

FREQUENTLY ASKED QUESTIONS

SAFETY ON RESOURCE ROADS & NATURAL RESOURCE ROAD ACT

1. WHAT IS THE CURRENT SAFETY POLICY FOR RESOURCE ROADS?

- There are more than a dozen different pieces of legislation that govern safety on resource roads. Because of this, it's difficult for the public to know what the rules are. Those laws for the most part do not acknowledge the public dependence on resource roads that exists today and is expected to increase in the future. Nevertheless those laws remain in effect.
- There has been uncertainty whether resource roads are classed as a workplace under the Workers Compensation Act. On October 15, 2012, the Occupational Health & Safety Regulation was amended to clarify that resource roads are not workplaces.
- Employers whose workers are operating vehicles on roads, including resource roads are responsible for ensuring those workers are aware of the rules of the road and are trained to deal with hazards they encounter. People maintaining resource roads are responsible for mitigating known hazards. The Province and WorkSafeBC will work together to support this model through education, communication, monitoring and enforcement.
- The Province is developing a new Natural Resource Roads Act to improve and consolidate the existing regulatory requirements and clarify any uncertainty surrounding road use. This regulatory amendment is an interim measure until the Natural Resource Roads Act is finalized.
- This amendment will result in safer use of resource roads by clarifying responsibilities regarding safety. People operating vehicles on roads, including resource roads, are responsible for driving in a safe manner, with due consideration for road conditions and traffic.

2. WHY THE NEED TO PROTECT RESOURCE ROAD USERS?

- Safety of road users is always a paramount concern, and we're committed to ensuring a framework that encourages workers and the public to use resource roads safely.
- The new Natural Resource Roads Act will address the issues faced by resource road users including uncertainty over road use rules.

3. WHAT ARE GOVERNMENT'S PLANS TO IMPROVE RESOURCE ROAD SAFETY?

- In addition to this amendment, the Province is developing a new Natural Resource Roads Act to establish a uniform suite of road use rules, many of which will be similar to public highways. Educating road users regarding the new law when in place will be the next step. Monitoring and enforcement to reinforce good driver behavior is the last piece of the plan.
- The *Workers Compensation Act* and its Occupational Health and Safety Regulation continue to apply to worksites on or adjacent to resource roads.
- WorkSafeBC continues to have authority to enforce safety requirements at workplaces on or next to resource roads and will continue to work with the Province to support overall safety for workers.
- The Province and WorkSafeBC will:
 - Continue to support road safety management committees, many of which are already in place across the province
 - Support driver education that profiles safety considerations for drivers using resource roads
 - Monitor driver behavior
 - When necessary, carry out enforcement
- This amendment removes any uncertainty that might exist over responsibility for driver safety.

4. WHEN WILL THE NRRRA COME INTO EFFECT?

- Government staff and representatives from forestry, utilities, transportation, agriculture, oil and gas, mining, tourism and recreation are working together to identify problems and find solutions.
- When the analysis and policy framework are completed, drafting of the Act will commence.

5. DO ROAD USER GROUPS SUPPORT THE AMENDMENT TO THE OCCUPATIONAL HEALTH & SAFETY REGULATION?

- Yes. The Council of Forest Industries, Coast Forest Products Association, Canadian Association of Petroleum Producers, Association of Mineral Explorers of B.C., Federation of B.C. Woodlot Associations, and Union of BC Municipalities all support this amendment.

6. WHAT IS THE NATURAL RESOURCE ROAD ACT PROJECT?

- The Natural Resource Road Act Project aims to establish new legislation that will create a single management and administrative framework for all of B.C.'s resource roads.
- The primary objective of the Natural Resource Road Act Project is to eliminate inconsistencies in the management and administration of these resource roads.

7. WHAT SORT OF INCONSISTENCIES AND WHY DO THEY EXIST?

- B.C.'s resource roads are currently governed under multiple Acts and supporting regulations, many of which were created for a specific resource sector (primarily forestry, mining, oil and gas). The result is substantially different tenures, varied levels of enforcement, and inconsistent standards for the use, construction, maintenance and deactivation of resource roads.
- The aim is to consolidate, harmonize and streamline the resource road-related provisions of several different Acts and regulations under a single piece of legislation.

8. WHAT IS CONSIDERED TO BE A RESOURCE ROAD?

- Resource roads are typically one-lane or two-lane gravel roads built for industrial purposes to access natural resources in remote areas.
- They include forest service roads, petroleum development roads, mineral exploration roads, *Land Act* roads and special-use-permit roads.
- The Natural Resource Road Act will cover all roads used to extract natural resources on Crown land.
- Public highways, municipal roads, mineral tenure roads, roads within provincial parks or federal land, and private roads are not part of the project.

9. WHAT WOULD BE THE MAIN ADVANTAGES AND BENEFITS OF A NATURAL RESOURCE ROAD ACT (NRRA)?

- A more predictable, fair, safe and cost-effective road management framework.
- Consistent standards and expectations for the use, construction, maintenance, modification and deactivation of resource roads.
- A consistent compliance and enforcement regime for all industries.
- Improved safety and reduced environmental impact.

