as shown on the “Schedule A” is mandatory.**

If you have any questions please call me at (888) 362-1770 ext. 270.

Yours truly,

A handwritten signature in black ink, appearing to read "Sandy Newton".

Sandy Newton  
Corridor Management Officer

c.c. Vince Kenney, Maintenance Co-ordinator, MTO

attachments

Ministry  
of  
Transportation



ENCROACHMENT PERMIT

EC-2005-420-20

CONTROLLED ACCESS

ISSUED TO: Utilities Kingston  
1211 John Counter Boulevard  
Kingston, Ontario, K7L 4X7

**TO CONSTRUCT, MAINTAIN AND OPERATE HEREUNDER DESCRIBED:**

Install underground natural gas crossing on Highway 401 at approximately MTO Chainage Station 21+475 using Directional Bore method. Natural Gas Pipe specification - 323.9 mm, NPS 12, Grade 359, Cat.1, 6.4 mm wall. Pipe to be installed as shown on submitted Drawing No. E11-14-01/201, dated Aug. 08, 2005.

**PERMIT CONDITIONS:**

Refer to the conditions on the back hereof and the attached "Schedule A".

LOT: 18, 19 CON.: 3

PT/BLK:

PLAN:

ETR.: 19-401/65-0

GEOGRAPHIC TOWNSHIP: Kingston

MUNICIPALITY: City of Kingston

HWY.: 401

COUNTY/DIST/REG.: Frontenac

FEE: \$ 350.00

DIA. & LENGTH OF PLANT: 323.90 mm X 0.1300 Km

EXPIRY DATE: August 10, 2015

THIS PERMIT IS ISSUED UNDER THE AUTHORITY VESTED IN THE MINISTER BY THE PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT AND THE REGULATIONS PURSUANT THERETO AND IS SUBJECT TO THE CONDITIONS ON THE BACK HEREOF, INCLUDING ANY AGREEMENT APPLICABLE TO THE ENCROACHMENT AUTHORIZED BY THIS PERMIT

DATED AT: Ottawa

ON: August 10, 2005

A handwritten signature in cursive script, appearing to read "Louis Jay".

Field Services Engineer

## ENCROACHMENT PERMIT CONDITIONS

### THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS AND ANY SUPPLEMENTARY CONDITIONS ESTABLISHED BY THE MINISTRY

1. In addition to the conditions of this permit, the owner must meet all of the requirements of the local municipality and any other agency having jurisdiction.
2. All work related to the encroachment for which this permit is issued must be commenced within 6 months of the date that the permit is issued or the permit shall be void and cancelled by the Ministry.
3. All work related to the installation authorized by this permit shall be carried out in accordance with the approved plans, specifications and agreements and subject to the approval of the Ministry. The owner must bear all expense related thereto.
4. Where the Ministry requires the relocation or alteration of a facility included in the Public Service Works on Highways Act, the Ministry will share the cost of such relocation or alteration in accordance with the Act.
5. Vegetation on the right-of-way must not be cut or trimmed without the written permission of the Ministry. Any cutting or trimming permitted must only be done under the supervision of the Ministry or its authorized agent at the expense of the owner.
6. The holder of this permit must give the Ministry 48 hours notice prior to the commencement of construction.
7. The holder of this permit agrees to protect all survey markers and monuments in the vicinity of the work and agrees to replace all markers and monuments if damaged.
8. The owner is responsible for the construction, marking and maintenance of any detours required and for maintaining safety measures for the protection of the public during the construction of any works in respect of this encroachment.
9. The location, design and specifications of an approved encroachment may not be changed without the approval of the Ministry.
10. The owner of an encroachment shall maintain the works in accordance with the requirements of the Ministry.
11. During construction of the encroachment the owner shall ensure that the operation of the highway is not interfered with and that the right-of way remains free of debris, earth or other material.
12. If there is an expiry date named on this permit and a further term is required, an application for renewal of the permit shall be made to the Ministry before the expiry date of this permit. An extension of the expiry date may be approved, approved with additional conditions or denied by the Ministry.
13. If this permit expires and is not renewed, all works constructed, maintained or operated under this permit, if the Ministry so requests, shall be removed at no cost to the Ministry and the highway shall be left in as good a condition as it was before the said works were installed or constructed. If at the end of six months after the expiry of this permit, the said works have not been removed, they shall become the property of the Ministry as damage for trespass after expiration of this permit.
14. The owner at its own expense, at any time on the receipt of 60 days notice, shall suspend operations, remove, alter or relocate any or all of the works of an encroachment as may be required by the Ministry; or the Ministry may on 60 days notice remove the works.
15. This permit may be cancelled at any time for breach of the regulations or conditions of this permit or for such other reasons as the Ministry at its sole discretion deems proper.
16. If during the life of this permit any Acts are passed or regulations adopted which affect the rights herein granted, the said Acts and regulations shall be applicable to this permit from the date on which they come into force.
17. The owner holds harmless the Ministry for all damages and liabilities caused as a result of the works undertaken pursuant to this permit.
18. The Ministry may charge an annual fee which may be adjusted from time to time for the encroachment authorized herein.

