

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
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June 15, 2023

Melanie Teed-Murch
Chief Executive Officer
HKSC Developments LP
8 Prologis Blvd, Unit 402
Mississauga ON L5W 0G9

Dear Melanie:

Attached you will find a Minister's Order exempting lands (as noted by the locations in the attachment) leased to HKSC Developments LP ("HKSC") along the provincial highway network from subsection 38(2)(e) of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P. 50 ("PTHIA") pursuant to subsection 38(4) of the PTHIA.

I ask that you ensure the following as you move forward to installation:

- The billboards shall be located no less than 14 metres from the edge of the traveled portion of the highway unless protected by an existing barrier system that is determined as acceptable by the ministry.
- The Minimum Dwell Time (MDT) of a message for digital billboards is eight (8) seconds.
- The Maximum Transition Time (MTT) between consecutively displayed static messages for digital billboards is one (1) second.
- Illumination shall be limited to 0.3 foot-candles above ambient light levels. Each digital billboard must be equipped with a sensor to adaptively dim the illuminance to 0.3 foot-candles above ambient light levels.
- The messages on the billboards must not promote violence, hatred, or contempt against any identifiable group. Identifiable group means any section of the public distinguished by colour, race, ancestry, religion, ethnic origin, sexual orientation or disability.
- The Minister's Order applies to 23 billboards, one at each ONroute location. The billboards shall not have more than two panels.
- For billboards with two digital panels, the open face of the "V" shall not be oriented towards the highway. Any deviations require prior discussion and acceptance by the ministry.

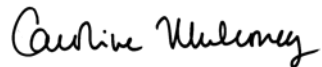
- Each billboard panel shall have a horizontal dimension not exceeding 14.63 metres and a vertical dimension not exceeding 4.27 metres.
- Any billboard sign structure exceeding 8 metres in height shall have a stamp of approval by a professional engineer as set out in the Ontario Building Code.
- Any billboard sign structure within the highway splash zone (10 metres from the edge of the traveled portion of the highway) shall be designed after discussion and acceptance by the ministry that additional engineering design requirements that are considered necessary have been included in the design.
- Any billboard sign structure where a circle drawn using a radius of “height of sign structure above the roadway ground elevation x 1.25” encroaches on any portion of a travelled roadway shall be inspected in accordance with the ministry’s Sign Support Inspection Guidelines. Sign structure inspection reports shall be submitted to the ministry for information purposes before the end of the calendar year in which the inspection is carried out. Deficiencies identified shall be rectified in accordance with the inspection report.
- A billboard shall not be located in proximity of any traffic sign that is illuminated or has variable or moving displays.
- The Government of Ontario reserves the right to temporarily direct the use of a digital billboard to display critical safety information in the event of an emergency or severe weather event.
- HKSC shall hold harmless the ministry for all damages and liabilities caused because of the works undertaken.
- The billboards shall not contain animation, video or scrolling messages.
- The billboards shall be installed as close to perpendicular to the highway as possible. Prior discussion and acceptance by the ministry is required for installations that exceed 45 degrees deviation from perpendicular to the highway.
- Advertisements shall be designed to avoid the use of the colours in combinations or shapes that could mimic a traffic control device.
- Images/photographs or symbols used as part of advertisements shall not depict or mimic traffic control devices.
- In the event of a complaint, claim or other actions where the ministry requires information specific to a billboard, HKSC, at the request of the ministry, shall provide a detailed report and proof of performance (i.e., artwork, frequency, and when the advertisement(s) in question was displayed) for the date and time period identified in the request.

- Since these will be the first installations of digital billboards facing provincial freeways in lesser population density areas, the ministry is implementing the following measures to monitor and assess any adverse impacts from the digital billboards:
 - Data collection for a period of 5 years after the installation of each digital billboard and minimum five (5) kilometres spacing between consecutive digital billboards along the direction of travel during the data collection period.
 - Digital billboard operating data is required from HKSC on a quarterly basis to support the data collection and analysis work by the ministry.
 - Restricting digital billboard installations to compatible locations that have existing commercial activity with frontage along provincial highways and proper nighttime illumination.
 - HKSC shall ensure that the final selected digital billboard locations are acceptable to the ministry.
- If collision rates increase in the vicinity of a billboard and upon further engineering review by the ministry in consultation with subject matter experts, it is determined that operating parameters of the billboard are an evident contributing factor, the ministry may require reasonable changes to one or more of the following parameters:
 - Dwell time
 - Maximum brightness
 - Text displayed - letter size, contrast and other parameters
 - Any other parameter as determined by the ministry.
- If collision rates increase in the vicinity of a billboard and upon further engineering review by the ministry in consultation with subject matter experts, it is determined that the continued operation of a billboard endangers public safety and cannot be made safe by reasonable changes to the operating parameters, the ministry may require HKSC to propose and relocate the billboard to an alternate location acceptable to the ministry.
- Each billboard shall meet all requirements of the local municipality and any other agency having jurisdiction at the time of installation.
- All work shall be at no cost to the ministry in accordance with the approved plans, specifications and agreements.
- HKSC shall ensure that the ministry's right-of-way remains free of debris, earth, other materials, and applicable permits and approvals are obtained for any encroachment on the ministry's right of way.

