RE: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File TW/044/2013)

On October 11, 2013, the Department of Transportation and Works received your request for access to the following records:

All permits granted to companies involved in the installation of culverts under Route 450 in Frenchman’s Cove in the Bay of Islands.

I am pleased to inform you that your request for access to these records has been granted in part and the following is attached:

- Permit issued to the Town of Humber Arm South for the purpose of installing Water and Sewer System in March 2010.
- Permit issued to the Department of Fisheries and Oceans and Local Harbour Authority to construct a wharf extension adjacent to Route 450 in March 2010.

Access to information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

**Personal Privacy**

Section 30(1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

As required by subsection 7(2) of the Act, we have severed information that is excepted from disclosure and have provided you with as much information as possible.
Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Mr. Ed Ring, Commissioner  
Office of the Information and Privacy Commissioner  
2nd Floor, 34 Pippy Place  
P.O. Box 13004, Stn. A  
St. John's, NL  
A1B 3V8

Telephone: (709) 729-6309  Facsimile: (709) 729-6500  
Email: commissioner@oipc.nl.ca

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Pubic Engagement’s website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact the undersigned at 729-3676.

Sincerely,

[Signature]

BRENT MEADE  
Deputy Minister

Enclosure
PERMIT FOR WORK WITHIN
DEPARTMENT OF TRANSPORTATION AND WORKS
RIGHT OF WAY

THIS PERMIT ISSUED TO: Town of Humber Arm South
(hereinafter called the "Licensee" and owner of the work). This permit authorizes the Licensee to
enter upon R-450 for the purpose of installing Water and
Sewer System as per plans submitted by BAE Newplan Group on March 25/10 in
the said highway subject to the terms and conditions hereinafter following:

1. INSPECTION

All work covered by this permit within the highway right of way must be performed in
accordance with approved practices, at the expense of the Licensee and subject to the
inspection of authorized Departmental personnel.

2. MAINTENANCE OF HIGHWAY

It is the responsibility of the Licensee to maintain, at its own expense, the entire portion of
the highway disturbed or altered by the Licensee's work in a condition acceptable to
the Department. The Department's opinion as to acceptability of highway condition is
final and the Licensee must carry out the Department's instructions without undue delay
where the Department feels it necessary that additional work be done by the Licensee to
bring the highway to a suitable condition. If the Licensee fails to comply with these
instructions, the Department may, at its discretion, perform the additional work deemed
necessary and will seek compensation therefore from the Licensee.

3. TRAFFIC

(a) Where trench excavation extends beyond one-half the width of the travelled or
paved portion of a roadway, the Licensee shall arrange its work so that one-half of
the width of the roadway is maintained in a condition suitable to accommodate all
vehicular and pedestrian traffic. The Licensee shall complete its work on the
initial trenched half of the roadway before excavating or trenching the remaining
half of the roadway.

(b) For the safety of both vehicular and pedestrian traffic, sufficient and approved
warning devices must be placed in accordance with the guidelines outlined in the
Department of Transportation and Works "Traffic Control Manual for Roadway
Work Operations - Field Edition". No highway shall be entirely closed to traffic
without the prior written approval of the Department of Transportation and
Works.

(c) The Occupational Health and Safety Regulations apply to this work, especially
Section 40.

4. NON-LIABILITY OF DEPARTMENT

(a) The Department of Transportation and Works shall not be liable for any
interference, delay or damage to the work or facility of the Licensee that may
arise as a result of necessary or expedient maintenance operations carried out by
the Department within the highway right of way.

(b) The Licensee agrees to indemnify and keep indemnified the Department of
Transportation and Works from and in respect of any claim or demand that may
arise or that may be related to the work done or the facility installed by the
Licensee pursuant to this permit.
5. **SCHEDULING OF WORK**

In the event that the Department of Transportation and Works plans or arranges for paving, maintenance, repairs, upgrading or reconstruction to the highway at the same time as the Licensee's work is planned or arranged, the Licensee will schedule its work for completion so that it will cause no delay to the work of the Department. The onus is on the Licensee to determine if the Department has work scheduled in the area of the Licensee's proposed work or facility.

6. **WORK**

(a) Any pipe, cable or conduit placed in a roadway must be bedded in a firm, well compacted foundation. Backfilling or these structures must be compacted in an approved manner in order to prevent undue settlement. Material for backfilling shall be that which was excavated or similar to that of which the sub-grade is constructed.