## **"Schedule A"**

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The following conditions shall apply to and be considered part of Encroachment Permit **EC-2005-420-20**, within the limits of Highway No. **401**, in the County of **Frontenac**, in the City of **Kingston**, Lot **18, 19** Conession **3**.

**The Applicant must notify** the Ministry of Transportation, Contract Administrator, George Bellisle, G.D. Jewell Engineering Inc, at telephone number (613) 389-0473, **at least 48 hours before beginning work**.

**The Applicant must notify** the Ministry of Transportation, Contract Control Officer, Mac Neilson , at telephone number (613) 547-1797 **at least 48 hours before beginning work**.

1. The applicant or their representative must produce a copy of the Ministry of Transportation's, "Encroachment Permit", on the site when requested. If the applicant or their representative fails to do so, they will be requested to cease all work on the Ministry of Transportation's, right-of-way.
2. All work carried out under this permit or agreement must be signed in accordance with the **Ontario Traffic Manual – Book 7, Temporary Conditions**. Failure to do so may result in the cancellation of the permit or agreement.
3. The owner of an Encroachment, any contractor, or any worker performing work related to an encroachment, must comply with all regulations and requirements of the "Occupational Health and Safety Act", and the "Ministry of Labour".
4. The Ministry of Transportation wishes to ensure that all persons working within its right-of-way comply with requirements of the "Occupational Health and Safety Act", and the "Ministry of Labour".

The Ministry requests your co-operation in the interest of worker health and safety. The applicant will acknowledge the Ministry's contractor as the "Constructor" for the purposes of the "Occupational Health and Safety Act" and co-ordinate all work with the contractor to ensure that:

- (a) the measures and procedures prescribed in the Act and the regulations are carried out on the project;
- (b) every employer and every worker performing work on the project complies with the Act and the regulations;
- (c) the health and safety of workers and those of other employees operating in the area are protected.

Failure to co-ordinate your activities with those of the contractor and their his/her subcontractors may give raise to unsafe working conditions which threaten the health and safety of your workers and those of other employers working in the area.

5. The Ministry of Transportation wishes to ensure that all persons working within its right-of-way comply with requirements of the "Occupational Health and Safety Act", and the "Ministry of Labour'.

The Ministry requests your co-operation in the interest of worker health and safety. In the event that the work being carried out by your company is not completed before the Ministry's contractor commences its operations in the same area, you will acknowledge the Ministry's contractor as the "Constructor" for the purposes of the "Occupational Health and Safety Act" and co-ordinate all work with the contractor to ensure that:

- (a) the measures and procedures prescribed in the Act and the regulations are carried out on the project;
- (b) every employer and every worker performing work on the project complies with the Act and the regulations;
- (c) the health and safety of workers and those of other employers operating in the area are protected.

