

## Permits and Approvals Manual

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## 1 Ministry of Transportation Authorities

A person must not use or occupy a provincial highway unless he or she is authorized to do so under the following regulations:

- Sections **48, 49, 52, or 62 (1)** of the Transportation Act
- under another act
- by a lease entered into under **Section 13 (2)** of the Transportation Act
- according to law

Ministry staff hold a complete range of powers over provincial public undertakings, including the following actions on provincial highways:

- "Plan, design, acquire, hold, construct in any manner or place, use, operate, upgrade, alter, expand, extend, maintain, repair, rehabilitate, protect, remove, discontinue, close and dispose" (from the Transportation Act).

The legislation is "results based", meaning that it avoids prescriptive edicts, but will still hold all highway users accountable for the actions they take on and around the right-of-way.

Other provincial Statutes such as the Land Act, the Land Title Act, the Motor Vehicle Act, the Local Government Act, the Real Estate Development and Marketing Act and the Strata Property Act, require the Ministry to issue approvals or comments on land use referrals from other agencies.

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## 1.1 Permits

Ministry staff grant thousands of permits per year to individuals, organizations and companies in British Columbia. Where an organization or company require a large number of permits, the Ministry may enter into a pre-authorized agreement, giving blanket permission for the company to carry out its work under certain pre-set conditions. This guide to permits deals primarily with requests for individual permits.

The Ministry issues many types of permits, but they fall into only a few broad categories. For information specific to individual permits, select one of the categories in

**Section 3: Apply.**

The Ministry has a specific **Policy on Use of Rights of Way that Provide Access to Water** .

It's purpose is 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.

## 1.1.1 Works Permits Issued by the Ministry

### Who Needs a Works Permit?

The Ministry permits certain works to be constructed in the highway right-of-way where it is practical and safe to do so. All developers must apply for and receive a permit from the Ministry before constructing or maintaining a work or structure or pipe on roads or land controlled by the Minister of Transportation and Infrastructure, according to **Section 62** of the Transportation Act, .

Go to the following sections or specific information about the following permits:

- **Bus Shelters and Benches**
- **Exploratory Survey**
- **Fencing**
- **Mail and Newspaper Boxes**
- **Sidewalks and Landscaping**
- **Trees on Highway Rights of Way**
- **Utility Permits**

## 1.1.2 Highway Access

### Who Needs an Access Permit?

A highway's safety and efficiency depends to a large extent upon the amount and type of roadside conflict with through traffic. Most conflict comes from traffic movements to and from connecting streets, businesses, residences and other development along the highway.

Accordingly, **Section 62** and **Section 49** of the Transportation Act allow for the control of access points to provide efficient and safe operation on the highway. They also ensure the optimum use of highway investments. As a result, everyone except those building residential driveways on side roads must apply for a permit. For guidelines to building residential driveways on unincorporated side roads, go to the **Residential Driveway Information Guide**.

Although owners of land have certain rights of access under the Land Title Act, highway users have certain rights of safe and efficient travel. Ministry staff consider these competing interests when evaluating access permits, in accordance with provincial legislation and case law.

Go to the following sections or specific information about the following permits:

- **Access over Unconstructed Rights-of-Way**
- **Commercial Access**
- **Resource and Industrial Road Access**
- **Access to a Controlled Access Highway**
- **Residential and Agricultural Access**
- **Snowmobile Trails within Highway Rights of Way**

### 1.1.3 Special Events Permits

#### Who Needs a Special Events Permit?

The Ministry issues special events permits pursuant to **Section 62** of the Transportation Act. Permits are required for any organized event that has participants using a portion of the highway, where such an event may affect the normal flow of traffic.

The Ministry is interested in all special events that take place on a provincial highway. These might include filming, parades, sports and fundraising events. It also includes the movement of livestock, such as with cattle drives.

Go to the following sections or specific information about the following permits:

- **Filming**
- **Cattle Drives**

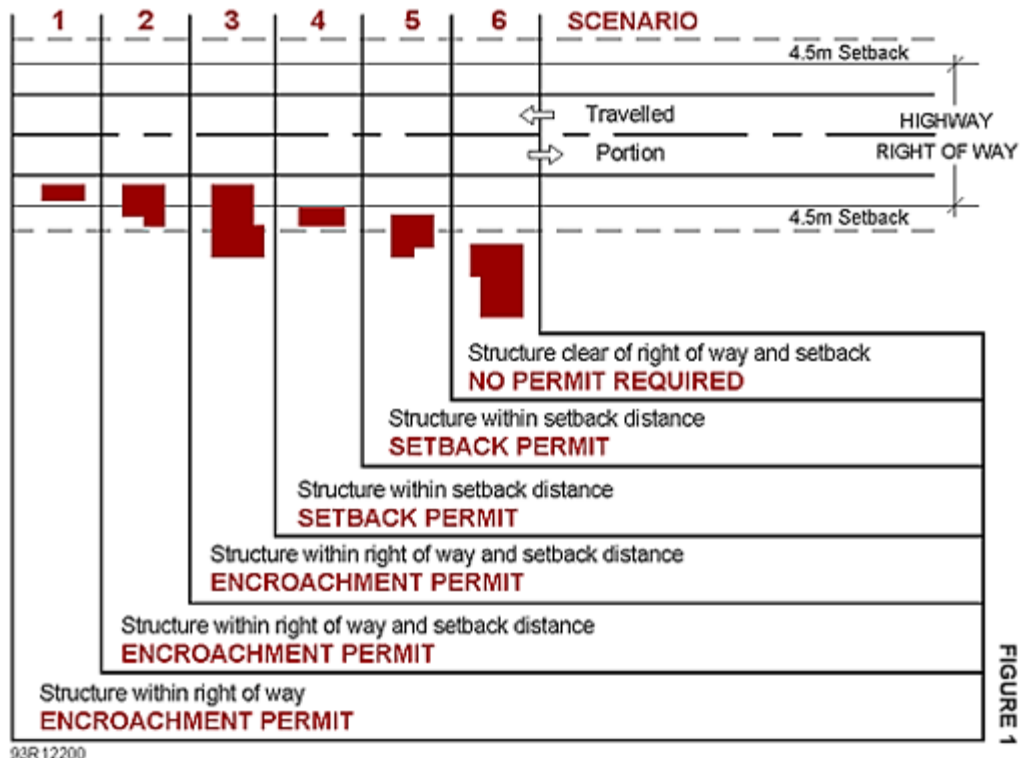
## Structures

### Who Needs a Structures Permit?

All structures must be placed at least 4.5 metres back from the right-of-way, or 3 metres where the structure has an additional access, according to **Section 12** of the Provincial Public Undertakings Regulation BC Reg. 513/2004 . Anyone intending to obtain relief from setback regulations must apply for a permit, under **Section 62** and **Section 90** of the Transportation Act .

The legislation and regulations specify the Minister of Transportation and Infrastructure as the authority for these sections; Orders-in-Council 2434/81 and 47/82 delegate that authority to the Regional Director, Provincial Approving Officer and District Manager, Transportation

Please note that local government may have different setbacks in their zoning bylaws.



Go to the following sections or specific information about the following permits:

- **Encroachments**
- **Setbacks**



## 1.2 Roles in Controlled Access Highways

**Section 48** of the Transportation Act is used to designate some highways as “**controlled access highways**”. These are usually numbered routes and are intended to carry higher volumes of inter-regional traffic. The Ministry has developed a Controlled Access Strategy which applies along controlled access highways and in **controlled areas**.

The intent of Controlled Access highways and Controlled Areas is to preserve a reasonable level of service to long-trip vehicles on the major highway and street system, and to enhance safety.

It is intended to:

- promote a balanced hierarchy of road facilities in all areas
- discourage urban sprawl in rural areas
- limit points of access to trunk high-speed highways
- regulate land use within the controlled area

## 1.2.1 Access to Controlled Access Highways

Under **Section 49** of the Transportation Act the Ministry can restrict access to or from a **controlled access highway**. These highways have been designated Controlled Access because they are designed to accommodate traffic flow rather than access to adjacent properties, to a greater degree than other highways. Consequently, permits to access a Controlled Access highway are much more limited than on other highways. Access via side streets, frontage roads or collectors is preferred.

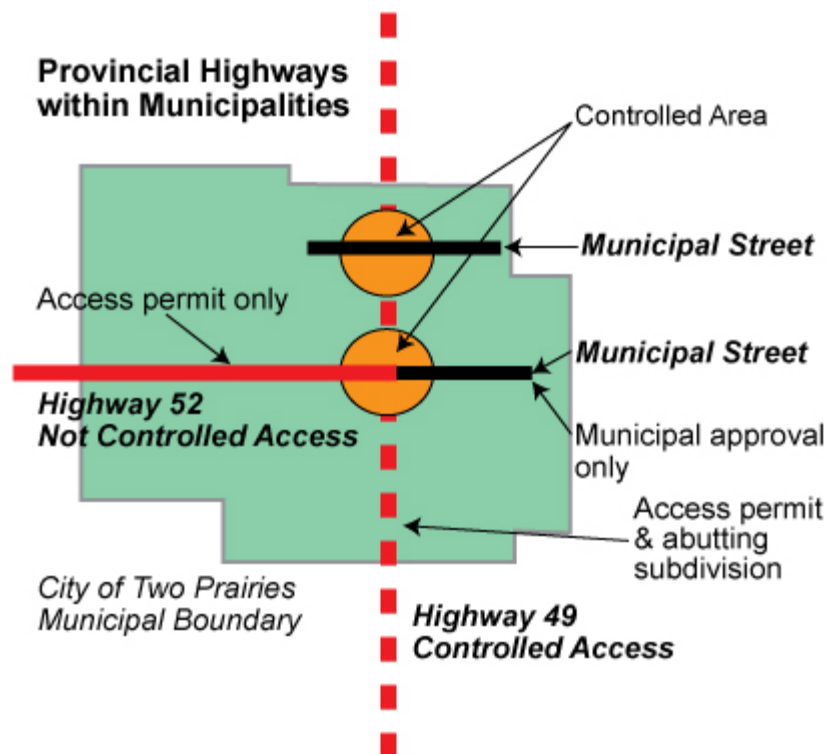
Information about applying for a controlled access permit is available in **Section 3.1.2.4 Controlled Access Permit**

## 1.2.2 Controlled Areas

The Controlled Area is the area within a radius of 800 metres from the intersection of a controlled access highway with any other highway. This power ensures that local government rezonings within Controlled Areas do not affect the integrity of provincial highways in developed areas.

According to **Section 52** of the Transportation Act, Ministry approval is required for :

- Zoning bylaws
- Building permits for commercial or industrial buildings over 4500 square metres
- Amendments of land use contracts
- Heritage conservation agreements



Within a controlled area, under **Section 52** of the Transportation Act, and **505, 546** and **610** of the Local Government Act, a local government must first receive the approval of the Ministry before approving the following:

- Zoning bylaw
 

Under **Section 52** of the Transportation Act, anyone who wants to change the land use of a property in a controlled area needs zoning approval not only from local government but also from the Ministry. In controlled areas, protocol agreements on land use management are encouraged between the Ministry and local government, as part of the process to reduce government regulations. Currently, no such agreements are in place.
- Commercial or industrial buildings over 4500 square metres
 

Under **Section 505** of the Local Government Act local governments may not issue a permit for commercial or industrial buildings exceeding 4500 square metres unless a designated official in the Ministry approves a site plan of the buildings, including access, traffic circulation and parking areas.

- Amendments of land use contracts

Under **Section 546(4)** of the Local Government Act local governments must not enact a bylaw, adopt a development variance permit, nor issue a development permit without approval of the Ministry.

- Heritage Conservation Agreements

The purpose of heritage conservation agreements is to maintain, protect and restore heritage property. Such agreements are negotiated between the property owner and the local government and they are registered on the property title. Pursuant to **Section 610 (6)(b)** of the Local Government Act, a local government must not enter into or amend a 'heritage conservation agreement' unless the agreement or amendment is approved by the Ministry.

The purpose is to ensure that the development authorized by the approval or permit does not adversely affect the present or future integrity of the controlled access highway.

In order to provide an integrated management approach to developments near a controlled access highway, the province may develop land use and access management protocol agreements with local government relative to the managing of major provincial transportation corridors. These protocol agreements are brought into force by regulation and may provide an exemption from the approval requirements of Sections **505(2)** and **546(4)** of the Local Government Act

For information on how to apply, refer to **Section 3.2.1 Permits in Controlled Areas**.

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### **1.2.3 "Section 80" Subdivisions**

Under **Section 80** of the Land Title Act, approval is required from the Ministry for subdivision of a parcel of land adjacent to a **controlled access highway** within an incorporated area. To find out how to apply, refer to Subdivision in **Section 3: Apply**.

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## 1.3 Arterial Highways

Arterial highways are provincial roads within a municipality.

According to **Section 45** of this legislation the Ministry may:

- a) designate the following as arterial highways -
  - any municipal land that the government acquires
  - a municipal highway that has been resumed under **Section 35** of the Community Charter, or
  - any municipal land or improvements referred to in **Section 35 (2) (a) to (f) and (j)** of the Community Charter, and
- b) remove the designation of "arterial highway" from any highway.

### Access Permits

The Ministry is responsible for the issuing of access permits on arterial highways, but will first refer such applications to the municipality. Please refer development plans requiring specific entrances to an arterial highway to the Ministry for access permits before approaching the municipality for a building permit.

### Sidewalks, Footpaths and Boulevards

Construction and maintenance is a municipal responsibility. Approval by permit must be obtained from the Ministry for new construction. Subject to the terms of the original permit, the Ministry may share the cost of replacing a sidewalk required by a grade change or widening of the roadway.

### Public, Municipal and Private Utilities

Approval by permit must be obtained from the Ministry for construction, operation, and maintenance of utilities on, over, or under the arterial highway right-of-way. Where the utility is not owned by the municipality, application for a permit should first be approved by the municipality.

### Traffic bylaws

In accordance with **Section 124 (13)** of the Motor Vehicle Act, a municipal bylaw does not apply to regulation, control, or prohibition of traffic on an arterial highway unless the Minister of Transportation And Infrastructure approves of the application. Application for approval of the bylaw will be submitted to the Chief Engineer.

## 1.4 Community Charter

Municipalities have always had the right of possession of local highways but ownership was in the name of the province. The **Community Charter** gives municipalities ownership of most municipal highways. Only routes designated as arterial highways pursuant to the Transportation Act and the roads and lands described in **Section 35(2)** of the Community Charter remain in the possession of the Crown. This provides municipalities with the general authority to do the following, subject to provincial legislation:

- to regulate, prohibit and impose requirements in relation to highways as a service
- to regulate and prohibit all uses of a highway
- to restrict the common law right of public passage over a highway
- to make agreements with persons in relation to the regulation of extraordinary traffic

Since municipalities now own local highways (subject to the provincial right of resumption), provisions have been established if a municipality wants to use a portion of a highway for a different purpose, or if it wants to dispose of it. All of these provisions can be found in **Part 3, Division 5** of the Community Charter.

