

From: Daniel, Dean TRAN:EX
Sent: Tuesday, April 13, 2010 12:42 PM
To: DeVoss, Mark TRAN:EX
Subject: RE: 1011990 /// RE: Vehicle Incident Hwy 2 - Oct 2009

Mark, information to file no 101190 is as follows:

MoTi permit no.: 2009-02731



BChydro Hwy 2
permit 2009_11_0..

Hydro contacts:

Randal Adam: 250-263-6813 or 250-7937601
Dale Arnott: 250-263-6811 or 250-262-1768

The incident occurred on October 29, 2009 at approx 2:00pm - approx 1 km south of the Rolla Rd no 3 and Hwy 2 intersection.

A vehicle left the travel portion of paved highway hitting a hydro pole placed along the shoulder of the highway by bchydro or one of its contractors.

The vehicle was a 1999 Oldsmobile Integra (License Plate s.22 driven by a female occupant heading south bound.

RCMP attended the incident (RCMP file no. 2009-6838).

Dean Daniel
Area Manager, Roads
Ministry of Transportation and Infrastructure
Peace District

Tel: 250-784-2370
Cell: 250-219-9959

From: DeVoss, Mark TRAN:EX
Sent: Friday, March 26, 2010 2:06 PM
To: Daniel, Dean TRAN:EX
Subject: 1011990 /// RE: Vehicle Incident Hwy 2 - Oct 2009

Dear Dean, Please send me all information you have on this event quoting file 1011990 – which is the number allocated to this new file.

Also, could you advise me if you would be the person who would be our primary and main contact on this issue?

I also need to know if we have a permit for the Hydro pole on our Right-of-way. And if we do, I need to also know who is our contact at Hydro in reference to this alleged pole of theirs.

Much appreciated.

MARK DEVOSS

Litigation & Claims Services Manager
Construction and Maintenance Branch
Ministry of Transportation & Infrastructure

Mailing Address:

PO BOX 9850 STN PROV GOVT

VICTORIA BC V8W 9T5

Telephone: (250) 387-7579

Facsimile: (250) 356-9724

E-Mail: Mark.Devoss@gov.bc.ca

Location: 4C-940 Blanshard Street, Victoria BC

From: Willow, Vicki TRAN:EX

Sent: Friday, March 26, 2010 12:09 PM

To: Daniel, Dean TRAN:EX; DeVoss, Mark TRAN:EX

Subject: RE: Vehicle Incident Hwy 2 - Oct 2009

Hi Dean,

This sounds like a claims issue... Mark can you advise Dean accordingly.

Thanks,

Vicki

From: Daniel, Dean TRAN:EX

Sent: Friday, March 26, 2010 11:59 AM

To: Willow, Vicki TRAN:EX

Subject: Vehicle Incident Hwy 2 - Oct 2009

Vicki, I just received a call from a law firm here in Dawson Creek (Higson Apps Law Corp 250-782-9134) regarding an incident in which a vehicle left the roadway and struck a power pole that bchydro had placed along the shoulder of the highway to replace an existing power pole that resulted in RCMP attending along with an ambulance and the person being sent to hospital with serious injuries and the vehicle being totalled and am wondering whom to forward them to in the legal department.

Dean Daniel

Area Manager, Roads

Ministry of Transportation and Infrastructure

Peace District - Dawson Creek

Tel: 250-784-2370

Cell: 250-219-9959



Your File #: D3445441
eDAS File #: 2009-02731
Date: May/14/2009

BC HYDRO
9228- 100th Avenue
Fort St. John, British Columbia V1J 1X7
Canada

Attention: Randal Adam

Re: Permit Number 2009-02731 for pole installation
N 1/2, Sec 2, Twp 78, Rge 15, W6M, Peace River
N 1/2, Sec 1, Twp 78, Rge 15, W6M, Peace River
N 1/2, Sec 6, Twp 78, Rge 14, W6M, Peace River
W 1/2, Sec 5, Twp 78, Rge 14, W6M, Peace River
NW 1/4, Sec 32, Twp 77, Rge 14, W6M, Peace River

Enclosed is your copy of the above noted permit.

All work shall be completed to the satisfaction of the District Manager Transportation.
Please notify this office 48 hours prior to commencement of works.

Please quote file number 2009-02731 when contacting this office.

If you have any questions please feel free to call Kirsten Fagervik at (250) 787-3261.

Yours truly,

Kirsten Fagervik
District Development Technician

Attachment

| Local District Address |
|---|
| Peace District 300-10003 110th Avenue Fort St John, BC V1J 6M7 Canada Phone: (250) 787-3237 Fax: (250) 787-3279 |



PERMIT TO CONSTRUCT, USE AND MAINTAIN WORKS UPON THE RIGHT-OF-WAY OF A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Peace District
300-10003 110th Avenue
Fort St John, BC V1J 6M7
Canada

("The Minister")

AND:

