



DISTRICT OF 100 MILE HOUSE
COMMITTEE OF THE WHOLE
TO BE HELD IN DISTRICT COUNCIL CHAMBERS
Tuesday June 10th, 2025, AT 5:00 PM

	<u>CALL TO ORDER</u> Mayor to call the Committee of the Whole meeting to order. Mayor acknowledges that this meeting is being held on Tsq̓escencúlecw.
A.	<u>APPROVAL OF AGENDA:</u>
	A1 BE IT RESOLVED THAT the June 10 th , Committee of the Whole agenda <u>be approved</u> .
B.	<u>INTRODUCTION OF LATE ITEMS</u>
C.	<u>DELEGATIONS:</u>
D.	<u>UNFINISHED BUSINESS:</u>
E.	<u>CORRESPONDENCE:</u>

F.	<u>STAFF REPORTS:</u>
Golf Carts on Municipal Roadways	<p>F1</p> <p>BE IT RESOLVED THAT the golf cart information report dated May 22nd, 2025 from administration <u>be received</u>.</p> <p><i>Further action and discussion at the discretion of Council</i></p>
Off Road Vehicle Access to Community	<p>F2</p> <p>BE IT RESOLVED THAT the ORV community access information report dated May 23rd, 2025 from administration <u>be received</u>.</p> <p><i>Further action and discussion at the discretion of Council</i></p>
G.	<u>BYLAWS:</u>
H.	<u>OTHER BUSINESS:</u>
Project Update	Director of Community Services will provide Council with a verbal update on the Well Redevelopment and the Horse Lake bridge replacement project.
UBCM	Council discussion regarding UBCM meetings requests with Cabinet Ministers, Provincial Government Staff from Ministries and Agencies during UBCM 2025 Convention.
I.	<u>QUESTION PERIOD:</u>
J.	<u>ADJOURNMENT:</u>
	<p>J1</p> <p>BE IT RESOLVED THAT the Committee of the Whole meeting of June 10th, 2025 adjourn: PM:</p>



**District of
100 MILE HOUSE**

**COUNCIL REPORT
File No. 570-01**

Committee of the Whole – June 10th, 2025

REPORT DATE: May 22nd, 2025

TITLE: Golf Carts on Municipal Roadways

PREPARED BY: Administration

PURPOSE: To provide Council with information relating to golf carts on municipal roadways.

RECOMMENDATION: Recommended Resolution

BE IT RESOLVED THAT the golf cart information report dated May 22nd, 2025 from Administration be received.

"Further action and discussion at the discretion of Council"

BACKGROUND INFORMATION / DISCUSSION:

For several years, the District of 100 Mile House Council has expressed interest in enabling the use of golf carts on designated municipal roadways as a low-speed, alternative mode of transportation. This interest aligns with broader community goals to promote sustainable, affordable, and accessible local transportation options.

In 2016, the Ministry of Transportation and Infrastructure (MOTI) initiated a pilot project that permitted the operation of golf carts on municipal roads in the Village of Chase and the Town of Qualicum Beach. These communities were defined as "designated municipalities" under Part 3.1 of the *Motor Vehicle Act*, thereby granting them specific regulatory authority to incorporate golf carts into their local transportation frameworks.

Since that time, the *Motor Vehicle Act* and associated regulations have been amended to accommodate the use of neighbourhood zero-emission vehicles (ZEVs), which include low-speed electric vehicles. These vehicles are permitted on municipal roadways where the posted speed limit does not exceed 40 km/h, offering a broader, more environmentally sustainable alternative to traditional vehicles and golf carts.



District Engagement with MOTI

The District of 100 Mile House formally contacted MOTI to explore the possibility of being designated under the same regulatory framework that allows golf carts on municipal roads in Chase and Qualicum Beach. However, MOTI has indicated that it is not currently accepting applications from additional communities for this designation. Furthermore, the Ministry reiterated its encouragement for municipalities to consider existing provisions for ZEVs under the amended *Motor Vehicle Act*.

Conclusion

Although the immediate request to permit golf cart use under the designated municipality framework has been declined by MOTI, the District of 100 Mile House encourage alternative transportation options. By promoting ZEV use the District can support sustainable solutions to meet the mobility needs of its residents.

OPTIONS:

BUDGETARY IMPACT: N/A

LEGISLATIVE CONSIDERATIONS:

If Council receives a demand from residents in the Blackstock/Forest Ridge area a Bylaw permitting zero-emission vehicles along Horse Lake Road could be adopted.

ATTACHMENTS:

- Part 3.1 – Neighbourhood Golf Carts
- Division 24 – Vehicles of Unusual Size, Weight or Operating Characteristics
- Zero-emission vehicles regulation
- Victoria News Article – May 12th, 2025
- Map illustrating municipal roadway speed limits

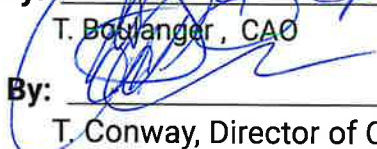
Prepared By:


T. Boylanger, CAO

Date:

May 20/25

Reviewed By:


T. Conway, Director of Community Services

Date:

May 26/25

- (3) The owner or operator of a vehicle to which an exemption applies must keep the exemption with the vehicle and present the exemption on request of a peace officer.

[en. B.C. Reg. 351/2008, Sch., s. 13.]

Part 3.1 — Neighbourhood Golf Carts

Definitions

24.211 In this Part:

"designated municipality" means either of the following municipalities:

- (a) Village of Chase;
- (b) Town of Qualicum Beach;

"municipal highway" means a municipal highway as defined in the *Transportation Act*;

"neighbourhood golf cart" means a golf cart that

- (a) has 2 axles and 4 wheels,
- (b) has a minimum seating capacity for 2 persons and a maximum seating capacity for 4 persons,
- (c) has a motor that is not capable of propelling the golf cart faster than 32 km/hr on a paved level surface, and
- (d) meets the equipment requirements of section 24.215 (1) and (2);

"NGC highway" means the following located in a designated municipality:

- (a) a municipal highway that
 - (i) has a maximum speed limit of 30 km/hr or less,
 - (ii) is designated, by bylaw of the council of the designated municipality, for use by neighbourhood golf carts, and
 - (iii) has signs erected by the designated municipality indicating that the operation of neighbourhood golf carts is allowed;
- (a.1) a municipal highway that
 - (i) has a maximum speed limit of over 30 km/hr but no more than 50 km/hr,
 - (ii) is designated, by bylaw of the council of the designated municipality, for use by neighbourhood golf carts,
 - (iii) has signs erected by the designated municipality indicating that the operation of neighbourhood golf carts is allowed, and
 - (iv) has Maximum Speed When Approaching or Passing Neighbourhood Golf Carts (Regulatory) signs, as set out in

Schedule 1 of Division 23, erected by the designated municipality;

- (b) a private place or passageway
 - (i) to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited, and
 - (ii) that is immediately adjacent to a municipal highway referred to in paragraph (a) or (a.1);

"NGC permit" means a neighbourhood golf cart permit issued under section 24.216.

[en. B.C. Reg. 212/2016; am. B.C. Reg. 113/2017, s. 3.]

Application

24.212 (1) Despite Parts 2 and 3 of this Division, this Part authorizes the use of neighbourhood golf carts

- (a) on NGC highways in the circumstances described in section 24.213, and
- (b) to cross a municipal highway that is not an NGC highway in the circumstances described in section 24.214.

(2) Despite sections 24.213 and 24.214, this Part does not affect the use of a golf cart on a highway when the use is authorized under section 3.1 of the Act or Parts 2 and 3 of this Division.

[en. B.C. Reg. 212/2016.]

Use of neighbourhood golf carts on NGC highways

24.213 A person must not use a neighbourhood golf cart on an NGC highway unless

- (a) the designated municipality in which the golf cart is being used has issued an NGC permit for the golf cart, the permit is valid and subsisting and the permit is kept with the golf cart,
- (b) the use occurs during the period beginning 1/2 hour before sunrise and ending 1/2 hour after sunset,
- (c) the daytime running lamps on the golf cart are illuminated,
- (d) every person in the golf cart is at least 9 years of age, and
- (e) the roadway is clear of snow, ice and slush.

[en. B.C. Reg. 212/2016; am. B.C. Reg. 113/2017, s. 4.]

Intersections

24.214 A person must not use a neighbourhood golf cart that is on an NGC highway to cross another highway that is not an NGC highway unless the other highway is

- (a) a municipal highway that has a maximum speed limit that is 30 km/hr or less,

- (b) a municipal highway that has a maximum speed limit that is greater than 30 km/hr and the intersection is controlled by a traffic control signal,
- (c) a municipal highway that has a maximum speed limit that is greater than 30 km/hr and the intersection is controlled by only stop signs or only yield signs, or
- (d) a municipal highway that has a maximum speed limit that is greater than 30 km/hr and there are signs erected by the designated municipality indicating that neighbourhood golf carts may cross at the intersection.

[en. B.C. Reg. 212/2016; am. B.C. Reg. 113/2017, s. 5.]

Equipment requirements for neighbourhood golf carts

24.215 (1) A neighbourhood golf cart must have the following equipment:

- (a) a steering wheel;
- (b) service brakes;
- (c) a parking or emergency brake that, when applied, will alone stop and hold stationary the golf cart;
- (d) a rear view mirror;
- (e) a horn;
- (f) tires that do not have any of the following defects:
 - (i) a cord break or air leak;
 - (ii) cracks, cuts or snags on the tread or sidewall of the tires that exceed 2.5 cm in length and expose the ply cords;
- (g) daytime running lamps mounted on the front of the golf cart;
- (h) a lamp type turn signal system consisting of
 - (i) 2 lamps mounted on the front of the golf cart that are capable of displaying flashes of white or amber light that are visible to the front, and
 - (ii) 2 lamps mounted on the rear of the golf cart that are capable of displaying flashes of red or amber light that are visible to the rear;
- (i) 2 red stop lamps that are
 - (i) illuminated exclusively on application of the service brakes, and
 - (ii) mounted on the rear of the golf cart near the sides of the golf cart;
- (j) 2 amber reflectors mounted on the side of the golf cart near the front and 2 red reflectors mounted on the rear of the golf cart;

(k) a seat belt assembly, as defined in section 220 (1) of the Act, for each seat in the golf cart.

(2) The equipment referred to in subsection (1) must be in good working order.

(3) Divisions 4 [*Lamps*], 5 [*Brakes*], 7 [*Other Equipment*] and 7B [*Slow Moving Vehicles and Equipment*] do not apply to a neighbourhood golf cart.

[en. B.C. Reg. 212/2016.]

NGC permit

24.216 (1) A designated municipality may issue a neighbourhood golf cart permit to an owner of a motor vehicle if the municipality is satisfied that

- (a) the motor vehicle is a neighbourhood golf cart, and
- (b) the owner knows the provisions in this Part respecting the use of neighbourhood golf carts.

(2) An NGC permit expires on the earliest of the following:

- (a) the expiry date specified in the permit;
- (b) the transfer of ownership of the neighbourhood golf cart;
- (c) the date that is 2 years after the date the permit is issued.

(3) A designated municipality that issues an NGC permit for a motor vehicle may cancel the permit if

- (a) the municipality becomes aware that the motor vehicle does not meet the requirements for a neighbourhood golf cart, or
- (b) the municipality becomes aware that the owner or a person operating the owner's neighbourhood golf cart has contravened section 24.213 or 24.214 and the municipality is satisfied that the contravention presents a safety risk.

(4) An NGC permit issued by a designated municipality is automatically cancelled on the day that the bylaw designating municipal highways in the designated municipality for use by neighbourhood golf carts is repealed.

[en. B.C. Reg. 212/2016.]

Presentation of NGC permit

24.217 A person operating a neighbourhood golf cart on a highway in a designated municipality must, on request of a peace officer, present the NGC permit for the golf cart.

[en. B.C. Reg. 212/2016.]

Part 4 — General

General offence

24.22 A person commits an offence who uses or operates any of the following in contravention of this Division:

- (a) air cushion vehicle;
- (b) beverage cart;
- (c) golf cart;
- (d) industrial utility vehicle;
- (e) miniature motor vehicle;
- (f) mobile equipment;
- (g) neighbourhood zero emission vehicle;
- (h) snow vehicle;
- (i) snowmobile;
- (j) utility vehicle.

[en. B.C. Reg. 128/2012, Sch., s. 17.]

Division 25 — Vehicle Inspection and Maintenance

Part 1 — Inspection

Interpretation and application

25.01 (1) In this Part:

"authorized person" means a person authorized by the director to inspect vehicles under section 217 of the Act;

"corporation" means the Insurance Corporation of British Columbia;

"designated inspection facility" means a facility designated by the director as an inspection facility under section 217 of the Act;

"farm vehicle" has the same meaning as in the Commercial Transport Regulations, B.C. Reg. 30/78;

"identification card" means a card issued by the director to an authorized person and used to imprint an inspection report;

"identification plate" means a plate issued by the director to a designated inspection facility and used to imprint an inspection report;

"inspection certificate" means an inspection certificate of approval in the form of a decal issued by the director which shows the date of expiry of the certificate, and includes an interim inspection certificate;

"inspection report" means an inspection report in the form required by the director;

Division 24 — Vehicles of Unusual Size, Weight or Operating Characteristics

Part 1 — Interpretation

Definitions and interpretation

24.01 (1) In this Division:

"beverage cart" means a motor vehicle that,

- (a) at the time it was manufactured, was not designed to conform to the standards prescribed by the *Motor Vehicle Safety Act* (Canada) for motor vehicles designed for highway use, and
- (b) is designed or adapted for the purpose of serving food or beverages, or both;

"designated area" means private property, a parking lot, a campground, an airport, a ferry terminal, a golf course or a marina;

"forklift" means a motor vehicle with one or more prongs or any similar mechanism for hoisting a load;

"gold rush snowmobile trail highway traverse" means that portion of a highway that is traversed by the Gold Rush Snowmobile Trail;

"limited access island" means an island that is not accessible by scheduled vehicle ferry service or by bridge;

"miniature motor vehicle" means

- (a) a motorized go-cart, skateboard or similar wheeled toy vehicle, or
- (b) a motorcycle that has
 - (i) a wheel rim diameter of less than 250 mm,
 - (ii) a wheel base of less than 1 016 mm when measured from the centre of one axle to the centre of the other axle, or
 - (iii) a seat height, when the vehicle is unladen, of less than 650 mm;

"operation permit" means a permit issued in accordance with section 24.09;

"public works" means operation of a motor vehicle owned, leased or rented by the Province, a municipality, a regional district, a transportation authority, a health authority or a school district for maintenance, landscaping or industrial purposes;

"travelled portion of a highway" means the area of a highway that has a prepared surface for vehicle operation, including the shoulder;

"vessel" means a boat, canoe, kayak or other craft used, or capable of being used, for navigation on water;

"worksite" means the specific location where the tools, supplies or equipment carried on or in a motor vehicle are being used, or where a utility vehicle or mobile equipment is being used for its utility purpose unrelated to the transportation of people or property.

(2) The following classes of motor vehicles are prescribed for the purpose of section 3.1 (1) (c) of the Act:

- (a) beverage carts that are
 - (i) owned or leased by an owner or operator of a golf course, and
 - (ii) used or operated for the purpose of offering food or beverages, or both, on the golf course;
 - (b) miniature motor vehicles.
- (3) For the purposes of paragraph (c) of the definition of "**mobile equipment**" in section 1 of the Act, the following classes of devices are prescribed:
- (a) boat haulers designed and used for the primary purpose of lifting or hoisting vessels;
 - (b) devices that are
 - (i) operated by remote control, and
 - (ii) not designed and used to carry a person.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., s. 3; 65/2017.]

