



# MEMBER RELEASE

October 26, 2011

**TO:** Mayor & Council | Chair & Board | Senior Staff  
**FROM:** UBCM Secretariat  
**RE:** **NATURAL RESOURCE ROADS**

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## Purpose

This communication is being forwarded to inform local governments about a proposal by the provincial government to introduce a Natural Resource Road Act in the fall of 2012.

The Province has developed a discussion paper entitled the “Natural Resource Road Act Project” which outlines the general intent of the new legislation and it is looking for local government feedback on the proposed policy by **December 15, 2011**. The Natural Resource Road Project website is located at:

<http://www.for.gov.bc.ca/mof/nrra/index.htm>

## Background

The provincial government has looked at the issue of how to operate and manage rural resource roads on a number of occasions. In 2008 the provincial government introduced Bill 30 – Resource Road Act. The Act was intended to establish a new framework for the operation and maintenance of resource roads. The legislation was met with a mixed response from industry, environmental groups and other users. The provincial government removed Bill 30 from the legislative agenda following first reading.

In 2009 the provincial government indicated that it intended to take a further look at the resource roads issue based on concerns raised by local government. A number of local governments indicated that the use and future access to resource roads was a growing concern around the province. A UBCM/Provincial Joint Committee was created to look at the issue and a report was produced in 2010 entitled “Resource Roads and Communities: Issues and Recommendations” and was discussed at a clinic at the 2010 UBCM Convention. The report on resource roads can be located on the UBCM website at:

<http://www.ubcm.ca/EN/main/resolutions/policy-papers/convention-policy-papers-2000-present.html>

## Natural Resource Road Act Project

The Province has developed a discussion paper entitled the “Natural Resource Road Act Project” and is looking for stakeholder input into the process.

The discussion paper outlines a number of different issues that the Province is attempting to address in the legislation. The first set of issues is around the approval and use of the roads. The paper outlines the following suggestions:

- consolidate resource road legislation into a single act and provide a one-window approach to the approval of resource roads;
- ensure that resource roads are built and maintained with due consideration to environmental impacts;
- ensure that roads are open to everyone except as required to protect the road, to mitigate unacceptable environmental impacts and to provide for the safety of road users;
- reflect a “use at your own risk” approach when accessing resource roads. Liability to third parties will be limited to instances of misfeasance on the part of the designated maintainer. Unless a designated maintainer or government has intentionally or negligently created a hazard that causes another user injury or vehicle damage, there will be no recourse to compensation;

A second set of issues that the Province is investigating is the operation and management of rural resource roads. The paper makes the following suggestions:

- require that the provincial government identify one designated maintainer for each resource road, the provincial government may assign any user of the road as a designated maintainer. However, there will be only one designated maintainer for each road or section of road at a time. The designated maintainer is responsible for maintaining and repairing the road and will in the majority of cases be assigned to the party who is considered the primary user of the road (whether industrial, commercial or other). Where multiple parties use roads for industrial or some commercial (yet to be defined) purposes, they will be obligated to contribute fairly to the cost of maintenance incurred by the maintainer;
- require that government decision-makers determine when a resource road can be closed and require that the provincial government consider the future value of the road to the public good when setting relief conditions. An underlying objective is to support non-industrial maintainers taking on responsibility for roads no longer required by industry, thereby retaining more roads for longer periods of time;
- require that any road lacking a designated maintainer may be subject to deactivation. One of the key principles behind the proposed legislation is that every resource road will need to have a person responsible for carrying out maintenance. Someone will need to be identified as responsible for mitigating the environmental risks associated with operating the road - maintaining the bridges and stream culverts, which will eventually fail if not maintained - or the road will be closed.

## **Next Steps**

The provincial government is looking for local government feedback on the future direction and operation of resource roads. They would like to know what role local government feels it should play in this process and how local governments would like to see resource roads managed and operated in the future.

The deadline for feedback is **December 15, 2011**. The Natural Resource Road Project website is located at:

<http://www.for.gov.bc.ca/mof/nrra/index.htm>

## **UBCM Contact**

UBCM would request that you forward a copy to us of your local government's response to the Natural Resource Road Project.

If your local government has any questions regarding this communication, please contact Ken Vance, Senior Policy Advisor Email: [kvance@ubcm.ca](mailto:kvance@ubcm.ca); Tel: 604-270-8226 ext. 114.

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