

1 Q. In response to PUB 51 NLH, Hydro has advised that the 2008 proposal
2 remains the same as submitted, but with the five year schedule shown in the
3 report being shifted by one year.

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5 With reference to Hydro's responses to PUB 1 NLH to PUB 26 NLH in the
6 Application for Approval of Additional 2007 Capital Budget Items, confirm
7 and/or update those responses for their consideration in evidence for this
8 same proposal in the within Application.

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11 A. Attached are PUB 1 NLH through PUB 26 NLH as filed in the Application for
12 Approval of Additional 2007 Capital Budget Items. It is confirmed that
13 these responses are complete and appropriate for the present capital
14 project, Construct Transmission Line Equipment Off-Loading Areas found at
15 Page B-93.

PUB 1 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Who will be the legal owner of the newly constructed off-loading ramps?

2

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4 A. The off-loading ramps are expected to be constructed within the road right-
5 of-ways for the applicable secondary highways and are, in Hydro's

6 understanding to date, bounded by Crown lands. There is no plan to have

7 legal title conveyed to Hydro for these road shoulder improvements. Permits

8 to Occupy, issued by Crown Lands, may be appropriate in some locations;

9 permission to use the ramps issued by the Department of Transportation and

10 Works is anticipated to be sufficient for the vast majority of cases.

11

12 Under the *Hydro Corporation Act*, title to land held by Hydro is held in

13 Hydro's name on behalf of the Crown in right of the Province.

PUB 2 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Will Hydro do title searches to confirm that the Department of Transportation
2 and Works is the legal title holder of each site?

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5 A. At locations where there is any reason to believe that the off-loading ramps
6 will be situated on privately held lands, Hydro will investigate title and ensure
7 that proper easements, licenses, or other title to the land is secured before
8 construction commences. Consultations with the Department of
9 Transportation and Works will be carried out for all off-loading ramp sites and
10 it is expected that information as to ownership issues will be identified
11 through these opportunities.

PUB 3 NLH
NLH Application Additional 2007 Capital Budget Items

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- 1 Q. Should the title holder not be the Department of Transportation and Works
2 will Hydro proceed and seek the permission of the owner?
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5 A. Hydro will not construct off-loading ramps on lands held by private owners
6 without seeking permission and legal rights to use the land for that purpose.

PUB 4 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Will there be a cost associated with ascertaining ownership and obtaining the
2 necessary permissions?

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5 A. There are no significant costs anticipated with these processes due to the
6 fact that most of these issues are anticipated to be resolved during
7 consultations with the Department of Transportation and Works.

PUB 5 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Why has Hydro not applied to acquire ownership of the proposed sites either
2 under the *Public Utilities Acquisition of Lands Act* or otherwise?

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5 A. Should this proposed project be approved, Hydro will investigate the
6 ownership circumstances of each parcel of land upon which it intends to
7 construct an off-loading ramp. It is anticipated that the vast majority of them
8 will be wholly included within the road right-of-ways. If an off-loading ramp
9 will encroach upon privately owned land and should discussions with the
10 landowner not result in an agreeable resolution as to land use, including the
11 need to cross other lands to gain access to the transmission line lands,
12 Hydro would consider whether an alternative site can be chosen. If no
13 suitable alternative site is available, further considerations as to means of
14 securing title, such as expropriation, may be explored. At this time, Hydro
15 does not anticipate that any appreciable number of these sites, if any, will
16 affect private land owners.

PUB 6 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Does Hydro have any other facilities which are located on property owned by
2 others which are not leased to Hydro?

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5 A. It is Hydro's policy to acquire title, leases, easements, licenses or permission,
6 as appropriate, for lands it will occupy or use for its plant or facilities. There
7 are, however, a number of distribution poles and lines that are have existed
8 on private or Crown lands for decades upon which Hydro has not secured
9 easements or other instruments for title. Hydro has obtained, through
10 prescription, the legally enforceable right to remain on those lands and to use
11 its facilities in the manner that it has established through long practice and
12 occupation.

PUB 7 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Has Hydro sought either formal or preliminary approval of the Department of
2 Transportation and Works for the construction of any of the off-loading
3 ramps?

4

5

6 A. No. Each off-loading ramp will require specific approval from DOTW area
7 staff once final site selection has been established. Preliminary site selection
8 will actually be done in conjunction with DOTW to ensure the proposed sites
9 do not have obvious issues.

