
Advisory Bulletin No. 06/4/18 – Shared Road Maintenance (Coastal Business Areas)

Purpose

This bulletin provides an overview of the process that the Strait of Georgia, Seaward-tlasta, Chinook and Skeena BCTS business areas will be promoting to support effective collaboration, communication and coordination of shared road maintenance in areas where multiple industrial road users are anticipated.

This bulletin is intended for BCTS staff and registrants, as well as general awareness for other industrial road users that share road maintenance with BCTS registrants.

Scope

This bulletin only applies within the Strait of Georgia, Seaward-tlasta, Chinook and Skeena business areas.

There are many types of roads that BCTS registrants may use as part of their industrial operations.

This bulletin focuses on resource roads that are covered by forest legislation. Public roads and highways (administered by the Ministry of Transportation and Infrastructure), municipal roads, rural side roads, and roads on private or federally managed land are administered under separate legislation and not addressed under this bulletin.

The primary resource roads where shared road maintenance may need to be considered are: road permit roads and Forest Service Roads (FSRs).

Objectives

- Promote streamlined shared road use and maintenance agreements that are consistent with legislation.
- Promote road maintenance rates for Timber Sale Licence (TSL) holders based on a reasonable contribution to the expense of maintaining forest roads that are shared for industrial use.
- Reduce transactional costs and the administrative burden of individual road maintenance rate discussions.
- Improve the ability of TSL bidders to predict shared road maintenance costs.
- Promote awareness and understanding of legal obligations relative to shared road maintenance.

Process

1. Where shared road use is anticipated for a planned TSL, BCTS will contact the primary road user(s) prior to TSL advertisement, make them aware of the planned sale, and request information relating to:



- (a) status of the road maintenance;
 - (b) known safety hazards;
 - (c) anticipated shared road maintenance costs; and
 - (d) a specimen road use agreement.
2. As part of its TSL advertisements, BCTS will make prospective bidders aware of the potential road sections where shared road maintenance/costing should be considered and highlight:
 - (a) primary road user(s), including contact information;
 - (b) status of the road maintenance [i.e., industrial use or wilderness road];
 - (c) known safety hazards;
 - (d) anticipated shared road maintenance costs, if provided by the primary road user; and
 - (e) specimen road use agreement, if provided by the primary road user.
3. To support steps 1 and 2 above, BCTS has entered into a Memorandum of Understanding with Western Forest Products Inc. (WFP), under which WFP has agreed to provide BCTS with a list of its applicable road maintenance fees and a specimen road use agreement.
4. BCTS will encourage TSL holders to enter into a road use agreement with the primary road user; however, this will not be a mandatory requirement of the TSL. Alternative business-to-business arrangements between the primary road user (e.g., WFP) and the BCTS registrant may be pursued.
5. BCTS will foster an improved understanding of the legal obligations relative to shared road maintenance by way of highlighting this bulletin as part of its TSL advertisements and pre-works.
6. BCTS has limited ability to enforce industrial road maintenance, outside of road permits issued by the Timber Sale Manager. If concerns are noted, BCTS will notify the District Manager and Compliance and Enforcement staff and work with these agencies to ensure that shared roads are maintained to a standard that protects the environment and structural integrity of the road prism and supports the safe use of the road by industrial users.

Legal Obligations

BCTS registrants are responsible for understanding all applicable legislation.

Below is a summary of several key sections of legislation relating to shared road maintenance. This list does not cover all applicable legislation and is only intended to foster awareness.

- Industrial use of a road: *Forest and Range Practices Act* (FRPA), Section 22.1
- Notice for use of a road: FRPA, Section 22.1
- No payment for use of a road except as provided: FRPA, Section 22.3
- Road maintenance: FPPR, Section 79



Ministry of Forests,
Lands, Natural Resource
Operations and Rural Development



- Wilderness roads: FPPR, Section 81

Useful Link

Resource Roads <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resource-roads>