Municipal ownership and regulation of highways ensures that municipalities can manage their highways in a way that meets the needs of their communities. As well, it provides control over a land resource. Councils may want to consider closing a highway and removing the highway dedication:

- as part of a major community redevelopment
- as a rationalization of their road network system
- as a way to remove unused highways from their land bank and generate revenue or create a park

Municipalities who want to dispose of the property for a closed highway must do so in accordance with the property disposal rules set out in **Part 3, Division 3** of the Community Charter. If a municipality plans to dispose of property for a closed highway that removes public access to a body of water, it must do one of the following:

- provide alternative public access to the same body of water
- set aside money in a reserve fund to acquire property that will provide public access to that body of water

**Section 35 (8)** of the Community Charter provides a provincial right to resume property that was once a highway for the following purposes:

- for the purpose of or in relation to a Provincial arterial highway
- creating a park
- making a recreation area
- setting aside an ecological reserve
- for any other transportation purpose

These rights-of-way can be resumed under the **Park Act**, the **Ecological Reserve Act** or the **Protected Areas of British Columbia Act**. The Minister of Transportation and Infrastructure can remove the right of resumption; alternatively the Minister can enact **BC Regulation 245/2004**, which sets out the circumstances where the right is automatically removed.

## **1.5 Referrals**

When other agencies approach the Ministry with a referral, the development services staff assesses the proposal with a view to the impact it will have on the provincial highway system, traffic congestion and safety.

### **Crown Land Referral**

1. The Ministry responsible for Crown Land administration sends a proposed use of Crown Land to the Ministry with a supporting plan and details.
2. Ministry staff assigns a file number and evaluates the proposal, including a site visit if necessary.
3. Ministry staff respond to the Crown Land referral.

### **Municipal Referral**

Local governments frequently refer development proposals to the Ministry. For more information, see **Arterial Highways** and **Community Charter**.



## 1.6 Unauthorized Use or Occupation

According to **Section 63** of the Transportation Act, "A person must not use, occupy or construct/deposit anything to a highway, or to any land or improvement related to a highway, without written authorization from the minister, or as otherwise authorized by law."

If the Ministry believes that the highway is being used or occupied without authorization, staff take the following steps:

- they notify the land owner or occupier where the problem exists
- the notice specifies the action the responsible person must take, the date by which the situation is expected to be remedied, and the consequences of non-compliance
- if the owner or occupier does not fix the problem, Ministry staff can enter land and carry out any remedial action required at the expense of the responsible person.

Police can also issue tickets or lay charges for specific offenses, including failure to comply with a notice to remedy a situation on the highway.

### 1.6.1 Nuisance Lighting

Nuisance lights, bright lights, or distracting lights are regulated and enforced under the Transportation Act.

Nuisance lights are considered any light that would distract a motorist from the act of driving their vehicle.

Examples of nuisance lights are:

- a flashing strobe light in a store window that may shine into the eyes of oncoming drivers
- a light mounted on an overhead crane as part of a film production shoot, and shining toward the road

The Ministry official may request the owner of the light to do the following:

- turn the light off
- place dark covers around the light to direct the light away from motorists
- reposition the light away from the highway
- remove it entirely

If the light is imposing a hazard to motorists or impairing a person's vision, the Ministry official has authority to ensure removal of the light as per **Section 16** of the Transportation Act.

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### **1.6.2 Billboards**

The Ministry views billboards as a distraction to through traffic, and will not approve of their presence near the right-of-way. Billboards must be placed a minimum of 300 m away from a provincial highway.

If a billboard is causing a distraction to motorists, the Ministry official has authority to ensure removal of the billboard as per **Section 16** of the Transportation Act.

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## 2 Approval Process

The Ministry's application process has five stages, each with a number of separate steps.

### 1. Preparation:

The applicant decides on a proposal to obtain permission for use of occupation of the highway.

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### 2. Application:

The applicant prepares and submits an application for a permit or for Ministry approval.

[more >>](#)

### 3. Evaluation:

The Ministry receives the application and evaluates it according to a variety of criteria.

[more >>](#)

### 4. Ministry Decision:

Ministry develop services staff decide whether to issue a permit or approval for the proposal.

[more >>](#)

### 5. Implementation:

The applicant completes the work according to the provisions laid out in the permit or the approval letter.

[more >>](#)

The process of obtaining permits and approvals can rarely take place in an afternoon. Sometimes site visits and site impact analyses will be necessary before Ministry staff can make a decision on your proposal.

In order to reduce the time for approval, we suggest you follow these steps:

1. Submit a **complete application** with accurate information.
2. Keep a record of our file number and have it handy whenever you contact us.
3. Inquire about the expected processing time for your type of application.
4. Keep a record of approvals, correspondence, and decisions from meetings.
5. Keep deviations from established policy or standards to a minimum. Remember that the more a proposal differs from established policy or standards, the more time it will take to process.
6. Do your part, and do it on time. If a proposal needs to be revised in order to meet provincial goals, policies or standards you should consider doing so. Your proposal has a better chance of obtaining approval more quickly if it meets those criteria.
7. Follow up with outside agencies on the status of your application.
8. Familiarize yourself with the review process.

Be patient... all applications are dealt with on a "first come, first served" basis and there may be many applications ahead of yours. We will do everything we can to speed the process.

## 2.1 Preparation

To do your part in this partnership, you should first:

- Read our material relating to your particular proposal
- See if your plans are acceptable to the local government's land use plans and zoning bylaws
- If necessary, modify your proposal so that it better fits with the community and provincial objectives
- Find out what costs you might expect to incur and an indication of the approval time
- Decide whether to proceed or not

For construction, in order that a proper assessment can be made it is essential to start with a description, map or scaleable plan . This gives both you and the Ministry an opportunity to appreciate what the finished project will look like.

Depending on the complexity of your development, the design of certain features such as road improvements and access points may need special attention.

## 2.2 Application

Please submit your completed application package to the Ministry's **district office**. Be as thorough as possible, since Ministry staff cannot process applications with required items missing.

### Items may include:

- Provincial Public Highway Permit Application**, if applicable
- Application fee**, if applicable
- An authorization letter from the owner if someone else, such as an agent, is applying on the owner's behalf
- Sketch plan to scale of the proposal.
- Area Map showing location of the proposal (e.g. 1:5000 scale)
- A municipal development permit and plan where applicable

If approval is necessary for a zoning bylaw, development permit or an amendment to a land use contract in a controlled area as defined in **Section 52** of the Transportation Act, prepare plans of your development proposal and make application to your local government. Your local government representatives will refer your application to the appropriate office of the Ministry for our approval.

For requirements specific to the permit or approval you are applying for, see **Section 3, Apply**.

### Collection of Information

Personal information is collected by the Ministry of Transportation and Infrastructure under section **26(c) of the Freedom of Information and Protection of Privacy Act** and will be used for the purpose of processing applications submitted through the electronic Development Approvals System (eDAS). If you have any questions about the collection, use and disclosure of this information, please contact:

Manager, Development Services  
Suite 4D - 940 Blanshard Street  
778 974-2634

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### 2.2.1 Application Forms

The **Provincial Public Permit Highway Application (PDF)** allows you to specify the type of permit you are applying for, which could be any of approximately 20 different permits listed in the government development approvals system. It asks for:

- a sketch or description of your proposal
- the location on the right-of-way of your planned use or occupation of the highway
- other agencies you have contacted
- the names of the official contacts on the permit

A Lane Closure Permit is often necessary in order to carry out your activity on the highway. Ask development services staff if you need to fill out this **Work Notification/Lane Closure Request and Approval Form**.

If you have specific questions or concerns about your project, talk to Development Services staff at the Ministry's **district office**.

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### **2.2.2 Sketch or Description of Proposal**

With any permit application, you must give details of the proposed work, access, structure or event. In most cases, this will include a sketch of plans. For some permits, such as special events permits, a map may be more appropriate. All applications must have a description of some sort. For more information about the requirements for each type of permit, select from these categories:

- **Permits for Works on the Right-of-Way**
- **Highway Access Permits**
- **Special Events Permits**
- **Structures Permits**

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### 2.2.3 Application Fees

For the majority of permits and approvals, no fees apply. The exceptions to this rule are:

- **Road Closure** - a \$1500 processing fee is charged.
- Some fees charged to utility companies for installing their infrastructure within the right-of-way. **Section 62 of the Transportation Act** allows the Ministry to collect Fees for authorizations on Highway Right-of-Way when the authorization is in the nature of a license, but must charge not less than market rate.

### Other Costs

Other expenses which applicants frequently incur include the following:

- Design studies
- Legal fees
- Geotechnical and/or archaeological studies
- Engineering reports
- Public consultation
- Implementation costs
- Inspection costs

If the cost of inspection is excessive (because of the remoteness or your project or other extraordinary circumstances), you may be charged for any additional costs.

Other agencies may charge processing or inspection fees.

## 2.2.4 Processing Applications

### File Number

Each application received by the Ministry is given a number. Please use this number for all your communications with the Ministry when referring to your application.

### Tracking Permit Applications

To track the progress of your application you can apply on-line or contact the Ministry's **district office**, using the file number you were given by the Ministry as a reference. Ministry staff keep track of the progress of application with the Development Approvals System (eDAS).

Ministry staff will review your proposal, including a site visit and consultation if necessary. Following their evaluation, you will be contacted with a decision, or a request for more information.

If your proposal is successful, you will receive a permit, or letter of approval.

You can find out more about the review and decision process in **Evaluation** and **Ministry Decision**.

## 2.3 Evaluation

Development Officers will review and consider several aspects of a proposal which may include but are not limited to the following:

- The Ministry's primary responsibility to ensure that activities or installations within the highway right-of-way do not compromise public safety
- That the proposal does not damage or put at risk existing highway facilities
- Protection of other non-highway facilities
- Any undue restriction of future highway development

In the case of development near a highway:

- Ministry staff may consider the design, location and number of access points for land use to determine the impact on through traffic movements on the highway. To ensure safe access, they consider:
  - Vertical and horizontal alignment
  - sight distances
  - The number of and separation of conflict points
  - The geometrics of access connections
- Development officers consider the impact of land use on the capacity of existing infrastructure, with respect to base traffic and the traffic the proposed development will generate
- Ministry staff protects the functionality of the highway by assessing the following on-site aspects:
  - Building placement
  - Internal storage for vehicles
  - Internal traffic flow
  - Parking layout and capacity

To evaluate larger developments more completely, you may be asked to supply a comprehensive study prepared by a professional engineer experienced in traffic analysis. For more information, go to **Transportation Design Report** .

### **2.3.01 Accommodation of Other Users in the right-of-way**

Applicants should make diligent attempts to determine if other users of the right-of-way in the vicinity of the proposal may be affected. The applicant is responsible to contact any such users to attempt to reach an accommodation.

The Ministry's **Utility Policy Manual** provides:

- The Ministry permits utility owners to install equipment and facilities in highway right-of-way where it is practical and safe to do so, recognizing that the use of highway right-of-way provides a substantial benefit to the utilities themselves and to the general public.
- Traffic Safety and Highway Development are First Priorities. The Ministry's primary responsibility is to ensure that public safety is not compromised by activities or installations within the highway right-of-way. In addition, decisions related to utilities must ensure that:
  - Existing highway facilities are not damaged or put at risk
  - Other non-highway facilities are protected
  - Future highway development is not unduly restricted by utilities.

Obtain information on any buried utility. **"Call Before You Dig": 1-800-474-6886**

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### **2.3.02 Location of Works in the Right-of-Way**

All works within the highway right-of-way require a permit.

For more information, consult the **Utility Policy Manual**.

Design and construct all works according to the specifications set out in the **Design Build Standard Specifications for Highway Construction** and **BC Supplement to TAC Manual**. Above-ground works must also comply with clear zones as laid out in the TAC supplement.

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### 2.3.03 Traffic Control

Traffic control is required when traffic must be moved through the following work on or around a roadway :

- highway or street construction
- maintenance operations
- utility work
- special events

The Ministry has published a **Traffic Management Manual for Work on Roadways** to guide you in conducting traffic control safely. The traffic control described and illustrated in the manual is generally the minimum required. It illustrates a number of typical situations to show the recommended application of standard protective devices for pre-planned, scheduled, work on roads and streets in British Columbia.

Certain types of work will require a traffic management plan.

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### **2.3.04 Site Inspections**

You can usually expect a site visit as part of the evaluation process prior to the permit being issued. You can also request a site inspection by appointment. Safety is the prime consideration with all site visits - for more information go to the **Safety** section of this guide.

You may be required to pay the Ministry costs for an inspection if the situation implies exceptional expense to inspect.

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### 2.3.05 Transportation Design Report

In order to manage and maintain the safety and integrity of existing and future highways, it is essential to assess the amount of new traffic entering the highways from adjacent developments, and to design thoughtfully the access and layout configuration of the developments. Within the context of provincial, regional, corridor and local plans. The Transportation Design Report evaluates alternative access possibilities and provides information which will help determine the acceptability of proposed access points. Complete information is available in the **Planning and Designing Access to Developments** manual.

### Integrated Transportation Design

It is essential that detailed consideration of transportation requirement be given from the earliest design concept through all stages of the design process. This process is referred to as integrated transportation design. The **Planning and Designing Access to Developments** manual provides guidance on the integrated transportation design process and how the need for a transportation design report is determined. Ministry staff will determine whether a design must be submitted in support of the application or whether a Simplified Review Process may be followed.

The three main components of the process for undertaking a transportation design include:

- Determining whether the detailed review process is required or if the simplified review process can be used.
- Identifying the Terms of Reference for the design or review.
- Establishing required content of the Transportation Design report.

The following is a list of some of the situations when the Ministry may request a Transportation Design Report:

- **Rezoning** of a site within 800 metres of an intersection of a **controlled access highway** with any other public road (known as a controlled area).
- **Subdivision** of a parcel of land adjacent to a **controlled access highway** within an incorporated area.
- **Subdivision** of a parcel of land in an unincorporated area.
- Request for a development permit to construct a **commercial or industrial building** over 4500 sq. m gross floor area on a site where a zoning bylaw is subject to controlled area regulations
- Request for an **access permit** onto a **controlled access highway**
- Request for a permit to construct an **access** within a rural area or on a provincial (arterial) highway in a municipality, in controlled areas.
- A **heritage conservation agreement** or amendment by a local government covering land, in controlled areas
- An **amendment of a land use contract** or a request for a development variance permit or a development permit on land, in controlled areas

Those affected by the above should contact the local Ministry **District Office** before submitting an application and/or a report in order to determine whether a transportation design is required and how it should be conducted. Contact the Local Government to determine their study requirements and to obtain information on any local issues, land use plans and the feasibility of alternate access.



### **2.3.06 Pre-Approved Agreements**

Master Use Agreements and Protocol Agreements, outline the relationship between a utility and the Ministry. They also set out conditions which cover installation and maintenance of "secondary" installations, and routine maintenance and replacement operations of utilities.

A Master Use Agreement in conjunction with a site permit issued by District staff forms the complete authorization for installing wireless communication infrastructure.

A Protocol Agreement is a document that reflects discussions and agreement between the Ministry and a particular utility organization about matters of mutual interest, such as procedures for addressing matters that arise in connection with utility works on provincial highways. A protocol agreement on its own does not constitute an authorization under **section 62 of the Transportation Act** for the occupation and use of a provincial highway. For that, a Ministry permit or other prescribed form of authorization is required.

Where there are pre-approved agreements between the Ministry and other parties, those agreements shall prevail.

### **2.3.07 Standards for Construction**

Construction standards are compiled and published by Construction and Maintenance Branch of the Highways Department. They are contained in the **Design Build Standard Specifications for Highway Construction** book. Engineering Branch, among others, contributes to the development of these standards.

Geometric design standards are listed in the **BC Supplement to TAC Geometric Design Guide**.

**Section 90** of the Transportation Act authorizes the Minister of Transportation to establish highway standards for rural highways. This includes highways dedicated on a rural subdivision plan.

Where there are existing agreements between the Ministry and other parties, those agreements shall prevail.

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### **2.3.07a Electrical**

Guidelines for the Design of Lighting, Signal and Sign Installation are compiled and published by Engineering Branch of the Highways Department. They are contained in the **Electrical and Traffic Engineering Manual** .

