

Policy on Use of Rights of Way that provide Access to Water

Policy:

- Requests for improvement to rights of way that provide access to water will be considered and managed via existing permit or partnering processes.
- Right of way and improvements must remain available for public use. Improvements should not reduce the ability of the public to access the water as compared to the existing situation.
- Liability to the province must be acceptable. Assurance that appropriate insurance is held by the permittee may be required. Assurance that other interests (e.g. adjacent land owners) and regulations (riparian areas, foreshore rights) have been addressed should be obtained.
- If the improvement requires significant operation or maintenance effort by other than the Ministry of Transportation, commitment to these roles and any associated costs must be taken on by a stable and enduring entity (e.g. local government, registered organization).
- Ministry participation in construction, operation or maintenance of improvements will be decided on a case by case basis. Generally the ministry will not take on responsibilities that are not typically carried out by the ministry or maintenance contractors on most public highways.
- Encroachments should be dealt with per existing policy for all highways. Retention of the ability of the public to access the water is paramount. Therefore new encroachments, or replacement or renovation of existing encroachments are to be discouraged.

Purpose:

It is the goal of the ministry to accommodate public uses of these unique areas of right of way. Retention of the essential function of access to water, and limiting costs and liability to the province, are the primary considerations. Proposals for improvements to these rights of way will be considered with this in mind, and in consideration of all interests affected.

Scope:

This policy applies to all existing provincial rights of way that access the boundary of a body of water.

Authorization:

Approved by:
Initiating Director:
Manager:

Assistant Deputy Minister, Highways
Regional Directors
Manager, Development Approvals

References:

T-Circular: T-07/03
Transportation Act
Development Approvals Policy & Procedures website

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