PUB 8 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. What will Hydro do if the Department of Transportation does not provide
2 permission for a particular location?

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5 A. Hydro's chief objective in proposing this project to construct off-loading
6 ramps is to provide for a safer means of gaining access to its transmission
7 lines and to reduce hazards to which the motoring public and Hydro's
8 employees may be exposed. The Department of Transportation and Works
9 shares this purpose and have indicated that they will not be willing to
10 approve sites that they believe, for reasons of site lines or other traffic related
11 reasons, are hazardous. Hydro would welcome and accept their expertise
12 and judgment as to highway safety concerns and would be pleased to
13 cooperate with the Department to choose alternative sites that would achieve
14 that mutual objective.

PUB 9 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. What is the estimated cost associated with obtaining the approval of the
2 Department of Transportation and Works?

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5 A. There is no separate cost for approvals from DOTW. The engineering
6 associated with this process is part of the normal engineering design
7 process. All associated engineering costs are included in the budget
8 proposal labor cost for the project.

PUB 10 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Is Hydro aware of the basis for the refusal by the Government of Nova Scotia
2 to provide permission to Nova Scotia Power to permanently locate pull-offs
3 and ramps on the province's highways?
4

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6 A. No. Hydro has no knowledge as to the rationale of the Government of Nova
7 Scotia to prefer temporary pull-off ramps to permanent ones.

PUB 11 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. In Quebec, has Hydro-Quebec been responsible for the installation of
2 culverts or small bridges, or has this work been undertaken by the Provincial
3 Government?

4

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6 A. In Quebec the culverts and bridges are used to facilitate crossing the
7 highway ditches to minimize damage to the road and ditches. It is Hydro's
8 understanding that these are the responsibility of Hydro-Quebec. The
9 purpose of the off-loading ramps proposed by Hydro is to ensure the safe
10 unloading of equipment and material, however, the ramps would also
11 eliminate damage to the road and ditches.

PUB 12 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. In Quebec, are the culverts or small bridges permanent installations?

2

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4 A. No. It is Hydro's understanding that these are removed after the work at the
5 site has been completed. Please also see the response to PUB 11 NLH.

PUB 13 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Who will be responsible for the maintenance of the off-loading ramps?

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4 A. This will be Hydro's responsibility, however due to the simple design, it is
5 anticipated that only minor maintenance will be required.

PUB 14 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Is it possible that Hydro will have obligations with respect to the condition of
2 the highways at abutting locations?

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5 A. Hydro does not intend to undertake obligations with respect to the condition
6 of the highways and does not foresee any circumstances under which such
7 an obligation would be imposed or implied.

PUB 15 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Is it possible that Hydro can be held liable for any injuries or damages that
2 may occur as a result of the use of the off-loading ramps by others?

3

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5 A. Hydro intends to erect signage indicating that the ramps are not to be used
6 by unauthorized people. Should a personal injury or property damage be
7 suffered by somebody using the ramps, liability would be determined in
8 accordance with the governing laws.

PUB 16 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Is the construction of off-loading ramps, which are classified in the drawings
2 as back-in ramps, expected to eliminate the risk to work crews posed by on-
3 coming traffic, or the risk to on-coming traffic posed by the presence of work
4 crews and vehicles on the road?

5

6

7 A. The off-loading ramps are intended to reduce the risk of collisions involving
8 work crews and Hydro's mobile equipment and the traveling public. The
9 intent is to get the equipment off the roadway quickly so that off-loading can
10 be done safely. The use of back-in ramps, which will require some traffic
11 control, will move the equipment from the highway very quickly and will
12 create very little risk when re-entering the highway. Both the standard off-
13 loading ramp and back-in types will quickly remove the hazard created by off-
14 loading the equipment on the highway shoulder.

PUB 17 NLH
NLH Application Additional 2007 Capital Budget Items

Page 1 of 1

1 Q. Will traffic control be required for the use of the back-in ramp?

2

3

4 A. Yes. Back-in ramps are marginally less safe to enter than the standard ramp
5 due to the backing operation which would involve restricting traffic for a short
6 period. To safely back in, flag persons and signage would be required while
7 the equipment is backing into the ramp, however once on the ramp, the off-
8 loading operation can be carried out safely away from traffic.

PUB 18 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Has Hydro done any traffic studies to assist in determining whether an off-
2 loading ramp is necessary or where a ramp should be located?