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### 2.3.08 Environmental Requirements

The Ministry has a responsibility to safeguard the environment as much as possible in all of its activities.

Performing highway works with due diligence entails the following:

- Be familiar with the municipal, provincial and federal legal requirements
- Recognize and address the potential environmental impacts of your works to the physical, chemical and biological components of the environment
- Avoid, mitigate or lessen those impacts or risks in the planning of work
- Ensure the protection of properties and human health
- Obtain the appropriate permits and authorizations from all regulatory agencies before proceeding with activities
- Conduct your works in a manner that complies with the law and avoids, mitigates or lessens potential impacts to aquatic and riparian habitats, water quality and quantity, fish and wildlife populations, and public safety and property.

Your responsibilities for the protection of the environment when on the Ministry's right-of-way include, but are not limited to:

- Complying with all applicable federal and provincial legislation and regulations.  
On a construction project with particular environmental concerns, it pays to have an environmental management plan in place. One method of accelerating your environmental management plan is by retaining a qualified environmental consultant or an environmental construction monitor on an "as and when" basis.
- Protecting fish and fish habitat by not altering or destroying fish habitat and not releasing deleterious substances, including silt and vehicle fluids, into watercourses.  
If you are planning a development which will affect streams or ditches in any way, NOTIFY the Department of Fisheries and Oceans. Even if you do not require a permit to carry out your work, notification is a courtesy that will save time, effort and aggravation later.
- Protecting endangered species and their habitats.  
Under the federal Species at Risk Act (SARA), permit approval is required under Section 73 for any activities that may affect species listed in Schedule 1 of SARA, as extirpated, endangered, or threatened and which contravene the Act's general (sections 32-36) or critical (sections 56-64) habitat prohibitions.
- Protecting indigenous ecosystems and local agricultural operations by not introducing foreign plants, such as invasive weeds, and not dumping waste materials and waste fluids on or into the highway right-of-way.
- Complying with the Heritage Conservation Act in reporting any archaeological resources known or found through the process of development

More detailed information can be found in the Ministry of Environment's Environmental **Best Practices for Urban and Rural Development in British Columbia**.

### 2.3.08.1 Environment Laws and Regulations

A number of legislative acts, regulations and policies apply to activities and structures on the right-of-way. These include but not limited to the following:

- **Fisheries Act, Sections 34(1), 35(1) and 36.** These protect disruption of fish habitat, and prohibit the deposit of substances harmful to fish into fish-bearing water courses.
- **Navigable Waters Protection Act, Sections 5(1), 6, 10(1), 10(2).** These prohibit the construction of projects on navigable freshwater or in a marine area without approval from Transport Canada.
- **Migratory Bird Convention Act, Section 12** prohibits the injury or destruction of migratory birds and their nests.
- **Water Sustainability Act,** Sections 9,10 and 11 protect water quality, habitat and water users by regulating changes in and about a stream.
- **Riparian Areas Protection Act,** regulates activities that affect fish habitat and riparian areas.
- **Wildlife Act, Sections 9, 34 and 35,** regulates works having an impact on wildlife, including removal of nests or beaver dams, possession of birds, eggs or nests, and transportation of carcasses.
- **Weed Control Act, Weed Control Regulations** prevents the spreading of noxious weeds and their seed.
- **Public Health Act, Sewerage System Regulation,** regulates the installation, construction and maintenance of sewage disposal facilities.
- **Species at Risk Act, Sections 32(1) and 33** prohibits killing, harming, harassing, capturing or taking any species protected under the SARA, or the damage or destruction of a protected species residence (including any critical habitat that has been established)
- **Environmental Management Act** regulates the disposal and storage of hazardous materials and hazardous materials spill reporting.

The Ministry offers **Best Management Practices for Highway Maintenance Activities.** This publication, while written for highway maintenance contractors, offers the regulatory background for all environmental stewardship practices, and highlights some excellent practices which apply to highway permit and approval activities as well as highway maintenance .

### **2.3.08.2 Contaminated Sites**

On April 1, 1997 the **Contaminated Sites Regulation** of the Environmental Management Act (B.C. Reg. 375/96) took effect. If the permit proposal involves land that has been used or is used for industrial or commercial purposes or activities, you may have to provide a **site disclosure statement**, a form which describes the potential hazards on the land.

Schedule 2 of the regulation sets out some examples of the types of industrial or commercial land uses to which site disclosure statement requirements apply. More information is available from Ministry of Environment offices. If the land has not been used for industrial or commercial purposes you may provide a letter to that effect, rather than a site disclosure statement. A **letter template** is available.

More information about contaminated sites is available at

- **Monitoring Wells**
- **Site Remediation website.**

### **2.3.08.3 Drainage**

The highway drainage system is for the protection of the provincial highway right-of-way. It is not designed or intended to serve the drainage requirements of abutting properties beyond that which has historically flowed to the provincial right-of-way.

Drainage to the provincial highway right-of-way will not be permitted to exceed the undeveloped historical flow. Instead, use controlled flow detention ponds to control the flow from developed properties. When the development requires curbs and gutters, you can eliminate the drainage ditch by installing a storm sewer system. The Ministry shall determine the appropriate drainage controls necessary to meet existing or projected site-specific conditions.

Ministry staff may find that the site requires a drainage study by a qualified engineer registered in British Columbia. The type, design, and condition of drainage structures must meet the approval of the Ministry in unincorporated areas and the local government and the Ministry in incorporated areas. Ministry drainage design and specifications requirements are outlined in Section 1010 of the **BC Supplement to TAC Geometric Guide** and the Design Build **Standard Specifications for Highway Construction**.

#### **Construction of Drainage**

When constructing a development, please provide, at your own expense, drainage structures for the development which will become an integral part of the existing drainage system. All drainage works shall be designed using the dual drainage or minor/major system concept.

#### **Minor Drainage System**

The minor, or piped, system consists primarily of the storm sewer system: inputs, conduits, manholes, and other appurtenances designed to collect and discharge into a major system for frequently occurring storms (e.g. less than 10 year return period).

#### **Major Drainage System**

The major, or overland, system will come into operation once the minor system's capacity is exceeded. Thus, in developments where the major system has been planned, the streets and ditches may act as open channels directing the excess storm water to nearby watercourses without endangering the public, damaging property or causing excessive erosion.

Please construct each access so that:

- water does not enter onto the roadway
- the access will not interfere with the existing drainage system on the right-of-way, or the municipal drainage plan.

In roadside ditches, access culverts should be a minimum of 400 mm in diameter, as determined by the development officer.

#### **Infilling of Ditches by Property Owners**

Infilling of road-side ditches by adjacent property owners, at their own cost, may be permitted if it complies with Ministry Standard Specifications and ensures proper drainage is maintained.

At the discretion of the Development officer, a Professional Engineer experienced in Hydrology may design and inspect ditch-infilling proposals. The Engineer is to certify that the works have been installed to Ministry standards and in accordance with good engineering practice. The property owner is responsible to contact the environmental agencies and, where applicable, obtain their approvals for the works. The ditch infilling works, once installed and approved, become the property of the province.

Infilling of ditches will not be permitted:

- Where the ditch forms an integral part of a flood control system
- Where water storage in the ditch provides a significant reduction in peak flow rates
- Within 3 metres of a cross culvert, unless an approved culvert inlet or a manhole is installed
- Adjacent to any highway other than a rural minor highway and secondary highways, and urban minor and local streets
- In areas used as fish habitat, unless approval by the appropriate environmental agencies is obtained
- In areas not approved by the District Manager, Transportation

More information is available in the Ministry of Environment **Environmental Best Practices for Urban and Rural Development in British Columbia**.

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### **2.3.09 Registered Engineer's Seal and Signature**

Any works within the Ministry right-of-way that fall within the scope of “engineering” under the **Engineers and Geoscientists Act** will be performed by a Professional Engineer, and shall comply with the Ministry’s **“Engineer of Record and Field Review Guidelines”** .

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### **2.3.10 Insurance for Permits and Agreements**

Insurance is an important issue in any situation which has the potential to cause a financial loss to the Ministry. Since a person risks damage to self or property any time he or she steps out or takes a piece of equipment onto the right-of-way, anyone using or occupying provincial highways will need proof of adequate insurance.

Contractors on BC highways will find useful information about **Certificates of Insurance** and **Hired Equipment guidelines** at the Contract Management website.

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### **2.3.10.1 Uses and Occupancy Requiring Liability Insurance**

Ministry policy states that all permits and agreements must contain an indemnity clause and an insurance requirement clause. This protects the Ministry, the applicants and any other named insured from financial loss due to damage or harm. In addition to claims from third parties for loss or damage, the Ministry may suffer damage to the highway surface, structures, or damage to the right-of-way.

The financing of these transferred risks is handled by a requirement for Liability Insurance in the permit. To prove that the applicant has adequate insurance, the insurance agent or broker must fill out a **Certificate of Insurance (H-0111)**.

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### 2.3.10.2 General Requirements for Liability Insurance

For comprehensive insurance or Commercial General Liability, include the following:

- **Additional Named Insured Clause:** This should name "Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, together with the employees, agents and servants of the Minister".
- **Extension of Coverage:** insurance policies should include all liability arising out of completed operations, blanket written contractual, contingent employers liability, non-owned automobile liability, and liability assumed by the Permittee/Contractor in connection with the contract.
- **Cross Liability:** insurance shall apply equally to each party as if they had applied separately for insurance. If one insured party breaches a condition of the insurance, the other parties are still protected by the policy.
- **Exclusions Not Permitted:** hazardous operations such as excavation, pile drive, shoring, blasting, underpinning or other work must be covered by the insurance policy if the work is to be carried out by the Ministry, Permittee or the Contractor, subject to prior notification to the insurance company.
- **Products and Completed Operations Hazard:** this coverage shall be provided and remain in force for 12 months after the work has been completed irrespective of the expiry date of the policy.

For property insurance (where applicable) include the following:

- **Additional Named Insured Clause:** This should name "Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, together with the employees, agents and servants of the Minister".
- **Loss Payable Clause:** pay to "Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure".
- **Waiver of Subrogation:** in the event of any third party loss or damage, or damage to the work or Contractor's equipment, settlement of the claim shall be made without the right of subrogation against the Additional Named Insured.

For all policies except ICBC Auto Insurance and Professional Liability (E & O) Insurance, include the following:

- **Cancellation:** This policy shall not be cancelled, removed, reduced, materially changed or altered without thirty (30) days' prior notice in writing by Registered Mail to:  
Corporate Insurance and Securities Manager  
Ministry of Transportation and Infrastructure  
PO Box 9850 Stn Prov Govt  
Victoria BC V8W 9T5

For Professional Liability/Errors and Omissions Insurance, include the following:

- **Cancellation:** The required insurance shall not be cancelled or endorsed to reduce limits of liability, without 30 day's notice in writing by Registered Mail to:  
Corporate Insurance and Securities Manager  
Ministry of Transportation and Infrastructure  
PO Box 9850 Stn Prov Govt  
Victoria BC V8W 9T5

Notification of the policy being endorsed to restrict coverage mid-term, must be provided in writing by Registered Mail to the same address, not later than the effective date of such change.

A Ministry **Certificate of Insurance (H-0111)** is to be used as evidence of insurance. This certificate of insurance is the only certificate of insurance acceptable to the Ministry. The certificate must be signed and dated by a person authorized to sign on behalf of the insurance company (e.g.: insurance company personnel or an insurance agent who has signing authority on behalf of the insurance company). Only an original of the Ministry Certificate of Insurance is acceptable. Ministry staff will not accept photocopies

For agreements where Automobile Liability insurance is a requirement and where such vehicles are insured through the Insurance Corporation of British Columbia, there are three acceptable means of providing evidence:

- A duly completed I.C.B.C. Form APV47 issued by the Insurance Corporation's agent
- A copy of the Permittee's/Contractor's insurance/registration form
- Completion of the Ministry Certificate of Insurance

If vehicles are insured by a private insurer, then the Ministry Certificate of Insurance must be completed by the equipment owner's insurance agent or insurer.

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### **2.3.11 Security**

Occasionally, works on the right-of-way will require a performance bond, or an Irrevocable Letter of Credit (ILOC). An **example of an ILOC** is available on this site. Security is particularly appropriate for drilling and blasting, and for utilities permits. These documents provide security to ensure that works will be completed. An ILOC is a document guaranteeing that the issuer will pay the beneficiary (in this case, the Ministry of Transportation) an amount up to an agreed maximum charge, should the issuer fail to carry out their duties.

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## **2.4 Ministry Decision**

If the project will not adversely impact the highway system, the Development Officer will give consent by permit or by letter.

If the proposal will affect the highway system adversely, approval will not be granted until conditions can be mitigated. You will be told, in writing, the conditions which will achieve this. If you believe that you can overcome the reasons for denial, you should submit a revised application.

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### **2.4.1 Written Approval**

For approvals in Controlled Areas, once the proponent completes the conditions of approval, the local government may submit the bylaw for approval by the Ministry.

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### **2.4.2 Issue of Permit**

If a permit application meets the evaluation criteria set out by the development services officer, the applicant will be issued a permit, with criteria for completion.

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### 2.4.2.1 Permit Package

Upon approval, you will be issued a permit, which may have attachments such as marked drawings and confirmation drawings. It will include general provisions (listed below), and additional clauses specific to the permit as determined by the development officer.

#### General Provisions

The permit will contain conditions spelled out in legal detail on your document. Below is list of the general provisions for each type:

#### Permit for Works on the Right Of Way

1. That the construction and maintenance of the said works is carried out to the satisfaction of the Regional Director, Transportation.
2. That, before opening up any highway or interfering with any public work, intimation in writing of the intention to do so must be given to the District Official at least seven clear days before the work is begun.
3. That any person appointed by the Regional Director, Transportation, for the purpose shall have free access to all parts of the works for the purpose of inspecting the same.
4. That the construction of the said works shall be commenced on or before the (insert date) and shall be prosecuted with due diligence and to the satisfaction of the Regional Director, Transportation, and shall be completion or before the (insert date)
  - (a) The highway must at all times be kept open to traffic. The roadway must be completely restored for traffic as soon as possible. At all times the permittee must safeguard the traveling public.
  - (b) That, unless with the consent of the Regional Director, Transportation, no more than forty-five (45) metres of pipe-track or other excavation in any public highway is to be kept open at one time.
  - (c) All excavation work must be carried out in accordance with the BC Occupational Health and Safety Regulation. Care shall be taken to protect adjacent property.
  - (d) That all excavations shall be carefully back-filled with suitable material, which is to be tamped into place, and that the permittee shall restore the surface of the road and shoulders and ditches at their own expense. All surplus material is to be removed from the Provincial Crown lands, or deposited where and as required by the District Official of the Ministry of Transportation and Infrastructure. The permittee is financially responsible for any maintenance works required on said ditch for a period of one year. The Ministry will carry out the necessary remedial work and invoice the permittee monthly.
  - (e) The pipeline crossing installation is to be placed by drilling and (or) jacking in such a manner as to afford minimum grade settlement. No water jetting will be permitted. That where, in the opinion of the District Official, an excavation or opening for a pipeline crossing installation could be made which would not be detrimental to the highway or its users, permission will be granted for said works. On thoroughways, freeways, and main highways no open cuts will be allowed.
  - (f) That all pipelines in excess of a nominal diameter of 5 cm., whether gas, oil, water, pressure sewers, conduits, etc., shall be installed where indicated by the District Official, encased in a steel casing-pipe or conduit-pipe of sufficient strength to withstand all stresses and strains resulting from the location, such casing to extend the full width of the highway right-of-way if deemed necessary to the District Official. The ends of the casing-pipe shall be suitably sealed and, if required, properly vented above the ground with vent-pipes not less than 5 cm. in diameter, and extending not less than 1.2 metres above ground surface. Vent-pipes shall be connected 30 cm. from the ends of the casing-pipe, and the top of each vent shall be fitted with a turn-down elbow, properly screened and equipped with identification markers. All pipelines of non-rigid material, i.e., plastic or copper, of any diameter, shall be cased, or embedded in sand.

