



File: 11360-20/DSQ

January 27, 2017

To All Road Users
Sea to Sky Natural Resource District

Dear Sir or Madam:

I am writing to holders of road use permits (RUP) in the Sea to Sky Natural Resource District as a follow-up to the Forest Practices Board's reports¹ and information from our ministry's engineering branch regarding road maintenance and associated road management. The purpose of this communication is to outline my expectations regarding road maintenance on all forest service roads (FSR) and to clarify the roles, obligations and expectations of RUP holders, including the designated maintainer.

Expectations of RUP holders are categorized into various subheadings including professional reliance, legislative requirements, and district manager (DM) expectations for all RUP holders, designated maintainers, and secondary users. A final section concentrates specifically on maintenance of FSR structures.

Professional Reliance

Legislation that applies to bridge and road practices is not limited to forest legislation (*Forest Act*, *Forest and Range Practices Act* and their Regulations), but also includes conformance to other legislation.

The *Forest and Range Practices Act* (FRPA) includes an underlying expectation of appropriate application of professional reliance. Two key acts related to resource roads and

¹ Forest Practices Board Reports:

"Road and Bridge Maintenance Obligations within Three Forest Districts, Coast Forest Region", FPB/SIR/31 April 2011, <https://www.bcfpb.ca/sites/default/files/reports/SIR31%20-%20Road%20&%20Bridge%20Maintenance%20-%20WEB.pdf>

"Bridge Planning, Design and Construction", Special Investigation, FPB/SIR/38, March 2014, <https://www.bcfpb.ca/sites/default/files/reports/SIR38-Bridge-Planning-Design-and-Construction.pdf>

"Road and Bridge Practices Board Audit Findings 2005-2011", Special Report, FPB/SR/43, February 2013, <https://www.bcfpb.ca/sites/default/files/reports/SR43%20-%20Road%20and%20Bridge%20-%20WEB.pdf>

bridges are the *Foresters Act* and the *Engineers and Geoscientists Act*. These professional practice acts basically require that appropriate professionals are engaged where and when required. There is an expectation that permit holders will conduct their activities consistent with all applicable legislation including engagement of appropriate professionals. To this end, it is expected that all RUP holders and their employees, agents and contractors will conduct their activities consistent with professional practice guidelines from the Association of BC Forest Professionals and the Association of Professional Engineers and Geoscientists of BC including:

- [Guidelines for Professional Services in the Forest Sector – Crossings](#)
- [Guidelines for Professional Services in the Forest Sector – Forest Roads](#)

Legislative Requirements

1. Under the [*Forest Act s115*](#), a person who has the right to harvest timber under a specified forest tenure may apply to the DM for a RUP to use an FSR. Subject to the conditions of the Forest Act, the DM must grant the applicant a RUP.
2. Under the [*Forest Act s117*](#) a person who wishes to use an FSR for an industrial purpose (that is not forest harvest related), may apply to the DM for a RUP and subject to conditions the DM may grant a RUP.
3. [*FRPA s22.1 and s22.2*](#) specify conditions in which the DM may exempt an industrial user from the requirement of a RUP.
4. The Forest Planning and Practices Regulation s79(4) provides for the DM to order the holder of a RUP (i.e. the designated maintainer) which authorizes the use of an FSR to assume all or part of the responsibility to maintain the road, including maintenance of bridges, culverts, fords and other structures associated with the road. Designated maintainers are typically assigned based on greatest demonstrated future requirement for access to natural resources, e.g. long-term timber harvesting tenures, clean energy infrastructures (power poles, penstocks, etc.) within the FSR right-of-way. There will only be one designated maintainer for a given section of FSR.
5. RUP holders are informed in their RUP Schedule A who the DM has designated responsibility for maintenance. Subject to [*FRPA s22.1\(7\)*](#), RUP holders must give at least five days' notice to the designated maintainer of the date on which they will begin to use the road.
6. Limitations specified in [*FRPA s22.3*](#) the designated maintainer may, by written notice to a person who has caused damage to the FSR, require payment as contribution towards maintaining, modifying and repairing damage caused by the person's use and the person is liable for the payment specified.
7. It is expected that RUP holders will restrict their loads to the gross vehicle weights (GVWs) and dimension limits stated in RUPs or as posted. RUP holders should be aware of the limitations associated with GVW load limits and that they are intended for log haul vehicle configurations and do not apply to equipment loads. It is

suggested that RUP holders review and be familiar with: [Engineering Bulletin #1 - Clarification of GVW as Applicable to Bridge Load Rating September 24, 2009](#). The RUP holder must consult with the ministry prior to transporting any loads which may exceed or potentially exceed safe load limits or dimensions.

Expectations of RUP Holders

1. RUP holders are responsible for communicating requirements of the RUP to their employees, agents and contractors.
2. RUP holders are responsible for compliance with the requirements of their RUP by their employees, agents and contractors.
3. Industrial operators are expected to self-monitor and avoid damage to the FSR such as during spring freshet or wet weather. A person must not use an FSR, or operate, or cause to be operated, a motor vehicle, or other equipment on an FSR in a manner that damages the FSR [Forest Service Road Use Regulation s10\(1\)](#). The DM may order the user causing damage to pay for remediating the damage [Forest Service Road Use Regulation s10\(2\)](#).
4. Where industrial users observe significant structural or potential environmental safety problems with bridges, major culverts, fish stream culverts or other road structures, they should immediately notify the designated maintainer.
5. During periods when multiple industrial users are operating on the same FSR, RUP holders are encouraged to establish and participate in a local road user group to coordinate hauling activities, discuss shared costs and maintenance standards, and ensure a safe transport route for all users.
6. It is the DM's expectation that a fair standard road maintenance agreement is negotiated between the designated maintainer and other industrial parties for periods of road use.
7. All road users, when using mobile radios for communicating location and position, must use the posted channels and protocols. Resource road (RR) channels shall only be used, with the exception of emergency situations, for the purposes of communicating location and position. RR channels are not to be used for business or other communication.

