

Regulations - Forest Practices Code of BC Act

**FOREST SERVICE ROAD USE REGULATION**

Contents

Repealing B.C. Reg. 367/92 - Forest Service Road, Right of Way and Recreation Trail Regulation;

B.C. Reg. 173/95 Deposited April 12, 1995

O.C. 431/95 effective June 15, 1995

Consolidated to December 17, 2002

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Definitions

1. In this regulation:

"motor vehicle" means a vehicle that is

- (a) intended to be self propelled, and
- (b) designed primarily for travel on land on surfaces other than rails;

"traffic control device" means a gate, signal or notice which regulates the operation of a motor vehicle and includes informational, cautionary, restrictive and prohibitory signals and notices;

"unlicensed industrial vehicle" means a motor vehicle, not licensed under the Motor Vehicle Act or the Commercial Transport Act, that is used in industrial activities.

Provisions of Motor Vehicle Act applicable to forest service roads

2. The following provisions of the Motor Vehicle Act apply to all forest service roads as if a forest service road were a highway:

- (a) section 1;
- (b) section 2 (5), (6) and (7);
- (c) section 24 (1) and (2);

- (d) section 33 (1) insofar as it applies to a driver's licence or a driver's certificate;
- (e) section 68;
- (f) section 70;
- (g) section 73;
- (h) section 84;
- (i) sections 141 and 142;
- (j) sections 144 and 145;
- (k) sections 149 and 150;
- (l) sections 157 to 160;
- (m) section 162;
- (n) sections 169 to 172;
- (o) sections 185 and 186;
- (p) section 194;
- (q) sections 206 (1) to (3) and 207;
- (r) section 221;
- (s) sections 224 to 229.

#### Snowmobiles

3. (1) Despite the requirements of sections 2 (c) and 12, a person is not required to hold a subsisting driver's licence issued under the Motor Vehicle Act or a valid and subsisting contract of third party liability insurance while operating a snowmobile on a forest service road in compliance with subsection (3).

(2) Subject to compliance with subsection (3) and with the Motor Vehicle (All Terrain) Act and the regulations under that Act, a person may operate a snowmobile on a forest service road.

(3) A person must not operate a snowmobile on a forest service road if it appears that the road has been snowploughed, or that the road is otherwise fit for travel by motor vehicles other than snowmobiles.

(4) Despite subsections (1) to (3), snowmobiles that operate on the Gold Rush Snowmobile Trail may use ploughed forest service roads, subject to:

- (a) the drivers licence and insurance provisions in this regulation for other motor vehicles,

- (b) the implementation of the safety and risk management plan for the trail, and
- (c) the use of a helmet by the driver and passengers of the snowmobile.

#### Speed restriction

4. A person must operate a motor vehicle on a forest service road at a speed that
- (a) is safe for the conditions, and
  - (b) does not exceed the lesser of
    - (i) 80 km/h, and
    - (ii) the speed posted on a relevant traffic control device.

#### Use of 2-way radio

5. (1) A driver on a forest service road who uses a 2-way radio to communicate with other drivers on the road must announce, in accordance with any road markers posted at intervals along the road,
- (a) his or her position, and
  - (b) the branch of the road being travelled, if the radio's signal can be received on more than one adjacent branch of the road.
- (2) Subsection (1) applies to a driver only if
- (a) the driver uses a radio frequency provided by the holder of a private commercial radio station licence, or other licence under the Radio Act (Canada) and the regulations under that Act, to communicate with the other drivers, and
  - (b) the forest service road is posted with a sign that indicates the radio frequency that is to be used.