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5 A. No. Most areas would have low volumes of traffic; however off-loading
6 equipment onto the roadway shoulder is a safety concern no matter how
7 many vehicles are present. There is enough traffic on all highways to expect
8 conflicts with the off-loading operation at any time.

PUB 19 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Is it possible that there may be other utilities/companies, such as telephone
2 or cable companies, that require access to facilities throughout the Province
3 similar to Hydro?
4

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6 A. This may be the case in other areas; however there are no other utilities/
7 companies facilities near the proposed off-loading ramps. Hydro believes
8 that cable and telecommunications companies would not typically have large
9 mobile equipment to be off-loaded in secondary highway locations.

10 Generally, these companies' poles and attachments are located on
11 distribution lines which do not require large mobile equipment to be deployed
12 for regular maintenance purposes.

PUB 20 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Has Hydro held discussion with other companies with similar issues in
2 relation to alternative solutions or cost sharing?

3

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5 A. No. Other utilities generally operate much smaller equipment in the servicing
6 of their facilities, which drastically reduces the risk during off-loading of such
7 equipment. Please also see the response to PUB 19 NLH.

PUB 21 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Has Hydro undertaken discussions with Occupational Health and Safety
2 Committees, either its own or with Government, with regard to the best way
3 to ensure a safe environment for the public as well as for the employees of
4 Hydro in relation to accessing remote locations?

5

6

7 A. The safety concern was raised primarily from Hydro's work crews that carry
8 out the off-loading operation. Safety issues can be raised through
9 opportunities such as tailgate conferences, which are part of the OH&S
10 process, or by the workers' supervisors. All employees and supervisors
11 participate in the OH&S process.

12

13 Additionally, the ramps are provided to reduce the risk to the traveling public.
14 The off-loading operations occur under all weather conditions, especially in
15 emergency situations, which include darkness, rain, snow, etc. and all types
16 of road conditions, which can change very quickly.

17

18 The only sure way to carry out off-loading operations in a safe manner such
19 that Hydro's workers and the traveling public are protected is to move the
20 operation off the roadway.

PUB 22 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Since, as is stated in the Application, "*Hydro's transmission crews gain*
2 *access to transmission lines from hundreds of different points along the*
3 *Trans Canada Highway and the province's secondary highways*", is it
4 Hydro's intention to construct, upgrade and/or maintain entry locations at
5 each of these points?
6
7

8 A. No. It is intended to construct ramps only where safety is an issue during the
9 off-loading process. At some locations there are convenient areas, such as
10 old roads, quarries, etc. where the equipment can leave the roadway without
11 the need for a ramp.

PUB 23 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. This Application does not seek approval for off ramps on any locations on the
2 Trans Canada Highway. Are locations for off-loading ramps on the Trans
3 Canada Highway planned for the future?
4

5

6 A. There are no plans for ramps along the TCH as the design of this highway
7 provides sufficient shoulder widths for the safe unloading of equipment and
8 material.

PUB 24 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Has Hydro considered other alternatives to the proposed project to alleviate
2 safety concerns such as utilizing increased traffic control?

3

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5 A. Hydro does not consider increased traffic control to be an acceptable
6 alternative. The most effective way to reduce the risk of a major safety
7 incident is to remove the off-loading operation from the roadway.

PUB 25 NLH
NLH Application Additional 2007 Capital Budget Items

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1 Q. Has Hydro given any consideration to the possibility of the development of
2 mobile ramps that can be transported to the site with the other required
3 equipment and removed at the end of the project?
4

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6 A. No. Mobile ramps could help in crossing roadway ditches but would not help
7 in safely unloading the equipment. The equipment would actually have to
8 travel on the roadway to utilize such ramps. The crossing of ditches is a
9 secondary advantage of constructing off-loading ramps. The actual off-
10 loading and loading of the heavy equipment is by far the most risky part of
11 the operation from a safety perspective. The off-loading and reloading of the
12 mobile ramps would actually create additional safety risks as more
13 equipment would be required for a longer time during each off-loading
14 operation.

PUB 26 NLH
NLH Application Additional 2007 Capital Budget Items

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- 1 Q. Is Hydro aware of any jurisdictions that use any type of mobile equipment to
2 deal with the issue to access to transmission lines?
3
4
5 A. No. See response to PUB 25 NLH.