Expectations of the Designated (Primary) Maintainer

- a. It is expected the designated maintainer will maintain the FSR and associated structures to provide for safe industrial use and protection of the environment consistent with all legislative requirements inclusive of WorkSafe BC requirements.
- b. Designated maintainers are expected to conduct and document regular road inspections, rectifying any deficiencies discovered during those inspections.

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- c. Safety issues for industrial users and negative impacts on forest values are to be addressed immediately.
- d. Repairs must be completed in a timely manner to maintain the structural integrity of the road prism, including the sub-grade and structures, and to protect the environment.
- e. Forest tenure holders are required to carry out road maintenance as per legislation and is further described in Chapter 6 of the Engineering Manual [Engineering Manual – Engineering Branch - Ministry of Forests, Lands and Natural Resource Operations - Province of BC.](#)
- f. The DM may close an FSR if continued use may cause significant damage to the road, cause significant sediment delivery, or endanger property, public health or public safety [FRPA s22.2\(2\)\(c\).](#)
- g. Ensure all maintenance and repairs are carried out in a timely fashion regardless of who is responsible for damage.
- h. Report to the DM any significant structural, user safety, or environmental safety concerns on FSRs or FSR structures.

The designated maintainer must maintain the FSR to one of two levels:

1. **Industrial Use** - Subject to [FRPA s22](#) and [FPPR s79 \(6\) to \(9\)](#) the designated maintainer of the FSR must ensure that the structural integrity of the road prism and clearing width are protected, the drainage systems of the road are functional, and the road can be used safely by industrial users.
2. **Wilderness Level Maintenance** - During periods of no industrial activity, subject to [FRPA s22](#) and [FPPR s81](#), the designated maintainer must ensure the structural integrity of the road prism and clearing width are protected and the drainage systems of the road are functional only to the extent necessary to ensure there is no material adverse effect on a forest resource.

Expectations of Designated Maintainer for FSR Structures

The designated maintainer:

1. Is responsible for maintenance of FSR structures including bridges, major culverts, retaining walls, fords, and other engineered structures;
2. Must take appropriate and timely action where significant structural and/or potential safety issues are observed, to address safety of users; and
3. Is responsible for retaining copies of inspection records for bridge or major culverts associated with the road for at least one year after the bridge or major culvert is removed from site [FPPR s77.](#)

The ministry co-ordinates routine condition inspections on all FSR bridges and major structures. Inspections results are provided through the DM to designated maintainers for FSRs. These inspection results include load ratings assigned to each structure. Designated maintainers should not be solely relying on inspections results from the ministry but are expected to also conduct their own inspections. For your convenience, bridge inspections are posted on Sea to Sky Natural Resource District's ftp site:

<https://www.for.gov.bc.ca/ftp/DSQ/external/!publish/Bridge%20Inspection%20Information/>.

Additionally, the designated maintainer must comply with the following:

1. Defects or deficiencies identified through inspections will be repaired in a timely fashion [FPPR s75](#).
2. All repairs and the materials used to complete the repairs must conform to ministry standards and specifications which can be found through the ministry [Bridges and Major Culverts](#) webpage.
3. With the exception of emergency works, provide the DM notice at least 30 days in advance of any bridge, major culvert, fish stream culvert installation or works of a structural nature [FPPR s79\(7\)](#). Upon receiving notice the DM may issue an [FS1229 \(District Manager Requirements – Building of any Forest Service Road Bridges, Major Culverts, or installation of Fish Stream Culverts by a Road Use Permit Holder\)](#) which will specify the design and construction standards to which the designated maintainer will be held [FPPR s79\(8\)](#). It is recommended to bring forward any proposals for bridges, major culverts, fish stream culverts or works of a structural nature as soon as possible such that the designated maintainer has adequate time to incorporate DM requirements.
4. Notify the DM once bridge repairs and maintenance are completed. This information is used to update the corporate bridge registry which is used to administer and monitor FSR bridge and major culvert infrastructure. Pictures and notes of the completed works are expected to be included on the most recent bridge inspection report. As-built record drawings and documentation must be provided for new bridges, major culverts, and fish stream culverts [FPPR s79\(8\)](#).

Expectations of an Industrial User (when you are not the Designated Maintainer)

Where you are not the designated maintainer for all or some portions of the FSR identified in Schedule A, you are obliged to make contact with designated maintainer, outline your activities and scheduling, and reach an agreement as to an appropriate sharing of the road maintenance costs.

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Relief of Obligations from a Road Use Permit

When a RUP holder wishes to be relieved from further obligations of a RUP or any of its branches, they must apply in writing to the DM. The DM will need to be satisfied that obligations of the RUP holder have been met.

The Statement of General Conformance form must be completed and submitted to the DM - "Statement of General Conformance RUP – Road Use Permit Closure Request". This letter is integral to RUP FS102, Schedule A and cover letter documents and should be attached to it.

If you have any questions on the above or have issues accessing any hyperlinks, please contact Malcolm Schulz, Engineering Officer, by phone at 604-898-2139 or email at Malcolm.Schulz@gov.bc.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read "D. Southam".

Dave Southam, RPF
District Manager
Sea to Sky Natural Resource District