- If any Acts are passed or regulations adopted which affect the work, the said Acts and regulations shall be applicable from the date on which they come into force and up to the time of installation of the billboards.

I ask you to work with the ministry on an ongoing monitoring program to ensure that any adverse impacts from the placement of the digital billboards are promptly identified and remedial measures implemented.

Sincerely,

A handwritten signature in cursive script, reading "Caroline Mulroney".

Caroline Mulroney
Minister of Transportation

MINISTER'S ORDER

Made under subsection 38(4) of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P. 50

WHEREAS clause (e) of subsection 38(2) of the *Public Transportation and Highway Improvement Act* prohibits, any person from displaying any sign, notice or advertising device, without a permit, within 400 metres of any limit of a controlled-access highway, subject to certain exceptions;

AND WHEREAS subsection 38(4) of the *Public Transportation and Highway Improvement Act* provides that the Minister of Transportation may order that subsection 38(2) or such clauses thereof as the Minister specifies do not apply within the limits of any local municipality or such parts thereof as the Minister specifies;

AND WHEREAS the Minister of Transportation wishes to exercise her authority pursuant to subsection 38(4) of the *Public Transportation and Highway Improvement Act* to order that clause (e) of subsection 38(2) does not apply within parts of certain local municipalities;

NOW THEREFORE pursuant to subsection 38(4) of the *Public Transportation and Highway Improvement Act* the Minister of Transportation hereby orders that clause (e) of subsection 38(2) of the *Public Transportation and Highway Improvement Act* does not apply to those parts of the municipalities that are described in Schedule "A" to this Order.

This Order comes into effect on June 15, 2023.



June 15, 2023

The Hon. Caroline Mulroney
Minister of Transportation

Date

SCHEDULE “A”

This Minister's Order shall apply to those parts of the municipalities listed below that are on lands leased to HKSC Developments LP and are within 100 metres of the limit of a controlled-access highway, as designated or deemed in accordance with the *Public Transportation and Highway Improvement Act* from time to time.

Municipality (ONroute Site)	Exempted Properties (By PIN)	Number of Billboards
Township of South Glengarry (Bainsville)	67137-0428	1
City of Barrie (Barrie)	58734-0317	1
City of Cambridge (Cambridge North)	71208-0029	1
City of Cambridge (Cambridge South)	71208-0047	1
Municipality of Dutton-Dunwich (Dutton)	35122-0151	1
Township of South-West Oxford (Ingersoll)	00140-0074	1
Municipality of South Dundas (Ingleside)	66137-0250	1
Town of Innisfil (Innisfil)	58062-0308	1
City of Vaughan (King City)	03345-0186	1
Township of Front of Yonge (Mallorytown North)	44199-0051	1
Township of Front of Yonge (Mallorytown South)	44200-0051	1
City of Vaughan (Maple)	03345-0194	1
Municipality of South Dundas (Morrisburg)	66137-0288	1

Township of Ernestown (Napanee)	45127-0257	1
Municipality of Clarington (Newcastle)	26665-0060	1
City of Kingston (Odessa)	36265-0009	1
Municipality of Port Hope (Port Hope)	51063-0062	1
Municipality of Chatham-Kent (Tilbury North)	00809-0123	1
Municipality of Chatham-Kent (Tilbury South)	00809-0352	1
City of Quinte West (Trenton North)	51178-0335	1
City of Quinte West (Trenton South)	51176-0127	1
Municipality of Dutton-Dunwich (West Lorne)	35122-0158	1
Township of South-West Oxford (Woodstock)	00140-0150	1
Total number of billboards		23