(b) Where materials used in conjunction with the Licensee's work or excavated as a result of the work is deposited on a paved surface, the Licensee agrees to be responsible for repairing any damage to the paved surface which may result therefrom. The nature and extent of the repairs to be done by the Licensee must be done to the satisfaction of the Department.

(c) When trenches are cut across a paved surface the paved surface shall be cut only to the nominal width of the trench. During excavation, installation and backfilling, should any material supporting the paved surface be disturbed the asphalt must be cut back to an undisturbed foundation and the required thickness of granular base course placed and compacted before replacing the asphalt. Backfilling of trenches must allow a combined minimum thickness of 30 cm of Class B granular base course and Class A granular base course or the thickness of the granular base course in place on the roadway whichever is greater.

(d) Backfilling of trenches in gravel surfaced roads or shoulders must allow for replacing the depth of granular base course on the roadway or a minimum thickness of 15 cm of Class A granular base course whichever is the greater thickness.

(e) Any part of the Licensee's work such as manhole covers, valve covers, accesses to sewage pumping station, fire hydrants, etc., must not be located such that any part protrudes above the surface of the roadway, the surface of the shoulder or the bottom of drainage ditches of the highway. If any of these items have to be located such that they are to be accessible above ground level, they must not be located at least 3 metres from the road shoulder.

(f) Water and sewer lines to be installed must be in accordance with plans approved by the Department. In the event that subsequent revisions or conditions require installation of lines less that 2.5 metres from the edge of any paved surface, such installation shall be done only after the Licensee obtains the prior written approval of the Department. Ditches must be restored to the original graded measured vertically from the elevation of the outside edge of the shoulder, may be backfilled such that the minimum depth of the ditch is one metre.

(g) If there should be more than 20% of any portion of the paved surface of the roadway damaged by the Licensee's work, then the Licensee, in addition to whatever repairs are required to the existing paved roadway surface, will place an overlay of asphalt to the current specification of the Department for surface course asphalt and to a minimum thickness of 3.0 cm over the portion of the paved surface, as may be required by the Department.

(h) If it is found necessary by the Licensee to excavate any portion of the shoulder of a highway, the shoulder must be restored to its original cross section, to the satisfaction of the Department.

(i) Following completion of the work, it is the Licensee's obligation to restore the highway to its former condition, to the satisfaction of the Department.

(j) i. Backfilling of trenches shall be carried on when temperature is above freezing and compacted to 95% standard proctor density.

   ii. 30 cm of granular base course Class A is an acceptable substitute to the combined thickness of 30 cm of Class B and Class A granular base course.

   iii. Asphalt will be cut using only an approved asphalt cutting tool.
manufactured for that purpose and in a manner to produce a vertical face in the remaining asphalt. Asphalt is to be replaced to the thickness of the existing asphalt removed and placed in 50 mm lifts and compacted.

7. REPAIRS - ALTERATIONS
SUBSEQUENT TO COMPLETION OF WORK

(a) If there is any settlement of the surface of a paved roadway occurring as a result of the Licensee's work and if the said settlement occurs within 12 months of the completion of the Licensee's work, then the Department will have the right to repair the said settlement and to charge the reasonable costs thereof to the Licensee.

(b) It is the responsibility of the Licensee to ensure that manholes, catch basins and water valve covers or any part of the facility does not protrude from any paved surface nor recess from any paved surface in excess of 1.5 cm. If any such protrusions or recessions should occur within a period of 12 months after the completion of the work, the Department will have the right to remedy same and to charge the reasonable costs thereof to the Licensee.

(c) In the event that the Department finds it necessary to alter or relocate any part of the Licensee's facility after the completion of the work by the Licensee, the Department has the right to undertake such alteration or relocation without liability to the Licensee. In the alternative, the Licensee may elect to undertake the alteration or relocation with its own resources without cost to the Department.

8. MISCELLANEOUS

(a) The Licensee will notify the office of the Superintendent of Operations at telephone number (709) 635-4128 before the commencement of any work on the Department of Transportation and Works right of way.

(b) This permit is valid only for 12 months from the date of issuance.

(c) By signing this permit, the Licensee acknowledges that it has examined all the terms and conditions herein.

(d) Cutting of asphalt is limited to cross-cuts only. No water or sewer lines are to be installed parallel in the driving surface or shoulder of the roadway unless approved by Department Inspector.

