



PERMIT TO CONSTRUCT, USE, AND MAINTAIN WORKS WITHIN 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

Lower Mainland District
200-1065 Columbia Street
New Westminster, BC V3M 6H7
Canada

("The Minister")

AND:

Shaw Cablesystems G.P.
10445 138 Street
Surrey, British Columbia V3T 4X3
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;

- 1) 1-100mm underground HDPE communication conduit from Hydro pole @ 9230 Ladner Trunk Rd to 2 Shaw manholes to the east
2) 2 - 100mm underground HDPE communication conduits via Directional Drilling under Hwy 99 from south to north
3) 1 - Shaw manhole on the north side of Hwy 99 and 1-100mm underground HDPE communication conduit to Hydro pole @ 9341 Burns Rd

within Highway 99, between Ladner Trunk Road and Burns Drive, as shown on drawing VE06825-1 to 3 (Revision B).

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 and maintenance of the said works is carried out to the satisfaction of the Regional Director, Transportation.
2. That, before opening up any highway or interfering with any public work, intimation in writing of the intention to do so must be given to the District Official at least seven days before the work is begun.
3. That any person appointed by the Regional Director, Transportation, for the purpose shall have free access to all parts of the works for the purpose of inspecting the same.
4. That the construction of the said works shall be commenced on or before the 4th day of May 2011 and shall be prosecuted with due diligence and to the satisfaction of the Regional Director, Transportation, and shall be completed on or before the 4th day of



August 2011.

5. (a) The highway must at all times be kept open to traffic. The roadway must be completely restored for traffic as soon as possible. At all times the permittee must safeguard the traveling public.
- (b) That, unless with the consent of the Regional Director, Transportation, no more than forty-five (45) metres of pipe-track or other excavation in any public highway is to be kept open at one time.
- (c) All excavation work must be carried out in accordance with the BC Occupational Health and Safety Regulation. Care shall be taken to protect adjacent property.
- (d) That all excavations shall be carefully back-filled with suitable material, which is to be tamped into place, and that the permittee shall restore the surface of the road and shoulders and ditches at his own expense. All surplus material is to be removed from the Provincial Crown lands, or deposited where and as required by the District Official of the Ministry of Transportation and Infrastructure. The permittee is financially responsible for any maintenance works required on said ditch for a period of one year. The Ministry will carry out the necessary remedial work and invoice the permittee monthly.
- (e) The pipeline crossing installation is to be placed by drilling and (or) jacking in such a manner as to afford minimum grade settlement. No water jetting will be permitted. That where, in the opinion of the District Official, an excavation or opening for a pipeline crossing installation could be made which would not be detrimental to the highway or its users, permission will be granted for said works. On throughways, freeways, and main highways no open cuts will be allowed.
- (f) That all pipelines in excess of a nominal diameter of 5 cm., whether gas, oil, water, pressure sewers, conduits, etc., shall be installed where indicated by the District Official, encased in a steel casing-pipe or conduit-pipe of sufficient strength to withstand all stresses and strains resulting from the location, such casing to extend the full width of the highway right-of-way if deemed necessary to the District Official. The ends of the casing-pipe shall be suitably sealed and, if required, properly vented above the ground with vent-pipes not less than 5 cm. in diameter, and extending not less than 1.2 metres above ground surface. Vent-pipes shall be connected 30 cm. from the ends of the casing-pipe, and the top of each vent shall be fitted with a turn-down elbow, properly screened and equipped with identification markers.

All pipelines of non-rigid material, i.e., plastic or copper, of any diameter, shall be cased, or embedded in sand.

The inside diameter of the casing-pipe shall be at least 25 percent larger than the outside diameter of the pipeline. The casing-pipe shall be installed with an even bearing throughout its length, and in such a manner so as to prevent leakage, except through the vents.

The top of the casing-pipe, or the pipeline where casing is not required, shall be located as directed by the District Official, and shall in no case be less than 1.2 metres below the surface of the highway and not less than 75 cm below the highway ditches. Pipelines must not obstruct drainage structures or ditches or interfere with traffic on the highway or with highway maintenance.