BC HYDRO
9228- 100th Avenue
Fort St. John, British Columbia V1J 1X7
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of Upgrade 3 phase powerline along Highway 2 in Dawson Creek to a heavier 336.4ASC wire. Place 80% of the poles from 8th Street to Cutoff Road and Replace all of the poles from Cutoff Road to 48th Ave in Pouce Coupe, as shown on drawing 0003445441.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. That the construction of the said works is carried out in conformity with all legislation applicable to the Permittee or specifications by regulatory bodies having jurisdiction over the Permittee, and that the Regional Director, Transportation of the Province of British Columbia, or any person appointed by the Regional Director, Transportation shall have free access to all parts of the works for the purpose of satisfying himself that the works are being carried out in accordance with such legislation or regulatory specifications as aforementioned.
2. That before opening up any highway or interfering with any public works, written notice of intention to do so must be given to the District Official at least seven clear days before the work is begun.
3. Whenever possible, where the work embraces crossing a hard-surface highway with a pipe, this will be done by pushing the pipe at least 1.2 m. below the surface of the road and without disturbing or weakening the surface in any way. Where this is impossible, then not more than half the surface shall be opened at any one time and resurfacing shall be carried out by the Ministry of Transportation under force at the expense of the Permittee.
4. That where the work for which consent is hereby granted comes in contact with any bridge, culvert, ditch or other existing work, such existing work must be properly maintained and supported in such manner as not to interfere with its proper function during the construction of the new work, and on the completion of the new work the bridge, culvert, ditch, or other existing work interfered with shall be completely restored to its original good condition.



5. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.
6. The Permittee for whom these works are being constructed or maintained shall at all times indemnify and save harmless the Government of the Province of British Columbia against any loss sustained or damage done by the Permittee or its servants or agents for which by law the Permittee would be liable, except in cases where the loss or damage is attributable to the negligence of the Government, its servants or agents.
7. That after receiving notice in writing on the intention on the part of the Provincial Government to construct, extend, alter, or improve any public work, the Permittee being responsible for the maintenance of the works for which consent is hereby granted shall co-operate with the District Official, and within three (3) months from receipt of notice all works shall be completed in moving or altering such work to such new position or in such manner as may be necessitated by the construction, extension, alteration, or improvement proposed to be carried out by the Provincial Government. The cost of all such work to be borne by the Permittee except in the case of cost sharing arrangement on pole relocations (refer to circular).
8. That while reasonable care will be taken on the part of the Provincial Government to do as little damage as possible to any private work in the carrying-out of the construction, extension, alteration, improvement, repair, or maintenance of public work adjacent thereto, the Provincial Government can accept no responsibility of any kind for such damage.
9. That this permit shall be in force only during such time as the said works are operated and maintained by the applicants or their assignees or successors in conformity with all legislation applicable to the Permittee or specifications by regulatory bodies having jurisdiction over the Permittee.
10. The poles and other structures comprised in this permit shall be placed and maintained in such position within the limits of the public highway right-of-way as may be approved by the Regional Director, Transportation of the Ministry of Transportation in writing.
11. That these works shall be identified by the permit number in a manner satisfactory to the Regional Director, Transportation or his assistants at the expense of the Permittee. In the case of pole-lines, the permit number shall be scribed on the poles, and for underground work the location shall be marked with concrete blocks having their permit number marked thereon, the concrete blocks not to be less than 30 cm. by 30 cm. by 15 cm.
12. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
13. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
14. (a) The rights granted under this permit shall not be exercised before May 14, 2009.
(b) The construction and installations must be completed on or before December 31, 2009.
Exceptions: N/A
15. All work is to be carried out to the satisfaction of the District Manager, Ministry of Transportation.
16. The field supervisor for the Permittee is to have a copy of this permit on site during field operations and be aware of all permit conditions.
17. Unless specifically addressed elsewhere in this permit all utility poles and appurtenances, shall be installed in accordance with the BC Supplement to TAC Geometric Design Guide and Utility Policy Manual.
18. Pole to be offset as per plans submitted, or as directed by the District Official, Ministry of Transportation.
19. No poles are to be placed in the bottom of ditches or on backslopes in excess of 1.53 metres, unless in the latter case approval is granted for the location by the District Official.
20. Poles and guys will be located so as not to interfere with highways ditch maintenance.
21. If any BCLS survey posts are removed, moved or damaged during construction of the said Works they must be replaced by a registered B.C. Land Surveyor at the expense of the Permittee.
22. All temporary entrances are to be removed upon completion of the job.
23. All highway drainage works are to be restored to their original, or better condition.
24. This permit is not valid during spring break-up conditions or when District Official, Ministry of Transportation, considers the right-of-way and/or road conditions are too wet.
25. Right of way to be reseeded to satisfaction of the District Official, Ministry of Transportation. Seed mixture, quality and rate of application and method to be consistent with British Columbia Highways Standards.
26. Applicant to be responsible for the supply of all labour, equipment, materials and seed and to ensure adequate grass coverage results.
27. Permittee will be responsible for moving or adjusting the pole line, should such become necessary in connection with highway relocation or improvements. The cost of any such moves will be subject to all agreements (between the permittee and this Ministry) which are in effect at the time of said moves.
28. Minimum overhead road clearance for all wires, energized or non-energized, shall be 5.50 metres.
29. Permittee is to contact Ministry of Forests, to obtain the necessary approval for removal of merchantable timber within the Highway right-of-way.
30. Permittee to be responsible for cleanup and disposal of all brush and debris resulting from clearing of the right-of-way to facilitate pole line construction.
31. Permittee to be responsible for any restoration of the roadway, fencing, drainage facilities or slopes within the right-of-way which may be disturbed during clearing operations.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2009-02731

Office: Peace District

32. Any disturbance of natural ground cover shall be groomed and re-seeded with grass so as to restrict the growth of noxious weeds.
33. It is the responsibility of the permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.

This permit cancels and replaces any previously issued.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Fort St John, British Columbia, this 14 day of May, 2009

Kirsten Fagervik

On Behalf of the Minister