Part 2 — Operation on a Highway

General restrictions and conditions

24.02 (1) A person must not use or operate any of the following motor vehicles on a highway except as otherwise authorized by this Division:

- (a) an air cushion vehicle;
 - (b) a golf cart;
 - (c) a neighbourhood zero-emission vehicle;
 - (d) a snow vehicle;
 - (e) a snowmobile;
 - (f) a utility vehicle;
 - (g) a beverage cart;
 - (h) a miniature motor vehicle.
- (2) A person must not use or operate a miniature motor vehicle on a highway except on a route that has been designated as a parade route by a local or provincial government authority.
- (2.1) A beverage cart described in section 24.01 (2) (a) must not be used or operated on a highway unless it is used or operated only
- (a) on a parking lot or driveway of a golf course, or
 - (b) to cross a highway that intersects a golf course, for the purpose of travelling from one part of the golf course to another part of the same golf course.
- (3) Subject to subsection (3.1), a motor vehicle described in subsection (1) must not be used or operated on a highway unless
- (a) the vehicle is registered and licensed under the *Motor Vehicle Act* or *Commercial Transport Act*, and

(b) an owner's certificate has been obtained for the vehicle under the *Insurance (Vehicle) Act*.

(3.1) Subsection (3) of this section does not apply to any vehicle to which section 3.1 of the Act applies.

(3.2) The Insurance Corporation of British Columbia must issue only one distinctive number plate for a motor vehicle

(a) that is described in subsection (1), other than a neighbourhood zero-emission vehicle, and

(b) for which a licence is issued under section 3 of the Act.

(4) A motor vehicle being used or operated on a highway as authorized by this Division must conform to the requirements set out in Part 3 of this Division.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., ss. 4 to 6; 115/2024, App. 1, ss. 1 (b) and 28.]

Liability insurance for exempt vehicles

24.02.01 (1) In this section, "**third party liability insurance coverage**" has the same meaning as in the *Insurance (Vehicle) Act*.

(2) The person who owns or leases a vehicle to which section 3.1 of the Act applies must have third party liability insurance coverage that provides indemnity against liability imposed by law arising from bodily injury to or the death of a person, or loss of or damage to property, caused by or arising out of the use or operation of the vehicle.

(3) For the purposes of subsection (2), the indemnity must be in an amount not less than that which would have been required under the *Insurance (Vehicle) Act* for the vehicle had section 3.1 of the Act not applied.

[en. B.C. Reg. 128/2012, Sch., s. 7; am. B.C. Reg. 115/2024, App. 1, s. 29.]

Utility vehicles

24.03 (1) A person may use or operate a utility vehicle on a highway, subject to the conditions set out in this section, for the following purposes:

(a) farming;

(b) industrial purposes;

(c) maintenance;

(d) landscaping;

(e) law enforcement, by a person exercising powers or performing duties under an enactment;

(f) transportation on a limited access island if the utility vehicle is not of a type designed to be ridden astride.

(2) If a person uses or operates a utility vehicle on a highway for a purpose set out in subsection (1), operation of the vehicle is limited to the following:

(a) crossing the highway;

(b) operation on the untravelled portion of the highway;

(c) operation on the travelled portion of the highway if the vehicle is being used or operated

(i) on a limited access island,

(ii) within a designated area, or

- (iii) within 100 m of the worksite where the vehicle is being used for the utility purpose for which it was designed.
- (3) A utility vehicle used or operated in accordance with subsection (2) (c) (iii) may be used or operated continuously on the travelled portion of the highway for more than 100 m only if the vehicle is being used for constructing or maintaining the portion of the highway immediately underneath the vehicle.
- (4) A person who uses or operates a utility vehicle on a highway for a purpose set out in subsection (1) must have an operation permit for the vehicle, unless the vehicle
 - (a) is a fork lift, or
 - (b) is used or operated
 - (i) in a designated area, by or on behalf of the owner or operator of the designated area,
 - (ii) on a highway adjoining or bisecting a designated area, if the vehicle is being used by or on behalf of the owner or operator of the designated area and the speed limit on the highway is 50 km/hr or less,
 - (iii) for public works on a highway where the speed limit is 50 km/hr or less,
 - (iv) by or on behalf of a university or college within the university or college campus,
 - (v) on a highway adjoining or bisecting a university or college campus, if the vehicle is being used by or on behalf of the university or college and the speed limit on the highway is 50 km/hr or less,
 - (vi) for law enforcement purposes, by a person exercising powers or performing duties under an enactment, or
 - (vii) on a highway located on a limited access island and the speed limit on the highway is 20 km/hr or less.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., ss. 4, 5, 8 and 9; 153/2014, s. 1.]

Operating permits for industrial utility vehicles

24.03.01 A person who uses or operates an industrial utility vehicle

- (a) to which section 3.1 of the Act applies, and
- (b) that has a net weight of 1 600 kg or less

must have an operation permit for the vehicle, unless the vehicle is used or operated on a highway where the speed limit is 50 km/hr or less.

[en. B.C. Reg. 128/2012, Sch., s. 10.]

Golf carts

24.04 A person may use or operate a golf cart on a highway within the parking lot of a golf course, or for the purpose of carrying golfers and their equipment from one part of a golf course to another part of the same golf course.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Reg. 128/2012, Sch., s. 4.]

Snowmobiles, snow vehicles, air cushion vehicles and all terrain vehicles

24.05 (1) A person may use or operate a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle on a highway, subject to the conditions set out in this section.

- (2) A person who uses or operates a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle on a highway must have an operation permit for the snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle.
- (2.1) Despite subsection (2) but subject to subsection (3), an operation permit is not required if a person uses or operates a snowmobile, snow vehicle or all terrain vehicle across a highway in a straight line at right angles to the travelled portion of the highway from a point where traffic crossing the highway is controlled by,
- (a) if the highway has a speed limit of 100 km/hr or less,
 - (i) a stop sign placed or erected by authority of the minister responsible for the administration of the Transportation Act, the council of a municipality or the governing body of a treaty first nation or a person authorized by any of them to exercise that authority, or
 - (ii) a traffic control signal, or
 - (b) if the highway has a speed limit of over 100 km/hr, a traffic control signal.
- (3) Unless specifically provided for in an operation permit, a person must not use or operate a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle on a highway between 1/2 hour after sunset and 1/2 hour before sunrise.
- (4) Subsections (2) and (3) do not apply in respect of a snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle if the snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle is used or operated only in a parking lot for the purpose of unloading or loading the snowmobile, snow vehicle, air cushion vehicle or all terrain vehicle from or to another motor vehicle or trailer.
- (5) This section does not apply to the use or operation of an all terrain vehicle on a highway for a purpose set out in section 24.03 (1).

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 234/2011; 128/2012, Sch., ss. 4 and 8; 153/2014, s. 2.]

Neighbourhood zero-emission vehicles

- 24.06** (1) A person may use or operate a neighbourhood zero-emission vehicle in unorganized areas of British Columbia
- (a) on a highway or class of highway that has a speed limit of 40 km/hr or less,
 - (b) if authorized by a road use permit granted by the Minister of Transportation and Infrastructure under this section, on a highway or class of highway that has a speed limit of over 40 km/hr but no more than 50 km/hr, or
 - (c) if the vehicle is being operated in accordance with the provisions applicable to a utility vehicle as provided for in section 24.03.
- (2) A person may use or operate a neighbourhood zero-emission vehicle in a municipality
- (a) on a highway or class of highway that has a speed limit of 40 km/hr or less,
 - (b) if authorized by bylaw of the council of the municipality, on a highway or class of highway that has a speed limit of over 40 km/h but no more than 50 km/hr, or
 - (c) if the vehicle is being operated in accordance with the provisions applicable to a utility vehicle as provided for in section 24.03.

- (3) A person who uses or operates a neighbourhood zero-emission vehicle as authorized by subsection (1) or (2) may, at an intersection, cross a highway that has a speed limit that is not greater than 80 km/hr to enable the person to continue on a highway on which the person is authorized to use or operate a neighbourhood zero-emission vehicle.
- (4) The Minister of Transportation and Infrastructure may, for the purposes of subsection (1) (b), grant a permit authorizing a person to use or operate a vehicle on a highway or class of highway that has a speed limit of over 40 km/hr but no more than 50 km/hr.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., ss. 4 and 8; 115/2024, App. 1, s. 1 (c).]

Grandparenting of neighbourhood zero-emission vehicles

- 24.07** (1) Section 24.06 does not apply to a neighbourhood zero-emission vehicle that
- (a) was owned or leased by a person on or before June 5, 2008, and
 - (b) continues to be owned or leased by the same person after that date.
- (2) A neighbourhood zero-emission vehicle referred to in subsection (1) may be used or operated on a highway in accordance with this section.
- (3) Sections 4.30 and 7B.02 to 7B.04 apply to a neighbourhood zero-emission vehicle described in subsection (1) that is being used or operated on a highway.
- (4) A person who
- (a) owned or leased a neighbourhood zero-emission vehicle on or before June 5, 2008, and
 - (b) continues to own or lease the vehicle after that date
- may apply to the director to exempt that vehicle from subsection (3).
- (5) Despite subsection (1), section 24.06 applies to a vehicle that has been exempted under subsection (4).

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., s. 5; 115/2024, App. 1, s. 1 (d).]

Illumination of lamps

- 24.08** (1) A person may use or operate a neighbourhood zero-emission vehicle, snowmobile, snow vehicle, air cushion vehicle or utility vehicle, or an industrial utility vehicle to which section 3.1 of the Act applies, on a highway at the times prescribed in subsection (3) only if
- (a) the vehicle is equipped with the head lamps and tail lamps described in section 24.12, and
 - (b) the person illuminates the vehicle lamps.
- (2) In addition to the conditions under subsection (1), a person using or operating a utility vehicle on a highway must, if the vehicle is equipped with non-rotating red or amber lights capable of operating in flashing mode, illuminate the lights in flashing mode at all times that it is being used or operated on a highway.
- (3) The hours prescribed for illumination of lamps and lights are
- (a) from 1/2 hour after sunset to 1/2 hour before sunrise, and
 - (b) at any other time when, due to insufficient light or unfavourable atmospheric conditions, objects on the highway are not clearly discernible at a distance of 150 m.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., ss. 4, 5, 11 and 12; 115/2024, App. 1, s. 1 (e).]

Operation permit

- 24.09** (1) If an operation permit is required for a vehicle under this Division, a person using or operating the vehicle must operate the vehicle in accordance with the limitations and conditions specified in the operation permit.
- (2) An operation permit issued under this section must be in the form established by the Insurance Corporation of British Columbia.
- (3) An application for an operation permit must be made to, and may be issued by,
- (a) if the place where the vehicle is to be operated is policed by a municipal police department, a constable of that department,
 - (b) if the vehicle is a snowmobile operated on a gold rush snowmobile trail highway traverse, a member of the R.C.M.P. whose detachment is responsible for any gold rush snowmobile trail highway traverse, and
 - (c) in any other case, a member of the R.C.M.P. detachment who is stationed nearest to the place where the vehicle is to be operated.
- (4) A member of the R.C.M.P. detachment or a constable of a municipal police department who issues an operation permit may specify limitations and conditions for operation of the vehicle for which the operation permit is issued.
- (5) The operator of the vehicle for which an operation permit is required must keep the operation permit with the vehicle and present the operation permit on request of a peace officer.
- (6) If the use of a utility vehicle, or an industrial utility vehicle to which section 3.1 of the Act applies, includes using or operating the vehicle on the untravelled portion of a highway in an unorganized area of British Columbia, the District Transportation Manager responsible for the transportation district where the vehicle is operated may require that additional limitations and conditions be added to the operation permit.
- (7) An operation permit issued under this Division may be cancelled by the following persons at the department or detachment where the permit was issued:
- (a) in the case of a municipal police department, the chief constable of the department, or the chief constable's delegate;
 - (b) in the case of the R.C.M.P., the detachment commander of the detachment, or the detachment commander's designate;
 - (c) the officer who issued the permit.
- (8) An operation permit expires on the earlier of
- (a) the expiry date specified in the permit, or
 - (b) the date that is 2 years after the date the permit was issued.

[en. B.C. Reg. 351/2008, Sch., s. 13; am. B.C. Regs. 128/2012, Sch., ss. 12 and 13; 153/2014, s. 3; 64/2021, s. 3; 48/2025, Sch., s. 18.]

B.C. Reg. 196/2020
O.C. 448/2020

Deposited July 30, 2020

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[Link to consolidated regulation \(PDF\)](#)

[Link to Point in Time](#)

Zero-Emission Vehicles Act

ZERO-EMISSION VEHICLES REGULATION

[Last amended October 1, 2024 by B.C. Reg. 202/2024]

Contents

Part 1 — Definitions and Prescribed Classes

- 1 Definitions
- 2 Compliance date
- 3 Definition of model year
- 4 Definition of motor vehicle
- 4.1 Determining range of zero-emission vehicles
- 5 Prescribed vehicle class
- 6 Prescribed classes of zero-emission vehicles
- 6.1 ZEV Class A vehicles
- 6.2 ZEV Class B vehicles
- 6.3 ZEV Class C vehicles
- 7 Repealed
- 8 Classes of suppliers
- 9 Prescribed class of suppliers

Part 2 — Supply of ZEVs and ZEV Units

- 10 Balance of ZEV units — special target for large and medium volume suppliers
- 11 Compliance ratio — no specified ZEV class
- 12 Compliance ratio — ZEV Class A
- 13 Application for credits for supply of ZEVs
- 14 Supply of ZEVs — issuance of credits before October 1, 2026
- 14.1 Supply of ZEVs — issuance of credits on or after October 1, 2026
- 14.2 No issuance of credits for supply of certain ZEVs
- 15 Issuance of credits under initiative agreement
- 16 Issuance of credits under purchase agreement
- 16.01 Reduction of supplier balances

Part 2.1 — Reporting

- 16.1 Model year report
- 16.2 Supplementary report
- 16.3 Forecast report

Part 3 — Administrative Penalties

- 17 Automatic administrative penalty rate
- 18 Discretionary administrative penalties
- 19 Notice of intent to impose administrative penalty
- 20 Opportunity to be heard
- 21 Defence of due diligence
- 22 Assessment of administrative penalty
- 23 Notice of administrative penalty
- 24 Enforcement of administrative penalty
- 25 Publication of names

Part 1 — Definitions and Prescribed Classes

Definitions

- 1 In this regulation:

"Act" means the *Zero-Emission Vehicles Act*;

"battery electric vehicle" or "BEV" means a zero-emission vehicle that is propelled solely by an electric motor that is powered solely by a battery that is charged solely by an external electricity source;

"extended range electric vehicle" or "EREV" means a zero-emission vehicle with

- (a) a battery that can be charged by an external electricity source,
- (b) drive wheels that are propelled solely by an electric motor, and
- (c) an on-board internal combustion engine that is used solely as a generator to charge the battery;

"fuel cell electric vehicle" or "FCEV" means a zero-emission vehicle that is propelled solely by an electric motor that is powered solely by a hydrogen fuel cell;

"gross vehicle weight rating" has the same meaning as in section 6 of the Act;

"plug-in hybrid electric vehicle" or "PHEV" means a zero-emission vehicle that

- (a) has a battery that is capable of being charged by an external electricity source,
- (b) can be propelled solely by an electric motor that is powered by a battery, and
- (c) is not a BEV;

"range" means the all-electric driving range, in kilometres, of a zero-emission vehicle, as determined in accordance with section 4.1 of this regulation;

"reportable motor vehicle" means a motor vehicle in the class of motor vehicles prescribed by section 5 of this regulation;

"ZEV Class A vehicle" means a zero-emission vehicle in the class of zero-emission vehicles prescribed by section 6 (a) of this regulation;

"ZEV Class B vehicle" means a zero-emission vehicle in the class of zero-emission vehicles prescribed by section 6 (b) of this regulation;

"ZEV Class C vehicle" means a zero-emission vehicle in the class of zero-emission vehicles prescribed by section 6 (c) of this regulation.

[en. B.C. Reg. 202/2024, Sch. 2, s. 1.]

Compliance date

- 2 For the purposes of the definition of "compliance date" in section 1 *[definitions]* of the Act, the prescribed date is September 30.

Definition of model year

- 3 For the purposes of paragraph (a) of the definition of "model year" in section 1 *[definitions]* of the Act, a model year, in relation to a motor vehicle, has the same meaning as in the On-Road Vehicle and Engine Emission Regulations (Canada).