The inside diameter of the casing-pipe shall be at least 25 percent larger than the outside diameter of the pipeline. The casing-pipe shall be installed with an even bearing throughout its length, and in such a manner so as to prevent leakage, except through the vents.

The top of the casing-pipe, or the pipeline where casing is not required, shall be located as directed by the District Official, and shall in no case be less than 1.2 metres below the surface of the highway and not less than 1.0 metres below the highway ditches. Pipelines must not obstruct drainage structures or ditches or interfere with traffic on the highway or with highway maintenance.
- 5.

6. That where the work for which permission is hereby granted comes in contact with any bridge, culvert, ditch, or other existing work, such existing work must be properly maintained and supported in such manner as not to interfere with its proper function during the construction of the new work, and on the completion of the new work the bridge, culvert, ditch, or other existing work interfered with shall be completely restored to its original good condition.
7. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.
8. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
9. That the permission herein granted to use and maintain the works is only granted for such times as the land or public work in, upon, or over which the said works are constructed is under the jurisdiction of the Minister of Transportation and Infrastructure. This permission is not to be construed as being granted for all time, and shall not be deemed to vest in the permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be included within that of an incorporated municipality or city, this permission shall become void, unless the works are on a highway duly classified as an arterial highway pursuant to Section 45 of the Transportation Act.
10. That after receiving notice in writing of the intention on the part of the Provincial Government to construct, extend, alter, or improve any public work, the person or persons responsible for the maintenance of the works for which permission is hereby granted shall within six weeks move or alter such work at their own expense to such new positions or in such manner as may be necessitated by the construction, extension, alteration, or improvement proposed to be carried out by the Provincial Government.
11. That while reasonable care will be taken on the part of the Provincial Government to do as little damage as possible to any private work in the carrying-out of the construction, extension, alterations, improvement, repair, or maintenance of any public work adjacent thereto, the Provincial Government can accept no responsibility for any kind of such damage.
12. That the permission hereby granted to construct, use, and maintain work is granted without prejudice to the provisions of the Transportation Act, or other Acts governing Crown lands and public works or their use by the public.
13. That this permission shall be in force only during such time as the said works are operated and maintained by the applicants, to the entire satisfaction of the Regional Director, Transportation.
14. That the Ministry will not be responsible for grade changes on accesses caused by reconstruction of any Provincial highway.
15. This permit is valid only for the specific works stated herein. Any alterations or additions must be covered by a separate permit.
16. This permit may be canceled, at the discretion of the Minister, without recourse, should the permittee fail to comply with all the terms of the permit. Thirty days' notice will be given before cancellation.
17. When the requirements of the Ministry necessitate use of the said lands for Provincial purposes, at the discretion of the Minister, this permit may be canceled.
18. That these works shall be identified with this permit number in a manner satisfactory to the District Official of the Ministry of Transportation and Infrastructure.
19. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
20. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
21. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/technical-circulars/2009/t06-09.pdf>
22. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.

## Special Events Permit

## Access Permit

1. The Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
5. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent thereto, but the Minister shall not be responsible for any damage regardless.
6. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.
7. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
8. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
9. The Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
10. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
11. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Designated Ministry Official. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/technical-circulars/2009/t06-09.pdf>
16. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be part of this permit:
18. HERE DESCRIBE THE ATTACHMENTS
  - (a) The rights granted under this permit shall not be exercised before \_\_\_\_\_.
  - (b) The Construction and Installations must be completed on or before \_\_\_\_\_.

Exceptions: HERE DESCRIBE ANY CONSTRUCTION OR INSTALLATIONS, WHICH NEED NOT BE COMPLETED BY THAT DATE.

## Permit to Reduce Building Setback

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.

## Highway Encroachment Permit

1. Except to the extent permitted herein, the Permittee will ensure that the Structure at all times conforms with all legislation applicable to the Structure with respect to the construction and maintenance of the Structure and all specifications by regulatory bodies having jurisdiction over the Structure.
2. The Regional Director, as appointed from time to time by the Minister, having jurisdiction with respect to the Encroachment Area, or such person as the Minister may from time to time designate must have full and free access at any and all times to inspect the Structure or for such other purposes as the Regional Director may consider necessary.
3. Where the Structure comes in contact with any bridge, culvert, ditch or other existing work (the "Existing Works") the Permittee will ensure that the Structure is properly maintained and supported in such manner as not to interfere with the proper functions of the Existing Works during the existence of the Structure.
4. The Permittee will at all times take every possible precaution to ensure the safety of the public, and if requested by the Regional Director ensure that the Structure and all excavations, materials, or other obstructions in connection with the Structure are fenced, illuminated, and guarded.
5. The Permittee acknowledges that this Permit is granted only for such times as the Encroachment Area is within the jurisdiction of the Minister. This permit must not be construed as being granted for all time, and does not vest in the Permittee any right, title, or interest in or to the Encroachment Area. If the Encroachment Area becomes included within an incorporated municipality or city, this Permit is terminated unless the Highway on which the Structure is located is classified as an Arterial Highway pursuant to Section 45 of the Transportation Act.
6. This Permit may be cancelled at any time without recourse at the discretion of the Regional Director by 30 days notice in writing in the manner herein provided. Not later than 90 days after the date on which this notice has been given by or on behalf of the Minister, the Permittee must ensure that all work has been completed in connection the removal, moving or alteration of the structure in the manner required by any notice. All costs of removing, moving or altering the Structure must be borne by the Permittee.
7. Where any public works are contemplated the Permittee will cooperate with any person designated by the Regional Director in connection with any construction, extension, alteration or improvement of the public works involving the Encroachment Area.
8. The Permittee acknowledges that the Minister and any employees, agents or contractors of the Minister will not be responsible for any damage to the Structure or any property of the Permittee and the Permittee hereby expressly waives any claim for damages and forever releases and discharges all such persons with respect thereto.
9. The permission herein granted to the Permittee will be in force only during such time as the Structure is used, maintained and owned by the Permittee in strict compliance with this Permit. The Permittee will notify the Minister if the Property is offered for sale and inform any purchasers of the Property of this Permit prior to sale. The Permittee will remain liable to the Minister hereunder until such time as a subsequent permittee has agreed to assume the same liabilities and obligations with respect to the Structure.
10. This Permit is valid only for the Structure as described herein. The Permittee acknowledges that routine maintenance of the Structure is permitted but the Structure must not be expanded, increased, or its use changed in any way except as provided for in section 4 of this permit.
11. The Permittee will provide:
  - (a) the location of the Structure in relation to the Encroachment Area and the Property on Schedule A; and
  - (b) a written description of the Structure both in form and content satisfactory to the Regional Director, Ministry of Transportation and Infrastructure for the Region in which the Structure is located.
12. The attached plan, indicated as Schedule A, showing location or position of the Structure constitutes a part of this Permit and any change without prior consent of the Regional Director will forthwith render this Permit terminated subject to section 18 of this Permit.
13. The Permittee will notify the Regional Director of any damage done to the Structure. If in the opinion of the Regional Director the Structure is destroyed or damaged such that reconstruction within the encroachment area is unwarranted this permit is terminated. The Structure must not be replaced or reconstructed on the Highway or in the Encroachment Area.

13. The The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
14. The Permittee will not interfere with any Highway or public works without separate written permission issued by the Regional Director.
15. All notices required to be given hereunder by the Minister will be effectively given if sent by mail to the address of the Permittee shown below and must be deemed to have been given at 12:00 noon on the third day after mailing. Notices to be given to the Minister by the Permittee will be effectively given if delivered to the Regional Director and must be effectively given upon delivery.
16. No termination or cancellation of this Permit will relieve or abate the obligations of the Permittee contained herein arising prior to such termination or cancellation all of which must survive the termination or cancellation of the Permit and must constitute continuing obligations of the Permittee.
17. No variation or alteration of the Permit will be effective unless in writing signed by or with the authority of the Minister.
18. The Permittee shall obtain and maintain during the term of this Permit and at the Permittee's own expense, liability insurance against third party claims arising as a result of the Permittee's possession, use, control and/or custody of the Encroachment Area shown in Schedule A.  
Such liability insurance shall have coverage limits of not less than ONE MILLION DOLLARS (\$1,000,000) for bodily injury, including death, and property damage and shall be endorsed as follows:

It is understood and agreed that Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, together with the employees, agents and servants of the Minister, hereinafter referred to as the Additional Named Insured, is added as an Additional Named Insured.

The policy shall contain a cross liability clause and a clause giving notice of cancellation or material alteration to the Minister.

19. The Permittee shall submit evidence satisfactory to the Minister that the above insurance has been obtained and remains in force and effect.
20. This permit is subject to any other terms or conditions as specified on the attached Schedule B.
21. Any reference to a party includes heirs, executors, administrators and assigns.

### **Additional Clauses**

Additional Clauses apply specifically to the individual permit, and will be determined by the development services officer in light of the circumstances surrounding your application.

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### 2.4.2.2 Amendments to Permits

During the course of construction, it is common to have to amend the proposal to accommodate circumstances unforeseen in the planning stage. So long as the plans have not been amended in substantial ways, it is appropriate to make the necessary amendments, and indicate these changes on "As Built" plans, which you then submit to the District Transportation Office.

A substantial change includes but is not limited to:

- One that goes against Ministry policy
- A change in the road alignment
- A change in the way you install your works, for instance, from tunneling to open cut.

Check with the **District Transportation Office** regarding your proposed changes. For more information, see **As Built Plans**

### **2.4.2.3 Cancellation of Permits**

A permit may be cancelled if the development or activity it covers has not taken place, or when the property it covers transfers ownership. Permits are not transferable between property owners, as the permit is issued to the owner, not to the property itself.

A permit may also be considered void if the works vary in a substantial way from those described and approved of in the application. You should submit a revised application if you anticipate substantial changes in the design or implementation of your proposal.

If a permit is cancelled, you will receive a formal letter from the local Ministry of Transportation office advising you of this and the reasons why. If a permit expires or becomes void due to a change in land use or ownership, you may apply for a new permit. It will contain a clause stating "This permit cancels permit #\_\_\_\_\_".



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#### **2.4.2.4 Appeals of Denied Permit Applications**

An applicant who wishes to appeal a decision or conditions of approval should feel free to contact the District Manager, Transportation.

If the situation remains unresolved, the applicant may appeal in writing to the Regional Director, Transportation.

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## 2.5 Implementation

Once you receive your permit or approval, you may proceed with your project, subject of course to those terms set out by the Ministry. All permits require that you notify the **district office** 48 hours before you begin any works.

This notice enables ministry staff to:

- keep an eye on the project to watch for traffic hazards, etc.
- check that suitable materials are used
- see that the contractor's work follows the terms of the permit
- advise the maintenance contractor of activity

You will need to fill out and submit a **Work Notification/Lane Closure Request and Approval Form** in order to conduct any work on the right-of-way.

### 2.5.1 Health & Safety on Ministry Right-of-Ways

Ministry personnel make sincere efforts to ensure health and safety in our workplaces, including in Ministry managed lands and right-of-ways. In construction, rehabilitation and maintenance, controls and upgrades, and assemblies and displays, the Ministry complies with all applicable Health and Safety legislation, standards and specifications. We expect the same due diligence of contractors, partners and others working on one of our right-of-ways. As such, the permittee is the prime contractor for the work described by the permit, at the work location described in the permit. For more information about duties and obligations which fall to the prime contractor refer to the ***Workers Compensation Act*** and the ***Occupational Health and Safety Regulation***.

Due to the potential location of job activities, and issues specific to site operations, working on or near the right-of-way brings many potential hazards. Everyone associated with a job site should know of the inherent dangers on provincial highways. Site factors that can present hazards and/or complicate the activity include but are not limited to:

- overhead or underground utilities (gas leaks, electricity, etc.)
- surrounding businesses and land use
- vertical edges
- working over or near water
- rock fall, avalanches and geotechnically unstable terrain
- culverts, manholes, excavations or other confined spaces
- dangerous or decadent trees
- wildlife
- traffic
- chemical exposure
- sharp or infectious litter

The Ministry requires traffic control management plans if work on the right-of-way will affect the flow of traffic. For more information on traffic control, go to **Traffic Control**.

## 2.5.2 Responsibilities of Applicant

Once you have received a permit or approval, you have these responsibilities to fulfil:

### Commencement of Activity

- It is common for the complete date to be three months from the issue of approval. Unless otherwise specified, the activity or construction must begin within one year of the permit issue date, or before the expiration of any authorized extension.
- If you are unable to begin work within one year after the issue date, you may request a one-year extension from the Ministry, stating the reasons you need an extension, and when you anticipate the commencement date to be.

### Notification of work

All permits require you to notify the **District Transportation Office** before you begin any works. You must give the Ministry two working days notice when you will be carrying out any work within the right-of-way. Upon completion, you should notify the District Transportation Office so that a final inspection may be initiated, if applicable.

**2.5.2.1 As-Built Plans**

The developer shall provide reproducible "As Constructed" drawings to the local **District Transportation Office** upon completion of the work. While small alterations and amendments are expected in the construction process, the as-built plans should not differ significantly from the plans submitted for approval with the permit application. See **2.4.2.3 Amendments to Permits**.

The appropriate signing authority, depending on whether the project has been Ministry supervised or Consultant supervised, shall sign and date each drawing when completed using the proper note (see below) or a stick-on label located in a conspicuous area (usually above the "Revisions" block). The two forms to be used are as follows:

**For Ministry Supervised Projects:**

"AS BUILT" CERTIFIED CORRECT: \_\_\_\_\_  
DATE: \_\_\_\_\_ J. DOE, P.ENG. MINISTRY REPRESENTATIVE  
M.O.T

**For Consultant Supervised Projects:**

"AS BUILT" CERTIFIED CORRECT: \_\_\_\_\_  
DATE: \_\_\_\_\_ J. DOE P.ENG. MINISTRY  
REPRESENTATIVE SPEEDY ASSOCIATES ENG. LTD.

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### **2.5.2.2 Notice of Completion**

Please notify the **District Transportation Office** when your work is completed so that a final inspection may be initiated, as designated in the permit.

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### **2.5.3 Inspection and Enforcement**

Most developments on and around the provincial highway are not assigned an inspector; however, Ministry staff may visit the site at any time during the development, project or event.

If a project is of significant size and complexity, the developer or project manager may be required to retain a suitable inspector or independent contractor as approved by the Ministry, and be required to pay for their time.

If you are hiring a professional engineer, then ensure they are working in their field of expertise, and are prepared to formally sign-off on the project.

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## 3 Apply

### Apply Online

Applying on-line is easy, convenient, and ready when you are - 24/7. You will need a **BCeID** in order to apply Online.

Many government services are available online. A BCeID account provides secure electronic access to these services.

How to get a BCeID: When you logon you will first be directed to the BCeID Logon screen where you'll find all the information you need to get you up and running quickly.

