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Petroleum and Natural Gas Act

PETROLEUM DEVELOPMENT ROAD REGULATION

[includes amendments up to B.C. Reg. 546/2004, December 31, 2004]

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Part 1 — Application of Regulations, Definitions

Definitions

1 In this regulation, unless the context otherwise requires:

"applicant" means the person filing an application for a petroleum development road;

"industrial user" means a person making use of any petroleum development road in connection with any business or commercial undertaking, but does not include any person using the road for the purpose of furnishing a service for an industrial user;

"operator" means the person appointed operator under section 5 of this regulation;

"petroleum development road" means a road constructed over Crown lands reserved for the construction and operation of a road, or operation of a road to facilitate exploration for, and the winning, extraction and removal of petroleum and natural gas, and includes any extensions of such a road over land other than Crown land provided for in the application or subsequently authorized by the commission.

Application

2 This regulation applies to all petroleum development roads within the boundaries of British Columbia.

Part 2 — Application for Petroleum Development Road

Application requirements

- 3 (1) An application for a petroleum development road must be made to the commission, in duplicate, on the form required by the commission.
- (2) An application must be accompanied by a sketch or plan, in duplicate, showing an outline of a strip of land up to 900 feet in width on each side of the proposed road and which is practical in relation to the location of the road and topography.
- (3) An outline should be shown on mosaic maps where available, or if not available, on Ministry of Sustainable Resource Management reference maps, or a map with an equivalent scale.
- (4) An application for the construction or operation of a petroleum development road must not be granted or subsequently authorized in respect of any land vested in a person other than the Crown unless the consent of that person, or an order of the board, is obtained for the necessary right of way.
- (5) If the applicant does not consent to act as operator, the application must recommend a person to be named as operator for the proposed road.

[am. B.C. Reg. 109/2002, s. 2.]

Reserve of land; easements

- 4 (1) On receipt of an application and on the recommendation of the commission, the minister responsible for the Land Act may reserve from alienation, for a period of 2 years, or for such further period or periods as the commission may recommend, all Crown lands included in a strip of land not exceeding 900 feet in width along each side of the route of the petroleum development road designated in the application.
- (2) On the recommendation of the commission, after giving notice by registered mail to the last known address of the applicant, the minister responsible for the Land Act may cancel all or part of the reserve of Crown lands made under subsection (1).
- (3) The minister responsible for the Land Act reserves the right to grant easements over, across, through and under the Crown lands reserved in subsection (1).
- (4) Changes or alterations in the route of the road and lying outside the strip referred to in subsection (1) must be submitted in conformance with section 3, and the application will be amended to include such change or alterations.

Terms, conditions and operator

- 5 The commission may grant an application, or any part of one, subject to terms and conditions as the commission may see fit, and in a grant of an application, the commission must appoint the applicant, or, if the applicant does not consent, some other person that consents, as operator.

Part 3 — Miscellaneous

Survey of road

6 On completion of the road or on request by the commission, the operator must file with the commission a survey to the standards set out in section 8. If a road has been completed prior to the granting of the application, the survey must be filed forthwith on the granting of the application, unless an extension of time for the filing is granted by the commission.

Reduction of reserved land

7 On filing with the commission of the survey referred to in section 6, the minister responsible for the Land Act may reduce the extent of the Crown lands reserved from alienation under section 4 (1) to a strip of land 50 feet on both sides of the centre line of the road.

