COR/2017/04931

October 4, 2017

Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File: TW/110/2017)

On September 6, 2017, the Department of Transportation and Works received your request for access to the following records:

Good morning, I am requesting the details for the Traffic plan for Mobile Central High School during construction of the extension and any related work (i.e. relocation of the water lines and transformer) including details of modification to parking lot, traffic flow solutions, traffic safety measures, exact location of the construction safety zone. The information request includes documentation submitted to/from TW by the Consultant SNC Lavalin as well as emails and correspondence on this matter between TW, Dept of Educ, NLESD and Service NL.

I am pleased to inform you that a decision has been made by the Deputy Minister of Transportation and Works to provide access to some of the requested information.

Access to the remaining records, and/or 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):

Subsection 40(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 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

P.O. Box 8700, St. John’s, NL, Canada, A1B 4J6
Please note the traffic study has only been received by the Department of Transportation and Works in draft form. Comments from Department officials have been sent back to SNC Lavalin for them to revise the draft report, and a final report will be issued once completed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests 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 contact me by telephone at (709) 729-5351 or by email at FrankWalsh@gov.nl.ca.
Sincerely,

Frank Walsh
ATIPP Coordinator
Department of Transportation and Works

Enclosures
Disclosure harmful to personal privacy

40. (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.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person’s health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or
(ii) personal information that relates to eligibility for income and employment support under the *Income and Employment Support Act* or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.
(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
Hi [s. 40(1)]

We have been reviewing the latest draft traffic study report, as it is much more substantial than the previously submitted report, and have several comments that should be incorporated into the final issued report:

- Page 2 – There are 259 schools in the NLESD, not 122 as listed.
- Page 5 – Can remove any references to Metrobus and public transit. This is a rural site, away from any public transit systems, this reference serves no purpose as the service will not be extended to the area.
- Page 9,12,15,18 – Report states posted speed limit is 11 km/h. This is incorrect. The posted sign states a limit of 10 km/h.
- Page 19 – States that several innovative solutions should be considered and applied, if feasible. Based on the depth of this report, we would have liked to see some recommendation into what innovative solutions could be possible.
- Page 19 – Recommends that construction work be done during off-season or summer months. This is not possible, due to schedule, and construction will have to take place during school year. This recommendation serves no purpose and should be revised.
- Page 20 – States existing site contains 40 standard spaces and 2 accessible spaces. However, in previous issued report, it states there are 46 existing standard spaces and 2 accessible. Why did this number change between reports?

Our main concern of the report is how the calculation is made to determine the number of required parking spaces. The population of the school will increase to 500 students upon completion of the extension, however this is mainly from lower grades being moved from St. Bernard’s to Mobile High. There is no immediate increase to the number of students eligible to drive, as these grades are well below the driving age. As the students age, yes there would be an increase to the number of students how can drive, based on incoming class sizes compared to now, but the proportion of students who can drive does not change immediately. Due to this, the method of using 1/3 of the student population of driving age to determine parking requirements for students is inaccurate. This method should be revised to better show the number of spaces that would be needed. Please review these comments and incorporate into a final issued report. Thanks.

Chad Phillips
Engineer II
Dept. of Transportation & Works
Building Design & Construction Division
(709) 729-1640
chadphillips@gov.nl.ca
On the draft report I raised concern over the disparity between in and out counts; in this version the consultant advises people going wrong way – as per below this is not something he principal experiences...which again raises question with me re the counts

=================================

From: Gary Petten
Sent: Friday, July 28, 2017 4:52 PM
To: Jim Sinnott
Subject: Re: parking lot

Jim,
No cars usually enter and exit the parking lot properly. Outside the regular day some my exit through the entrance but not the other way. Hope this answers your question.
Thanks

On Jul 28, 2017 8:49 AM, "Jim Sinnott" wrote:
do car's routinely enter via the exit lane by the field?

=================================

From: Jim Sinnott [mailto:jimsinnott@nlesd.ca]
Sent: Friday, July 28, 2017 10:40 AM
To: Phillips, Chad <ChadPhillips@gov.nl.ca>; Henstridge, Wendy <WendyHenstridge@gov.nl.ca>; Kieley, Kim <KimKieley@gov.nl.ca>; Hallett, Natalie <NatalieHallett@gov.nl.ca>; Carroll, Michael <MichaelCarroll@gov.nl.ca>
Subject: RE: Mobile Traffic Study

Seems to me there is an extreme amount of repetition - are they paid by the page!

Page numbering in report would be nice – but lacking that I will refer to the pdf page number below:

P2 – for accuracy: NL English School District is not 122 schools, it is 259

P5 – Bottom page - pls make them stop talking about metrobus! Top of page 6 – chief mode of transport would be school busses. Entire next paragraph has no purpose.