6. That where the work for which permission 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.
7. 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.
8. That the person or persons for whom these works are being constructed, or by whom these works are maintained, shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by these works, and shall save harmless and keep indemnified the Crown from all claims and demands whatsoever in respect of the works.
9. That the permission herein granted to use and maintain the works is only granted for such times as the land or public work in, upon, or over which the said works are constructed is under the jurisdiction of the Minister of Transportation and Infrastructure. This permission is not to be construed as being granted for all time, and shall not be deemed to vest in the permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be included within that of an incorporated municipality or city, this permission shall become void, unless the works are on a highway duly classified as an arterial highway pursuant to Section 45 of the Transportation Act.
10. That after receiving notice in writing of the intention on the part of the Provincial Government to construct, extend, alter, or improve any public work, the person or persons responsible for the maintenance of the works for which permission is hereby granted shall within six weeks move or alter such work at his or their own expense to such new positions or in such manner as may be necessitated by the construction, extension, alteration, or improvement proposed to be carried out by the Provincial Government.
11. 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, alterations, improvement, repair, or maintenance of any public work adjacent thereto, the Provincial Government can accept no responsibility for any kind of such damage.



12. That the permission hereby granted to construct, use, and maintain work is granted without prejudice to the provisions of the Transportation Act, or other Acts governing Crown lands and public works or their use by the public.
13. That this permission shall be in force only during such time as the said works are operated and maintained by the applicants, to the entire satisfaction of the Regional Director, Transportation.
14. That the Ministry will not be responsible for grade changes on accesses caused by reconstruction of any Provincial highway.
15. This permit is valid only for the specific works stated herein. Any alterations or additions must be covered by a separate permit.
16. This permit may be canceled, at the discretion of the Minister, without recourse, should the permittee fail to comply with all the terms of the permit. Thirty days' notice will be given before cancellation.
17. When the requirements of the Ministry necessitate use of the said lands for Provincial purposes, at the discretion of the Minister, this permit may be canceled.
18. That these works shall be identified with this permit number in a manner satisfactory to the District Official of the Ministry of Transportation and Infrastructure.
19. 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.
20. 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.
21. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
22. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
23. The Permittee shall be responsible for the preservation during construction of all geodetic benchmarks, survey monuments and property markers on the right-of-way. The Permittee shall use, at no expense to the Ministry, a British Columbia Land Surveyor to replace any survey monuments destroyed or damaged as a result of the Permittee's negligence. At locations where construction work will cover or destroy such markers, the Permittee shall not move or remove them until written direction is received from the Ministry Representative.
24. The Permittee shall ensure all equipment working on or hauling material on to and from the Site does not damage or deposit material onto any part of an existing roadway. Materials spilled onto the public roadways or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads and driveways caused by its construction equipment and/or operations.
25. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with the Use. In particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.
26. The Permittee shall, at his cost, supply, erect, and maintain standard traffic control devices in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and WCB Regulation, Part 18.
27. Where the Ministry and a regulator both set a standard or requirement in a particular area, the highest or most stringent of the two will apply to any installation on highway Right-of-Way.
28. All unsuitable material and inorganic debris shall be removed from the project area. All surplus or unsuitable organic waste and debris shall be removed from the site unless its complete burning is approved by the Designated Ministry Official in compliance with the B.C. Open Burning Smoke Control regulation.
29. Sites are to be reseeded to standards set out in Section 757, Standard Specifications for Highway Construction.
30. Installation of the underground communication conduits beneath Highway 99, shall be via directional drilling only. Open trench installation beneath Highway 99 is not permitted.
31. Electrical Power Cable shall in no case be less than 1.2 metres below the surface of the highway, not less than 1.0 metres below the highway Design Ditch Invert and 1.0 metres elsewhere in the right-of-way.
Fibre optics and telecommunications shall in no case be less than 1.2 metres below the surface of the highway, not less than



0.75 metres below the highway Design Ditch Invert and 0.75 metres elsewhere in the right-of-way.

- 32. Above-ground markers are required. Markers must be placed at both ends of crossings at the right-of-way edge and at 200-metre intervals for installations that run parallel to the centreline of the highway.