Definition of motor vehicle

- 4 (1) In this section:

"all-terrain vehicle" has the same meaning as in section 1 of the Off-Road Vehicle Regulation;

"golf cart" has the same meaning as in section 1 of the *Motor Vehicle Act*;

"implement of husbandry" has the same meaning as in section 1 of the *Motor Vehicle Act*;

"industrial utility vehicle" has the same meaning as in section 1 of the *Motor Vehicle Act*;

"motorcycle" has the same meaning as in section 1 of the *Motor Vehicle Act*;

"neighbourhood zero-emission vehicle" has the same meaning as "neighbourhood zero emission vehicle" in section 1 of the Motor Vehicle Act Regulations;

"off-road side-by-side vehicle" has the same meaning as in section 1 of the Off-Road Vehicle Regulation;

"snowmobile" has the same meaning as in section 1 of the Off-Road Vehicle Regulation.

(2) For the purposes of the definition of "motor vehicle" in section 1 *[definitions]* of the Act, the following classes of vehicles are prescribed:

- (a) all-terrain vehicles;
- (b) golf carts;
- (c) implements of husbandry;
- (d) industrial utility vehicles;
- (e) motorcycles;
- (f) neighbourhood zero-emission vehicles;
- (g) off-road side-by-side vehicles;
- (h) snowmobiles.

Determining range of zero-emission vehicles

4.1 (1) Subject to subsection (2), for the purposes of this regulation, the range of a zero-emission vehicle is to be determined

- (a) in accordance with the 5-cycle test procedure set out by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Chapter I, Subchapter Q, Part 600, Subparts B and C, as amended from time to time, or
- (b) by calculating the derived 5-cycle value in accordance with the method set out by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Chapter I, Subchapter Q, Part 600, Subpart D, section 600.311-12, paragraph (j).

(2) The range of a zero-emission vehicle with a gross vehicle weight rating of more than 3 856 kg may be determined using a method other than the method described in subsection (1) if

- (a) the method accounts for, at a minimum, urban and highway driving conditions, and
- (b) the director is satisfied that the method is accurate.

[en. B.C. Reg. 202/2024, Sch. 2, s. 2.]

Prescribed vehicle class

5 (1) For the purposes of paragraph (a) of the definition of "vehicle class" in section 1 of the Act, the reportable motor vehicle class is prescribed as a class of motor vehicles.

(2) The following motor vehicles are in the reportable motor vehicle class:

- (a) motor vehicles of the model year 2023 or an earlier model year that have a gross vehicle weight rating of no more than 3 856 kg;
- (b) subject to subsection (3), motor vehicles of the model year 2024 or a later model year that have a gross vehicle weight rating of no more

than 4 536 kg.

(3) For the purposes of the variable "NV" in section 11 (1) and (2) of the Act, the reportable motor vehicle class excludes motor vehicles that

- (a) have a gross vehicle weight rating of more than 3 856 kg, and
- (b) were supplied before October 1, 2024.

[en. B.C. Reg. 202/2024, Sch. 2, s. 3.]

Prescribed classes of zero-emission vehicles

6 The following classes of zero-emission vehicles are prescribed for the purposes of paragraph (a) of the definition of "ZEV class" in section 1 of the Act:

- (a) ZEV Class A;
- (b) ZEV Class B;
- (c) ZEV Class C.

[en. B.C. Reg. 202/2024, Sch. 2, s. 4.]

ZEV Class A vehicles

6.1 The following zero-emission vehicles are in ZEV Class A:

- (a) zero-emission vehicles of the model year 2025 or an earlier model year that are
 - (i) BEVs with a range of at least 80.47 km,
 - (ii) EREVs with a range of at least 121 km, or
 - (iii) FCEVs with a range of at least 80.47 km;
- (b) zero-emission vehicles of the model year 2026 or a later model year that are
 - (i) BEVs with a range of at least 241 km, or
 - (ii) FCEVs with a range of at least 241 km.

[en. B.C. Reg. 202/2024, Sch. 2, s. 4.]

ZEV Class B vehicles

6.2 The following zero-emission vehicles are in ZEV Class B:

- (a) zero-emission vehicles of the model year 2025 or an earlier model year that are
 - (i) EREVs with a range of at least 16 km and less than 121 km, or
 - (ii) PHEVs with a range of at least 16 km;
- (b) zero-emission vehicles of the model year 2026 or a later model year that are
 - (i) EREVs with a range of at least 80 km, or
 - (ii) PHEVs with a range of at least
 - (A) 55 km, in the case of a PHEV of the model year 2026,

- (B) 65 km, in the case of a PHEV of the model year 2027, or
- (C) 80 km, in the case of a PHEV of the model year 2028 or a later model year.

[en. B.C. Reg. 202/2024, Sch. 2, s. 4.]

ZEV Class C vehicles

6.3 The following zero-emission vehicles are in ZEV Class C:

- (a) zero-emission vehicles of the model year 2025 or an earlier model year that are
 - (i) BEVs with a range of less than 80.47 km,
 - (ii) EREVs with a range of less than 16 km,
 - (iii) FCEVs with a range of less than 80.47 km, or
 - (iv) PHEVs with a range of less than 16 km;
- (b) zero-emission vehicles of the model year 2026 or a later model year that are
 - (i) BEVs with a range of less than 241 km,
 - (ii) EREVs with a range of less than 80 km,
 - (iii) FCEVs with a range of less than 241 km, or
 - (iv) PHEVs with a range of less than
 - (A) 55 km, in the case of a PHEV of the model year 2026,
 - (B) 65 km, in the case of a PHEV of the model year 2027, or
 - (C) 80 km, in the case of a PHEV of the model year 2028 or a later model year.

[en. B.C. Reg. 202/2024, Sch. 2, s. 4.]

Repealed

7 Repealed. [B.C. Reg. 202/2024, Sch. 1, s. 2.]

Classes of suppliers

- 8** (1) In this section, "**average supply volume**" means, in relation to a supplier and a reported model year,
- (a) in the case of a supplier who, for each of the 3 model years immediately preceding the reported model year, supplied new motor vehicles in the reportable motor vehicle class, the number determined by dividing the total number of those vehicles by 3, or
 - (b) in any other case, the number of new reportable motor vehicles of the reported model year supplied by the supplier before the compliance date for the reported model year.
- (1.1) Despite subsection (1), in determining the average supply volume of a supplier, motor vehicles supplied before October 1, 2024 that have a gross vehicle weight rating of more than 3 856 kg are not to be counted.

(2) The following classes of suppliers are established for the purposes of the Act:

- (a) small volume supplier;
- (b) medium volume supplier;
- (c) large volume supplier.

(3) A supplier is a supplier in a class set out in Column 1 of the following table for a reported model year if the average supply volume of the supplier for the reported model year is as set out in Column 2 of the table opposite the class.

Item	Column 1 Class of supplier	Column 2 Average supply volume
1	small volume supplier	less than 1 000
2	medium volume supplier	at least 1 000 and less than 5 000
3	large volume supplier	at least 5 000

[am. B.C. Reg. 202/2024, Sch. 2, s. 5.]

Prescribed class of suppliers

- 9 The small volume supplier class is a prescribed class of suppliers for the purposes of section 5 (1) [*application — prescribed class of suppliers*] of the Act.

Part 2 — Supply of ZEVs and ZEV Units

Balance of ZEV units — special target for large and medium volume suppliers

- 10 For the purposes of section 10 (2) (b) [*supply of ZEVs — special targets*] of the Act,
- (a) the reportable motor vehicle class is prescribed as a vehicle class in relation to
 - (i) large volume suppliers, and
 - (ii) medium volume suppliers for the model year 2026 and later model years, and
 - (b) ZEV Class A is prescribed as a ZEV class in relation to
 - (i) large volume suppliers, and
 - (ii) medium volume suppliers for the model year 2026 and later model years.

[en. B.C. Reg. 202/2024, Sch. 2, s. 6.]

Compliance ratio — no specified ZEV class

- 11 For the purposes of section 11 (1) [*compliance ratio reduction — ratio does not specify ZEV class*] of the Act, the compliance ratio set out opposite a model year in the following table is prescribed for the model year and the reportable motor vehicle class:

Item	Column 1 Model Year	Column 2 Compliance ratio
1	2019	0%
2	2020	9.5%
3	2021	12%
4	2022	14.5%
5	2023	17%
6	2024	19.5%
7	2025	22%
8	2026	26.3%
9	2027	42.6%
10	2028	58.9%
11	2029	74.8%
12	2030	91%
13	2031	93.2%
14	2032	95.2%
15	2033	97.2%
16	2034	99.3%
17	2035	100%

[en. B.C. Reg. 202/2024, Sch. 2, s. 6.]

Compliance ratio — ZEV Class A

- 12** For the purposes of section 11 (2) [*compliance ratio reduction — ratio specifies ZEV class*] of the Act, the compliance ratio set out opposite a model year in the following table is prescribed for the model year and the reportable motor vehicle class:

Item	Column 1 Model Year	Column 2 Compliance ratio
1	2019	0%
2	2020	6%
3	2021	8%
4	2022	10%
5	2023	12%
6	2024	14%
7	2025	16%
8	2026	15.2%
9	2027	28.7%
10	2028	43.2%
11	2029	58.0%
12	2030	73.3%

13	2031	77.2%
14	2032	80.6%
15	2033	83.7%
16	2034	86.7%
17	2035	89.5%

[en. B.C. Reg. 202/2024, Sch. 2, s. 6.]

Application for credits for supply of ZEVs

- 13** (1) For the purposes of section 13 (2) [*issuance of credits — supply*] of the Act, an application for the issuance of credits must be submitted in the form and manner required by the director and include the following:
- (a) the legal name of the supplier;
 - (b) the vehicle makes for which the supplier is the supplier;
 - (c) the address for service of the supplier;
 - (d) the address where the supplier keeps records required to be kept and maintained under the Act;
 - (e) the number, by ZEV class, of credits claimed by the supplier in relation to the supply of zero-emission vehicles;
 - (f) the following information about the zero-emission vehicles referred to in paragraph (e):
 - (i) the number of zero-emission vehicles of each vehicle make referred to in paragraph (b) and each ZEV class;
 - (ii) the vehicle model, vehicle identification number, model year and range of each zero-emission vehicle;
 - (iii) whether each zero-emission vehicle is a BEV, EREV, FCEV or PHEV.
- (2) For the purposes of section 13 (2) [*issuance of credits — supply*] of the Act, the prescribed period of time begins on January 2, 2018 and ends on the date the application is submitted.

[am. B.C. Reg. 202/2024, Sch. 2, s. 7.]

Supply of ZEVs — issuance of credits before October 1, 2026

- 14** (1) In this section, "**US06 range**" means the all-electric driving range, in kilometres, of a zero-emission vehicle, determined in accordance with the method described in section G.7.3 of the document produced by the California Air Resources Board and entitled "*California Exhaust Emission Standards and Test Procedures for 2018 through 2025 Model Year Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes*".
- (2) This section applies to an issuance of credits by the director that takes effect before October 1, 2026.

- (3) The number of credits that the director may, in relation to the supply of each new ZEV Class A vehicle, issue under section 13 (1) of the Act is the lesser of 4 and the number determined by applying the following formula:

$$\text{number of credits} = (R \times 0.006214) + 0.50$$

where

R = the range of the zero-emission vehicle.

- (4) Subject to subsection (5), the number of credits that the director may, in relation to the supply of each new ZEV Class B vehicle, issue under section 13 (1) of the Act is determined as follows:

- (a) if the US06 range of the vehicle is less than 16 km or is unknown, by applying the following formula:

$$\text{number of credits} = (R \times 0.006214) + 0.30$$

where

R = the range of the zero-emission vehicle;

- (b) if the US06 range of the vehicle is at least 16 km, by adding 0.20 to the number determined by applying the formula set out in paragraph (a).

- (5) The number of credits issued in relation to the supply of a ZEV Class B vehicle must not exceed the following amounts:

- (a) 1.10, in the case of a vehicle described in subsection (4) (a);
(b) 1.30, in the case of a vehicle described in subsection (4) (b).

- (6) The number of credits determined in accordance with this section must be rounded to the second decimal place.

[en. B.C. Reg. 202/2024, Sch. 2, s. 8.]

Supply of ZEVs — issuance of credits on or after October 1, 2026

- 14.1** (1) This section applies to an issuance of credits by the director that takes effect on or after October 1, 2026, regardless of whether a supplier applied for the credits under section 13 (1) (a) of the Act before October 1, 2026.

- (2) The number of credits that the director may, in relation to the supply of each new ZEV Class A or ZEV Class B vehicle, issue under section 13 (1) of the Act is one.

[en. B.C. Reg. 202/2024, Sch. 2, s. 8.]

No issuance of credits for supply of certain ZEVs

- 14.2** The director may not issue credits in relation to the supply of

- (a) ZEV Class C vehicles, or

- (b) zero-emission vehicles of a model year that precedes the model year 2019.

[en. B.C. Reg. 202/2024, Sch. 2, s. 8.]

Issuance of credits under initiative agreement

15 (1) In this section:

"affiliate" has the same meaning as in the *Business Corporations Act*;

"carsharing organization" means a corporation that uses an online platform to make motor vehicles available solely to members for hire or rental, without a driver, by the minute, hour or otherwise, for a period of less than one month;

"member" means,

- (a) in relation to a carsharing organization that is an association as defined in the *Cooperative Association Act* or a society as defined in the *Societies Act*, a member, within the meaning of those Acts, of the association or society, or
- (b) in relation to any other carsharing organization, a person who has purchased a membership entitling the person to access carsharing services offered by the carsharing organization;

"used ZEV" means a zero-emission vehicle that

- (a) has been the subject of a consumer sale in any jurisdiction outside British Columbia, and
- (b) has not been the subject of a consumer sale in British Columbia.

(2) In deciding whether to enter into an agreement with a supplier under section 14 (2) [*issuance of credits — initiative agreements*] of the Act, the director must consider any evidence provided by the supplier that, having acted diligently to meet the requirements of section 10 (2) [*supply of ZEVs*] of the Act, the supplier is not able to do so without an agreement.

(3) The director may only enter into an agreement under section 14 (2) of the Act with a supplier in respect of the following actions:

- (a) the consumer sale in British Columbia of used ZEVs of the following types and ranges:
 - (i) BEVs with a range of at least 80.47 km;
 - (ii) EREVs with a range of at least 16 km;
 - (iii) FCEVs with a range of at least 80.47 km;
 - (iv) PHEVs with a range of at least 16 km;
- (b) the consumer sale in British Columbia of zero-emission vehicles that are not reportable motor vehicles;
- (c) the consumer sale in British Columbia of new zero-emission vehicles to a carsharing organization, other than a carsharing organization that is

an affiliate of the supplier, at a discount of at least 25% as compared to the manufacturer's suggested retail price for the zero-emission vehicles.

(4) The director must not issue to a supplier, pursuant to an agreement under section 14 (2) of the Act,

- (a) for the model year 2020, a number of credits that exceeds 5% of the total of the numbers of ZEV units determined for that supplier in accordance with section 11 (1) and (2) of the Act, for that model year, and
- (b) for all other model years, a number of credits that exceeds 5% of the total of the numbers of ZEV units determined for that supplier in accordance with section 11 (1) and (2) of the Act, for the previous model year.

[am. B.C. Reg. 202/2024, Sch. 2, s. 9.]

Issuance of credits under purchase agreement

16 (1) The director must not enter into an agreement with a supplier under section 15 (2) [*issuance of credits — purchase agreements*] of the Act unless the director is satisfied that the supplier, having acted diligently to meet the requirements of section 10 (2) [*supply of ZEVs*] of the Act, is not able to do so without an agreement.

(2) For the purposes of section 15 (2) of the Act, the prescribed price per credit is the amount determined by multiplying

- (a) the automatic penalty rate prescribed in section 17 (2) of this regulation for the model year with the most recent compliance date at the time the agreement is entered into, and
- (b) 110%.

[am. B.C. Reg. 202/2024, Sch. 2, s. 10.]

Reduction of supplier balances

16.01 For the purposes of section 16.1 [*reduction of supplier balances*] of the Act,

- (a) the prescribed model year is the model year 2025, and
- (b) the prescribed number is 3.5.

[en. B.C. Reg. 202/2024, Sch. 2, s. 11.]

Part 2.1 — Reporting

Model year report

16.1 (1) For the purposes of section 17 (2) [*model year report*] of the Act, the prescribed number of days after the compliance date within which a supplier must submit a

model year report to the director is 20.