P9, 12, 15, 18 – posted speed limit of 11 km/h? Obviously not critical but the 11 stands out - for accuracy the sign is 10km/h

P19 “several innovative solutions should be considered and applied, if feasible.” I would have expected a traffic consultant to advise on what innovative solutions they developed – the
absence of them is a key shortcoming to me in report now

P19 “It is recommended that construction work at the site commence and conclude during the off-season, specifically, within the summer months.” SNC is fully aware of project schedule – this is an SNC report – odd line in that context

From: Phillips, Chad [mailto:ChadPhilips@gov.nl.ca]
Sent: Friday, July 21, 2017 9:25 AM
To: 'Jim Sinnott' <jimsinnott@nlesd.ca>; Henstridge, Wendy <WendyHenstridge@gov.nl.ca>; Kieley, Kim <KimKieley@gov.nl.ca>; Hallett, Natalie <NatalieHallett@gov.nl.ca>; Carroll, Michael <MichaelCarroll@gov.nl.ca>
Subject: Mobile Traffic Study

Attached is the updated traffic study. This updated study is much more substantial than what was submitted previously. As much has been added to this revised version, please review and advise of any comments that can be forwarded back to SNC. Thanks.

Chad

From: Jim Sinnott [mailto:jimsinnott@nlesd.ca]
Sent: Thursday, July 20, 2017 2:21 PM
To: Phillips, Chad; Henstridge, Wendy; Kieley, Kim; Hallett, Natalie; Carroll, Michael; sncalvin.com; sncalvin.com; sncalvin.com
Subject: RE: Mobile Extension Meeting Minutes

Notes updated traffic study sent – can u send a copy pls

Written confirmation from fire commissioner for utilizing gym in egress plan will not be a problem – but we have to have something to give him to approve in writing i.e. a construction phasing showing who would be egressing there, what path once they open the gym door to outside, etc.. My call was a verbal to indicate this was a strategy that could be pursued in variance from normal code requirements – we cannot expect him to sign off a concept without details

From: Phillips, Chad [mailto:ChadPhilips@gov.nl.ca]
Sent: Friday, July 14, 2017 10:41 AM
To: Henstridge, Wendy <WendyHenstridge@gov.nl.ca>; Kieley, Kim <KimKieley@gov.nl.ca>; Hallett, Natalie <NatalieHallett@gov.nl.ca>; Carroll, Michael <MichaelCarroll@gov.nl.ca>; Jim Sinnott <JimSinnott@nlesd.ca> <JimSinnott@nlesd.ca> <JimSinnott@nlesd.ca> <JimSinnott@nlesd.ca> sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com' sncalvin.com
Subject: Mobile Extension Meeting Minutes

Good morning everyone,

Attached are meeting minutes and updated checklist from our progress meeting on July 12. Please
review and advise of any comments or additions. Thanks.

Chad Phillips

Engineer II
Dept. of Transportation & Works
Building Design & Construction Division
(709) 729-1640
chadphillips@gov.nl.ca

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”

Confidentiality Warning: This message and any attachments are intended for the sole use of the intended recipient(s), and may contain privileged and/or confidential information. If you are not an intended recipient, any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you received this email in error, please delete the message and attachments immediately and notify the sender by return email. Thank you!

avis de confidentialité: Ce courriel, ainsi que tout renseignement ci-inclus, est destiné uniquement au(x) destinataire(s) susmentionné(s) et peut contenir de l’information confidentielle. Si vous n’êtes pas le destinataire prévu, tout examen, copie, impression, reproduction, distribution ou autre utilisation de ce courriel est strictement interdit. Si vous avez reçu ce message par erreur, veuillez en aviser immédiatement l’expéditeur par retour de ce courriel et veuillez supprimer immédiatement cette communication. Merci.

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”

Confidentiality Warning: This message and any attachments are intended for the sole use of the intended recipient(s), and may contain privileged and/or confidential information. If you are not an intended recipient, any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you received this email in error, please delete the message and attachments immediately and notify the sender by return email. Thank you!

avis de confidentialité: Ce courriel, ainsi que tout renseignement ci-inclus, est destiné uniquement au(x) destinataire(s) susmentionné(s) et peut contenir de l’information confidentielle. Si vous n’êtes pas le destinataire prévu, tout examen, copie, impression, reproduction, distribution ou autre utilisation de ce courriel est strictement interdit. Si vous avez reçu ce message par erreur, veuillez en aviser immédiatement l’expéditeur par retour de ce courriel et veuillez supprimer immédiatement cette communication. Merci.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
We have reviewed the completed traffic study and have the following comments/corrections on it:

- Report should be stamped by Engineer.
- Several abbreviations on SNCL are misspelled throughout report.
- Page 1 - No longer called Eastern School District, now English School District
- Section 2.2 – Reference of Metrobus Transit can be removed. Metrobus currently only operates in the Metro area.
- Section 2.4 – States 2 different numbers (43, typed, and 46, numerical). Typed number should be forty-six.
- Section 2.4 – States currently does not provide sufficient staff parking. This is not correct, more spaces currently on site than there are staff, staff parking takes priority over student parking.
- Section 3 – Traffic numbers for ingress and egress differ significantly. A note or hypothesis should be made giving a possible reason for the discrepancy.
- Section 6.3 – Where does number of student drivers, 42, come from? 166x1/3=55, 166x1/5=33, average of both gives 44.
- Section 6.3 – 3 accessible parking spaces is correct, but NL Accessibility Act states 4% of total spaces should be accessible, does not use the 1 in 20 method as report references.
- Section 6.3 – Last paragraph does not make sense. Seems to be a placeholder for author to add analysis of items listed in this paragraph.
- Section 7 – Would expect to see some proof of concept or recommendation, i.e. how the required number of additional spaces needed can be obtained.
- Report should make note of, and address plan for minimizing traffic and parking disruptions due to ongoing construction of the extension.
- 2.4 states there are 46 spaces on site, two of which are accessible. 7.0 states there are 46 standard spaces and 2 accessible spaces. Which numbers are correct?
- Appendix A and B are not attached to report. PDF file is only 7 pages long, all of which are the report. Please provide the referenced appendices.

Please review these comments and have them incorporated into the final traffic study report.

Thanks.

Chad Phillips
Engineer II
Dept. of Transportation & Works
Building Design & Construction Division
(709) 729-1640
chadphillips@gov.nl.ca
From: [redacted]@snclavalin.com
Sent: Tuesday, June 20, 2017 9:49 AM
To: Phillips, Chad
Cc: Henstridge, Wendy
Subject: RE: Mobile Extension Update

Chad

See attached.

Robert

From: Phillips, Chad [mailto:ChadPhillips@gov.nl.ca]
Sent: June 19, 2017 11:57 AM
To: [redacted]
Cc: Henstridge, Wendy
Subject: Mobile Extension Update

Hi [redacted]

We are looking for an update on a few items for Mobile:
1) Concept Design Report.
2) Percolation test results.
3) Parking/Traffic study.
4) Geotech report.
5) Phase I Environmental.
6) LEED exemption information.
7) Timeline for creation of a CP-1 site work package.
8) Rationale for the construction cost estimate being fairly higher than TW anticipated.

We would like to get an update on these items before our meeting on Wednesday so we can review.

Thanks.

Chad Phillips
Engineer II
Dept. of Transportation & Works
Building Design & Construction Division
(709) 729-1640
chadphillips@gov.nl.ca

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
The following 3 points are perhaps semantics, but for accuracy:

P1: Eastern School District ceased to exist 1 Sept., 2013; NL English School District is the entity operating the school

P2: 2.0 point 3, don’t know how "encompass" could fit sentence?

P3: 2.2 remove Metrobus reference (if not obvious to snc, they can call metrobus or check webpage to confirm they have not expanded to Mobile vs stating as unknown)

The following points are mathematical and/or legislative - I would suggest that the report not have any ambiguity with respect to them

P3: 2.4 - 43 <> forty six; why do they say not enough parking for staff? Stall count > staff count

P5/6: 3.1 - suggest some reference to why the noted egress number is so much larger than the note ingress #

P6: 6.3 - where did 1/5 to 1/3 of students having cars come from? Accepting this as based in best practice:

\[
1/5 \text{ of 166} = 33 \\
1/3 \text{ of 166} = 55
\]

Avg = 44

Where did the number 42 come from?

The NL Building Accessibility Act requires 4% of spots be barrier free (still 3 spots as per report, but 1:20 is not based on NL legislation)

The following is my main concern:

*** P7: 7.0 - would expect to see some proof of concept i.e. show how the required number of spaces can be obtained vs just stating there are some opportunities
*** On page 2, point 2.0, bullet 1 it notes reduction in parking during construction. However both the consultant RFP and my own input at meetings references we need some interim plan for traffic flow/parking for duration of construction.

Jim

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Phillips, Chad
Sent: Tuesday, June 20, 2017 2:54 PM
To: Hallett, Natalie; Carroll, Michael; 'Jim Sinnott'
Cc: Henstridge, Wendy; Kieley, Kim
Subject: Mobile Traffic Study

Hi everyone,

Attached is the traffic study report received from SNC. Please review and advise of any comments. The report references appendix A and B, which are not attached. I will forward them when received from SNC. Thanks.

Chad Phillips
Engineer II
Dept. of Transportation & Works
Building Design & Construction Division
(709) 729-1640
chadphillips@gov.nl.ca

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”