Standard markers are to be approved and the following information must appear on the marker: warning notice; the type of installation; name of the operating company; and an emergency telephone response number.

- 33. An underground marker must be installed with any fibre optic cable which does not include a metallic tracer line. The marker must make it possible to locate the line with a readily available electronic device. Metallic tape of 12-gauge copper wire may be used for this purpose.

A plastic warning tape must be spread above electric power cable, fibre optic cable or a conduit at a suitable depth below ground surface. The warning tape used by the applicant must be of a type, width, durability, and colour which is commonly used in the industry.

- 34. The Permittee is responsible for ensuring that the contractor provide a work plan to the designated District Official, prior to construction. The work plan shall indicate what roads will be used to access each work site area, as well as the duration of work.

- 35. Access to the work site is not permissible via Highway 99 off-ramps. Access shall be via Burns Drive and Ladner Trunk Road and will require coordination/notification with the Corporation of Delta, prior to construction.

- 36. With regards to the work site located between Burns Drive and Highway 99, any portion of the fence which is relocated to access the right-of-way, shall be restored to original or better condition. Roadside barrier in this area shall not be moved or relocated.

- 37. Permittee to submit "As-Constructed" drawings to this office, upon completion of the pipeline and manhole installations.

- 38. The Permittee shall be held responsible for any damage to the highway resulting from the permitted work.

- 39. Any area of Right-of-Way disturbed during the permitted works including road shoulders, fill slopes, cut slopes, ditch and the utility corridor, is to be restored to their original grade and compaction and left in a neat, tidy, and free draining condition. All slash, logs or brushing debris is to be burned or hauled clear of the Right-of-Way. All rocks or debris greater than 5cm in size are to be disposed of clear of the Right-of-Way and areas where the soil has been disturbed are to be restored and re-seeded with a pre-approved grass mixture to reduce the potential of erosion and the growth of noxious weeds. Contact the District Official for the grass mixture applicable to your location.

- 40. Backfill within the boulevard areas can be with native material unless otherwise specified. The moisture content shall be adjusted to the optimum for compaction. All disturbed areas of the boulevard are to be top-soiled (minimum depth of 150mm) and sown with grass or sodded, at the discretion of the District Official.

- 41. Hours of work are restricted to 9:00 AM to 3:00 PM.

- 42. The Permittee is to inform the Area Manager, Grant Smith - Fraser South at (604) 660-8295 or (604) 880-4818 of the projected commencement of said permitted works.