[Apply Online](#)

### Apply for Permit Overview

Instructional video for Clients on how to apply



### Paper based application forms:

- Provincial Public Highway Permit Application
- Work Notification/Lane Closure Request
- Road Closure Application
- Certificate of Insurance

### Checklists

- Highway Access Checklist
- Special Events Checklist
- Checklist for Structural Setback
- Checklist for Works Within the Right of Way

### Information on applying for:

#### Permits

- Permits for Works on the Right-of-Way
- Highway Access Permits
- Special Events Permits
- Structures Permits

#### Written Approvals in Controlled Areas

#### Other Approvals



## 3.1 Permits

The Ministry issues permits for:

- **Works on the Highway Right-of-Way**
- **Highway Access**
- **Special Events & Filming**
- **Structures**

Specific applications procedures for all of these are discussed in this section.

The Ministry has a specific **Policy on Use of Rights of Way that Provide Access to Water** . It's purpose is 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.

### 3.1.1 Permits for Works on the right-of-way

Design plans must accompany the permit application, and shall consist of key-map, general plan, profile and where necessary, detail plan on the following scales:

- **key-map:** according to size of undertaking
- **general plan:** 1:5000
- **profile:** horizontal 1:5000, vertical 1:250
- **details:** on suitable scales

For minor undertakings, such as small water pipes or culverts under a road, sketches will be accepted, including sections and details as to dimensions, depth of cover, etc.

The plans shall supply at least the following information:

- The boundaries of highway right-of-way affected
- The position of all existing public works within these boundaries. Name the authority responsible for each public works
- The position of all private works, with names of owners, within these boundaries. Note: Where the proposed development is on or above ground level, you need show only works that are on or above ground level, or that your development may interfere with below ground.
- The proposed position of your works within the right-of-way boundaries
- The details of any structures and appurtenances used to support traffic, including:
  - tanks
  - manholes
  - lamp poles
  - surface boxes
  - bridges
  - culverts
  - retaining walls

Show details of the method you propose to support your work, where any public works are affected

- Full information showing exactly how and to what extent you propose to use any land or works under the control of the Minister of Transportation
- a P.Eng's seal and signature (see **Engineer's Seal and Signature**)
- a signature block for the Ministry
- plan number and date

Submit three copies of the plan if it is larger than 11" x 17".

Include specifications on how you will carry out the work within the boundaries of the highway right-of-way.

### 3.1.1.1 Bus Shelters and Benches

The Ministry allows shelters on the highway right-of-way where a bus stop is permitted, and on the rights-of-way in urban areas, if there is sufficient room for the shelter. Please note that transit companies and service groups are the primary bodies to ask for permits for bus shelters, and not potential advertisers or other individuals.

For information on building bus stops and shelters, go to the **BC Transit Infrastructure Design Summary** produced by BC Transit.

The bus company or its agent shall build the shelter under permit at full cost to the bus company. During construction, the bus company or agent shall be responsible for traffic control and hazard marking of the construction area as specified in the permit. In addition, the bus company is responsible for removal and restoring the roadside area to the satisfaction of the Ministry in cases where the shelter is no longer required.

The bus company or its agent is 100% responsible for the cost of maintenance including the preparation of maintenance agreements for all bus shelters and affected Highway right-of-way to the satisfaction of the Ministry. In addition, accessories that may be deemed necessary such as trash containers, newspaper boxes and pay telephones shall be accommodated in the maintenance agreements.

Advertising is allowed on bus shelters but of a type that is not distracting to passing drivers. Advertising on shelters is to be located on far side or downstream of approaching traffic, and maximum size of ad is restricted to 1.2 m x 2.4 m. In addition, a 1.2 m x 0.6 m ad located on the back wall within the shelter will be permitted. Urban Transit Authority advertising standards shall be followed. No reflectorized or internally illuminated signs will be allowed except in built-up urban areas where the Highway is illuminated and the speed limit does not exceed 60 km/h.

**Apply** for a bus shelter permit.

### 3.1.1.2 Exploratory Survey

The Oil and Gas Industry routinely conducts seismic surveys and other works within the constructed and un-constructed (or un-opened) road allowances.

Any works within highway rights of way need to be undertaken in a careful manner to ensure no damage is done to the road base or the traveled surface. We want to be sure that any disturbances to the shoulder, ditches and back slopes through seismic survey works are restored to the original condition or better.

#### Seismic Survey

Blanket agreements between the Ministry and oil and gas companies are the rule, except for on **Controlled Access highways**.

The following is a list of conditions that seismic companies should consider carrying out seismic surveys on the right-of-way:

- All work to be done to the satisfaction of the local development officer.
- Should you disturb or remove survey monuments, a B.C. Land Surveyor will replace them at your expense.
- All debris, slash and refuse created by these works should be cleaned up to the satisfaction of the development officer.
- This permit is not valid during spring break up conditions or when the the development officer feels that conditions are too wet. If you have any questions about restricted construction seasons, please contact your District Transportation Office prior to construction.
- Please seed the right-of-way to the standards that the development officer has set out. The seed mixture, quality and rate of application and method are to be consistent with British Columbia Highways Standards.
- You are responsible for the supply of all labour, equipment, materials and seed to ensure adequate grass coverage results.
- You are responsible for all future drainage problems as they pertain to said works.
- Please repair any damage to the roadway by this operation, at your own expense.
- On constructed roads and roads with any traffic, we require traffic control or protection, and it is your responsibility to provide this service.
- All traffic control must meet the regulations as specified in the "**Traffic Management Manual for Works on Roadways**".

You will be responsible to notify and gain approval of utility companies prior to any works. Please use "Dial before you dig" to ensure that you do not disturb or damage existing underground services as a result of the seismic survey works.

- If ministry staff finds evidence of neglect or abuse of right-of-way, your permit may be rescinded at anytime.
- DO NOT walk bulldozers or any tracked equipment on road.
- DO NOT damage ends of culverts.
- DO NOT disturb culvert markers.
- This permission is given on the understanding that you ensure that the Ministry cannot be held liable for any actions arising out of the survey.
- Ministry staff can withdraw permission for the survey if he or she feels that the operation is offering an undue traffic hazard, or that it is causing undue damage to the highway, its structure and appurtenances.

These guidelines do not relieve you from complying with the regulations of the Oil and Gas Commission. All applications to conduct a seismic survey in the Province of British Columbia require a permit from the Oil and Gas Commission.

## **Monitoring Wells**

If you are planning to build a monitoring well to test for methane, pcb and hydrocarbon contamination within the right-of-way, you need a permit for installing works in the right-of-way to do so.

Monitoring wells are frequently placed near old gas stations. Sometimes these wells are placed within the road surface. Have a traffic management plan in place for monitoring. (See **Traffic Control** for more details.

Once the well has been installed, you may arrange a blanket agreement with the Ministry which covers the provisions for monitoring. Be sure to prepare a **Lane Closure Request Form** any time you plan to monitor the well contents.

**Apply**

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### 3.1.1.3 Fencing

The Ministry is concerned with the erection and maintenance for fences for several reasons. The principal reason is to keep livestock and wildlife off the highway and thus prevent potential accidents. There are 4 scenarios where fencing along highway rights-of-way can occur:

- **Schedule 1 highways** - This term refers to the major provincial and trans-provincial highways. A complete list is available in Section 19.07 of the Motor Vehicle Act Regulations.
- **Schedule 2 highways** - These are secondary highways, cover 6800 km of the BC road system. A complete list is available in Section 19.08 of the Motor Vehicle Act Regulations.
- Open range
- Pound districts

The Ministry has an agreement with the BC Cattlemen's Association to administer and help fund fence maintenance and improvements on provincial highways.

#### Program Description

At present, there are approximately 6,800 km of Schedule 2 highways in the province. Many of the fences along these busy highways are over 20 years old and significantly deteriorated. The BC Highways Fencing Program is a solution that increases motorist safety as well as livestock safety. Through this program, you can apply for funding to maintain and repair fences along Schedule 2 highways.

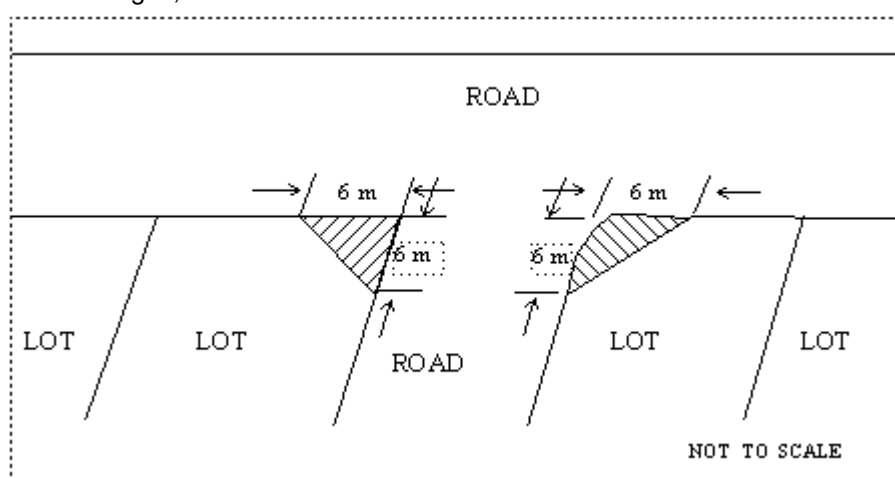
#### Eligibility

To be eligible, land owners must operate an active livestock operation (not restricted to beef) located adjacent to a numbered highway, along the highway right-of-way and the fencing must be part of a complete containment system. Priority will be given to those areas in most need of repair or reconstruction.

For more information, see the BC Highways Fencing Program website.

Fence maintenance is the responsibility of the land owner. The fence should be placed on the property line unless extraordinary conditions require that the fence be placed within the highway right-of-way. Gates must be installed so that there is at least 9 metres between the edge of pavement and the arc of the gate, if the gate opens outwards. The Ministry does not issue permits for fencing on Section 42 Transportation Act roads because their jurisdiction is limited to the traveled portion.

Pursuant to Section 13 of the Provincial Public Undertakings Regulation, fencing along the provincial highways must not interfere with sight lines for motorists. The most common method of clearing a sight line for motorists is to put a corner cut into the fence, as illustrated. Corner cuts must be free of obstructions such as signs, trees or brush.



## **Cattle Guards**

A cattle guard is a device designed to allow the safe passage of motor vehicles while safely restricting the passage of range cattle. Typically, a guard consists of a series of bars or pipes installed flush with the road surface and placed onto a supporting framework.

They are available for various loading levels (e.g. highway and off-highway loading). Optional running strips to improve ride ability may be specified. All cattle guards accepted by the Ministry must conform to Ministry design specifications.

Approval for any cattle guard will consider the public interest with respect to the class of road, the volume of traffic, and the design and location of the installation. The District Transportation Manager consults local livestock associations before issuing cattle guard permits, as they affect the control of stock on Crown range and stock movement over public roads. The applicant may be the land owner or the holder of a valid livestock range permit seeking a cattle guard for better range management. Permits will not be issued for cattle guards on Section 42 Transportation Act roads as they typically extend beyond the traveled portion.

## **Gates**

The ministry does not generally allow gates to be placed across the public highway. The sole exception is for range management purposes on rural roads. Usually this occurs in consultation with local livestock associations and the Range Division. Although there is an on-going problem with such gates being left open, locked gates are not permitted on public roads. Please also note that gates adjacent to cattle guards on Section 42 Transportation Act roads are not located within the public right-of-way and no permits will be issued for these.

## **Apply**

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#### **3.1.1.4 Mail and Newspaper Boxes**

Mail and newspaper boxes should not interfere with the safe functioning of provincial roads. The **BC Supplement to TAC Geometric Design Guide** provides guidelines for locating Community Mailboxes adjacent to Ministry jurisdiction roadways.

Some basic rules should be used when selecting a site:

- No Mailbox Pullouts are to be installed on divided highways and major arterial highways where access control is exercised (Freeways, Expressways and Controlled Access Highways). The more important the highway, the higher the speed and/or the traffic volume. Therefore, the greater the impact a site will have on the operation and safety of the roadway.
- Preference is given to installing community mailboxes on side roads that access residential subdivisions. In urban areas, where there is pedestrian traffic, the preferred location is on a street that has a sidewalk and has sufficient road width for on street parking. For all locations that are selected, stopping sight distance must be met on the roadway adjacent to the site.
- Particular care is given to sites near an intersection so as not to interfere with the safe operation of the intersection. Visibility of traffic signs and signal should not be blocked. The site shall not encroach upon auxiliary right and left turn lanes at intersections and the sight triangle.

More guidelines for constructing rural mail boxes can be found in **Article 15** and **Schedule VI** of the Mail Receptacles Regulation of the Canada Post Corporation Act.

**Apply**



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### **3.1.1.5 Sidewalks and Landscaping**

Completed sidewalks and landscaping become the responsibility of the municipality or other responsible agency to maintain. The Ministry is not responsible for the maintenance of sidewalks or landscaping.

Any landscaping or other improvements must leave clear lines of sight, and must not interfere with highway maintenance.

Should a **Transportation Design Report** require any mitigative measures on roadworks, sidewalks or landscaping, the design must meet Ministry standards. Roadworks may be required. The developer may need to include laning, sidewalks and landscaping. Please consult the **Design Build Standard Specifications for Highway Construction**. Roadworks will be maintained under Ministry contracts.

**Apply**

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### **3.1.1.6 Trees on Highway Rights-of-Way**

The following guidelines apply to non-fee simple Ministry rights-of-way only. They do not apply to land held in fee simple title by the British Columbia Transportation Financing Authority (BCTFA). In the case of land held by the BCTFA, please contact the Ministry **Properties and Land Management Branch**.

Trees within the right-of-way are considered a Crown asset. Cutting timber on the highway right-of-way or on Crown land under control of the Minister requires the consent of the Ministry, and the practice is generally discouraged. However, if the ministry authorizes the removal of trees to install works on the Highway right of way, as a condition of the permit you will be responsible to contact the Ministry responsible for Forests to obtain the necessary approval for disposal of any merchantable timber.

If you are planning to remove trees to install works you should note that merchantable timber must be cold decked and loaded from approved access locations. Merchantable timber must not be loaded from the traveled roadway or road shoulder.

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### 3.1.1.7 Utility Permits

Anyone wishing to construct utilities within the provincial highway right-of-way must obtain the approval of the Ministry. Utility permits cover the following services and activities:

- Pipelines
- Water and sewer lines
- Overhead or underground power and communication lines
- Wireless communications
- Trenching, boring and jacking
- Installations on or near structures

All construction, relocation, replacement, repair and maintenance of utility installations in highway right-of-ways or on highway bridges and structures must be covered by a utility permit or a permit in conjunction with a pre-approved agreement. In addition, any structure constructed within the right-of-way must not interfere with sight distances for drivers, and must adhere to the breakaway structures specifications found in the **Design Build Standard Specifications for Highway Construction**.

Utility permits are issued by the Ministry District offices. Pre-approved agreements are issued by the Ministry, Transportation Services branch.

Utility permits provide protection:

- to highway systems and structures against damage by utilities
- for highway users against hazards associated with utilities
- by providing an indemnity for the Ministry against liability claims
- for future use of the highway right-of-way

More details on obtaining utility permits are available in the **Utility Policy Manual**.

**Apply**

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### **3.1.1.7a Independent Power Producers**

The Ministry of Forests, Lands, Natural Resource Operations & Rural Development has compiled and published a **guidebook** for proponents of Independent Power Production. It's purpose is to help proponents grasp the breadth of regulatory requirements they may encounter, including the ministry's access and works permits. There is no change to the ministries permitting processes. Anyone wishing to construct utilities within the provincial highway right-of-way must obtain the approval of this Ministry.

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### **3.1.1.8 Use of Rights of Way that provide Access to Water**

The ministry operates under the principle that use of these unique areas of right of way must accommodate public use and retain their essential function of access to water. Requests for improvement to these rights of way will be considered on an individual basis. Regulations, other interests, liability and costs to the province will be assessed. It is likely approval of improvements that require significant operation or maintenance cost will only be given to local government or registered organizations.