Survey requirements

8 All survey work performed by an applicant under this regulation must be in accordance with either of the following 2 methods:

(a) a photogrammetric plot or controlled mosaic, in which

(i) the plan should show all surveyed areas crossed and the road with double parallel lines,

(ii) the plan should be on a scale of 2 640 feet to the inch and be supplied to the commission on a thin material from which diazo prints can be made, and

(iii) the size of the plan should not cover more than 15 minutes in longitude and 15 minutes in latitude and should be overlaid with the petroleum and natural gas grid system;

(b) a field traverse of the centre line with either transit and chain, compass and chain or a transit and stadia method, in which

(i) through surveyed land a tie must be made to a corner of parcels traversed by the road,

(ii) through unsurveyed land, sufficient ties are required to surveyed well sites or topographic features to locate the road, and

(iii) the plan should be plotted at a scale of either 1 000, 600, 500, 400, 300, 200 or 100 feet to an inch, must show the width of the road, have the traverse courses tabulated and be supplied to a standard plan size, i.e. A – 8 1/2x11, B – 11x17, C – 17x22, D – 22x34, E – 34x44 on a thin material from which diazo prints can be made.

Part 4 — Operation of Petroleum Development Roads

Motor Vehicle Act applies

9 Except as otherwise provided under this regulation, the Motor Vehicle Act applies to every petroleum development road as though it was a highway as defined in the Motor Vehicle Act.

Operator may make road use rules

10 (1) An operator may, subject to the provisions of the Petroleum and Natural Gas Act, make bylaws, rules or regulations governing

(a) the mode by which and the speed at which any vehicle operating on the road may be moved,

(b) the weights which vehicles may carry on the road,

- (c) the overall width, size and weight of vehicles used on the road,
- (d) the travelling upon or using of the road,
- (e) the governing of all traffic on the road,
- (f) blocking off traffic on any portion of the road,
- (g) placing of stop signs where considered necessary,
- (h) the carriage of freight on the road,
- (i) the carriage of passengers on the road,
- (j) the governing of vehicles using the road, and
- (k) the special rules of the road required by the operator in the operation of its road.

(2) All such bylaws, rules or regulations must be submitted to the commission, and on approval by the commission all users of the road are bound by the provisions of them.

Permit to connect road with highway

11 If a petroleum development road is to connect with a public highway, the operator must apply to the minister responsible for the Transportation Act for a permit under that Act.

[am. B.C. Reg. 546/2004, Sch. s. 25.]

Road maintenance

12 An operator must perform on the petroleum development road in respect of which it is operator whatever maintenance and upkeep it considers necessary for the safe use of the road, and must indemnify and save harmless the commission and the government against all actions, claims and demands that may lawfully be brought against the operator by reason of anything done or left undone by the operator in the exercise of the rights and powers authorized under this regulation.

Public and industrial access

13 (1) Except when authorized by this regulation, no operator may deny access over or use of a petroleum development road to any member of the public or to any industrial user.

(2) If the whole or any part of a petroleum development road is used by an industrial user, or by its agents, employees, contractors or other commercial services, the operator may make an agreement with such industrial user providing for the use of the road on terms and conditions that may be agreed to by the parties, including the payment to the operator of money as a contribution to the capital cost and maintenance of the road.

(3) In any case where an operator and an industrial user are unable to reach agreement, the matter may be referred to the commission, which must fix the terms of the agreement and may prohibit or limit the use of the road by the industrial user, or by its agents, employees, contractors or other commercial services, until the terms of the agreement have been fixed or agreed to.

(4) The commission's decision will be final and binding upon the parties and there will be no appeal from it.

Termination of operator

14 (1) An operator may, by written notice to the commission, terminate its appointment as operator, and the commissioner or deputy commissioner then, by order, may appoint as operator any other person that consents.

(2) If no person consents to act as operator, the commissioner or deputy commissioner may terminate by order the status of the road as a petroleum development road.

(3) The commissioner or deputy commissioner, after written notice to the operator, may terminate by order the status of any road as a petroleum development road.

(4) On termination of the status of any road as a petroleum development road under this regulation, the operator of it ceases to be operator, and all rights and privileges of any person under this regulation cease, and all bylaws, rules or regulations made under section 10 cease to have any force or effect.

Note: this regulation replaces B.C. Reg. 77/69.

[Provisions of the Petroleum and Natural Gas Act, R.S.B.C. 1996, c. 361, relevant to the enactment of this regulation: section 133 (2)]

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