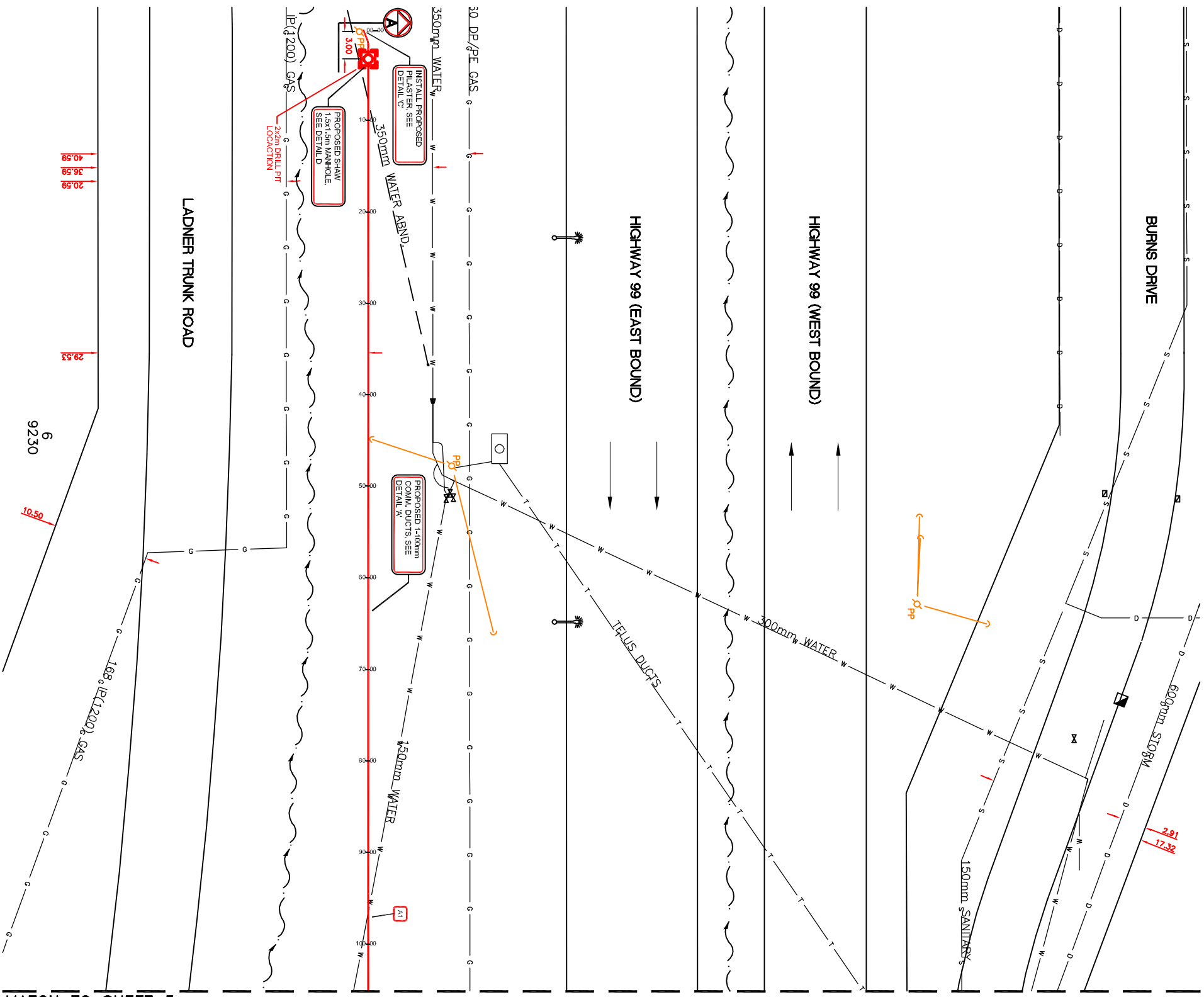
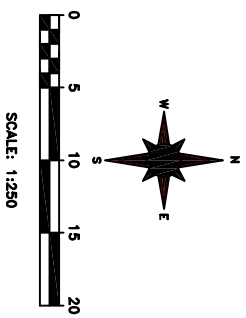
- 43. Contact Mainroad Lower Mainland Contracting LP at (604) 271-0337 (24 hour number), 48 hours prior to the commencement of the works, and upon completion of the works.

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 New Westminster, British Columbia, this 4 day of May, 2011

[Handwritten signature]

