

**Ministry of Transportation**

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Attn: Kirsten Walli, Board Secretary

RE: Letter of Comment  
Application by South Kent Wind LP for Leave to Construct Transmission Facilities in the  
Municipality of Chatham – Kent  
**Board File No. EB-2011-0217**

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The Ministry of Transportation (MTO) has completed a review of the above-noted application in accordance with the requirements of ministry highway access control policies and the Public Transportation and Highway Improvement Act. The Route for the proposed transmission facility as described in Exhibit B, Tab 4, Schedule 1, Page 1 – 3, more specifically referred to as “*The Tie Line*” includes two provincial highway crossings; one crossing over Highway 401, and a second crossing over Highway 40. The following outlines our comments.

The table of “*Permits and Approvals Required*” formatted in Exhibit B, Tab 7, Schedule 1, page 3 references approvals required by MTO. The “*Approval for Road Encroachment (Transmission Lines)*” and “*Highway 401 crossing permit*” are essentially the same item. An Encroachment Permit is required from the MTO for any construction over, under, and within the provincial highway right-of-way. The owner will be required to submit engineering drawings to MTO for review and approval prior to any construction or grading taking place. MTO Encroachment Permit applications, fees, and drawings will be required. One permit is required for each crossing.

In addition to applying for a MTO Encroachment Permit, the owner will also be required to apply for a Building / Land Use Permit from the MTO for any construction adjacent to the provincial highway right-of-way and within prescribed limits. In general terms, a Building and Land Use Permit may be required for any construction, grading, development within 400m of a provincial highway right-of-way. The owner will be required to submit engineering drawings to MTO for review and approval prior to any construction or grading taking place. Permit applications, fees and drawings will be required. It may be necessary to secure multiple permits depending on the proposed infrastructure.

In addition to the Highway 401 and Highway 40 crossings, MTO is in the process completing a detail design assignment which will affect the location and alignment of Pinehurst Line in the vicinity of the Highway 401 and Highway 40 interchange (GWP 3066-09-00-A). MTO have been working cooperatively International Power to ensure MTO's interests and that of South Kent Wind LP do not conflict with each other.

Regards,



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