#### Traffic control devices

6. (1) A district manager or a designated forest official may cause a traffic control device to be erected on a forest service road if, in the district manager's opinion, restrictions on the use of the road or the traffic on the road are required to achieve the purposes of section 4 (b) and (c) of the Ministry of Forests Act.
- (2) Without limiting the generality of subsection (1), a traffic control device may be used in any of the following ways:
- (a) to close the road to all traffic or to specified categories or sizes of motor vehicles including those not engaged in commercial activities;
  - (b) to close the road totally, or for a specified period of time;

- (c) to regulate the movement of traffic;
  - (d) to require the use of 2-way radio systems during certain hours in order to coordinate the movement of traffic, including specifying the radio frequency to be used on portions of forest service roads;
  - (e) to restrict the use of vehicles having characteristics that could damage the forest service road or create a safety risk;
  - (f) to warn drivers of hazardous or unusual conditions existing on forest service roads.
- (3) A person must not erect a traffic control device on a forest service road without the prior consent of the district manager in whose district the road is situated.
- (4) A person must not damage, deface or remove a traffic control device erected or posted on a forest service road or its right of way without the consent of the district manager.
- (5) A person must not operate a vehicle contrary to a traffic control device.

#### Maintenance of vehicles used on forest service roads

7. A person who operates or causes to be operated a motor vehicle on a forest service road must ensure that the motor vehicle is maintained in a manner consistent with the Motor Vehicle Act and regulations or the Highway (Industrial) Act and regulations, whichever applies.

#### Vehicle identification

8. A person must not operate or cause to be operated an unlicensed industrial vehicle on a forest service road unless the name of the owner of that vehicle and a distinguishing number identifying the vehicle are legibly printed in letters at least 5 cm high in a place on the vehicle cab that is clearly visible from ground level.

#### Obstructions within a forest service road right of way

9. If use of a forest service road's right of way would likely cause significant damage to the road, right of way or environment, or endanger life or property, or if the presence on the right of way of a vehicle or animal would likely cause significant damage to the road, right of way or environment, or endanger life or property, the district manager may

- (a) close or restrict the use of the road or right of way, or
- (b) at the expense of its owner, remove the vehicle or animal.

#### Damage to roads

10. (1) A person must not use a forest service road or operate or cause to be operated a motor vehicle or other equipment on it in a manner that damages the forest service road.

(2) If damage results to a forest service road as a result of a contravention of subsection (1), the district manager may, in addition to any other remedy available at law, order the person who committed that breach to pay to the government the reasonable costs of the repair.

No works, etc. on right of way without a permit

11. (1) A person must not construct works on any part of a forest service road right of way for any purpose other than the passage of vehicular or pedestrian traffic, except under, and in accordance with, a permit issued by the district manager.

(2) A permit issued under subsection (1) may impose conditions on the use of the right of way.

(3) The holder of a permit under subsection (1) must comply with its conditions.

Liability insurance

12. (1) A person must not operate or cause to be operated a motor vehicle or trailer, other than a motor vehicle or trailer described by section 2 (2) of the Motor Vehicle Act, on a forest service road unless

(a) the driver, motor vehicle and trailer are insured under a valid and subsisting contract of accident insurance providing insurance against liability to third parties in the amount of at least \$200 000, and

(b) the driver carries written evidence, supplied by the insurer, of the insurance referred to in paragraph (a), or a copy of that written evidence, and produces it, on demand, to a peace officer, designated forest official, designated environment official or conservation officer under the Wildlife Act.

(2) Motor vehicles operated by the government that are subject to a government self-indemnification plan are exempt from the requirements of subsection (1).

Offence

13. (1) A person who contravenes section 3 (3), 5 (1), 6 (5), 10 (1) or 11 (1) or (3) commits an offence and is liable on conviction to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months or to both.

(2) A person who contravenes section 4, 6 (3) or (4), 7, 8 or 12 (1) commits an offence.

NOTE: This regulation repeals B.C. Reg. 367/92, the Forest Service Road, Right of Way and Recreation Trail Regulation

[Provisions of the Forest Practices Code of British Columbia Act, R.S.B.C 1996, c. 159, relevant to the enactment of this regulation: sections 198 and 213 (1)]

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