



SECTION 3.3. - MOT - Utility Line Administration within Road Allowances

(OLD LMM SECTION 1.3.0802)

NAME OF AGREEMENT: UTILITY LINE ADMINISTRATION WITHIN ROAD ALLOWANCES

RECIPROCAL AGENCY: MINISTRY OF TRANSPORTATION

ISSUANCE: Assistant Deputy Minister, Crown Land Administration Division

IMPLEMENTATION: Ministry of Agriculture and Lands

REFERENCES: Land Act

RELATIONSHIP TO PREVIOUS AGREEMENT:

Effective date	BN #	Summary of Changes:
		Unchanged

RELATIONSHIP TO PREVIOUS AGREEMENT

Update of 88.08.31 Agreement



UTILITY LINE ADMINISTRATION WITHIN ROAD ALLOWANCES

MINISTRY OF TRANSPORTATION
& HIGHWAYS
(File: 151-25-ELP)

MINISTRY OF ENVIRONMENT
LANDS AND PARKS
(File: 151-25-XO03)

1.0 PURPOSE AND SCOPE

- 1.1 The purpose of this memorandum is to clarify administrative responsibilities for processing utility line applications in road allowances established pursuant to the Highway Act and Land Act. It is specifically intended to streamline utility line authorizations within Section 4 (Highway Act) and Section 74 (Land Act) roadways.
- 1.2 This memorandum conforms with and is subject to the Highways Act and the Land Act.

2.0 DEFINITIONS

- 2.1 “MOTH” means Ministry of Transportation & Highways
- 2.2 “BC Lands” means Land Services Division and Lands Regional Operations Department within the Ministry of Environment, Lands and Parks.
- 2.3 “Utility use” means a utility development for a public or private purpose which includes but is not limited to electrical distribution and transmission lines, telecommunication lines, oil or gas pipelines, flowlines or transit lines, sewer or water lines.
- 2.4 “Public road” means all roads other than private roads and includes roads, streets, ways, trails, and other roadways as defined in the Highways Act.
- 2.5 “Section 4 road” means a road established pursuant to Section 4 of the Highway Act.
- 2.6 “Section 74 road” means a road allowance established pursuant to Section 74 of the Land Act.



3.0 ROLES AND RESPONSIBILITIES

- 3.1 BC Lands is responsible for the administration of utility uses on Crown provincial land. This includes land within Provincial Forest reserves.
- 3.2 MOTH is responsible for authorizing utility uses located within public roads established pursuant to the Highway Act and Land Act. These are normally defined either by notice filed in the Gazette (prior to 24 December 1987), by subdivision or reference plan deposited pursuant to the Land Title Act, or by survey plan created under the Land Act.
- 3.3 The width of roads established pursuant to the Highway Act and Land Act are normally defined either by notice filed in the Gazette, by subdivision or reference plan deposited pursuant to the Land Title Act, or by survey plan created under the Land Act.
- 3.4 For the purpose of this agreement, public roads passing through Crown land established pursuant to Section 4 of the Highway Act are deemed to have a minimum width of 20 meters (25 meters in the Peace River Block north of the Peace River) or greater as determined by the MOTH but only so far as to accommodate cuts and fills plus three metres.
- 3.5 MOTH assumes, during the term of this agreement, responsibility for authorizing utility line uses within roads established pursuant to Section 74 of the Land Act.
- 3.6 BC Lands recognizes that authorization for utility line uses within a Section 74 road allowance does not imply responsibility for construction or maintenance within the road allowance until deemed necessary by MOTH.
- 3.7 Tenures and/or authorizations in place at the time of this agreement remain in effect until they have expired or they are canceled at the request of the client with the consent of BC Lands.

4.0 DESIGNATED MINISTRY CONTACTS:

The Director, Land and Water Programs Branch, Ministry of Environment, Lands and Parks and the Director, Properties Branch, Ministry of Transportation and Highways, are the designated contacts regarding interpretation, amendment and liaison for this agreement.

5.0 EFFECTIVE DATE AND TERM OF THE AGREEMENT:

- 5.1 Both ministries agree to review the Memorandum of Understanding one year hence from date of signing to ensure that the agreement is current and workable.
- 5.2 It is further agreed that this is a living document and, if necessary, those items described in Appendix one, may be amended at any time with the



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mutual agreement of the designated contacts without renegotiating this memorandum.

- 5.3 This memorandum of agreement becomes effective 30 days after the signature by both parties.
- 5.4 Either party may cancel this agreement on thirty (30) days notice. Amendments will be by mutual agreement.

Deputy Minister
Ministry of Environment, Lands & Parks

Deputy Minister
Ministry of Transportation & Highways



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Appendix One Roles and Responsibilities

For the purpose of this agreement, the Director, Land and Water Programs Branch in consultation with the Surveyor General, (MELP) and Director, Properties Branch, (MOTH) will be responsible for the review, and if necessary, amendments to the established road width requirements used in this agreement as described in section 3.4.