

The NRRA Working Groups

April 12, 2012

The Working Groups

The Phase 1 analysis of feedback on the Natural Resource Road Act (NRRRA) project highlighted policy areas with issues that need to be examined. Fourteen working groups were then formed to address these topic areas. The role of these working groups is to pinpoint a range of policy options that may help address any issues identified. The working groups are comprised of government employees as well as industry workers, representatives from impacted organization, and other interested parties, all of whom are volunteers.

They are tasked to assess:

- how well these policy options align with the project objectives and principles;
- the associated costs and benefits to stakeholders; and
- what resources would be required to make these options work.

Below is a list of the fourteen working groups and a brief description of the issues that each one faces.

1. Safety Framework

This group focuses on what a comprehensive safety framework could look like under the NRRRA. Safety issues are numerous and vary from the basic rules of the road to design and construction, maintenance and deactivation, compliance and enforcement, use expectations, hazard identification, communication with user groups, and incident tracking.

2. Publicly Funded Oversight of Practices

This group is tasked with examining the options of having a public watchdog for resource roads under the NRRRA. The group is using the Forest Practices Board as a starting point to engage with the issues and provide an assessment of the benefits and drawbacks of having road oversight.

3. Balancing Rights to Use Roads with Rights to Control Roads

One of the principles underlying the NRRRA is that roads built by industry should be left open to motor vehicles if possible. Companies that construct or maintain resource roads may have good reason to restrict access, for example to ensure safety during road maintenance. However, it is important to balance the rights of

the maintainer to restrict access to a road with the opportunities of people to use the road. This working group is looking at options to ensure a reasonable balance between these two objectives.

4. Access Management Input

The parties who have an interest in a road can be diverse. They could include large and small commercial users, industrial users, recreational users, and people who rely on the road to access their residence or rural community. It is therefore necessary to have some form of user input that the Designated Decision Maker can consider when making road-related decisions. This working group is examining options on how to make the input process efficient and reasonable for all the involved parties.

5. Cost Sharing

There are two aspects to cost sharing: capital costs and maintenance costs.

If a company needs to construct a resource road, there may be other users who would benefit from the road's existence. In that case, it may be desirable for the parties to share the capital cost of constructing the road.

For existing roads, the NRRRA will designate a primary road user as maintainer. If there are other road users (industrial/commercial), they should also share in the costs of maintaining a road.

This working group is exploring options for how to arrange for cost sharing agreements between designated maintainers and other users with measureable impacts on a road, as well as between the road constructors and other future beneficiaries of the road.

6. Ownership and Control of Structures

The construction of a road often requires the installation of structures such as bridges, which can be portable. When a primary user has finished with a resource road, they may want to remove and reuse their structure on another road. Other users who have come to rely on a road will not want the structure removed as the removal would interfere with their continued use of the road.

This working group is examining the possibilities around who should have ownership and control of structures on resource roads and how best to balance the interests of industry and other users.

7. Uniform Application of Government Objectives

One of the goals of the NRRA is to standardize the regulation of resource roads in British Columbia and bring more consistency to their regulation across industries. This working group is tasked with analyzing how government objectives can be applied consistently across the different resource industries and resource road users to ensure the framework is fair and reasonable.

8. Fees, Rents, and Taxation

There is currently inconsistency regarding the administration of fees, rents, and taxation for resource roads. This working group is examining when and if application fees should be charged for resource road authorizations, when and if rents should be charged for resource roads, and when and if resource roads should be assessable for property tax purposes.

9. Securities and Insurance

The *Bonding Act* allows government to collect and use security deposits for natural resource authorizations; however, none of the legislation that currently provides for road authorizations requires operators on Crown land to maintain third party liability insurance (although it may be required by policy or in practice). This working group is investigating whether requiring securities or insurance for builders, maintainers, users, or deactivators is desirable under the NRRA.

10. Government Roads

Currently, a road may be established as a Forest Service Road (FRS) under the *Forest Act* or designated as such under the *Forest and Range Practices Act*. FSRs are considered to be owned by government and are treated differently from other roads. This working group is exploring whether it is desirable to continue to have a separate category of government roads under the NRRA.

11. Scope of Roads

There are many types of roads in British Columbia, including public highways, municipal roads, roads on First Nation land, private roads, and resource roads on Crown land. The NRRA will not include public highways or private roads in its

definition of resource roads. This working group is looking at which other roads should be included in the definition of a “resource road” under the NRRA.

12. Information Sharing and Management

Natural resource roads in British Columbia are currently administered by many different pieces of legislation across various Ministries and industries. The NRRA proposes to harmonize and streamline these road authorizations. In order to do so, a strategy is needed to ensure efficient communication between agencies. This working group is researching how to create and implement such a strategy.

13. Recreational Maintenance Funding

The objective of this working group is to identify ways in which resource roads that provide access to high-value recreation areas can continue to be maintained when industrial needs have ceased. Options will consider the level of maintenance required as well as mechanisms to administer maintenance funds that may be available.

14. Road Standards

Road standards are important to ensure roads meet safety and environmental concerns. Standards must be in place for construction, maintenance, and deactivation. This group is trying to find the most effective legislative/regulatory framework that will set out maintenance standards that are reasonable, fair, enforceable, and fit with the intended use of the road. The framework will provide for a single designated maintainer and provide for adequate maintenance standards as a resource road transitions from one intended use to another.