- (2) For the purposes of section 17 (3) (f) of the Act, the prescribed information is the information required to determine the supplier's average supply volume, as defined in section 8 of this regulation, in relation to the reported model year.
- (3) For the purposes of section 17 (4) (c) of the Act, the following information is prescribed in relation to each zero-emission vehicle supplied:
 - (a) whether the zero-emission vehicle is a BEV, EREV, FCEV or PHEV;
 - (b) the range of the zero-emission vehicle.

[en. B.C. Reg. 196/2020, Sch. 2, s. 1; am. B.C. Reg. 202/2024, Sch. 2, s. 12.]

Supplementary report

- 16.2** For the purposes of section 18 (2) [*supplementary report*] of the Act, a supplier who submits a supplementary report must submit it in the same form and manner as that required by the director for the purposes of section 17 (2) [*model year report*] of the Act.

[en. B.C. Reg. 196/2020, Sch. 2, s. 1.]

Forecast report

- 16.3** For the purposes of section 18.1 (1) [*forecast report*] of the Act, the following information is prescribed in relation to each of the 3 model years following the reported model year:
- (a) for each vehicle make for which a supplier is the supplier, the number of new zero-emission vehicles of the reportable motor vehicle class, by ZEV class and vehicle model, that are anticipated to be supplied by the supplier;
 - (b) for each zero-emission vehicle referred to in paragraph (a),
 - (i) whether the zero-emission vehicle is anticipated to be a BEV, EREV, FCEV or PHEV, and
 - (ii) the anticipated range and interior volume, expressed in cubic feet;
 - (c) the number of new reportable motor vehicles, other than zero-emission vehicles, that are anticipated to be supplied by the supplier.

[en. B.C. Reg. 202/2024, Sch. 2, s. 13.]

Part 3 — Administrative Penalties

Automatic administrative penalty rate

- 17** (1) In this section, "**annual percentage change**" means the annual percentage change in the annual average All-items Consumer Price Index for British

Columbia, as published by Statistics Canada under the authority of the *Statistics Act* (Canada).

(2) For the purposes of section 26 [*automatic administrative penalties*] of the Act, the prescribed penalty rate is as follows for all vehicle classes and ZEV classes:

- (a) for the model year 2025 and earlier model years, \$5 000;
- (b) for the model year 2026, \$20 000;
- (c) for the model year 2027 and later model years, the amount calculated by multiplying
 - (i) the penalty rate for the immediately preceding model year, and
 - (ii) the sum of
 - (A) one, and
 - (B) the annual percentage change for the calendar year immediately preceding the calendar year in which the compliance date for the model year occurs.

[en. B.C. Reg. 202/2024, Sch. 2, s. 14.]

Discretionary administrative penalties

18 (1) A person who has contravened the following provisions of the Act is liable to an administrative penalty under section 27 [*discretionary administrative penalties*] of the Act not exceeding \$100 000:

- (a) section 17 (2) [*model year report*];
- (b) section 18 (1) [*supplementary report*];
- (c) section 22 [*information requests*];
- (d) section 23 (2) [*audits*];
- (e) section 25 (3) [*inspections*].

(2) A person who has provided information that is incomplete or inaccurate

- (a) in a model year report,
- (b) in a supplementary report,
- (c) in response to a request made under section 22 of the Act, or
- (d) for the purpose of entering into an initiative agreement or in a record the person is required under an initiative agreement to provide to the director

is liable to an administrative penalty under section 27 of the Act not exceeding \$100 000.

(3) A person who has not complied with section 24 [*record-keeping requirements*] of the Act is liable to an administrative penalty under section 27 of the Act not exceeding \$10 000.

[am. B.C. Regs. 196/2020, Sch. 2, ss. 2 and 3; 202/2024, Sch. 1, s. 3.]

Notice of intent to impose administrative penalty

- 19** (1) Before sending a notice of administrative penalty to a person under section 23 *[notice of administrative penalty]*, the director must serve the person with a notice of intent to impose an administrative penalty.
- (2) A notice of intent to impose an administrative penalty must set out the following:
- (a) the legal name of the person served with the notice;
 - (b) a summary description of the alleged contravention, including the provision of the Act the person is alleged to have contravened;
 - (c) the person's right to be provided with an opportunity to be heard under section 20 *[opportunity to be heard]*;
 - (d) a preliminary assessment of the amount of administrative penalty that may be imposed.
- (3) A notice of intent to impose an administrative penalty must not be served more than 3 years after the later of
- (a) the date the alleged non-compliance to which the notice relates occurred, and
 - (b) the date evidence of the alleged non-compliance first came to the knowledge of the director.

Opportunity to be heard

- 20** (1) If a person who is served with a notice under section 19 *[notice of intent to impose administrative penalty]* requests, in writing, within 30 days after the date of service of the notice, an opportunity to be heard, the director must provide the person with an opportunity to be heard.
- (2) If a person requests an opportunity to be heard in accordance with subsection (1), the director
- (a) must conduct a written, electronic or oral hearing, or any combination of them, as the director considers appropriate, and
 - (b) may
 - (i) determine the circumstances and place in which, and the process by which, the hearing is to be conducted, and
 - (ii) specify the form and content of materials to be provided for the hearing and when the materials must be provided.
- (3) If a person who requests an opportunity to be heard fails to appear or provide materials to the director in accordance with subsection (2), the director may proceed without further notice to serve the person with a notice of administrative penalty under section 23 *[notice of administrative penalty]*.
- (4) If, after providing a person an opportunity to be heard, the director decides not to impose an administrative penalty, the director must give the person written

notice of that decision.

Defence of due diligence

- 21** The director may not serve a notice of administrative penalty on a person if the director is satisfied that the person exercised due diligence to prevent the non-compliance in respect of which an administrative penalty may be imposed.

Assessment of administrative penalty

- 22** (1) In determining the amount of an administrative penalty under section 27 *[discretionary administrative penalties]* of the Act, the director must consider the following matters, if applicable:
- (a) the nature of the non-compliance;
 - (b) any previous non-compliance by, or administrative penalties imposed on
 - (i) the person who is the subject of the assessment,
 - (ii) if the person is an individual, a corporation for which the individual is or was a director, officer or agent, or
 - (iii) if the person is a corporation, an individual who is or was a director, officer or agent of the corporation;
 - (c) whether the non-compliance was continuous;
 - (d) whether the non-compliance was deliberate;
 - (e) the person's efforts to correct the non-compliance;
 - (f) the person's efforts to prevent recurrence of the non-compliance;
 - (g) any other matter the director considers relevant.
- (2) If a non-compliance continues for more than one day, separate administrative penalties, each not exceeding the applicable maximum administrative penalty, may be imposed for each day the non-compliance continues.

Notice of administrative penalty

- 23** A notice of administrative penalty must set out the following:
- (a) the legal name of the person served with the notice;
 - (b) the amount of the administrative penalty;
 - (c) the reasons for the decision;
 - (d) the date by which the administrative penalty must be paid;
 - (e) acceptable methods of payment;
 - (f) the address to which payment must be sent, if applicable;
 - (g) the person's option to admit, in writing, the non-compliance and its extent under section 28 (1) (a) *[requirement to pay administrative penalties]* of the Act;

- (h) the person's right to an appeal under section 36 (2) [*appeals to the Environmental Appeal Board*] of the Act and the time limit for commencing an appeal.

Enforcement of administrative penalty

- 24** If all or a portion of an administrative penalty is not paid when it is due, the director may impose an additional penalty of up to 10% of the outstanding balance for each 14-day period that the outstanding balance remains unpaid.

Publication of names

- 25** (1) The director may publish, including by electronic means, all of the following information in respect of a supplier on whom an administrative penalty has been imposed under section 27 [*discretionary administrative penalties*] of the Act:
- (a) the legal name of the supplier;
 - (b) the amount of the administrative penalty;
 - (c) the nature of the non-compliance, including the provision of the Act the supplier contravened.
- (2) Publication under subsection (1) may not occur until the supplier is subject to the administrative penalty under section 28 [*requirement to pay administrative penalties*] of the Act.

[Provisions relevant to the enactment of this regulation: *Zero-Emission Vehicles Act*, S.B.C. 2019, c. 29, ss. 40 to 45.]

Electric golf carts given the green light to hit Victoria's streets



[Tony Trozzo](#)

May 12, 2025 4:00 PM



1 / 4 Tasha Maynard and her husband opened HeyYa Golf Carts in Vancouver in July 2024, and now they're set to expand to Victoria.
| Tony Trozzo/Victoria News



[Listen to this article](#)

00:03:53

A fleet of sleek, street-legal electric golf carts has landed downtown, giving locals and tourists alike a whole new way to cruise through the capital.

The company behind the wheel? Vancouver-based HeyYa Golf Carts, making its first leap beyond the Lower Mainland with 15 brand-new rides now stationed at the View Street Parkade.

Call it a joyride with purpose – fun, zippy, and sustainable.

"We've always loved Victoria," said co-founder Tasha Maynard, grinning as she zipped off toward Government Street. "Victoria matches our vibe – super walkable, lots to see, but also a few too many hills for some folks. That is why we think this is a match made in heaven."

HeyYa launched in Vancouver last summer after what Maynard calls a few "aha moments" – like seeing tourists struggle up Stanley Park hills on bikes, or being cheered on by strangers during an Ironman in Florida.

Now, the vision is simple: ditch the car, keep the fun.

The carts are fully electric, made right here in B.C., and built for city cruising. They top out at 40 km/h and can operate on any road with a speed limit of 50 km/h or lower. Drivers need to be 21 with a valid licence, and after that – it's all systems go.

And yes, they've already made an entrance, with a soft launch last week in Victoria.

But, in their 10 months in Vancouver, they've had nothing but positive experiences with a diverse clientele.

"We've had everything from reality TV film crews to bachelorette parties to just curious tourists," Maynard said. "People come back laughing, smiling, wanting to do it again."

That's the magic, she said – the carts aren't just a ride. They're an experience. And they open up the city in a way that's both accessible and inclusive.

She recalled one story of a amateur sports team that rented bikes – all but one player, who wasn't confident riding on two wheels. No problem: they grabbed a cart, and the whole team stayed together.

"No one got left behind," Maynard said. "That's why this works."

The Victoria fleet officially launched on Monday, with bookings already rolling in. From the Inner Harbour to Chinatown, Market Square, Beacon Hill Park and even Oak Bay, riders can chart their own path and cruise at their own pace.

Victoria Coun. Matt Dell called the move a win for sustainable transportation.

"There are lots of regulatory challenges to allowing more sustainable transportation options in the city, but it's important we keep pushing for new options, including things like electric golf carts," Dell said. "As

more people move to Victoria, there will not be enough capacity for our roads to add more vehicles. Therefore, new transportation options like smaller electric golf carts, e-bikes, e-scooters are part of this future solution.”

HeyYa partnered with Victoria to secure its View Street location. The carts are permitted on roads south of Fort Street, extending west to Beacon Hill and east into Oak Bay, as long as the speed limit does not exceed 50 km/h.

And Victoria’s just the start. Maynard said the company is eyeing new destinations like Nanaimo, Tofino, and Gibsons – possibly by 2026.

But for now, the focus is right here in the capital, where the carts are already drawing smiles and second glances.

“People just love it,” Maynard said. “It’s simple, it’s fun – and honestly, it’s kind of contagious.”

Ready to ride? Just look for the little blue carts with the big city energy.



About the Author: Tony Trozzo

Multimedia journalist with the Greater Victoria news team, specializing in sports coverage.
[Read more](#)

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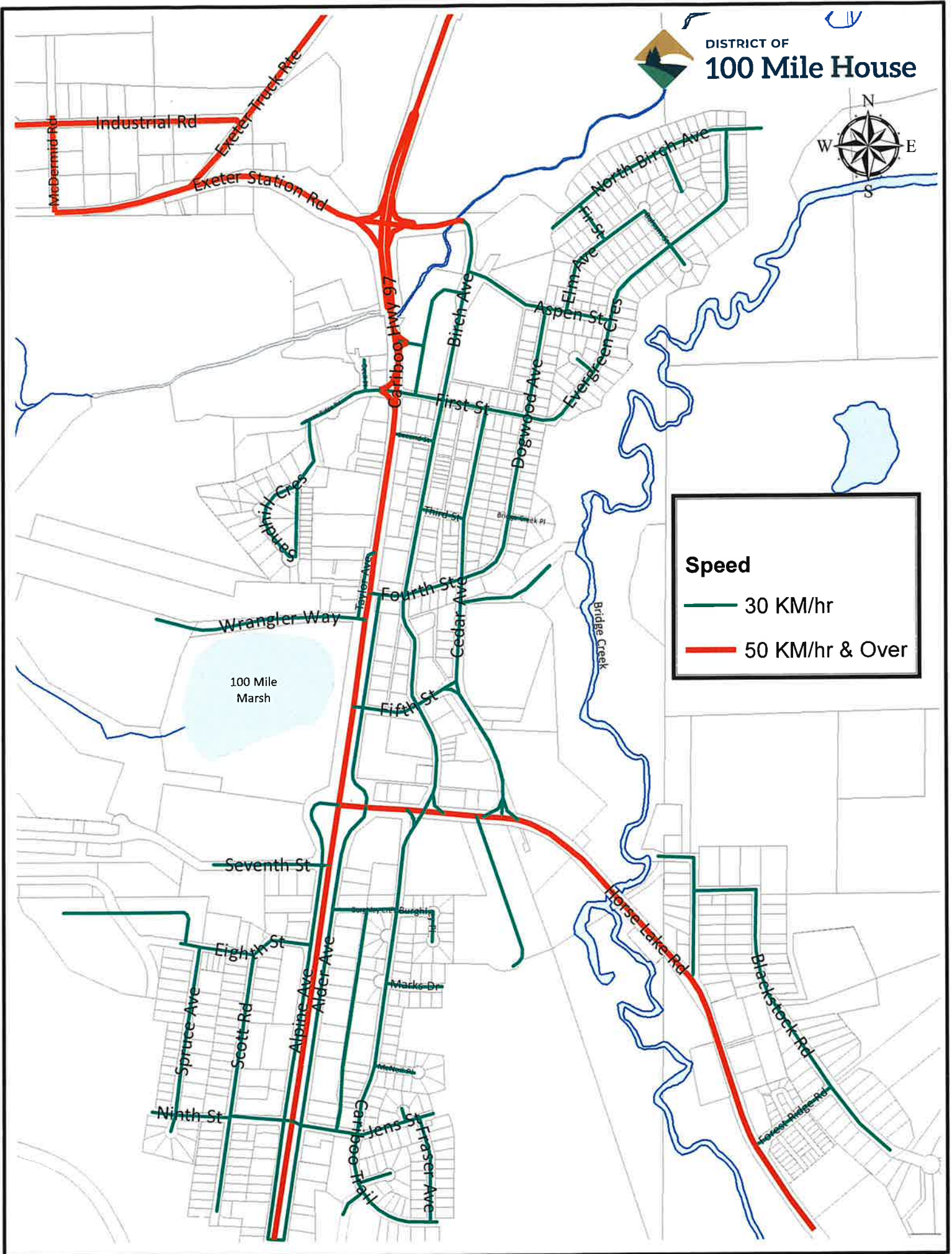
DISTRICT OF
100 Mile House



Speed

— 30 KM/hr

— 50 KM/hr & Over





**District of
100 MILE HOUSE**

**COUNCIL REPORT
File No. 570-01**

Committee of the Whole – June 10th, 2025

REPORT DATE: May 22nd, 2025
TITLE: Off Road Vehicle Access to Community
PREPARED BY: Administration

PURPOSE: To provide Council with information relating to ORV's on municipal roadways.

RECOMMENDATION: Recommended Resolution

BE IT RESOLVED THAT the ORV community access information report dated May 23rd, 2025 from Administration be received.

"Further action and discussion at the discretion of Council"

BACKGROUND INFORMATION / DISCUSSION:

There has been growing interest in the use of Off Road Vehicles (ORV) and the considerations towards permitting ORV's on municipal roadways to promote tourism along the Gold Rush Trail.

Many communities throughout BC have successfully implemented ORV Bylaws regulating their operation within municipal boundaries. The biggest challenge present within the District of 100 Mile House is community access, CN Rail crossing and crown lands.

The District of 100 Mile House is flanked by CN Rail and the only crossings in existence are Exeter Road, a controlled public crossing which costs the District an annual CN maintenance fee of \$9,684 and a private crossing managed by the 100 Mile Snowmobile Club.