10. HOW WILL THIS SPECIFICALLY BENEFIT INDUSTRIAL USERS?

- Less red tape. Fewer authorizations to acquire, and there will be greater consistency between authorizations.
- Rights and obligations of users and maintainers will be consistent and balanced.
- Will include an efficient and effective dispute resolution mechanism.
- Uniformity in road use rules make using resource roads anywhere in the province easier and safer.

11. HOW WILL THIS SPECIFICALLY BENEFIT COMMERCIAL USERS AS WELL AS THE GENERAL PUBLIC AND REMOTE/RURAL COMMUNITIES?

- Road use rules will be similar to those on public roads, increasing certainty about how to drive safely and best practices for the safe and efficient movement of vehicles on resource roads.
- The right to use a road will be guaranteed subject to protection of the road, the environment and user safety.
- Road deactivation can be avoided by accepting maintenance obligations customized to the situation.
- Road deactivation becomes a decision of government rather than industry.

12. WHAT LEGISLATION WILL BE CONSOLIDATED?

- The NRRA will harmonize resource road-related provisions primarily from the:
 - *Land Act*
 - *Forest and Range Practices Act*
 - *Petroleum and Natural Gas Act*
 - *Mining Right of Way Act*
 - *Industrial Roads Act*
 - *Forest Act*
 - *Forest Practices Code Act of BC*
 - *Workers Compensation Act*
 - *Water Act*
 - *Occupiers Liability Act*
 - *Motor Vehicle Act*
- Consequential amendments to a number of other pieces of legislation will be required to ensure consistency with the NRRA.

13. WHY ARE YOU NOW MAKING THESE CHANGES?

- There are more resource roads in B.C. than ever before. There are also more people using the same roads at the same time for unrelated activities. Current legislation is inadequate to provide the required safety framework everyone needs.
- Opportunities for greater efficiencies must also be leveraged to help accelerate economic growth.

14. WHO SHOULD CARE ABOUT THE NATURAL RESOURCE ROAD ACT?

- Anybody who uses B.C.'s resource roads for work, for recreation, or because they live in or visit rural communities located away from the public highway system.
- The Natural Resource Road Act will be designed to provide more certainty for the benefit of all natural resource sectors and road users. This includes forestry, oil and gas, mining, agriculture/range, utilities, recreation/tourism, communities and First Nations.

15. WILL THE NATURAL RESOURCE ROAD ACT AFFECT PUBLIC ACCESS TO RESOURCE ROADS IN ANY WAY?

- Yes. The Natural Resource Road Act will:
 - Support non-industrial maintainers taking on responsibility for roads no longer required by industry, thereby retaining more roads for longer periods of time.
 - Protect the right of the public to use resource roads except where restrictions are required to provide for safety and protection of the road or environment.
 - Ensure road users are accountable for following the rules of the road and for damage they cause to a road, thereby respecting the rights of others to also use the road.

16. HOW WILL THE NATURAL RESOURCE ROAD ACT AFFECT OFF-ROAD VEHICLES?

- It will clarify rules regarding use of resource roads where off-road vehicles can expect to encounter other vehicle types.
- It will also make it easier to manage roads specifically for off-road vehicles.

17. WILL EXISTING LAND USE PLANNING BE AFFECTED IN ANY WAY?

- No. The Natural Resource Road Act will not affect land use planning policies, consultations, authorities or processes.
- The Natural Resource Road Act will deal exclusively with the post-approval administration of resource roads. It will not affect any land use planning processes that determine where resource roads may be built.

18. WHO WILL BE RESPONSIBLE FOR BUILDING, MAINTAINING AND DEACTIVATING RESOURCE ROADS UNDER THE NATURAL RESOURCE ROAD ACT?

- Construction of a new road will be the responsibility of those who need it enough that they are willing to pay to have it built (unchanged from today's model).
- The Province will assign maintainer responsibilities to the party that is fairly considered to be the primary user.
- Other industrial and some commercial users will be required to contribute to maintenance when their level of use crosses a threshold that will be defined in the Act.
- The Province will be responsible for determining if and when a road will be deactivated. That decision will be primarily based on risk to the environment and the existence of a party willing to mitigate that risk.

19. WILL THERE BE ANY COST SAVINGS?

- Streamlining of administration and uniformity of rights and obligations is expected to result in overall cost savings at the resource sector level.

20. DOES THE NATURAL RESOURCE ROAD ACT PROJECT INCLUDE CONSULTATION WITH STAKEHOLDER GROUPS?

- Yes. The Natural Resource Road Act Project team has already consulted with many groups to create the baseline principles for a discussion paper that will help build the foundation for the Natural Resource Road Act.
- Stakeholder consultation and a formal public review period to provide feedback on the discussion paper took place in Fall 2011.
- Industry, commercial and non-commercial associations provided feedback to policy. Following this initial feedback period, they have engaged in specific policy issue resolution processes that will be used to draft the legislation and subsequent regulations.
- Since potential policy changes will affect a broad spectrum of stakeholders (each in slightly different ways), stakeholder consultation is a key aspect of the Natural Resource Road Act Project.