View the **Policy on Use of Rights of Way that provide Access to Water**.

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### 3.1.2 Highway Access Permits

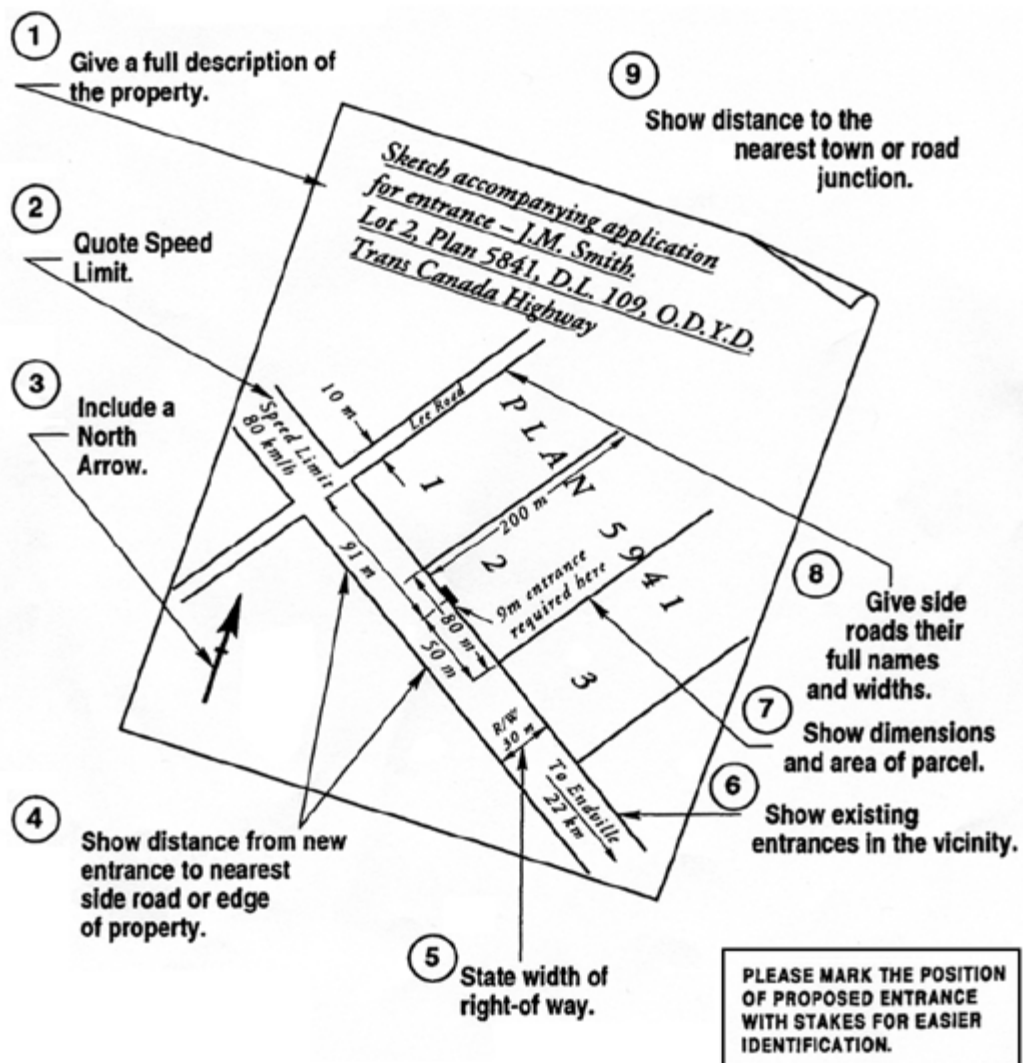
Highway access permits are required for all accesses except **residential driveways for single family dwellings on side roads**. Controlled Access Highways carry stringent requirements for access, with a preference for an alternate access to your development. A **List of Controlled Access Highways** is available here, to see whether these requirements apply to you.

Applications for highway access shall include a completed permit application form, supporting details and documents.

### Site Plans

Traffic site plans should show what the finished project will look like, including access design, parking layout and new structures.

What you show on your proposal plans will depend on the magnitude of your development. For simpler developments, such as application for the driveway to your residence, the plans may be simple. Requests for access to a commercial, industrial, or multi-family development will require the preparation of a more detailed traffic site plan.



Site plans should contain all the information in the above diagram, including:

1. a full description of the property
2. the posted speed limit
3. a north arrow
4. the distance from the new entrance to the nearest side road or edge of property
5. the width of the right-of-way
6. existing entrances in the vicinity
7. the dimensions and area of the development parcel
8. the names and widths of side roads
9. the distance to the nearest town or road junction

In addition, the plans should be:

- drawn to scale
- show the location of existing buildings and improvements

## Traffic Site Plans

Traffic Site Plans should show what the finished project will look like, including access design, parking layout and new structures. **Commercial Access** has an example of a traffic site plan.

Development Services staff will review your application to ensure that the development meets with certain design criteria and safety standards, including:

- adequacy of the access design (Section 6.2.2 of the **Planning and Designing Access to Developments Manual** contains general access design elements)
- **sight distance** up and down the highway in relation to the highway speed
- the need for adequate **drainage**

When planning any highway accesses, it is essential that you consider sight distances. Incoming traffic must be able to see vehicles on the right-of-way at a far enough distance to allow safe entry onto the road.

Safe entry must take into account:

- **Stopping sight distance** - the distance that traffic on the right-of-way must have to come to a safe stop. Stopping sight distance varies with prevailing vehicle, pavement and weather conditions.
- **Turning sight distance** - the distance a vehicle turning onto the right-of-way must have to accelerate to a satisfactory speed for merging with other traffic.

Determining sight distance can be complex. Section 5.2.12 of the **Planning and Designing Access to Developments Manual** lists some circumstances to bear in mind. You may want to consult a qualified professional or contact your **District Transportation Office**. Documentation for site distances are available in the Transportation Association of Canada Geometric Design Guide for Canadian Roads.

A development officer may contact you to:

- discuss details of your development
- obtain further information
- discuss layout considerations which would address concerns flag the location of the proposed access

**Section 2: Approval Process** contains more information about the approval process.

## Highway Frontage

To obtain a highway access permit, the property must have frontage on a dedicated public road constructed to a suitable standard.

If you require access for land not having highway frontage, give the legal description of the other parcel involved, including the name of the owner(s).

**Apply**

### 3.1.2.1 Access Over Unconstructed Rights-of-Way

You can proceed with construction of access over an unconstructed right-of-way, but the Ministry will not maintain any part of it. If you choose to go ahead, the Ministry asks you not to disturb any water courses, nor cut any trees on the unconstructed right-of-way.

**Apply** for a permit to build the access. The Ministry can provide a Letter of Comfort, if requested, so that you can obtain a building permit.

The Letter of Comfort would be issued with the following stipulations:

- Use the access at your own risk.
- Obtain a Ministry of Forests permit prior to any construction.
- The Ministry will not maintain this portion of the right-of-way.
- Limit the driveway width to 6 metres.
- Provide a bond in the amount of \$ 1000 to ensure the site is left in a neat and tidy condition.
- Do not clear or construct anything outside the right-of-way. This is to be confirmed by a British Columbia Land Surveyor. The BC Land Surveyor will also flag the right-of-way and the proposed centerline. Submit the centerline and cross-sections for approval by the District Transportation Office prior to construction.
- The right-of-way is considered public land; do not block or sign the right-of-way in any manner to restrict access.
- Obtain a "Works on Highway Right-of-Way" permit prior to any construction.
- You are limited to one residential access.



### 3.1.2.2 Commercial Access

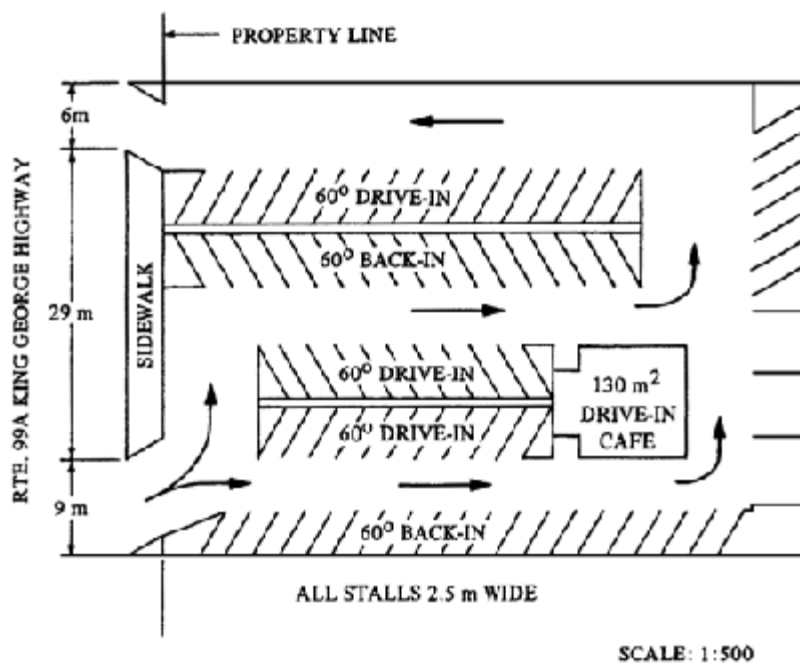
In large developments, the following factors frequently govern driveway locations:

- the need for adequate storage lengths in left-turn lanes
- auxiliary right turn lanes
- operational conflict with intersections or other developments

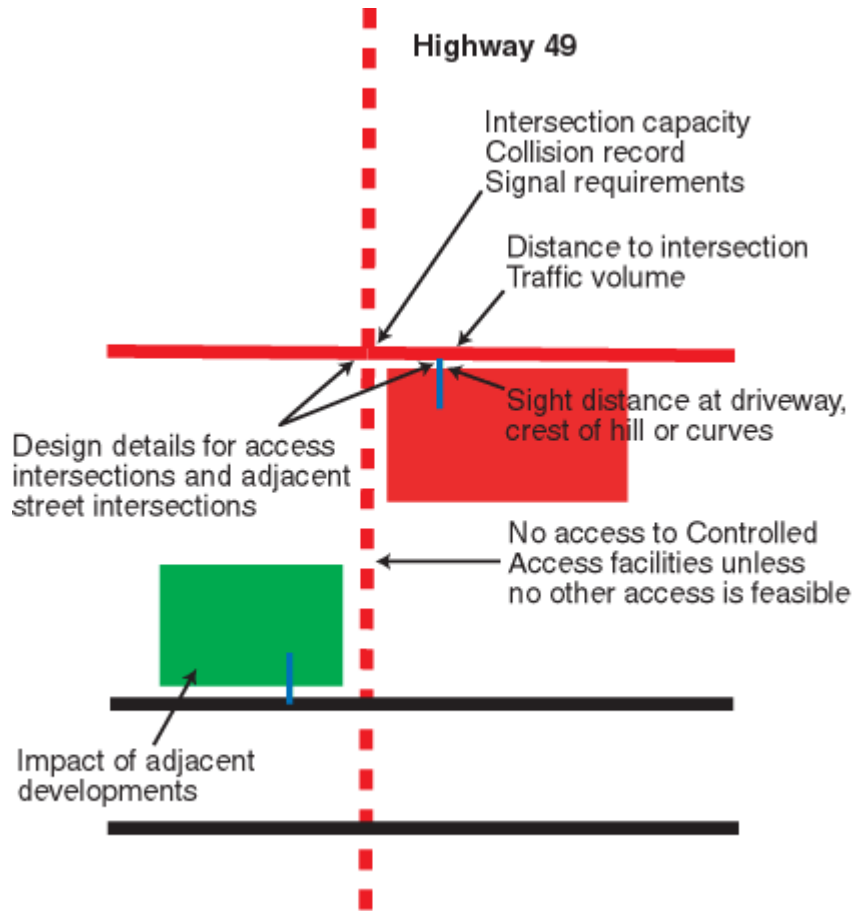
All commercial developments will be checked to determine if a transportation design report is required. The parking layout diagrams below give a simple introduction to the issues that you and Ministry staff need to consider.

As planning a commercial access can be a complex undertaking, please contact the Ministry's **district office** and ask for development services staff. In addition, you can find more information in the **Planning and Designing Access to Developments Manual**.

On-Site Parking Layout



## Off-Site Considerations



The minimum desired spacing between driveways depends on the classification of road, and reflects the differences in operating characteristics and desired levels of service for each road class.

**Apply**

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### 3.1.2.3 Resource and Industrial Road Access

Resource and Industrial Crossings are regulated according to **Section 5** of the Industrial Roads Act.

In resource and industrial crossings, the following factors frequently govern access considerations:

- the need for adequate storage lengths in left-turn lanes
- auxiliary right turn lanes
- operational conflict with intersections or other developments

The general application procedure is as follows:

1. The company **submits plans, profiles and other specifications** that may be required to the appropriate **district office**. Resource and industrial road developments will be checked to determine if a **transportation design report** is required.
2. The development officer reviews the application.
3. The development office prepares and signs the necessary certificate for the company. The file is retained at the office of the District Transportation Office.
4. Permits may have a stated time limits and if the applicant needs to extend the use of the road, they need to reapply.

**Apply**

### 3.1.2.4 Access to a Controlled Access Highway

For highways which have been designated as "controlled access" under **Section 48** of the Transportation Act, a Controlled Access Permit is required. See **Controlled Access Highways** for more details on regulatory authorities.

See a list of **controlled access highways** , to determine if you need a controlled access permit.

The Ministry developed the Controlled Access Permit process so that it could:

- protect public investment in the major transportation network by preserving its traffic carrying capacity
- minimize hazardous traffic conditions arising out of the location and use of accesses
- make sure that driveway or access designs are adequate for the type and amount of traffic which will use them
- ensure roadside drainage is not obstructed

For these reasons, development applications will be checked to determine if a **transportation design report** is required.

Check with the Planning Department of your local government to see that the land use which you want the driveway to serve is permitted within their zoning or land use guidelines.

In all cases, alternate access for the proposed development will be required where a secondary street system exists rather than allowing direct access to a Controlled Access Highway (see Section 5.2.7 **Planning & Designing Access to Developments** Manual.)

The Ministry will consider access to a Controlled Access Highway only where:

- it has been proven that no other reasonable alternative exists
- direct access or limited direct access would provide better overall performance of the study area network roads
- direct access does not impede the safety of the traveling public

Where direct access is allowed, the development design should be able to take advantage of future alternate access when it is available.

Following the review, Ministry staff may prepare a permit containing all the applicable terms and conditions which must be met in conjunction with the construction of the access(es). You will receive the permit, or in the event that the permit is withheld, you will receive a letter outlining the reasons your application was refused. If you believe that the reasons for refusal can be surmounted by revised design or layout considerations, contact the **District Transportation Office**.

**Apply**

### 3.1.2.5 Residential and Agricultural Access

On **numbered routes** and **controlled access highways**, you need a permit to construct any driveway or other highway access. If you are planning to build a single family driveway on a side road outside a municipality, then you do not need a permit. The Ministry has provided a **Residential Driveway Information Guide** to assist you with design and construction of your driveway.

#### Residential Accesses on Numbered Routes and Controlled Access Highways

If you are building a single-family driveway, you may still find the Residential Driveway Information Guide mentioned above helpful. You will need to pay extra attention to sight distances on numbered routes.

Multi-Family accesses will be checked to determine if a **transportation design report** is required. Ask your development officer for more details.