The private crossing was established by the 100 Mile Snowmobile Club in 1971 which is to be only used in the winter by members of the club.

District Engagement with Ministry of Environment & Climate Change:

The District of 100 Mile House formally engaged the MOE and they highlighted anyone who wishes to construct new recreation trails on Crown land is required to obtain authorization under section 57 of the Forest and Range Practices Act (FRPA). Once an application is received a referral and consultation process would follow. If a new ORV trail would be developed to run from the 100 Mile Snowmobile Clubhouse to town multiple stakeholders would need to be involved.

District Engagement with CN

The District of 100 Mile House formally contacted CN to discuss the existing private crossing in place and the possibility of permitting ORV's to utilize the crossing to access the community. In theory, the private crossing could be converted to public under the District's control.

Initially the query was referred to the track supervisor who did not have any concerns, the transportation team had some concerns relating to additional risk. CN would formally require the District to hire an engineering firm to survey, design, and confirm the crossing is up to standards; or how to bring up to standards set out by Transport Canada. TRUE Engineering provided a quote of \$4,043.00 for the initial crossing assessment. This does not include any works that CN may request once the assessment is complete. Additionally, ongoing maintenance would be the District's financial responsibility.

If the engineers and CN note that the crossing must have automatic warning devices (AWD) it would be the responsibility of the road authority (District) to install and maintain. If AWD is not required the crossing would typically need a full rehab anywhere between 5-30 years, depending on usage. A full rehab of a wooden plank crossing priced for 2025 is roughly \$80,000. Some occasional repair may be needed. CN also noted a work permit is required for each time work is within 30ft of tracks.

Conclusion

The growing interest in permitting Off Road Vehicles (ORVs) within the District of 100 Mile House presents both a unique opportunity to support tourism and economic development, and a range of logistical and financial challenges. Engagement with CN and the Ministry of Environment has outlined necessary steps for compliance, including engineering assessments, trail authorization processes, and the potential for significant



capital and ongoing maintenance costs. Nonetheless engagement with the community, MOT and RCMP has essential not begun. As a result, the District must weigh the benefits of any increased tourism and ORV access against regulatory obligations, liability, possible community complaints, and long-term financial impacts.

OPTIONS:

- The District may choose not to proceed with the initiative and instead leave further development of ORV access to community-based organizations, such as the 100 Mile ATV Club and the Snowmobile Club. These groups could pursue necessary authorizations and funding independently if there is sufficient interest and capacity. This option avoids immediate District expenditures and liabilities.
- Proceed with the Engineering Assessment: Approve the \$4,043 quote from TRUE Engineering to assess the feasibility and condition of the existing private CN crossing. This assessment will inform decision-making regarding upgrades and associated requirements by CN and Transport Canada. The 2025 budget has already been established; this item would need to be added to budget discussions for 2026. *Consultation with the 100 Mile Snowmobile Club **must** be conducted prior to any planning or work, essentially this is their crossing.*
- Encourage user groups pursue external funding opportunities through provincial, federal, or tourism-related grant programs to offset engineering, infrastructure and maintenance costs. User groups could also explore alternative routes.

BUDGETARY IMPACT:

- Initial grade crossing assessment - \$4,043.
- On-going maintenance – Unknown

LEGISLATIVE CONSIDERATIONS:

- A new Bylaw would be required, including public consultation
- Engagement with the MOT and the RCMP is essential to ensure that the proposed route for ORV's is achievable.

ATTACHMENTS:

- Quote – TRUE Engineering
- CN Work Permit Application
- Example Bylaws – District of Tumbler Ridge & Village of Sayward



- Pictures of snowmobile crossing / Map of crossing location (circled) & proposed route
- Off-Road Vehicle Regulation & Information

Prepared By: _____

T. Boulanger, CAO

Date: _____

June 5/25

Reviewed By: _____

T. Conway, Director of Community Services

Date: _____

May 29/25



May 28, 2025

Proposal

District of 100 Mile House
#1 – 385 Birch Avenue
100 Mile House, BC V0K 2E0

Attention: Tammy Boulanger, CAO

RE: CN Railway Grade Crossing Assessment

Railway companies and road authorities with jurisdiction over public roads crossing railways have a shared responsibility for managing crossing safety. It is the responsibility of both the railway company and the road authority to prepare an assessment of the grade crossing and share it with the other party. Once the grade crossing information is exchanged, the railway company and the road authority are to make an evaluation to determine if the crossing follows the Grade Crossing Regulations.

It is understood that the 100 Mile Snowmobile Club and Canadian National Railway (CN) share an unsignalized, private grade crossing and that the District of 100 Mile House (the District) is considering taking control of. Should the District take control, the crossing would become an unsignalized, public grade crossing shared with CN, and as noted above, the District would be required to prepare an assessment of the existing road conditions and share it with CN. The assessment would include the following:

- Location of the grade crossing
- Road classification and design speed
- Average annual daily traffic
- Number of traffic lanes that cross the railway
- Width of traffic lanes and shoulders
- Average gradient of the road approach
- Crossing angle
- Stopping sight distance

TRUE Consulting (TRUE) has experience preparing grade crossing assessments and is pleased to provide this proposal to complete a grade crossing assessment for the District. To complete the assessment, TRUE proposes to conduct a topographic survey of the grade crossing and prepare a site plan. TRUE will then analyze the existing conditions and complete an assessment.

Enclosed is a fee estimate for the tasks associated with the proposed work program. Should any questions arise regarding this fee estimate, please don't hesitate to contact the undersigned.

Yours truly,

TRUE CONSULTING

A handwritten signature in blue ink, appearing to read "Landon Klassen".

Landon Klassen, C.E.T.

LK/er

Enclosure



	PROJECT TASK	TEAM MEMBER Hourly Rate	Senior Technologist \$184	Civil 3D Support \$137	Survey Preparation/ Travel \$137	Survey Crew \$213	Sub-Total Fees	Disb.	TOTAL Fees & Disb.
1.0	Topographic Survey and Site Plan								
1.1	Complete topographic survey of grade crossing				5	5	\$1,750	\$320	\$2,070
1.2	Process survey data and prepare site plan			5			\$685		\$685
2.0	Grade Crossing Assessment								
2.1	Analyse site plan and complete grade crossing assessment		7				\$1,288		\$1,288
	Total Hours		7	5	5	5			
	Total Fees		\$1,288	\$685	\$685	\$1,065	\$3,723		\$3,723
	Total Disbursements							\$320	\$320
	TOTAL ESTIMATED FEES & DISBURSEMENTS								
	\$4,043 + taxes								



System Engineering
Engineering Services

935 de la Gauchetière Street West
Montreal, Quebec
H3B 2M9

WORK PERMIT APPLICATION

2025

For Railway Use Only:

Mile: _____

Sub: _____

CN Ref. #: _____

Valid: _____

Expiry: _____

CONTENTS:

SECTION A: INSTRUCTIONS & PERMIT FEES	2
INSTRUCTIONS	2
RATES & BILLING INFORMATION (2025)	3
SECTION B: APPLICANT & WORK INFORMATION	4
SECTION C: TERMS AND CONDITIONS	5
SECTION D: SAFETY GUIDELINES FOR CONTRACTORS AND NON-CN PERSONNEL	8
SECTION E: RIGHT OF ENTRY FOR CONTRACTORS	12
RIGHT OF ENTRY	12
SCHEDULE A: INFORMATION	15
SCHEDULE B: INSURANCE	16
SECTION F: AGREEMENT AND AUTHORIZATION	18

SECTION A: INSTRUCTIONS & PERMIT FEES

Instructions

Definitions:

"Applicant" refers to public road authority, company or individual identified at Section B that is requesting authorization and consent to perform work on or adjacent to CN property and/or requesting flagging services.

"CN" or "Railroad" refers to Canadian National Railway Company or such of its affiliates or associates (within the meaning ascribed to those terms under the Canada Business Corporations Act) to whose property this Work Permit Application relates.

"Contractor" refers to Applicant's employees, servants, agents, contractors and sub-contractors.

"Letter of Approval" refers to a letter signed by CN authorizing Applicant to conduct subsurface works on or adjacent to CN property or rail right-of-way.

"Work Permit Application" refers to the present document comprising sections A through G as well as all schedules attached to each such section, as the case may be.

Complete the Work Permit Application as follows:

1. Complete Section B, "Applicant & Work Information" (page 3)
2. Complete Section E, "Right of Entry for Contractors" (page 12)
3. Read and initial each page of the Work Permit Application (page 1 to 18)
4. Provide signature in Section F, "Agreement and Authorization" (page 18)

Return the following:

1. Pages 1 through 18 of the completed Work Permit Application
2. Required documents as per Section C, "Terms and Conditions" Paragraph 2
3. Proof of Insurance, as per Section E, "Right of Entry for Contractors"
4. Payment for the Permit Fee
5. **Please return all of the above to the following address:**

ROGERIO NETO
PUBLIC WORKS - WEST
10229 - 127 AVENUE
FLOOR 2, BUILDING B
EDMONTON, ALBERTA T5E 0B9

PRAENGsvc@cn.ca

Upon receipt of the signed documents, CN will provide contact names and numbers to the Applicant to arrange for required work.

Rates & Billing Information (2025)

Where applicable, HST/PST/GST will be added to the prices described on this page.

Application Fees

Permit Fee	\$ 975.00
------------	-----------

Flagging and Cable Locate/Protection Cost

STANDARD PRICING		
Service	Hourly Rate	Daily Minimum
Flagging Services	\$ 270.00	8 hours
Cable Locate	\$ 270.00	6 hours
<i>N.B. Travel time exceeding 2 hours to travel to or 2 hours to travel from the work site is recoverable and will be charged in addition to the time spent on site at the above rates.</i>		

FOR RECOVERABLE PROJECTS ONLY (R or M networks) – ACTUAL PRICING

Flagging and locates will be charged per hour based on actual labour rates plus applicable overheads and per diems. The time charged will consist of on-site hours (including set-up time) in addition to the travel time to and from the site.

The daily time invoiced per employee will be rounded up to the next full hour.

Disclaimer – The above rates are on a “per worker/ per day” basis. Rates will be charged at CN's rate based on date of service.

Notification Delays

- CN requires 8 weeks notice for flagging / signal protection services upon issuance of Letter of Approval.
- CN requires 8 weeks notice for cable locates upon issuance of Letter of Approval.
- CN requires two (2) business days' notice to cancel scheduled work. Notice must be given in writing via email. Cancellations received without the required notice will be invoiced at the minimum daily rates.

Penalties/Additional Fees

Safety is necessary to ensure that no worker and/or passerby is/ or will be in any danger. Applicant recognizes that as a federally-regulated railway company, CN and not Applicant is subject to fines, penalties and liability in case of unsafe practices by Applicant or by any Contractor. As such, Applicant agrees that if Applicant or any Contractor carries out work in a manner deemed unsafe by CN according to applicable laws, regulations, rules, or this Work Permit Application (including but not limited to work performed without any CN flagman being present or without proper locates), then in each case such conduct shall be deemed to be a breach of the terms of this Work Permit Application, and Applicant shall pay to CN an amount of \$5,000 per day during which any such work is carried out. The foregoing payment shall be paid by Applicant to CN as liquidated damages, and not as a penalty, for such breach of this Work Permit Application, *inter alia* in view of CN's regulatory liability as a result of such breach, and such payment shall not limit any other recourse CN may have against the Applicant in connection with such breach. . . If one or more trains are delayed due to any such breach, then Applicant shall also pay to CN, as liquidated damages and not as a penalty the following further amounts:

Type of Train	Duration	Minimum Payment
Freight	Less than 12 hours	\$160,000
Freight	12 to 24 hours	\$640,000
Freight	24 to 48 hours	\$2,560,000
Freight	More than 48 hours	\$3,840,000
		Plus, additional Charge: \$80,000 per hour for each hour beyond 48 hours

CN Tax Registration Information

- CN GST/HST Registration Number 10076 8779 RT0001
- CN QST Registration Number 10000 43156 TQ0514

SECTION B: APPLICANT & WORK INFORMATION

APPLICANT _____

ADDRESS: _____

EMAIL ADDRESS: _____

PHONE NO.: _____

NAME(S) OF SUB-CONTRATOR: _____

(if applicable)

FIELD CONTACT: _____

MOBILE PHONE: _____

1. DESCRIPTION AND LOCATION OF WORK (including details of all excavations on or adjacent to the CN right-of-way):

WARNING - CN right-of-way contains buried communication, power and fibre optic lines. Cable locates by CN Signals and Communications personnel and implementation of appropriate protective measures are mandatory prior to all excavations.

DATE(S) WORK TO BE PERFORMED: from _____ to _____

N.B. Actual date(s) of work will be dependent upon availability of CN flagging and cable locates / protection.

APPLICANT'S INITIALS _____

SECTION C: TERMS AND CONDITIONS

With reference to this Work Permit Application,

1. The Applicant shall:

- 1.1. Execute the attached Work Permit Application and submit the required documentation and payments (including applicable taxes) as per Section A "Instructions & Permit Fees" of this application.
- 1.2. Read and be aware of "CN Safety Guidelines for Contractors and Non-CN Personnel" (See Section D)
- 1.3. Ensure all employees working on CN property complete the CN contractor orientation course (www.contractororientation.com) if employees do not hold E-RailSafe certification.

2. The Applicant's shall:

- 2.1. A CN flagperson shall be present at all times when work progresses within the CN right-of-way, unless otherwise approved by CN. The presence of a flagperson in no way relieves the Applicant from liability for damage or disruption to CN property, infrastructure or operations caused by the actions of the Applicant, or the agent acting on its behalf.
 - 2.1.1. At least one (1) flagperson per day shall be available for a maximum of eight (8)-hour per working day, which may be reduced at the discretion of CN. Overtime and weekend work shall not be permitted, unless otherwise approved by CN.
 - 2.1.2. All personnel working within the CN right-of-way, including any Contractor, truck drivers, material supply drivers and service providers shall attend, record and acknowledge understanding of the daily briefing session with the CN flagperson prior to the commencement of any work within the right-of-way.
 - 2.1.3. Work may be ceased under the authority of the CN flagperson at any time to accommodate train movements.
 - 2.1.4. Once the installation is complete and the CN flagperson is discharged, the Applicant and its agents shall not be permitted on CN property for the purpose of collecting data for ground surface and subsurface monitoring. This monitoring shall be observed from outside the CN right-of-way.
 - 2.2. CN reserves the right, at its sole discretion, to assign a full-time site representative of its choice at the Applicant's expense, notwithstanding the requirement of the Applicant to assign their own, qualified inspector.
 - 2.3. Any problems or issues related to the installation, including changes in subsurface conditions, shall be reported to CN immediately.
 - 2.4. During construction, the Applicant shall maintain positive drainage of Railway property. After construction is completed, the Railway's right-of-way shall be restored to its original condition and to the satisfaction of the Railway. Any fencing removed to facilitate construction shall be restored.
3. The Applicant shall be liable for all costs, direct and indirect, incurred by CN due to the settlement of track(s) or any other problems related to CN's operations, property or infrastructure, that occur as a result of this work, for a period of one (1) year from the date of completion of the work.
- 3.1. Should CN be unable to maintain normal operating speed during installation or within a period of one (1) year from the date of completion of the work, the Applicant shall be responsible for the cost of train delays resulting from the train slow order, and shall be pay to CN the liquidated damages as per the amounts established in Section A, until such time as normal operating speed is resumed.
 - 3.2. CN, at its option, may undertake the necessary measures to ensure safety, at the risk and expense of the Applicant.

3.3. The Applicant shall be responsible for the cost of flagging and cable locates / protection work. The cost of flagging and cable locates / protection work shall be based on actual time on site, calculated according to the rates in Section A.

4. Payment terms and conditions:

4.1. Payments shall be made at CN's remittance address indicated on the invoice and is due thirty (30) days after invoice date.

4.2. CN reserves the right to charge and be paid interest on all sums due from the Customer at the rate of 12% per annum compounded monthly, calculated from the date upon which payment is due until the date upon which it is received. Invoices are payable in full without set-off retention or counterclaim.

4.3. The Applicant acknowledges and agrees that all decisions with respect to the extension, continuation and termination of credit shall be at the sole discretion of CN.