Deborah Tan - Area Development & Operations Technician
On Behalf of the Minister



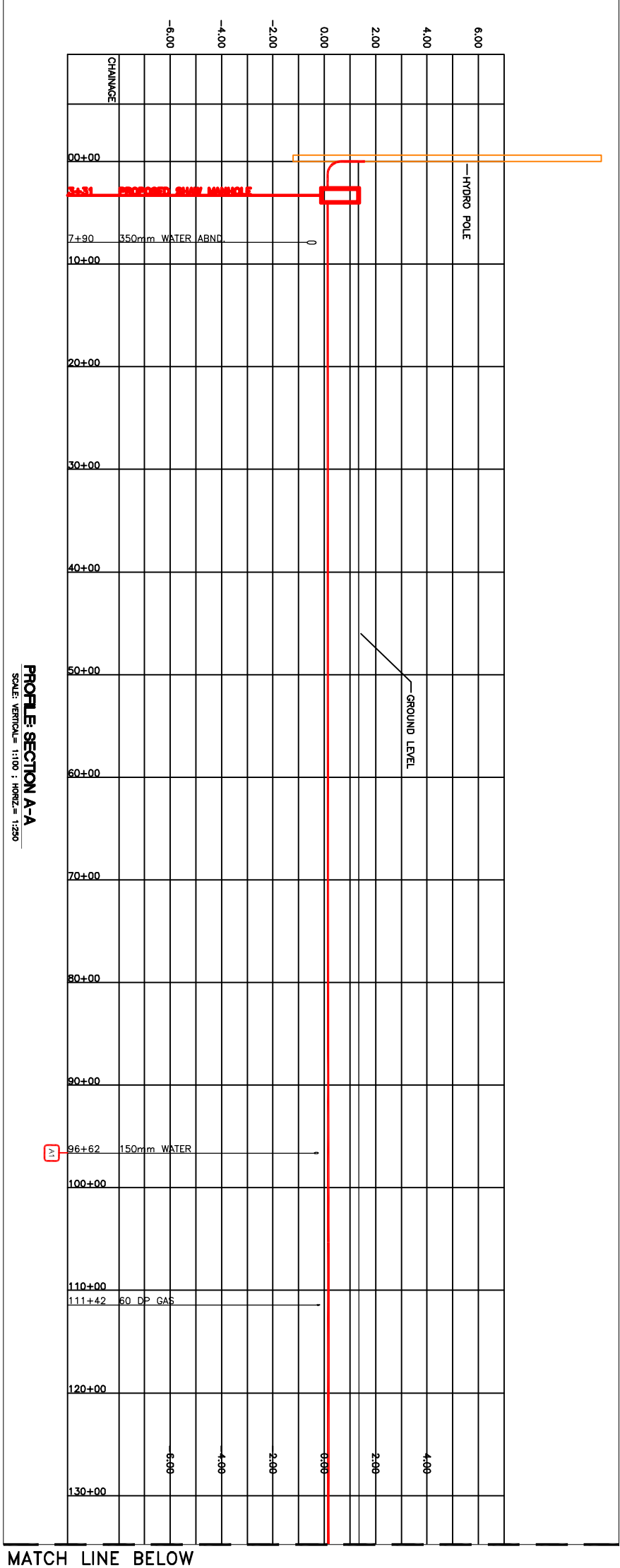
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A	03/11/11	ISSUED FOR PERMITTING	03/11/11	SH							
B	18/04/11	REVISED AS PER MOH REQUEST	18/04/11	SH							
REFERENCE DRAWINGS											
REV	NO./MM/YY	REVISION DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
A	03/11/11	ISSUED FOR PERMITTING	03/11/11	SH							
B	18/04/11	REVISED AS PER MOH REQUEST	18/04/11	SH							

PROJECT:	HIGHWAY 99 & LADNER TRUNK ROAD	DOCUMENT:	PLASTER, MANHOLE AND DUCT INSTALLATION
LOCATION:	DELTA, BC	PROJ. NO.:	VE09825-1
SITE/ANK:		SCALE:	AS SHOWN
		HORIZ.:	1:250
		VERT.:	1:100
		SHEET:	2 OF 4
DESIGNED BY:	SHUNG	APPROVED BY:	SHUNG
DRAWN BY:	SHUNG	CHECKED BY:	SHUNG
DATE:	03/11/11	DATE:	03/11/11
BY:	SHUNG	BY:	SHUNG
NO.:	VE09825-1	NO.:	VE09825-1

REV	NO./MM/YY	ISSUED FOR PERMITTING	DATE	BY	DESCRIPTION
A	03/11/11	ISSUED FOR PERMITTING	03/11/11	SH	
B	18/04/11	REVISED AS PER MOH REQUEST	18/04/11	SH	