#### Agricultural Driveways

Agricultural Driveways require a permit for construction. If you propose to use large agricultural equipment or access fields and barns with the driveway, you probably need an agricultural driveway. Land use is specified in the application.

#### Fruit Stand Accesses

Fruit and vegetable stands are a common sight in the agricultural areas of the province. They range in size from seasonal roadside booths to larger commercial buildings selling a wide variety of fruits and vegetables. They are located on numbered (controlled access) highways and on side roads throughout the Okanagan Valley and other parts of the province. They attract locals and tourists alike. Some of the larger stands have become regular stops for tour bus operations. As a result, the Ministry has developed special conditions which apply to fruit stand accesses.

As a commercial operation, fruit stand accesses may be 9 metres (30 feet) in width and two accesses may be permissible, if required for traffic circulation. In addition to the normal access considerations (such as drainage, sight distance and driveway surfacing), concrete roadside barriers (CRBs) may be required to define and separate the access locations. There must be adequate parking available on site so that customers are not parking on the shoulders of the public road. Larger fruit stand operations may require parking spaces suitable for longer recreational vehicles and tour buses.

For further information on fruit stand accesses, please contact the Ministry's local **district office**.

#### Apply

### 3.1.2.6 Snowmobile Trails within Highway Rights of Way

To assist in the development of snowmobile trails through out the province, the Ministry has developed guidelines on how and where snowmobile trails can be accommodated within a provincial highway right of way.

#### **Location of Trails:**

For safety purposes, due to the interaction of snowmobiles and motor vehicle traffic, snowmobile trails should be located outside of the highway right of way wherever possible. However, the ministry realizes that in some situations, due to physical constraints such as rivers or cliffs, snowmobile trails cannot operate outside of the highway right of way. Therefore, the Ministry will allow snowmobile trails within the highway right of way under certain conditions.

#### **Conditions for trails within right of way:**

All snowmobile trails located within a highway right of way must be approved by the Ministry. Decisions on wherever to allow a snowmobile trail within a highway right of way will be based on the following criteria:

- The speed of the motor vehicle traffic;
- The amount of motor vehicle traffic;
- The available sight distance – both for motor vehicles traffic and snowmobiles;
- The trail length within the highway right of way;
- The available space between the trail and highway if running parallel to each other; and
- The width of the highway at trail crossings.

Approved snowmobile trails must ensure the safe operation of the trail and the highway. Some of the requirements for constructing a snowmobile trail include:

- Alignment of trail crossings as close to 90 degrees as possible to the highway;
- The ongoing maintenance of snow banks at highway crossings to ensure sight distances; and
- The use of culverts to cross ditches.

The ministry has developed detailed guidelines outlining the conditions for snowmobile trails. For further information, contact your **District Transportation Office**.

#### **RCMP issued permit requirement:**

The Motor Vehicle Act Regulations states that no person shall drive or operate a snow vehicle or snowmobile on a highway in unorganized areas of the Province unless he is the holder of a permit issued by a member of the Royal Canadian Mounted Police stationed nearest to the place where such operation will take place.

Therefore, to operate a snowmobile on a trail within highway right of way the operator must obtain a permit. The purpose of the permit is to ensure that the snowmobile has been registered, licensed and has proper insurance. The permit also makes sure that the operator of the snowmobile has a valid driver's license.

### 3.1.3 Special Events Permits

All events on provincial right-of-ways require a special events permit. These can include:

- parades
- races
- protests
- fundraising events, such as charity races, poker runs or individual walks or rides
- filming

Please contact the District Transportation Office with at a minimum of 30 to 60 days' lead time if you are planning a special event.

For more information, visit the Ministry's **Special Events** website.

The general application procedure is as follows:

1. Prepare an application form with details as required on the **Special Events Checklist**.
2. A Ministry staff person will respond to your application with confirmation that your application has been received. If the event takes in more than one traffic jurisdiction, one person will be specified as the coordinator. Approval may be dependent on the availability of a good standard, well-signed detour route.
3. Ministry staff will review your application, including consultations and site visits as necessary.
4. Your application will be approved or denied dependant on safety requirements.

**Apply**

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### 3.1.3.2 Filming

Ministry **Special Event Coordinators** can help you coordinate your film project or special event. Contact them during the planning phase of your project. Outside the Lower Mainland, the coordinators may refer you to the **District Transportation Office** in the area of the province where you are filming. Please submit an application form and a Certificate of Insurance. Without both of these, the Ministry cannot issue a filming permit.

For more information, visit the Ministry's **Filming** website.

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### **3.1.3.3 Cattle Drives**

For the safety of all road users, procedures are in place for operating a cattle drive along provincial highways. These procedures were drafted by the Ministry in consultation with the B.C. Cattlemen's Association, the RCMP, the ministry responsible for agriculture, and the ministry responsible for forests. For complete information, go to the **Cattle Drive Information** website.

**Apply**

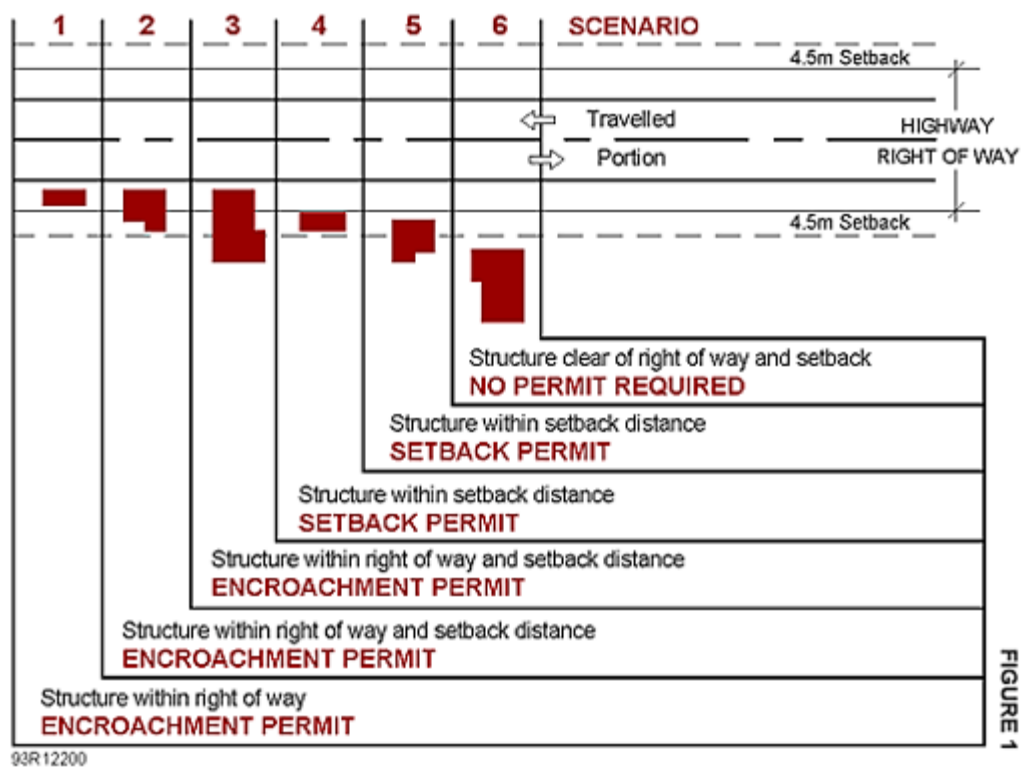
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### 3.1.4 Buildings and Structures Permits

If you have or plan to build a structure within 4.5 metres of the right-of-way, you will need a permit for setback or encroachment. Please note, however, that the Ministry discourages new structures built within these margins.

Provide the following information on the application form:

- the size and type of structure
- the reason you require relief from encroachment and setback limitations.
- the proposed distance of the structure from the property line and the name of the highway fronting the property



#### Drawings

Plans shall be metric, drawn to scale, and show:

- The exact offsets of the foundation and overhang of proposed or existing structures from the right-of-way boundary and the nearest internal property line
- Any feature or structure which limits the placement of the subject structure from being constructed at the required setback distance
- Any other structure on the subject property within the setback requirement area
- An inset or additional plan showing the profile of the structure and terrain to the traveled road edge The nearest edge of shoulder of the physical road
- The road name, legal description, any property pins evident and a north arrow

Submit three copies of the plans if they are larger than 11" x 17"

In cases where the proposed setback or encroachment is to legalize and/or add to an existing structure, a BC Land Surveyor is to prepare the plans.

The applicant is responsible to assure that design and construction of the structure conform to all applicable legislation, bylaws and codes, and that all other necessary permits are applied for.

Provide a certificate of title and a letter of authorization from the registered owner(s) where the applicant is not the owner.

In addition, you may be required to have the property lines and extremities of the proposed structure's footings clearly flagged on site prior to Ministry inspection.

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### **3.1.4.1 Encroachments**

To apply for a permit for an existing structure encroaching onto the right-of-way:

1. Submit your application, with a supporting plan and details, to the Ministry.
2. Your proposal will be reviewed, including a site visit and consultations if necessary.
3. Ministry staff will contact you with a decision, or a request for more information.
4. If your proposal is successful, you will receive a permit.

**Apply**

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### 3.1.4.2 Setbacks

The Province has specified a minimum setback of 4.5 metres, for any building, mobile home, retaining wall or other structure, from all highway rights-of-way under Ministry jurisdiction, unless you have access from another street, in which case the allowed setback is 3 metres.

Check with your local government to see:

- what their requirements are for siting of a building back from the road or highway right-of-way
- if you can build your proposed development within the terms of their codes
- if a variance will be required
- what procedure is established by the local government body to obtain approval for a variance from their setback requirements

If the local zoning and building codes allow a setback of less than the provincial minimum, or if the local government is prepared to grant approval for a variance which would enable you to construct your building below the minimum provincial standard, or if a structure might interfere with the safe and efficient operation of traffic on the adjacent highway, then you must apply to the Ministry for consideration of relief from the minimum setback.

#### Preparation

Prepare plans showing the siting of the building within your property and distance from the front property line to the closest portion of your proposed building.

Plans should be drawn to scale with your property dimensions noted.

The legal description of your property should be noted on the application form as well as being illustrated on the plan.

Complete the application forms.

#### Application

Submit your application, including plans, to the local District Transportation Office.

#### Evaluation

The Development Officer will coordinate the review process for your application. You may be contacted by that office for the purpose of obtaining further information, discussing areas of concern with your proposal, or to arrange a meeting to discuss the application.

The review process will consider:

- sufficiency of the present highway right-of-way to contain planned road improvements
- compatibility of a reduced setback with the Ministry's transportation objectives
- safety concerns associated with locating a building in close proximity to the front property line.

#### Decision

Following a favourable review a permit will be issued to you setting out the terms and conditions under which the reduction to the minimum setback has been granted. Should the application be denied you will receive notice in writing outlining the reasons for refusal. If, after reviewing any reasons for refusal, you believe the objections to your plans can be overcome, contact the Development Officer to discuss the matter.

**Implementation**

Once you have your permit you may proceed with plans to construct the proposed building at the specified setback subject to the terms and conditions of the permit. You are advised to check with the building department of your local government body to obtain whatever permits they issue in conjunction with the building's construction. Our permit to you is not an authorization to build your proposed structure. That approval rests with the local government. The permit we issue simply indicates our agreement to waive the minimum setback standards adopted by the province.

**Apply**[<< PREV](#) [NEXT >>](#)

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### **3.2 Written Approvals in Controlled Areas**

For information on authorities in Controlled Areas and near Controlled Access highways, see **Roles in Controlled Access Highways**

For specific application procedures near controlled access highways, choose from the following:

- **Access to a Controlled Access Highway**
- **Controlled Area Approvals**
- **Subdivision**

A **List of Controlled Access Highways** is available here.

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## 3.2.1 Controlled Area Approvals

### Pre-Application Check

**Section 52** of the Transportation Act defines a controlled area as the radius of 800 metres around an intersection of a **controlled access highway** with any other highway.

Enquire at the Planning Department of your local government body to see:

- If the proposed use is permitted in the present zone designation or whether you will need to apply to rezone your property to another category.
- If you need a development permit for commercial or industrial buildings exceeding 4500 square metres.
- If a bylaw must be adopted, or if a development variance permit or development permit must be issued.
- If you require a heritage revitalization agreement or amendment.
- Find out if the intended land use change is compatible with the community plan for your area.

All these cases require approval from the Ministry.

### Application

If ministry approval is necessary contact the ministry office early in your design process, prepare plans of your development proposal and make application to your local government to rezone the property. Your local government representatives will refer your application to the appropriate office of the Ministry for our approval.

The ministry staff may require a **transportation design report**. For information on Transportation design see the ministry' publication **Planning and Designing Access to Developments**.

### Evaluation

**(1 Access and Infrastructure Design:** Access to the land within the controlled area must not be in conflict with the ministry's **Planning and Designing Access to Developments manual** and the Transportation Association of Canada Manual (TAC Guide).

The development services officer also considers the impact of additional traffic to the current roadway design. The vertical and horizontal alignment of the highway due to topographical constraints may make it very difficult to develop a safe and viable access to the highway system. Specifically, the proposal must satisfy the following criteria for the Ministry to grant approval:

- Access must join the highway at a safe angle.  
The design must adequately separate highway access point locations from highway intersections, from other private access points, and from internal driveways within the site, in order to minimize conflicts which could impact the highway.
- The layout must accommodate turning movements into and out of the site in a manner which does not impact the safety and mobility of the highway (e.g. median treatments, speed differentials, auxiliary lanes, magazine storage, geometry, pedestrians on highway sidewalks).
- The gradient of the access must allow safe entry onto the highway from the lands in all weather conditions.

**(2) Property Development:** Property development within the controlled area must not be in conflict with the ministry's **Planning and Designing Access to Developments manual** and the Transportation Association of Canada (TAC) Manual.

These requirements specifically ask for the following:

- Internal traffic circulation must minimize conflicts, provide continuity between major circulation aisles,



and provide for the mobility of all types of traffic including delivery and emergency type vehicles, transit, cyclists and pedestrians.

- The development must contain adequate parking consistent with the demand for it.
- The circulation and parking plan must allow for efficient access between the site and surrounding roads, appropriate driveway geometrics and magazine storage, equitable distribution of site traffic to parking areas, safe and convenient pedestrian access between parking spaces and buildings or associated structures, and clear directional signs.

**(3) Infrastructure Capacity:** In considering roadway capacity, the development services officer contemplates the ability of the highway to accommodate additional traffic as the result of a land use change. Proposed zoning bylaws within the controlled area that the municipality wants rezoned must protect the roadway capacity and must not be in conflict with the the ministry's **Planning and Designing Access to Developments manual** and the Transportation Association of Canada (TAC) manual. The following criteria meet the requirements:

- Post-development traffic must not unacceptably diminish roadway capacity  
Traffic management structures such as traffic signals and existing access locations must not be unacceptably affected by post development traffic
- Ministry staff will confirm the minimum acceptable roadway capacity to be maintained, in consideration of the highway affected by the rezoning.

### **Approval of a Bylaw**

If the proposal is acceptable, the bylaw will be signed by our appointed representative and returned to the local government office. You will also be asked to sign an agreement to conditions of approval and implementation of the project.

If your local government's elected body supports your proposal and we have approved the bylaw, they may then adopt it.

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### 3.2.2 Subdivision

Under **Section 80** of the Land Title Act, the Ministry regulates subdivisions adjacent to **controlled access highways**. The Ministry's objective is to minimize the impact of development on safety and traffic flow on these highways. This requirement applies whether the proposed lots abut the controlled access highway, or only the remainder is adjacent to the highway. Where possible, the Ministry requires all access to the proposed subdivision to be via a frontage road, service road or local street.