4.4. Chargeable labour hours for CN personnel are tabulated through CN's timekeeping and payroll system, and are maintained electronically. The Applicant waives any right to acquire timesheets for labour hours charged.

SECTION D: SAFETY GUIDELINES FOR CONTRACTORS AND NON-CN PERSONNEL

Introduction

This document is a condensed version of CN's mandatory safety training for Contractors and non-CN personnel. It should be noted that this document is not a substitute for the mandatory safety training for Contractors and non-CN personnel including eRailsafe or Contractor Orientation as the case may be. For the purposes of this document "Contractor" may also apply to individuals on CN property, whether under contract to CN or not.

Contractor's employees or subcontractors performing work within the CN right-of-way must familiarize themselves with CN's Contractor Safety Package, complete a Contractor Orientation Course and must be registered on the Contractor Completion Database which can be found at the following website: www.contractororientation.com. If you have been contracted by CN and are completing work on behalf of CN, you are required to ensure anyone working on the project within CN right of way has completed eRailSafe. This can be found at the following website: www.erailsafecanada.com

These guidelines are not to be considered as a substitute for the applicable government regulations. These guidelines are the minimum requirement and must be exceeded where the hazard or government regulations warrant.

It is not possible to deal with every hazard in this one document. These guidelines are to be employed in conjunction with Government Acts, Regulations, local Ordinances, CN Safety and Operating Rules Standards, and good judgment to facilitate the safe completion of the work.

Additional information regarding safe work practices may be included in contract documents and specifications. In the event of a discrepancy between these guidelines and the contract, the contract shall govern.

GENERAL RULES AND INFORMATION

"Expect the movement of a train, engine, rail car or track unit at any time, on any track, in either direction. Protect yourself and others from the movement of trains, engines, railcars and track units and do not expect them to stop."

If any situation arises which affects the safe movement of trains, CN must be contacted immediately at:

1-800-465-9239.

Alternatively, contact CN's Network Operations Centre in Edmonton at:

1-800-661-3963.

Before any digging is performed on CN property, proper clearance and instructions must be obtained through the Information Technology Command Centre (ITCC Network Management Centre) at:

1-800-661-3687 or 1-800-NO1-FOTS.

In an emergency, any object waved violently by anyone on or near the track is a signal for trains to stop.

Violation of CN's mandatory Contractor Safety training or contravention of these guidelines may result in the immediate removal of the Contractor or the offending personnel from CN property.

Compliance with Government Regulations

Contractors shall follow all applicable Federal, Provincial, and Municipal Acts, Regulations, Laws and Codes, including but not limited to those related to the licensing of workers, occupational health and safety, transportation or handling of dangerous

substances, inspection and certification of equipment. As CN is a federally regulated enterprise, Contractors are advised that work undertaken on CN right-of-way may be governed by Federal regulation.

The Contractor must become familiar with all applicable regulations and must ensure compliance by workers at the job site. Supplementary instructions may be issued by CN representatives from time to time.

Contractor's Responsibility

1. Before entering upon CN right-of-way, the Contractor must have all documentation properly executed and available for review by CN personnel at the working site. (i.e. Permits, Licenses, Contract Documents, Contractor Safety Approved identification card and/or Waivers).
2. Daily briefings must be held at every work site to review the contents of these guidelines and any unique conditions at the site relating to safety. A record must be kept of such briefings by the Contractor's responsible person at the work site. Work site briefings must be updated regularly as the job conditions change
3. Unless explicitly permitted by CN, no equipment or vehicle may enter upon the operated right-of-way.
4. Unless explicitly permitted by CN, no work shall take place within thirty (30) feet of the nearest rail except in the presence of a CN Protecting Foreman. The CN Protecting Foreman is concerned only with the safe movement of trains and will not be responsible for the safety of the Contractor, the Contractor's personnel or the Contractor's equipment.
5. Contractor's personnel must not crawl under, climb over or pass through standing railway equipment.
6. Contractor's personnel must not cross a track within thirty (30) feet, of standing railway equipment.
7. CN has many power and/or communication cables buried within the CN right-of-way. The Contractor shall be sure of their location before making any excavation, driving stakes or otherwise penetrating the ground surface. In the event of any excavation work that strikes an underground cable adjacent to CN's track, the contractor must make immediate contact with CN
8. In accordance with CN's safety standards, Contractor's personnel must wear CN required personal protective equipment at all times while on CN right-of-way. Such equipment will include hard hats, safety glasses, reflective apparel, safety footwear (protective footwear shall meet or exceed CSA Z195 and/or ASTM F2413, shall cover and support the ankle and have a defined heel. In Canada, the defined heel must be a minimum of 9 mm (3/8 inch) and shall not exceed 25 mm (1 inch). In the US, the defined heel must be a minimum of 12 mm (1/2 inch and shall not exceed 25mm (1 inch). Boots must be equipped with laces, which must be laced to the top and tied. Hearing and respiratory protection and fall arrest equipment shall be worn where signs are posted or when a potential hazard exists.
9. No CN plant, signal, structure, equipment or property of any kind may be tampered with, modified or removed.
10. "Hi-rail" equipment shall only be operated on the track by personnel qualified in the latest version of the "Canadian Rail Operating Rules".
11. Horseplay, practical jokes, fighting or any other activity that may create a hazard will not be tolerated.
12. Contractor's personnel must immediately abide by instructions from CN personnel.

Approaching Train

1. On the approach of a train, the Protecting Person will communicate to the Contractor's Responsible Person, either by radio or by personal contact, that a train is approaching.
2. After receiving the train information from the Protecting Person, the Contractor's Responsible Person must ensure that all workers, equipment and materials are "Clear Of The Track" (as defined in 5.3.5. below) then communicate this to the Protecting Person.
3. The Protecting Person will not authorize any trains through the working limits nor authorize cancellation of protection before receiving confirmation that all workers have been alerted, stopped working and the track is clear of workers and machinery.

4. After the train has passed, no one is to foul or occupy the track until the Protecting Person has given the authorization. Authorization will be communicated to the Contractor's Responsible Person.

Clear Of The Track

To be Clear of the Track shall be defined as:

1. All work has been stopped.
2. All workers are made aware of the approaching train and route to be followed.
3. All workers, equipment and material have been positioned beyond the clearance limits or at any other location deemed safe by CN. (at least 5 meters (15 feet) from the nearest rail of the track on which the train is to pass with additional allowances for curvature and super elevation).
4. All off-track equipment by special approval less than 5 (15 feet) meters of the nearest rail has stopped working and operators have left their equipment.
5. All off-track equipment more than 5 meters (15 feet) from the nearest rail has stopped working. Operators may remain in their cabs unless directed otherwise by the Contractor's Responsible Person. All equipment must be properly secured against unintentional movement
6. All on-track equipment has been moved into the siding or other track as per the Protecting Person's instruction. Operators will leave their equipment unless directed otherwise by the Contractor's Responsible Person. All unattended equipment must be properly secured against unintentional movement
7. Booms, cranes or other similar equipment have been immobilized and the boom is parallel to the railway track(s), and clear of the nearest rail be 5 meters (15 feet)
8. Provided there is no possible way for the worker to become unintentionally foul of a passing train, and at the discretion of the CN Supervisor, workers may continue working.

POLICY TO PREVENT WORKPLACE ALCOHOL AND DRUG PROBLEMS

Policy standards

The Contractor, subcontractors, employees, suppliers and visitors must remain free from any adverse effects of alcohol or other drugs and conduct themselves in an appropriate manner while on CN business or premises. The Contractor must ensure that all those having access to the site adhere to the following standards when on CN business or premises, including vehicles and equipment:

1. No use, possession, distribution or sale of illegal drugs or drug paraphernalia.
2. No use, possession, distribution or sale of beverage alcohol or any form of alcohol.
3. Responsible use of prescribed and over-the-counter medications.
4. No distribution, offering or sale of prescription medications.
5. To report for duty and remain during the entire period of duty free of the negative effects of alcohol and other drugs, including the after effects of such use.

Consequences of violation

Failure to meet these standards will be considered a breach of the contract. This may at CN's sole discretion, trigger the suspension or termination of the contract.

APPLICANT'S INITIALS _____

Policy violation procedures

Where CN has reasonable grounds to believe any individual in the employ of the Contractor or a supplier is on duty in an unsafe condition or otherwise in violation of the Policy, or where during the preliminary phase of any investigation such an individual has been identified as being directly involved in the chain of acts or omissions leading up to an accident or incident:

1. CN will escort the individual(s) to a safe place.
2. CN will notify the Contractor or supplier.
3. The Contractor will investigate the situation.
4. The Contractor must satisfy CN that there has been no policy breach.
5. If a policy breach has occurred, the individual will not be allowed to continue providing services to CN without written permission from a CN official, and he/she will be required to adhere to any conditions governing his/her return.

Firearms

Firearms (loaded or empty) are not permitted on CN property, except for CN Police officers and other designated persons performing authorized work and when authorized to do so. In all cases, any firearms must be accompanied with a written authorization from the Chief of CN Police and the person should have in his possession all pertinent government permits.

Explosives

No explosives will be permitted on CN property without written CN approval.

Vehicles

Contractor's vehicles on the site must be in safe operating condition. Operators must observe all site speed limits. Unattended vehicles must not be left running unnecessarily. Where they must be left running, the parking brake must be applied. The operator is responsible for the safety of all passengers and the stability of materials being transported.

All vehicles will be parked in a pre-determined area and where required, a designated Contractor entrance shall be used.

Smoking in the Workplace

Smoking is not permitted in any CN interior workplace or motor vehicle.

Security

Contractor's personnel will proceed directly to the Contractor's work location. Contractor's employees must remain at their designated work site and must not wander about the site.

The Contractor shall not permit persons other than the Contractor's personnel to enter the site without the prior written authority of the CN representative.

Emergency Evacuation Procedures

Prior to commencing work, all Contractor's employees must be familiar with the emergency evacuation plan for that work site. The Contractor shall issue written emergency and rescue procedures to the Contractor's personnel and shall post such procedures on the job site.

Unsafe Conditions or Practices

Contractors shall correct or report any unsafe conditions or practices they observe. All such conditions or practices shall be reported to the CN representative at the work site as soon as practical.

Reporting Accidents/Incidents

All accidents/incidents occurring on CN property, that result in or had the potential of causing serious injury, lost work days, vehicle or property damage must be reported to the CN representative within twenty-four (24) hours. All such incidents will be fully investigated by the Contractor.

The Contractor shall subsequently provide a written report to CN (i.e. Company Officer assigned as Liaison to Contractor) within seven (7) days detailing the nature of the incident, the cause(s), regulatory authorities notified, and a specific action plan to prevent recurrence.

Treatment of Injured Personnel (Contractors)

Contractors shall ensure the following is provided for their personnel as required by CN and in accordance with applicable government regulations:

1. Adequate first-aid supplies and equipment.
2. Qualified personnel to render first-aid treatment.

Audio and Visual Recording Equipment

Cameras and audio-visual equipment are not permitted on CN property without prior approval. Use of personal electronic devices such as smart phones for the purpose of recording video, photographic or audio information is prohibited while on CN property.

Summary

In conclusion, CN requires the full cooperation of the Contractor and the Contractor's employees with these guidelines and all other applicable regulations. Should there be any doubt as to the meaning or interpretation of these guidelines, consult with the CN representative responsible for the worksite.

Contractor Acknowledgement

Contractor/Sub-contractor personnel must read and understand CN's "Safety Guidelines for Contractors and Non-CN Personnel". The Contractor/Sub-contractor must also follow the appropriate Contractor Safety training.

SECTION E: RIGHT OF ENTRY FOR CONTRACTORS

Right of Entry

General Conditions

1. "Railroad" refers to Canadian National Railway Company or such of its affiliates or associates (within the meaning ascribed to those terms under the *Canada Business Corporations Act*) to whose property this Right of Entry relates.
2. This Agreement is entered into as described in Section F "Agreement and Authorization" of this document (page **Error! Bookmark not defined.**).
3. The Railroad, solely to the extent of its right, title and interest, without any warranty, expressed or implied, at law, under contract or otherwise, hereby grants to Company and its authorized employees, servants, agents or contractors, authorization and consent to enter upon the property described under Schedule "A" hereto (the "Railroad property") for the sole purpose described under Schedule "A" hereto. This Right of Entry shall only extend to such actions as are necessary or required to fulfill the purpose described under Schedule "A" hereto.
4. This Right of Entry shall terminate forthwith upon expiration of the term noted in Schedule "A" hereto, it being understood that Railroad shall have entire discretion to revoke this Right of Entry at any time prior to the expiration of the term, upon notice to that effect to the Company, which notice shall be effective forthwith upon receipt by the Company or at such later date indicated by Railroad in the aforesaid notice.
5. The Railroad grants this consent subject to the understanding that Company and its authorized employees, servants, agents or contractors who enter upon Railroad property will:
 - 5.1. See that any activities conducted on said Railroad property are done in a good workmanlike manner, in compliance with applicable laws, statutes, regulations, policies, directives, orders, approvals and other legal requirements and in such manner and at such time as not to obstruct or interfere with Railroad's operation, trains or the functioning of its signal and communications systems or any fiber optic cable system or unduly delay the safe passage of Railroad's trains;
 - 5.2. For the purposes hereof, the following expressions shall have the meanings hereinafter noted:
 - 5.2.1. "Applicable Laws" means the applicable and enforceable statutes, regulations, policies, directives, orders, approvals and other legal requirements of an Authority or of the common law in effect from time to time, including, without limitation, those, together with the guidelines of an Authority, relating to the protection, conservation or restoration of the natural environment;
 - 5.2.2. "Authority" means the federal, provincial, municipal, state, county and, generally local governments, the courts, administrative and quasi-judicial boards and tribunals and any other organizations or entities with the lawful authority to regulate, or having a power or right conferred at law or by or under a statute;
 - 5.3. Observe, abide by and comply with any and all guidelines, directives and policies adopted from time to time by Railroad including, without limitation eRailsafe, Contractor Orientation (as the case may be).
 - 5.4. Take due precautions against injury and damage to persons or property located upon said Railroad property; and
 - 5.5. Unless otherwise agreed to, return said Railroad property to the same condition, reasonable wear and tear excepted, as existed prior to such work, failing which Railroad, after providing written notice to Company, and allowing Company a reasonable amount of time to return the Railroad property to the same condition, may do so at Company's sole cost and expense.

Work

6. Any work carried out by Company shall be carried out at those locations described in Schedule "A" or shown on the Plan attached hereto as Schedule "B" and, as the case may be, in the manner described therein. Company agrees to advise Railroad's representative identified in Schedule "A" hereto (the "Representative") or such other representative designated from time to time by Railroad as to the dates and times when the work will be conducted on Railroad property and to provide him with at least ten (10) working days advance notice before entering upon Railroad property to commence any work or for any other purpose. Unless otherwise agreed to in writing, Company agrees to assume the costs of engineering services, Railroad's Representative's costs and its designee, signal locates, flagman, track labor and all other associated costs incurred by Railroad. Railroad shall, at its option, invoice Company directly for such costs or, if any of those services have been provided by a third party, Railroad may direct such third party to invoice directly Company, in which case Company undertakes and agrees to pay such third party forthwith upon receipt of (i) Railroad's direction to pay such third party; (ii) proper invoice for the relevant services.
7. The Railroad, its employees, agents or representatives shall have the right to view and inspect any activity or work on Railroad's property. If, in the sole opinion of Railroad, any activity or work is undesirable for any safety-related reason, Railroad shall notify Company, its authorized employees, servants, agents or contractors and if appropriate corrective action is not taken, Railroad shall have the right to terminate this Agreement at once.
8. Railroad shall have the right to restrict Company's activity on Railroad's property in any way that Railroad may deem necessary from time to time to assure normal railroad operations or for safety reasons and, after consultation with Company, shall also have the right to require Company, its authorized employees, servants, agents or contractors to comply with Railroad's instructions and take any safety precautions that Railroad may reasonably deem necessary from time to time. No work shall be performed or equipment located within thirty (30) feet of the centerline of the nearest railroad track without flagging protection being provided by Railroad, at the Company's expense or as otherwise agreed to in writing. Said work must be arranged no less than ten (10) business days in advance of starting work.
9. Company shall not suffer or permit any construction lien or similar lien to be filed or registered against Railroad property. If such a lien shall at any time be filed or registered, Company shall forthwith procure its discharge at its sole costs and expenses. Railroad shall have the right, if Company fails to forthwith procure such discharge, to discharge any lien filed or registered at any time against Railroad property, and any amount paid by Railroad in so doing together with all reasonable costs and expenses of Railroad including its legal fees and costs shall be paid to Railroad by Company on demand.

