

INSTRUCTIONS FOR APPLICANTS

Installation of Utility in, Along or Across Highway Right of Way

In Saskatchewan, the construction and installation of a utility in, along or across the Right of Way for a public highway (Provincial or Municipal) requires the prior approval of the Minister of Highways and Transportation (the Ministry). See sections. 4(1)(e); 25; 32 and 33 of *The Highways and Transportation Act, 1997*.

To obtain the approval of the Minister of Highways and Transportation for the installation of a utility in a Right of Way, an application for a permit must be submitted to:

The Regional Office of Saskatchewan Highways and Infrastructure

Application forms are available from the Operations Services Branch of the Ministry.

An application must be accompanied by:

- 3 copies of a route plan;
- 3 copies of a plan consisting of engineered drawings showing the design, materials, specifications and the precise location of the utility;
- If submitting via E-mail then one copy of the above is sufficient
- a construction schedule including the exact date and location for the commencement of construction and the completion date;
- The written consent or approval of each Municipality if the if the Permittee Facility is being placed in the Right of Way of a Municipal Highway (all roadways except Provincial Highways).
- Insurance (see paragraph 13 of General Conditions).

Applicants are invited to discuss their application with the Ministry prior to its submission. Following submission of an application and prior to any decision to grant or deny a permit, the Ministry will review the application and advise applicants if further information is required or if the Ministry has any concerns or objections.

APPLICATION FORM

Installation of Utility in, Along or Across Highway Right of Way

TO: Saskatchewan Highways and Infrastructure
Regional Office

PURSUANT to sections 4(1)(e), 25, 32 and 33 of the Highways and Transportation Act, 1997,

_____, hereby applies for a permit to construct,

install and operate _____

(general description of project)

along, across or within the Right of Way for:

Provincial Highway No(s). _____

Municipal Highways No(s). _____

in accordance with plans and specifications attached as Schedule "A" to this application.

If additional documentation is filed in support of the application please specify:

Name of Applicant:

Address:

Telephone: _____

Facsimile: _____

Contact Person: _____

Please fill out the RM and Company Information

15. NOTICE

15.1 Any notice, information, plans or approvals required to be given pursuant to this Permit may be given:

(a) For Administrative Purposes:

Ministry - Regional Design and Operations
Engineer (REGIONAL OFFICE)

Phone:

Fax:

Municipality – Administrator _____

RM of _____, No. _____

Address:

Phone:(306) _____ Fax:(306) _____

Permittee - Name of Company _____

Address:

Attn: CONTACT PERSON _____

Phone:(area code) _____ Fax:(area code) _____

(b) For Operations and Emergency Purposes:

Ministry - Area Manager _____

Phone:(306) _____ Fax:(306) _____

Municipality – Administrator _____

RM of _____, No. _____

Address:

Phone:(306) _____ Fax:(306) _____

Permittee - Name of Company _____

Address:

Attn: CONTACT PERSON _____

Phone:(area code) _____ Fax:(area code) _____

other, then notwithstanding any other provision hereof, liability shall be restricted to direct losses, damages and liabilities and neither shall be required to compensate or indemnify the other for indirect or consequential damages, such as, but not limited to, loss of profit or commercial opportunity.

12. INDEMNITY

12.1 The Permittee shall indemnify and hold harmless the Government of Saskatchewan, its Ministry's, Ministers, officers, representatives and employees, from and against all claims, liabilities, losses, damages, costs (including legal fees), expenses and causes of action relating to injury including death or loss of or damage to property or injury or damage of any other kind arising out of:

- (a) the activities of the Permittee, its contractors, officers, agents or employees, under the Permit or any breach or failure to comply with or perform any provision of this Permit; or
- (b) caused by the negligence or willful misconduct on the part of Permittee, its contractors, officers, agents or employees.

13. LIABILITY INSURANCE

13.1 The Permittee shall, prior to commencing construction authorized by this Permit, file with the Ministry a written declaration by its insurance company in a form acceptable to the Ministry as evidence that the Permittee carries the insurance stipulated in sub-section 13.2.

13.2 The Permittee shall maintain, at its expense, general liability insurance in respect of injury to or death of persons, or loss or damage to property, in an amount of not less than \$2,000,000 (two million dollars) per occurrence, with the Ministry as an additional named insured and providing protection for each insured in the same manner and to the same extent as though a separate policy was issued to each, except as to the limits of the insured's liability.

13.3 The insurance policy shall stipulate that the insurer shall provide 30 (thirty) days written notice to the Ministry of any amendment to or termination of the policy, whether due to non-payment of premiums or otherwise, and that, in the absence of notice to the Ministry, the coverage of the Ministry under the policy shall remain in full force and effect.

13.4 All insurance will be affected on terms and conditions satisfactory to the Ministry and shall contain a waiver by the insurer of any claim by subrogation against the Ministry and those for whom the Ministry is in law responsible.

13.5 Whenever requested by the Ministry, the Permittee shall promptly provide to the Ministry the insurance policies (including renewals) required to be maintained or other evidence of such insurance satisfactory to the Ministry and proof that such insurance remains in full force and effect.

13.6 The insurance shall include coverage for all licensable vehicles used to perform the work, whether or not such vehicles are owned by the Permittee.