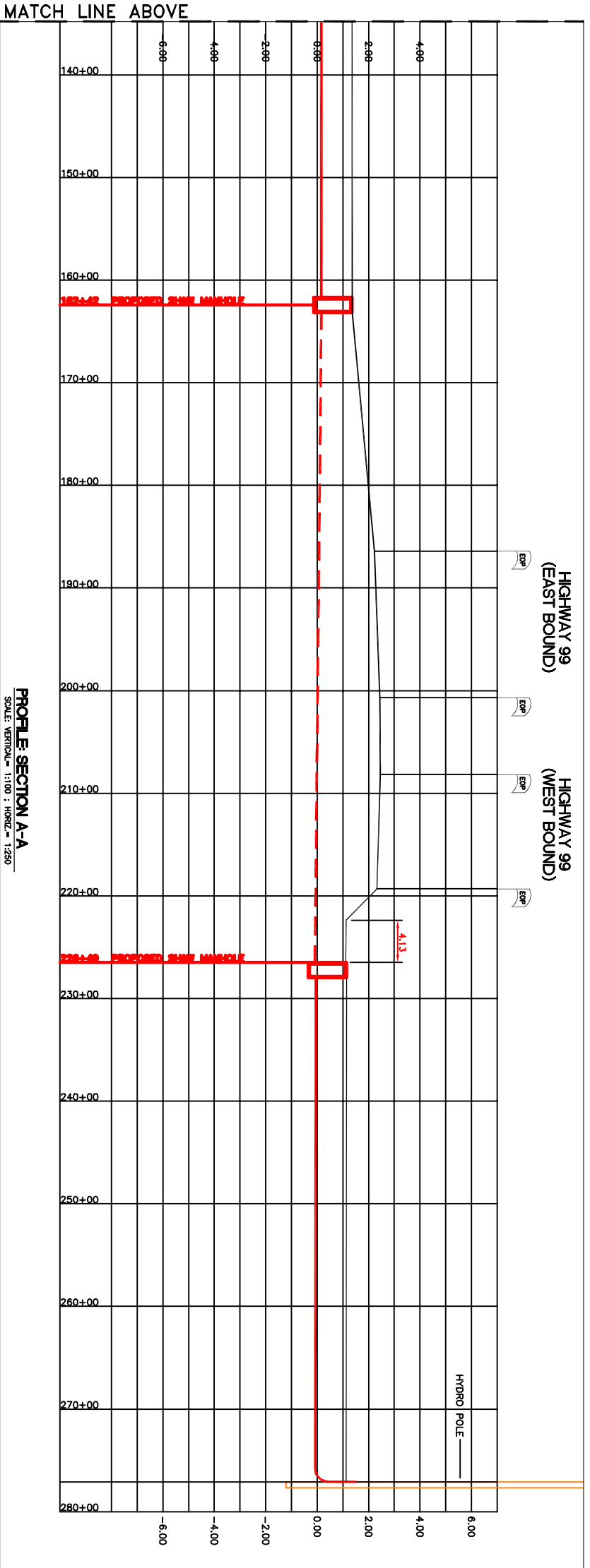
LAST MODIFIED BY:



PROFILE SECTION A-A
SCALE: VERTICAL = 1:100 ; HORIZ. = 1:250

UTILITY CROSSING CHART			
NO.	DATA VALUE	SPAC. CONC.	CLEARANCE
A1	-4.13	CS	CS

MANHOLE JAMB AT THE POINT OF UTILITY



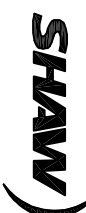
PROFILE SECTION A-A
SCALE: VERTICAL = 1:100 ; HORIZ. = 1:250

REV	NO./DATE	DESCRIPTION	BY	DATE
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B	18/04/11	REVISED AS PER MOH REQUEST	MM	SH

REV	NO./DATE	DESCRIPTION	BY	DATE
A	03/11/11	ISSUED FOR PERMITTING	MM	SH
B	18/04/11	REVISED AS PER MOH REQUEST	MM	SH

PROJECT	LOCATION	DOCUMENT	SCALE	DESIGNED BY	DATE
HIGHWAY 99 & LAURIER TRUNK ROAD	DELTA, BC	PLASTER, MANHOLE AND DUCT INSTALLATION	AS SHOWN	SHUNG	03/11/11

PROJ. NO.	SHEET	APPROVED BY	DATE
VE09825-1	4 OF 4	SHUNG	03/11/11



VANCOUVER EAST
SHAW CONSULTANTS G.P.
5745
138th Street
DELTA, BC
V7L 4S2