21. DIDN'T YOU ALREADY PASS A RESOURCE ROAD ACT IN 2008?

- No. Bill 30 was removed from the legislative agenda following first reading.

22. HOW IS THIS PROJECT DIFFERENT FROM BILL 30?

- The creation of the Ministry of Forests, Lands and Natural Resource Operations has enabled a simpler, more streamlined and more comprehensive approach than was possible in 2008.
- The Province is committed to significant completion of policy work along with stakeholders before a new Bill is introduced.
- This Act will include a comprehensive safety framework aligned with that of public roads.

23. WILL PUBLIC ACCESS TO BRITISH COLUMBIA'S BACKCOUNTRY BE NEGATIVELY IMPACTED BY THE NRRRA?

No, we believe the NRRRA will enhance public access to wilderness recreation areas because:

- The NRRRA is proposing a shift from a “maintain or deactivate” to a “maintain or stabilize” approach. “Stabilize” means reducing or eliminating environmental risks, while preserving the highest possible level of public access to a road.
- The NRRRA is proposing to lower the legal and financial barriers that discourage voluntary maintenance required to keep a road open, as well as limit third-party liability for those responsible for road construction and maintenance.
- The NRRRA is proposing to limit the ability of a maintainer to restrict use of a road by others. Reasons to restrict access include safety, maintenance and repairs, protection of the environment or the road from damage, and alignment with land use decisions. Other reasons (e.g. risk to property) may require government approval. Maintainers may be required to inform other resource road users when these restrictions occur.

24. WILL THE NRRRA DESIGNATE TRAPPERS, GUIDE OUTFITTERS, MINERAL EXPLORERS, RANCHERS, AND OTHER SMALL OPERATORS AS MAINTAINERS OR FORCE THEM TO CONTRIBUTE TO MAINTENANCE?

No, there is no intention to designate a small business that has a minimal impact on roads as a maintainer, or require the business to contribute towards maintenance. The NRRRA is, however, exploring the potential for larger operations that have a significant impact on a road to take on maintainer responsibilities, or be required to contribute to the maintenance in an amount that reflects their impact on that road.

25. WILL THE BC GOVERNMENT BE CONTRIBUTING TOWARDS RESOURCE ROAD MAINTENANCE?

One of the goals of the NRRRA consultation process is to remove some of the barriers that currently discourage government from contributing towards maintenance. The current legislative framework does not provide for the possibility of flexible maintenance agreements, which would enable multiple parties to contribute towards maintenance. Parties to these agreements could be the Province, local governments, private businesses or non-business groups. The decision of the Province to dedicate public funding will continue to be part of the annual budget process.

26. HOW WILL PUBLIC INPUT INTO DEACTIVATION DECISIONS BE DEALT WITH UNDER THE NRRRA?

We are currently exploring ways of giving the public input into deactivation/stabilization decisions. This input could involve access management planning or other ways of notifying the public and inviting comments on deactivation decisions.

27. WILL MINING ROADS BE INCLUDED IN THE NRRRA?

Roads within a controlled mine site will continue to be administered by the Chief Inspector of Mines, while roads leading to the controlled site are proposed to be administered under the NRRRA. The reasoning for the split is that roads within a controlled mine site are clearly within a restricted area, generally closed to the public, and for the most part used exclusively for mine activities while those leading to the mine site could be used by the public to access recreational sites, communities, or for business purposes.

28. HOW WILL THE NRRRA INTERACT WITH THE PROPOSED OFF ROAD VEHICLE MANAGEMENT FRAMEWORK?

The NRRRA will complement the Off Road Vehicle Management Framework. Work continues on determining the scope of the NRRRA, i.e. whether trails will fall under the NRRRA or what if any aspects of the NRRRA will apply. More information can be found on the [OVR Management Framework website](#).

29. IF I AM THE DESIGNATED MAINTAINER OF A ROAD, WILL I BE ABLE TO CONTROL WHO HAS ACCESS TO IT?

The Province's Open Road Policy will continue to apply to resource roads on Crown land under the NRRRA. This policy is about keeping roads open and available to all users except as required to protect users, the road, and the environment. The NRRRA will strike a balance between a person's ability to use a road versus a maintainer's need to limit use as required to complete their obligations as the maintainer.

30. HOW WILL THE PUBLIC KNOW IF THEIR ABILITY TO USE A RESOURCE ROAD IS RESTRICTED BECAUSE OF SAFETY CONCERNS, INDUSTRIAL/COMMERCIAL OPERATIONS, OR CONSTRUCTION/MAINTENANCE ACTIVITIES?

We are currently looking at practices in other jurisdictions to determine what is best for British Columbia. It is anticipated that notification will be accomplished primarily through signage, though sometimes this may be supplemented by notifications in the media or on the internet.