(e) The existing pipe at station 1+645 is to be replaced with two 1200 mm culverts at the same location. 600mm overflow pipe to be installed in approximate location.

(f) All culverts replaced on the Department of Transportation and Works R.O.W. are to be Aluminized Corrugated Steel Pipe in accordance to the Department of Transportation and Works Specifications Book (Section 421).

Dated at

[Signature]

in the Province of Newfoundland and Labrador this _ day of _

A.D., 2010

Section 30(1)
PERMIT FOR WORK WITHIN
DEPARTMENT OF TRANSPORTATION AND WORKS
RIGHT OF WAY

THIS PERMIT ISSUED TO: Dept of Fisheries and Oceans and Local Harbour Authority (hereinafter called the "Licensee" and owner of the work). This permit authorizes the Licensee to Construct a Wharf Extension adjacent to R-450 as per plans submitted by Anderson Engineering Consultants Ltd. on March 8, 2010 and revised drawings on Sept. 01, 2010 in the said highway subject to the terms and conditions hereinafter following:

1. INSPECTION

All work covered by this permit within the highway right of way must be performed in accordance with approved practises, at the expense of the Licensee and subject to the inspection of authorized Departmental personnel.

2. MAINTENANCE OF HIGHWAY

It is the responsibility of the Licensee to maintain, at its own expense, the entire portion of the highway disturbed or altered by the Licensee's work in a condition acceptable to the Department. The Department's opinion as to acceptability of highway condition is final and the Licensee must carry out the Department's instructions without undue delay where the Department feels it necessary that additional work be done by the Licensee to bring the highway to a suitable condition. If the Licensee fails to comply with these instructions, the Department may, at its discretion, perform the additional work deemed necessary and will seek compensation therefore from the Licensee.

3. TRAFFIC

(a) Where trench excavation extends beyond one-half the width of the travelled or paved portion of a roadway, the Licensee shall arrange its work so that one-half of the width of the roadway is maintained in a condition suitable to accommodate all vehicular and pedestrian traffic. The Licensee shall complete its work on the initial trench half of the roadway before excavating or trenching the remaining half of the roadway.

(b) For the safety of both vehicular and pedestrian traffic, sufficient and approved warning devices must be placed in accordance with the guidelines outlined in the Department of Transportation and Works "Traffic Control Manual for Roadway Work Operations - Field Edition". No highway shall be entirely closed to traffic without the prior written approval of the Department of Transportation and Works.

(c) The Occupational Health and Safety Regulations apply to this work, especially Section 40.

4. NON-LIABILITY OF DEPARTMENT

(a) The Department of Transportation and Works shall not be liable for any interference, delay or damage to the work or facility of the Licensee that may arise as a result of necessary or expedient maintenance operations carried out by the Department within the highway right of way.

(b) The Licensee agrees to indemnify and keep indemnified the Department of Transportation and Works from and in respect of any claim or demand that may arise or that may be related to the work done or the facility installed by the Licensee pursuant to this permit.

*4 Old Bonne Bay Road, Dove Lake, NL, Canada, ABA 1X8, Telephone (709) 635-4127, Facsimile (709) 635-5618
5. SCHEDULING OF WORK

In the event that the Department of Transportation and Works plans or arranges for paving, maintenance, repairs, upgrading or reconstruction to the highway at the same time as the Licensee's work is planned or arranged, the Licensee will schedule its work for completion so that it will cause no delay to the work of the Department. The onus is on the Licensee to determine if the Department has work scheduled in the area of the Licensee's proposed work or facility.

6. WORK

(a) Any pipe, cable or conduit placed in a roadway must be bedded in a firm, well compacted foundation. Backfilling of these structures must be compacted in an approved manner in order to prevent undue settlement. Material for backfilling shall be that which was excavated or similar to that of which the sub-grade is constructed.

(b) Where materials used in conjunction with the Licensee's work or excavated as a result of the work is deposited on a paved surface, the Licensee agrees to be responsible for repairing any damage to the paved surface which may result therefrom. The nature an extent of the repairs to be done by the Licensee must be done to the satisfaction of the Department.

(c) When trenches are cut across a paved surface the joints of asphalt shall extend 1 meter past cut and feathered using a grinded joint. (See attached drawing). During excavation, installation and backfilling, should any material supporting the paved surface be disturbed the asphalt must be cut back to an undisturbed foundation and the required thickness of granular base course placed and compacted before replacing the asphalt. Backfilling of trenches must allow a combined minimum thickness of 30 cm of Class B granular base course and Class A granular base course or the thickness of the granular base course in place on the roadway whichever is the greater.