Confidentiality

10. Company covenants and agrees that any information of whatsoever nature (whether such information is written, verbal or otherwise), relating to Railroad, its operations, properties, business, assets, liabilities and financial condition (together with any and all memoranda, notes, reports, documents based upon and relating to such information, all copies and extracts thereof and all studies and data prepared on the basis of such information), is strictly confidential and Company represents and warrants that neither Company nor those for whom it is responsible at law will release the reports or any of the information contained therein (including to any Authority), without the express written consent of Railroad, and Company shall refuse all requests for such reports or information in the absence of Railroad's express written consent, unless compelled to do so by competent judicial or administrative authority and only to the extent that (i) Company gives Railroad timely notice of any proceeding and/or hearing related thereto; and (ii) Company has taken no action that would hinder Railroad from seeking a protective order to prevent such disclosure of its confidential information. Company further undertakes and agrees to share with Railroad, at no cost to Railroad, any and all conclusions, studies, reports or data incorporating, based upon or relying on any such information.

Indemnity

11. Company shall indemnify and hold harmless Railroad from any losses, liens, damages, liability, and expenses ("Damages") incurred by Railroad arising from Company's, or its employees, agents, contractors or sub-contractors', breach of its obligations or warranties under this Right of Entry; any third party claims associated with or arising under this Right of Entry; or Company's access to Railroad's or Railroad's affiliates' premises. In the event that Railroad has incurred Damages, Railroad shall notify Company and Company shall indemnify Railroad for the Damages and defend and hold harmless Railroad against any third party legal claims associated with the Damages. No third party claim may be settled without the consent of Railroad, which consent shall not be unreasonably withheld.

Insurance

12. Company, its contractors or any sub-contractors shall each provide and keep in force and effect throughout the term of this Right of Entry such insurance, in amounts and for risks as Railroad may prescribe from time to time including, if applicable, the kinds and minimum amounts of insurance set out under Schedule "C" – "General requirements".
13. If Company, its contractors or any sub-contractors shall perform sub-surface work, Company, its contractors or any sub-contractors shall also provide and keep in force and effect throughout the term of this Right of Entry the additional insurance specified under Schedule "C" – "Sub-Contractor Insurance Coverage".

The Company, its contractors or any sub-contractors will not enter Railroad property without having obtained a certificate certifying that they have obtained all of the insurance coverage required hereunder. The Railroad may at any time require the Company to furnish said certificate and failure to so may result in removal from Railroad property, cancellation of agreement and other consequences including without limiting damages or consequential losses resulting from the non-completion of the work, as Railroad may determine. Said insurance shall state that no material changes will be made to the policies unless Railroad is given a prior written notice of thirty (30) days before such change or cancellation. Any insurance coverage required under the terms and conditions of this contract shall in no manner restrict or limit the liabilities assumed by Company nor shall they release Company from any of its obligations under this contract.

Exceptions

14. Any exception or variation to the terms and conditions of this Right of Entry shall be specifically identified in Schedule "A" hereto. No such exception or variation shall be binding upon Railroad unless Schedule "A" is properly initialed by Railroad's duly authorized representative(s).

Miscellaneous

15. Company shall not have the right to transfer and/or assign this Right of Entry or any of its rights hereunder without Railroad's prior written consent, which consent Railroad shall have entire discretion to withhold or delay.
16. All notices provided for under this Right of Entry shall be in writing and sent by pre-paid registered mail, fax or hand-delivered to the other party at the addresses herein first noted or at such other address as either party may notify the other from time to time.
Such notices, if given by mail, shall be deemed to have been received on the third business day following the postage thereof; if by fax or hand delivery, at the date and time the fax is sent or the hand delivery is made.
17. Either party's exercise or failure to exercise any rights under this Agreement shall not relieve the other party of any responsibility under this Agreement.
18. In the event of conflict between the terms hereof and the terms of any other agreement between Railroad and Company, the most stringent standards and conditions shall govern.
19. This Right of Entry shall be governed by the laws of the jurisdiction where Railroad property accessed under the authority hereof is located, as noted under Schedule "A" hereto.

Schedule A: Information

Railroad Property

GPS Coordinates

Latitude:

Longitude:

Limited Access Purpose

For the limited purpose of [insert detailed description]:

Term

A term of

 [number of days / months / years], beginning on [commencement date]

 and terminating on

 [termination date], unless sooner terminated as provided hereunder.

Representative
(name and address)

Schedule B: Insurance

General Requirements

To the extent Company carries out work on its behalf or on behalf of Railroad, the Contractors or the Sub-contractors shall, throughout the term of this Right of Entry agreement, maintain in force the following coverage. The insurance limits may be met by a combination of primary and umbrella insurance policies.

- 1) **Commercial General Liability Insurance** - occurrence based - in an amount no less than **\$10,000,000** per occurrence, or such greater amount as Railroad may from time to time reasonably require, covering liability for bodily injury, including death, property damage or destruction of property (including loss of use), contingent employers liability, sudden and accidental pollution, product and completed operations, broad form property damage, non-owned automobile, blanket contractual liability, and unlicensed vehicles on and off premises owned or controlled by the owner.

Company shall provide to Railroad a certificate of insurance evidencing the above and include:

- a) a waiver of subrogation in favour of CN and its subsidiaries;
 - b) name CN and its subsidiaries as additional insured;
 - c) contain a cross liability and severability of interest clause ;
 - d) specifically include liability for operations within or around railroads and railway tracks;
 - e) contain a clause stating that CN's interests will not be prejudiced in the event the First named insured breaches any warranty of the policy;
 - f) provide a 30 days written notice of cancellation, modification or material change in coverage.
- 2) **Automobile Liability Insurance** on all licensed vehicles owned, hired, leased to or operated by or on behalf of the Company's contractor in the amount of not less than **\$5,000,000** per occurrence. The certificate of insurance must include a waiver of subrogation in favour of CN and its subsidiaries.
 - 3) **Workers' Compensation** - if available in the jurisdiction(s) covered by this Agreement, Company must be compliant with statutory Worker's Compensation and hold the relevant clearance letter(s). Otherwise, Company must provide Employer's Liability Insurance in an amount no less than **\$5,000,000**.

WHERE APPLICABLE, THE FOLLOWING COVERAGES ARE TO BE PROVIDED IN ADDITION TO THE ABOVE

- For professional advice or design (architects/engineers/inspectors/training, etc.)
- 4) **Professional Liability Insurance/Errors and Omissions** (incl. Pollution Liability) with a limit of no less than **\$5,000,000**.
- For contractors leasing large machinery and equipment
- 5) **All Risks Contractor's Equipment Insurance** covering construction machinery and equipment used by the Contractor and Sub-Contractors for the performance of the Work, as any structures being built or assembled, shall be in a form acceptable to the Contractor and Railroad and shall not allow subrogation claims by the Insurers against the Contractor and Railroad. The policy shall be endorsed to provide the Contractor with no less than 30 days written notice in advance of cancellation, change or amendment restricting coverage.
- For building construction
- 6) **All Risk Builders Insurance / Course of Construction Insurance** must be provided if required, in order to cover the construction of the building, the building foundations, fixtures, machinery, equipment used to service the building, building materials and supplies, and debris removal in the event of a loss.

- For construction projects estimated at \$5,000,000 and more (ex.: rail, bridges, roads, structures, buildings)

7) **Project Wrap-Up Liability Insurance** subject to limits of not less than **\$25,000,000** per occurrence. Such insurance shall be in the joint names of the owner and contractor and name as additional insures all subcontractors and consultants. The Wrap-Up Liability insurance shall include, but is not limited to: bodily injury including death and property damage including loss of use; personal injury; contractual liability; premises and operations; products and completed operations liability coverage extension of twenty-four (24) months; contingent employers liability; shoring, blasting, excavation, underpinning, demolition, pile driving, caisson work and work below ground surface including tunnelling and grading; non-owned automobile; limited pollution coverage (Insurance Bureau of Canada Form 2313); non-cancellable or at least 120 days notice of cancellation, contingent medical malpractice; and fire fighting expense. This insurance policy shall be the primary insurance coverage in all cases for all risks of liability associated with the operations of this project. The policy shall be in force from commencement of work until substantial completion and include coverage for unfinished construction, maintenance and repair for a period of 12 months following substantial completion.

SECTION F: AUTHORIZATION

This Work Permit Application is entered into as of this _____ day of _____, _____ between CN and [Applicant Name]

For a term of _____ (number of days/months/years), beginning on _____ (commencement date) and terminating on _____ (termination date), unless sooner terminated as provided hereunder.

Executed by the duly authorized representatives of the parties.

It is understood that this permit is not valid until signed by the CN Representative named below. Once approved, this permit MUST be available at all times while onsite during proposed work.

Once the permit is approved, work cannot commence until the letter of acceptance has been completed and returned to the CN Representative named below.

If the approved permit and letter of acceptance form cannot be supplied upon request, the work will stop immediately and all persons will be removed from CN Property until such time the approved permit and letter of acceptance form can be supplied.

CN

(Signature) _____

Print Name: **ROGERIO NETO**

Title: **UTILITIES COORDINATOR**

APPLICANT

(Signature) _____

Print Name:

Title:

APPLICANT'S INITIALS _____

District of Tumbler Ridge



OFF-ROAD VEHICLE BYLAW No. 563, 2016

Adopted March 7, 2016

Consolidated for Convenience

Includes the Following Amending Bylaws:

Off-Road Vehicle Amendment
Bylaw No. 638, 2016

Date Adopted:

July 4, 2016

DISTRICT OF TUMBLER RIDGE

OFF-ROAD VEHICLE BYLAW No. 563, 2016

**A Bylaw to Govern the Use of Off-Road Vehicles within the
District of Tumbler Ridge**

WHEREAS the *Community Charter* authorizes the District of Tumbler Ridge to regulate the use of all highways and public places within the District of Tumbler Ridge;

NOW THEREFORE the Municipal Council of the District of Tumbler Ridge in open meeting assembled enacts as follows:

1. CITATION AND REPEAL

This bylaw may be cited as "Off-Road Vehicle Bylaw No. 563, 2016".

Off-Road Vehicle Bylaw No. 471, 2003 is repealed.

2. DEFINITIONS

"Council" means the Municipal Council of the District.

"Designated Trail" means those trails in a Public Place designed for use by Off-Road Vehicles and designated in Schedule "B" to this Bylaw.

"District" means the District of Tumbler Ridge.

"Driver's Licence" means a licence to operate a motor vehicle issued by a governmental body with the authority to regulate and administer vehicle licensing within its jurisdiction.

"Highway" as defined in the *Motor Vehicle Act*, includes all public streets, roads, ways, lanes, bridges, and any other public way designed for and regularly used by motorized vehicles licensed by the Province.

Off-Road Vehicle Amendment Bylaw No. 638 – July 2016

"Licence Plate" means a distinctive number plate, decal or sticker issued by the Insurance Corporation of British Columbia or a valid out of province insurance provider in respect of an Off-Road Vehicle.

"Off-Road Vehicle" means off-road vehicle as defined in the *Off-Road Vehicle Act* (British Columbia).

"Peace Officer" means a police officer, police constable, constable and a person employed by the District as a bylaw enforcement officer.

Off-Road Vehicle Amendment Bylaw No. 638 – July 2016

“Public Place” means property owned or occupied by the District and includes all Designated Trails but does not include property owned by the District and occupied by another person.

3. OPERATION OF OFF-ROAD VEHICLES WITHIN THE DISTRICT

- 3.1 No person shall operate an Off-Road Vehicle in a Public Place within the District except as authorized by this Bylaw.
- 3.2 No person shall operate an Off-Road Vehicle in a Public Place other than on a Designated Trail.
- 3.3 The owner of an Off-Road Vehicle operating on a Designated Trail within the District must:
- (a) carry third party liability insurance coverage of at least \$2,000,000 for the Off-Road Vehicle;
 - (b) register the Off-Road Vehicle with the Insurance Corporation of British Columbia, obtain a licence for its operation under this section, and obtain for it an owner's certificate under the *Insurance (Vehicle) Act* (British Columbia); and
 - (c) display an ICBC number plate or sticker in a clearly visible location on the back of the Off-Road Vehicle.

Off-Road Vehicle Amendment Bylaw No. 638 – July 2016

- (d) out of province operators/owners must possess valid insurance and registration.
- 3.4 Every person operating an Off-Road Vehicle on a Designated Trail must:
- (a) provide proof of valid insurance when requested by a Peace Officer;
 - (b) to cross at designated Off-Road Vehicle crossings a permit must be obtained from the RCMP as per the *Off-Road Vehicle Act, British Columbia*.
 - (c) exercise caution when crossing a Highway on an Off-Road Vehicle in accordance with section 24.05 of the *Motor Vehicle Regulation* (British Columbia);
 - (d) yield the right of way to all other vehicles and persons on the Highway when crossing a Highway on an Off-Road Vehicle in accordance with section 24.05 of the *Motor Vehicle Regulation* (British Columbia);
 - (e) not exceed a speed of 20 kilometers per hour;
 - (f) operate the vehicle on the right-hand side of a Designated Trail;
 - (g) not operate the Off-Road Vehicle in a careless, reckless, or negligent manner so as to endanger or cause injury to a person or property or so as to cause a nuisance;

- (h) not operate the Off-Road Vehicle in such a manner as to harass, chase, injure or kill any domestic or wild animal;
- (i) not tamper with by removing or replacing any posted Designated Trail signs or barricades;
- (j) When operating an Off-Road Vehicle on a Designated Trail, the operator and all passengers must wear a safety helmet that meets the standards set by the Off-Road Vehicle Act.

4. PENALTY

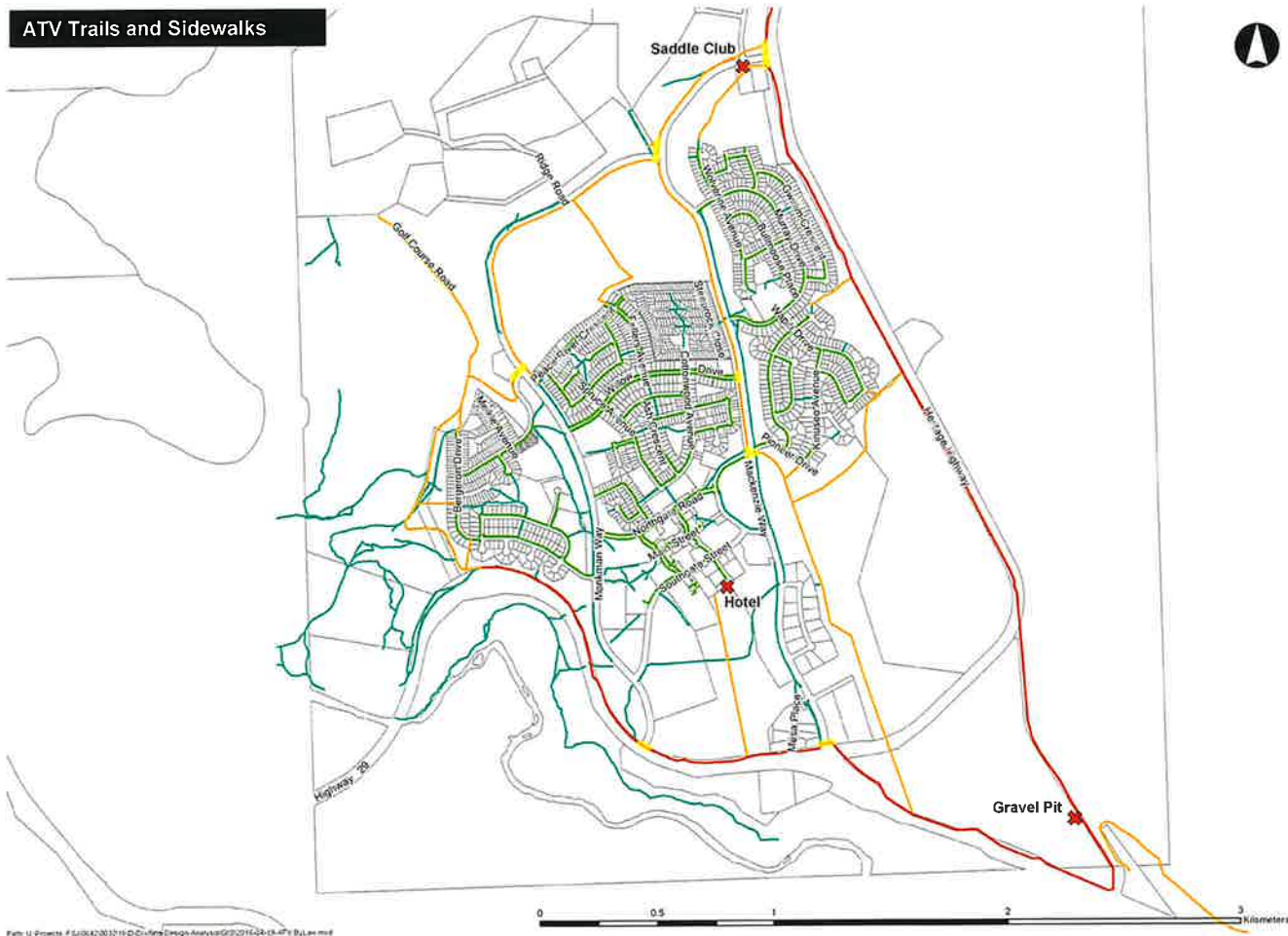
- 4.1 Any person that violates any provision of this Bylaw or who fails to do anything required under this Bylaw commits an offence and shall be liable to the penalties as may be imposed under the *Offence Act*, RSBC 1996 c.338. Each day that a violation is caused or continues shall be deemed to be a separate offence.