Failure to co-ordinate your activities with those of the contractor and their subcontractors may give raise to unsafe working conditions which threaten the health and safety of your workers and those of other employers working in the area

6. The Company will have a representative on the construction and/or maintenance site and provide the Field Services Engineer with the name of an official of the Company who may be contacted with respect to any construction and/or maintenance activities being carried out by the Company.
7. By this agreement the Minister grants permission pursuant to the provisions of the "Public Transportation and Highway Improvement Act", R. S. O. 1990, ch. P. 50 and the Company shall obtain all applicable laws in making use of the permission granted pursuant to this Agreement.
8. The Company will, within three months of the receipt in writing from the Minister, remove, relocate or alter, at its own expense, the plant or any part of it and in default of the Company complying with this notice the Minister may remove, relocate or alter the plant or any part described in the notice and charge the entire cost to the Company.
9. Any deviation from the approved plant location, without prior approval from the Ministry of Transportation's, Corridor Management Officer, may require removal and/or relocation of the plant at the applicant's expense.

10. The opening in the chain link security fence must be closed during all non-working hours and at times when there is no work in progress in the immediate area. The total work area must be secured at all times by the fencing, (snow type fences permitted) so as to prevent any unwarranted access to the Ministry's, right-of-way. Upon completion any chain link security fence that was removed must be replaced to the satisfaction of the Ministry.
11. The applicant is to assume full responsibility for all utilities within the encroaching area with no right to claim against the Ministry. Specific information is to be obtained from the appropriate utility companies.
12. The travelling public must be protected at all times. The Ministry of Transportation reserves the right to require additional protection when deemed necessary.
13. All work is to be done in a manner that ensures a minimum of inconvenience to the owners of the property adjoining the highway and to the travelling public.
14. Any change in the buried plant of 0.3 metres or more laterally for a distance of 15.0 metres or more must be approved by the Ministry of Transportation's, Corridor Management Officer, prior to any work commencing.
15. Major or minor jacking pits must be located at the bottom of the ditch line or the back slopes of the ditch line. Jacking and/or boring pits must not encroach into the front slopes of the ditch or the shoulder of the road.
16. Native backfill material in the trench must be placed and compacted to 95% density as per applicable Ontario Provincial Standard Specifications.
17. The applicant will be responsible for all highway pavement damage as a result of the installation during construction and for a period of twelve (12) months.
18. *Upon completion of this approval, the applicant will supply the Ministry of Transportation, Corridor Management Officer, with as-built showing accurate depths accurate alignment detailing offsets from property line or centerline of the highway.*
19. During construction, equipment, material, debris, etc. will not be placed or left upon the shoulder or the traveled portion of a highway in a manner that may create a hazard or cause damage to the highway.
20. Construction equipment will not be allowed to work on the traveled portion or on the shoulder of the highway, except with written permission from the Ministry of Transportation.
21. All equipment must be parked well away from the traveled portion of the highway when not in use.

22. This proposal may interfere with existing shoreline or fish habitation therefore, approval may be required from the Ontario Ministry of Natural Resources or the Federal Department of Fisheries and Oceans. Section 35 (1) of the Federal Fisheries Act provides that "no person shall carry on any work or undertaking that results in the harmful alteration, disruption, or destruction of fish habitat".
23. The Ministry of Transportation's, right-of-way and all facilities within the right-of-way, which may be damaged or require removal or relocation during construction, must be restored to the complete satisfaction of the Ministry of Transportation at the applicants expense.
24. Upon completion of this work, the applicant will notify the Ministry of Transportation's, *Corridor Management Officer* authorizing the work, for a site inspection.

**OFFICIAL RECEIPT**

**LOCATION:** Ottawa Area Office

**DATE:** August 10, 2005

**RECEIVED FROM:** Utilities Kingston

**ADDRESS:** 1211 John Counter Blvd.  
Kingston, Ontario  
K7L 4X7

CASH - CH, UNMARKED CHEQUE - UC, CERTIFIED CHEQUE - CC, CREDIT CARD - CD

	PARTICULARS	PAYMENT	AMOUNT RECEIVED	
	Application for Encroachment Permit			
	Permit # EC-2005-420-20			
	Cheque # 120161 (144285)	UC	\$350.00	

TOTALS: \$350.00

RECEIVED BY: 

RECEIPT NO: 420-30529