(d) Backfilling of trenches in gravel surfaced roads or shoulders must allow for replacing the depth of granular base course on the roadway or a minimum thickness of 15 cm of Class A granular base course whichever is the greater thickness.

(e) Any part of the Licensee's work such as manhole covers, valve covers, accesses to sewage pumping station, fire hydrants, etc., must not be located such that any part protrudes above the surface of the roadway, the surface of the shoulder or the bottom of drainage ditches of the highway. If any of these items have to be located such that they are to be accessible above ground level, they must not be located at least 3 metres from the road shoulder.

(f) Water and sewer lines to be installed must be in accordance with plans approved by the Department. In the event that subsequent revisions or conditions require installation of lines less than 2.5 metres from the edge of any paved surface, such installation shall be done only after the Licensee obtains the prior written approval of the Department. Ditches must be restored to the original graded measured vertically from the elevation of the outside edge of the shoulder, may be backfilled such that the minimum depth of the ditch is one metre.

(g) If there should be more than 20% of any portion of the paved surface of the roadway damaged by the Licensee's work, then the Licensee, in addition to whatever repairs are required to the existing paved roadway surface, will place an overlay of asphalt to the current specification of the Department for surface course asphalt and to a minimum thickness of 3.0 cm over the portion of the paved surface, as may be required by the Department.

(h) If it is found necessary by the Licensee to excavate any portion of the shoulder of a highway, the shoulder must be restored to its original cross section, to the satisfaction of the Department.

(i) Following completion of the work, it is the Licensee's obligation to restore the highway to its former condition, to the satisfaction of the Department.

(j) - Backfilling of trenches shall be carried on when temperature is above freezing and compacted to 95% standard proctor density

ii - 30 cm of granular base course Class A is an acceptable substitute to the combined thickness of 30 cm of Class B and Class A granular base course.
iii - Asphalt will be cut using only an approved asphalt cutting tool manufactured for that purpose and in a manner to produce joints that extend 1 meter past cut and feathered using a grinded joint. (See attached drawing). Asphalt is to be replaced to the thickness of the existing asphalt removed and placed in 50 mm lifts and compacted. All asphalt is to be placed using an approved asphalt spreader.

7. REPAIRS - ALTERATIONS SUBSEQUENT TO COMPLETION OF WORK

(a) If there is any settlement of the surface of a paved roadway occurring as a result of the Licensee’s work and if the said settlement occurs within 12 months of the completion of the Licensee’s work, then the Department will have the right to repair the said settlement and to charge the reasonable costs thereof to the Licensee.

(b) It is the responsibility of the Licensee to ensure that manholes, catch basins and water valve covers or any part of the facility does not protrude from any paved surface nor recede from any paved surface in excess of 1.5 cm. If any such protrusions or recesions should occur within a period of 12 months after the completion of the work, the Department will have the right to remedy same and to charge the reasonable costs thereof to the Licensee.

(c) In the event that the Department finds it necessary to alter or relocate any part of the Licensee’s facility after the completion of the work by the Licensee, the Department has the right to undertake such alteration or relocation without liability to the Licensee. In the alternative, the Licensee may elect to undertake the alteration or relocation with its own resources without cost to the Department.

8. MISCELLANEOUS

(a) The Licensee will notify the office of the Superintendent of Operations at telephone number 635-4128 before the commencement of any work on the Department of Transportation and Works right of way.

(b) This permit is valid only for 12 months from the date of issuance.

(c) By signing this permit, the Licensee acknowledges that it has examined all the terms and conditions herein.

(d) Any culverts being removed and replaced on the department’s right-of-way are to be replaced with C.I.P. of the same diameter or larger (if approved by the Supervisor for the area).

(e) Ensure positive drainage to all catch basins to prevent ponding. If ponding occurs owner will be responsible to correct problem within 14 days of receiving written notice form the Department.

(f) Sloped ends are required on guiderail.

Dated at __________________ in the Province of

Newfoundland and Labrador this ________ day of ________ A.D., 2010.

______________________________
Dept. of Transportation & Works

______________________________
Licensee

76 Old Steer Bay Road, Deer Lake, N.L., Canada, A8A 1X9 Telephone (709) 635-4127, Facsimile (709) 635-5818