Where the local government is the subdivision approving authority, the designated highways official is limited to considering the impact of the development on the controlled access highway. Regulation of these subdivisions by a designated highways official ensures that alternative road access is provided to the subdivision as required by the **Application for Subdivision Approval Regulation BC Reg. 8/89**. This process ensures that the controlled access highway is not compromised by 'land locking' new parcels to the highway corridor.

Where a development substantially increases traffic volumes, the controlled access highway and adjacent roads require improvements to accommodate the increase. Requirements that may be considered necessary for final approval of the subdivision could include items such as:

- Dedication of road widening for existing and future road improvements
- Construction of all collector and local roads necessary to serve the development
- Provision of off-site highway improvements including additional lanes, drainage improvements, signalization, street lights and turn slots.
- Provision of alternative access locations

For further information, please contact the Ministry's local **district office** or see the **Subdividing Land Outside a Municipality** website.

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### **3.3 Other Approvals**

Some approvals do not involve a permit, particularly where the Ministry is giving assent to a proposed decision by local government, a utility company, an organization or another authority. In these cases, the Development Officer prepares a letter of approval for signing by the appropriate Ministry official.

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### **3.3.01 Adopt-A-Highway**

The Adopt a Highway program offers both non-profit and for-profit organizations opportunities to contribute to their community and province. This program is aimed at promoting community pride and a means of publicly recognizing the organization's efforts. Specifically, the opportunity is for organizations to "adopt" a section of provincial highway to help carry out or sponsor such activities as landscape beautification, litter pickup, weeding and invasive plant spotting and reporting. Hand-pulling of non-toxic plants is optional.

It is the goal of the ministry to deliver the Adopt a Highway program by providing and promoting opportunities for groups of citizens, service organizations and private businesses to work in partnership with the Ministry and the Road and Bridge Maintenance Contractors.

For more information and for local contacts, go to the **Adopt-A-Highway** website.

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### **3.3.03 Oversize or Overweight Vehicles**

According to the **Provincial Public Undertakings Regulation BC Reg 513/2004**, you will need a permit to operate an oversize or overweight vehicle on the highway. However, Development Services does not issue permits or authorization for oversize or overweight vehicles. These are issued by commercial vehicle inspectors pursuant to **Section 8** of the Commercial Transport Act.

Contact your local Commercial Vehicle Safety and Enforcement Office for more information about obtaining a permit, or go to **Commercial Vehicle Safety and Enforcement**.

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### 3.3.04 Railway Crossings

#### Jurisdiction and Administration

Railway crossings operating under federal charter are covered by the **Canada Transportation Act**, the **Railway Safety Act** and the **Railway Relocation and Crossing Act**. Crossings of railways operating under provincial charter are covered by the **Railway Act**. Federal and provincial regulatory bodies approve all road works in their jurisdiction that revise, reconstruct or relocate an existing crossing, or create a new crossing. The Rail, Navigable Waters Coordinator of the Ministry's Engineering Branch in Victoria coordinates the approval process.

There are three administrative levels of railway crossings:

1. Public railway crossings are generally recognized as public roads or walkways intersecting a railway.
2. Private railway crossings (temporary or permanent) are generally vehicular or pedestrian crossings with controlled access, serving only one facility or property.
3. Farm railway crossings allow farmers continued access to lands severed by the railway.

Private and Farm crossings are not administered by the Rail, Navigable Waters Coordinator. Engineering considerations for private and farm crossings can be similar to minor public roads.

#### Drawings

Applicants must prepare a special purpose drawing, called an "Application Layout" drawing, to accompany an application for new at-grade crossings, as well as reconstruction, relocation, or revision of an existing crossing. Drawing information and crossing shall concur with the following:

- **B.C. Supplement to TAC Geometric Design Guide** (Chapter 1100) or updates.
- Federal Guidelines for grade crossing design "RTD-10" or its' update or replacement.

#### Time Frames

Approvals can take at least three months for simple crossing revisions that require no action or work by the railway company, other than approval, and where the Ministry bears all costs.

Expect five months to process applications for crossings requiring railway work and/or railway signal work.

For any crossings where grants and/or cost sharing are required (to be determined by the Rail, Navigable Waters Coordinator), the process can take a minimum of six months.

### 3.3.06 Signs

The Ministry operates under the principle that highways are safest for motorists when they are relatively free of distractions. For this reason, private signs along BC highways are not permitted. Nonetheless, some signs are necessary to point out services and attractions at highway exits, and for directions. You may apply specifically for a **Service and Attraction sign**.

Signs to point out emergency services, such as local radio stations and fire protection are permitted and require you to fill out a permit application. Likewise, hunting zone boundaries, regional district boundaries and other location markers may be posted, with a permit.

To reduce the chance of driver distraction, the Ministry does not issue permits for advertising.

To apply for permission to install a sign along any highway or road:

1. Submit your application, with a supporting plan and details, to the Ministry **district office**.
2. Ministry staff will supply you with a confirmation that they received your application, and assign a file number to your proposal.
3. Your proposal will be reviewed, including a site visit and consultations if necessary.
4. Ministry staff will contact you with a decision, or a request for more information.
5. If your proposal is successful, you will receive a permit.

**Apply**

### 3.3.06.1 Service and Attraction Signs

Service and Attraction signs are erected by the Ministry along provincial highways as a relatively uniform method of pointing out conveniences to the traveling public. They are not intended to promote any one service, attraction or facility over another. Common services and attractions are:

- gas stations
- restaurants
- motels
- campgrounds
- airports
- tourist attractions
- artisans

Accommodation, attraction or artisan businesses please contact the **District Transportation Office**.

On rural Provincial highways, eligible tourist facilities are signed in advance of turnoff points. The signs identify the types of facilities available, sometimes display business name panels and provide directional and possibly distance information. Confirmatory signs are provided, as required, on freeway exit ramps and at decision points on local roads and municipal streets.

As gas, food and lodging facilities (basic services) are generally numerous and more easily located in urban areas, signing is not provided for them on conventional urban highways except where confirmatory signing is required from a higher category of Provincial highway. However, for facilities less commonly found in urban areas, such as marinas, boat ramps, sani-stations and campgrounds, the Ministry provides generic (symbol) directional signing.

To be eligible for signing, tourist facilities must meet specified minimum standards and must be located within specified maximum distances from Provincial highway turnoffs. These distances are based on the distances an "en route" traveler might reasonably expect to drive in order to reach those facilities.

If the Ministry approves your application for a Service and Attraction sign, it will be ordered and installed for you. For further information, contact your **District Transportation Office**.



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### **3.3.06.2 Roadside Memorials**

It has become customary for members of the public to place items of memorial along roadways to commemorate those who have died as a result of motor vehicle related accidents. Out of respect for grieving family and friends, the Ministry allows placement of roadside memorials within provincial highway rights-of-way at, or near, the accident site.

Roadside memorials must not be a hazard to those using or maintaining a highway. The sole authority to remove a memorial marker resides with the District Manager, Transportation. If the District Manager determines that it is absolutely necessary to remove a memorial marker for safety, construction or maintenance purposes, he or she will attempt to contact the individuals who erected the memorial and facilitate its relocation or removal. For further information, contact the Ministry's **district office**.

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### 3.3.07 Road Closure in Rural Areas

Under **Section 60(1)** of the Transportation Act, the Ministry may close all or part of a provincial public highway if that closure is in the public interest. In order to ensure that the closure will not be contrary to the public interest, Ministry staff undertake a complex assessment of the proposal. In addition to considering highway maintenance and statutory requirements (such as access to lands beyond and access to water), the Ministry advertises the proposed closure to obtain comments from the public. You will be charged a processing fee and you may be required to purchase the closed road at current market value. In rural areas, prepare an **application for road closure** and send it to the Ministry's **district office**. The process for a road closure is as follows:

1. Prepare the application package, including rationale for the request, a plan of the proposal and supporting documentation and details.
2. Ministry staff will contact you confirming receipt of your application package, and give you a file number for future reference and communication about your application.
3. An initial consideration and review of your application will determine if there are any obvious reasons that the subject road may not be closed, which may include a site visit, .
4. Based on the preliminary results of the review, you will receive a written response from the Ministry either confirming that the application can proceed, declining with reasons, or asking for more information.
5. If the Ministry staff confirms that the application can proceed, the response will also include a review of the next steps and a request that you confirm the proceeding. A \$1500, non-refundable, administration fee is payable at this time.
6. If you decide to proceed, the Ministry will continue its investigation further, including consultation with interested parties, to confirm that the road is surplus to transportation needs and can be closed.
7. A Notice of Road Closure is then posted in the provincial Gazette.
8. Please note that a property appraisal may be required and that you may be required to purchase the closed road at current market value.
9. Submit your final plans and payments for final approval and completion of the process

### Closure of Rights of Way that Provide Access to Water

The Ministry has a specific **Policy on Closure of Rights of Way that Provide Access to Water**. Existing rights of way that provide public access to bodies of water (lakes, streams, rivers and the ocean) are to be retained for public use. Unless these bodies of water are privately owned, they are considered to be Provincial assets and public access must be retained.

#### Time

The process takes 5 to 7 months from when the initial application is received to the final approval. For the application, go to **Road Closure Form**.

#### Administration Fee

You must pay a \$1,500 non-refundable administration fee due before the application is reviewed. The administration fee is to cover the cost of research, reports and possible advertising. Payment for the area of the road to be closed is based on the fair market value of the land, taking into account the contribution in value to the adjoining lands and its highest and best use. A realtor may help you to obtain an estimate of the market value of the land associated with the road.

You may also expect to pay for legal fees (legal survey, Property Transfer Tax, Land Titles and documentation). These fees can add up to a minimum of \$5,000 for a simple road closure and can cost much more.

#### Notice of Closure

Newspaper advertising fees are covered by the Ministry's communications division. Advertising expenditures stem from the **Section 60 (2) and Section 60 (3)** of the Transportation Act, which require a planned road closure to be publicized in an appropriate source.

The minister may discontinue and close a surplus highway by publishing a notice containing the particulars of the closure in an appropriate format.

If, in the opinion of the minister, no highway exists or will be provided as an alternative to the surplus highway, the minister must give notice of the intention to close the surplus highway by notice published over 4 consecutive weeks, pursuant to **Section 60 (2)** of the Transportation Act.

This allows the public to become aware of the possible road closure and gives proper time for any objections or concerns to be raised. In this way, it can be confirmed that the highway is not necessary.

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### **3.3.08 Closing Municipal Roads or Arterial Highways**

To close a municipal road, contact the municipality, unless the road is designated as arterial, or could affect access to an arterial highway. In these cases, direct the application to the Ministry's **district office**.

The Ministry responsible for municipal affairs has created a website for municipal governments which outlines the **process for completing a road closure**.

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### 3.3.08 Underpass

Underpasses (tunnels) under public highways are often required to address highway safety concerns, such as the movement of animals and/or machinery from one side of an agricultural operation to another. Usually they are built at the same time as the highway is constructed or upgraded but on occasion, especially where the land use has changed or traffic volumes have increased dramatically since highway construction, an applicant will request a permit to place a private structure under the road. They may also be constructed in connection with recreational or industrial developments.

Examples of such structures could include:

- pedestrian underpasses
- cattle underpasses
- wildlife underpasses
- skier underpasses
- golf cart underpasses
- industrial conveyor belts

While the Ministry will not pay for private accesses of this type, if the developer is willing to pay the cost of construction and maintenance, a permit of this sort can be considered. Properly engineered drawings will be required and, should the installation be approved, the works must be designed, constructed and supervised by a professional engineer. Liability insurance will also be required. Please see **Approval Process** in this guide for general information on the application requirements. You should also contact the Ministry's **district office** during the initial planning stages.

### 3.3.09 Road Name Changes

Road name changes affect more than just the area residents; they also affect mail delivery, 911 service, fire and police protection. The Ministry is the final authority on road name changes for highways under their jurisdiction. The Ministry will not normally consider a road name change unless at least one half of the property owners on the road petition for a change. Outside sources, such as local governments, developers, or the general public may suggest names for the highway or structure. Once you have secured the necessary signatures, the Ministry will undertake the process of public notice to receive any objections. Copies of the notice will be sent to local government[s], Canada Post, emergency services and the local Member of the Legislature. If any objections are received, you will be expected to resolve them in a satisfactory manner.

Once any objections have been resolved, the Development Officer will prepare a report for the District Transportation Manager. If acceptable, a Change of Road Name is then posted in the provincial Gazette. Once the gazette notice is published, the local Ministry's **district office** will notify all affected agencies and arrange for new road name signs to be installed.

### 3.3.11 Vending On or Near the Right-Of-Way

Vending or the selling of flowers, fruit, vegetables, sea foods or other commodities or articles is generally not permitted on a highway right-of-way. **Section 189 (1) (j)** of the Motor Vehicle Act prohibits these activities unless a person has received an authorization under section **62 (2) or (6)** of the Transportation Act. Such authorizations will be based on the safety and suitability of the site but it is expected that they will be few in number.

#### Commercial Activities in Rest Areas

The Ministry supports appropriate commercial activities in rest areas, where the ministry's cost of implementing, administering and monitoring the Licence of Occupation, can be recovered through payments received from the vendor.

Ministry staff in District Offices determine which sites are suitable for seasonal vending concessions. All commercial development opportunities at Rest Areas will be made available through a competitive Request for Proposal process, and advertised on BC Bid and in the local newspaper. Individuals will be required to submit a proposal describing their experience and ability to manage and operate the business, the appeal of their product or service to the public, and provide illustrations of their mobile unit or semi-permanent structure, in the form of sketches, design drawings or photographs.

The district will consult with neighbouring businesses, communities and municipalities, to ensure there are no objections to the proposed activity.

In order to receive a Licence of Occupation of Provincial Public Highway (H1005), successful proponents will be required to:

- Provide WorkSafeBC insurance coverage for employees
- Have Comprehensive (Commercial) General Liability Insurance, as determined by the District
- Pay a Security Deposit, as determined by the District
- Provide proof of registration with Federal and Provincial tax authorities, as applicable
- Obtain a valid Operating Permit issued by the Health Protection Office of the Regional Health Authority; and food handling certifications as required by provincial health authorities (for vending of food items)
- Obtain any other permits as required by law

Monitoring of the operation and collection of monthly rent will be administered by District staff.

For further information on commercial development opportunities in rest areas, contact the Ministry's **district office** closest to you.

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### 3.3.12 Passenger Transportation Approvals

All persons who transport passengers and charge or collect compensation must have a licence or permit issued under the **Passenger Transportation Act** .

The **Passenger Transportation Registrar** is responsible for developing application guides and forms, accepting all applications, verifying safety requirements and issuing all licences. The Registrar is also responsible for initiating enforcement and compliance actions against licenced operators, through administrative penalties, including licence suspension/cancellation and refusal to issue a licence, as well as through administrative fines.

The **Passenger Transportation Board** is responsible for, among other matters, determining whether applications for inter-city buses or passenger directed vehicles meet an economic test, adjudicating licence applications for inter-city buses and passenger directed vehicles, and for receiving appeals regarding penalties imposed by the Registrar.

To apply for a license for an inter-city bus or a passenger-directed vehicle, please go the **Passenger Transportation Board** website.

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## **3.4 Forms and Checklists**

### **Forms**

- **Provincial Public Highway Permit Application**
- **Work Notification/Lane Closure Request**
- **Road Closure Application**
- **Certificate of Insurance**

### **Checklists**

- **Highway Access Checklist**
- **Special Events Checklist**
- **Checklist for Structural Setback**
- **Checklist for Works Within the Right of Way**

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