RECEIVED FIRST READING on the	19th day of	August, 2014
RECEIVED SECOND READING on the	19th day of	August, 2014
RECEIVED THIRD READING on the	19th day of	August, 2014
RESCIND THIRD READING on the	2nd day of	June, 2015
READ A THIRD TIME AS AMENDED on the	15th day of	February, 2016
ADOPTED on the	7th day of	March, 2016

ORIGINALLY SIGNED BY DON MCPHERSON
Don McPherson, Mayor

ORIGINALLY SIGNED BY ALEEN TORRAVILLE
Aleen Torraville, Corporate Officer

ATV Trails and Sidewalks



- Legend**
- ATV Trail
 - ATV Trail In
 - MOT Jurisdiction
 - ATV Unload Area
 - ATV Crossing
 - Sidewalk
 - Pedestrian Trail

Schedule B

Date: 2016-05-04
 Scale: 1:15 000



VILLAGE OF SAYWARD

BYLAW NO. 446

A BYLAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES IN THE VILLAGE OF SAYWARD

WHEREAS the Council for the Village of Sayward deems it necessary to regulate the use of off-road vehicles in the Village of Sayward.

NOW THEREFORE the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as “**Off-Road Vehicle Regulation Bylaw No. 446, 2019**”.

2. DEFINITIONS

BYLAW means this Bylaw.

BYLAW ENFORCEMENT OFFICER means the Bylaw Enforcement Officer for the Village or their appointed designate.

COUNCIL means the Council of the Village of Sayward.

DESIGNATED ROUTE means those routes in a public place designated by Council for use by Off-Road Vehicles.

DRIVERS LICENCE means a licence to operate a motor vehicle by a governmental body with the authority to regulate and administer vehicle licensing within its jurisdiction.

HIGHWAY has the same meaning as in the Motor Vehicle Act and includes all public streets, road, ways, lanes, bridges and any other public way designated for and regularly used by motorized vehicles licensed by the Province.

MOTOR VEHICLE ACT means the Motor Vehicle Act for the Province of British Columbia.

OFF-ROAD VEHICLE means an Off-Road Vehicle as defined in the Off-Road Vehicle Act for the Province of British Columbia.

OWNER means the registered Owner of an Off-Road Vehicle.

PEACE OFFICER means a police officer, police constable or RCMP member.

PROVINCE means the Province of British Columbia.

PUBLIC PLACE means property owned or occupied by the Village and includes all Designated Trails but does not include Highways and property owned by the Village but occupied by another person.

VILLAGE means the Village of Sayward.

3. OPERATION OF OFF-ROAD VEHICLES WITH THE VILLAGE

- a) No person shall operate an Off-Road Vehicle in the Village except as authorized by the Bylaw.
- b) No person shall operate an Off-Road vehicle in a Public Place other than on a Designated Route.
- c) A person operating an Off-Road Vehicle in the Village is permitted access between a Designated Route and a sanctioned Bed & Breakfast within the Village boundaries.
- d) The Owner of an Off-Road Vehicle operating on a Designated Route within the Village must:
 - i. carry proof of third-party liability insurance in the minimum amount of \$2 million per occurrence for the operation of the Off-Road Vehicle;
 - ii. carry proof of registration of the Off-Road Vehicle with the Insurance Corporation of British Columbia (ICBC), obtain a licence for its operation under this section and obtain for it an owner's certificate under the Insurance Vehicle Act of British Columbia; and
 - iii. display an ICBC number plate or sticker in a clearly visible location on the back of the Off-Road Vehicle.
- e) Every person operating an Off-Road Vehicle within the Village must:
 - i. only ride on a Designated Route as shown on the map attached to this Bylaw as **Schedule "A"**.
 - ii. provide proof of valid insurance and documentation required under this Bylaw when requested by a Bylaw Enforcement Officer;
 - iii. not operate an Off-Road Vehicle on any part of the Highway except in compliance with the requirements of the Motor Vehicle Act;
 - iv. exercise caution when crossing a Highway;
 - v. not ride on a Designated Route between the hours of 10:00 PM and 7:00 AM.
 - vi. except in the circumstances referred to in section 21(3) of the Off-Road Vehicle Regulation and except for off-road side-by-side vehicles, wear a safety helmet, and ensure that each passenger wears a safety helmet that meets the requirements of the Off-Road Vehicle Regulation, BC (Reg. 193/2015);
 - vii. not exceed a speed of 20 kilometers per hour;
 - viii. operate it on the right-hand side of a Designated Route;
 - ix. not to operate an Off-Road Vehicle in a careless, reckless, or negligent manner as to endanger or cause injury to a person, property or become a nuisance;
 - x. not operate an Off-Road vehicle in a manner as to harass, chase, injure or kill any domestic or wild animal;
 - xi. Not tamper with by removing or replacing any posted Designated Route signs or barricades;
 - xii. obey all traffic regulation signage; and
 - xiii. to cross only at designated Off-Road Vehicle locations.

4. EXEMPTIONS

- a) Sections 3 a) and 3 b) of this Bylaw do not apply to:
 - (i) police, fire, ambulance, search and rescue or other vehicles operated by emergency response personnel engaged in the execution of their emergency response duties;
 - (ii) persons acting at the request of emergency response personnel during an actual or apparent emergency event; and
 - (iii) Off-Road Vehicles owned and operated by local, provincial or federal governments if use is within the scope of their duties.

5. ENFORCEMENT

A Peace Officer or Bylaw Enforcement Officer is empowered to enforce any and all provisions of this Bylaw.

6. OFFENCES AND PENALTIES

- a) If any Person contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
 - (i) a fine in accordance with the Village of Sayward "Ticketing Offence Bylaw", if the information respecting the infraction is laid by means of a ticket; or
 - (ii) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

7. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

Read a first time on the 16th day of April 2019.

Read a second time on the 16th day of April 2019.

Public Hearing held on the 26th day of May 2019.

Amended at second reading on the 18th day of June 2019.

Read a third time on the 18th day of June 2019.

Adopted on the 11th day of July 2019.

Certified a true copy of Bylaw No. 446
this ____ day of _____, _____

Chief Administrative Officer
Village of Sayward

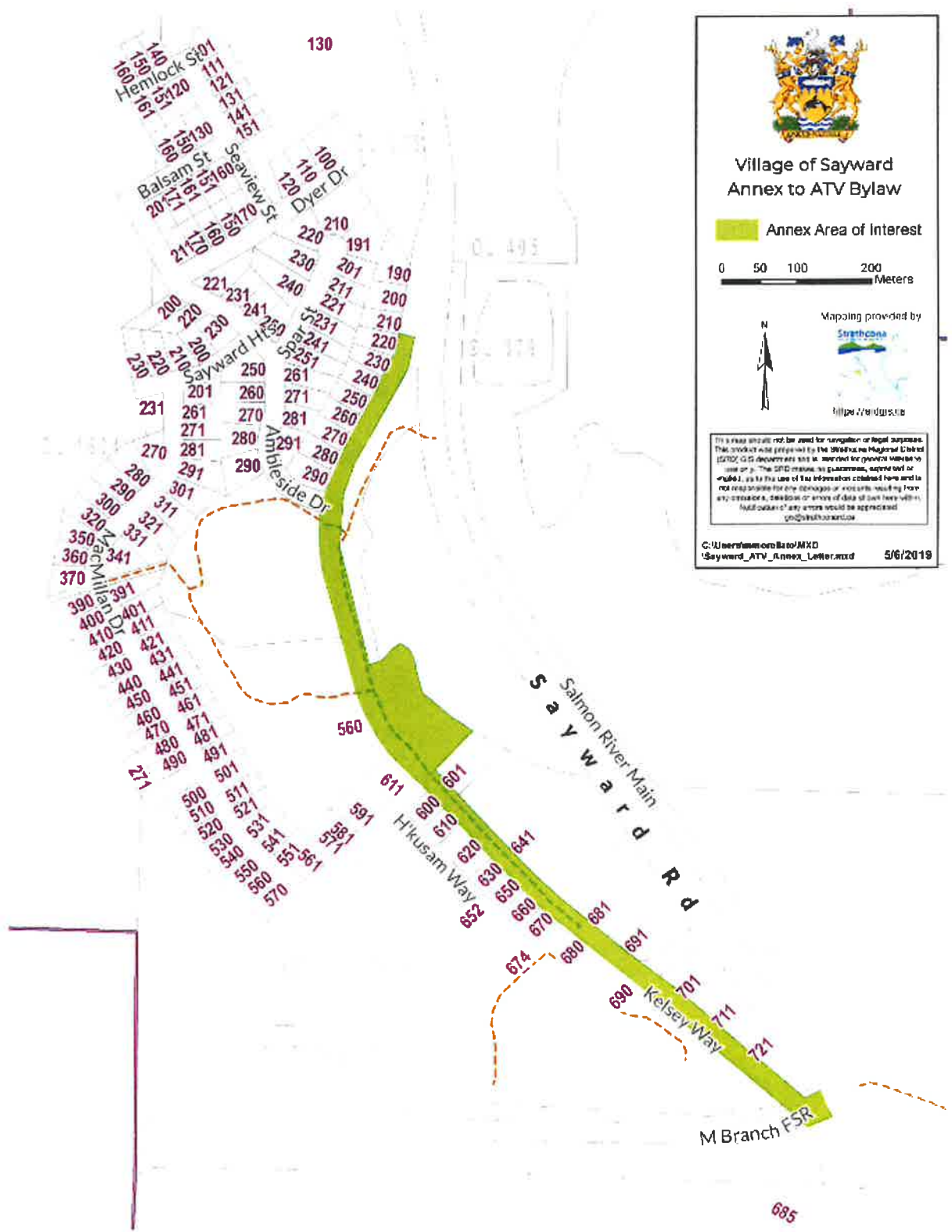
Original signed by "J. MacDonald"

Mayor

Original signed by "L. Clark"

Corporate Officer

Schedule "A"









BCSS

Club _____

Contact No. _____

**MEMBER OF THE BC FEDERATION
OF SNOWMOBILE CLUBS**



PRIVATE TRAIL SNOWMOBILES ONLY

- 1. You are trespassing if you do not have a trail permit.**
- 2. Wardens may stop you and ask for identification. You may purchase a trail permit from them.**
- 3. Permits may also be purchased from outlets in this area.**
- 4. If you do not wish to contribute to trail maintenance -
STOP & TURN BACK!**
- 5. Maximum Speed Limit on trail is
50 Kilometers per hour.**

✓CANADIAN TRAIL MARKERS © 1-800-563-0946



100 Mile House

CN CROSSING / ORV ROUTES

Off-Road Vehicles

✦ Last updated on January 31, 2024

On this page

- [Off-Road Vehicle Management Framework](#)
- [What's an off-road vehicle?](#)
- [Registering your ORV with ICBC](#)
- [ORV Safety and Alerts](#)
- [Where to Ride](#)
- [Compliance and enforcement](#)

Off-road vehicles (ORVs) are increasingly popular across British Columbia, both for work and leisure purposes.

Off-Road Vehicle Management Framework

British Columbia's Off-Road Vehicle Management Framework promotes the safe and responsible use of ORVs on Crown land and prescribed private lands.

The ORV Framework brings:

- A modern registration scheme to help officers track down stolen ORVs and better identify irresponsible ORV riders who endanger others, harm animals or damage sensitive areas



- Improved safety laws for adults and children to reduce ORV-related injuries and deaths
- More effective compliance and enforcement tools

The new [Off-Road Vehicle \(ORV\) Act](#) and [Off-Road Vehicle Regulation](#) is central to implementing the ORV Management Framework, along with opportunities to connect rural communities and ORV trail systems through improved road access, where appropriate:

- [Incidental ORV Access to Highways](#)

What's an off-road vehicle?

ORV laws now apply to a wide range of vehicles used or operated for work or leisure purposes on Crown land and prescribed private land. Under [section 2 of the ORV Regulation](#), ORV's include :


- Snowmobiles
- All-terrain vehicles (or "quads")
- Off-road motorcycles
- Side-by-sides (e.g., "argos", "rhinos" and "razors")
- Jeeps, trucks, SUVs and other small on-highway motor vehicles

Registering your ORV with ICBC

Effective Nov. 1, 2015, ORV owners must register vehicles used on Crown land and clearly display their ICBC number plates or stickers. Registration services are provided by ICBC's Autoplan Brokers for vehicles prescribed under the ORV Act (e.g. snowmobiles, off-road motorcycles, all-terrain vehicles and side-by-side ORVs).



Search 

Menu 

ORV Safety & Alerts

New safety requirements under the Off-Road Vehicle Act and its regulations include,

- Turning on lights in low-visibility conditions,
- Wearing an approved safety helmet when using an all terrain vehicle, motorcycle or snowmobile.
- Wearing seatbelts when using a side-by-side or other on-highway vehicles
- Adult supervision of children and ORVs used by children are age appropriate.
- More details about [ORV Safety](#) under the ORV Act.

[Spark arrestors](#) under the Wildfire Act:

- All off-road vehicles are required to have a spark arrestor installed during wildfire conditions. A spark arrestor is a small screen or other device that is installed in an engine exhaust system to stop sparks from exiting the tailpipe.

For information about alerts and closures on Crown land, helpful contacts include:

- [BC Wildfire Service](#) - wildfire bulletins, bans and restrictions
- [River Forecast Centre](#) - flood warnings and advisories
- [Avalanche Canada](#) - avalanche bulletins and danger ratings
- [Orders of the Provincial Health Officer](#) - Gatherings and Events
- [Rescission of Permission](#) - Organized Events under the Land Act
- [Motor Vehicle Prohibition Regulation](#) under the Wildlife Act
- Recreation Sites and Trails BC – [Alerts, Closures and Warnings](#)

Where to Ride

ORV enthusiasts are encouraged to check out [Recreation Sites and Trails BC](#) to find information about where to ride on Crown land.

No one ever expects to get into trouble in the backcountry. But, a turn in the weather, unexpected injury, equipment failure, vehicle mishap, or nightfall can quickly change any ORV outing on Crown land into a crisis. A trip plan is needed before heading outdoors - check out [Adventure Smart](#) for details.

Note: [ORV Registration](#) also supports search and rescue efforts in finding lost or injured riders if the abandoned ORV is found first.

Compliance and enforcement

New enforcement tools enable officers to address contraventions more effectively under the ORV Act. These include:

- The ability to stop, inspect and, where appropriate, seize ORVs
- Increased fines for violation tickets (e.g., \$230 for an unregistered ORV and \$368 for careless operation or damage to property)
 - See [Schedule 2](#) of the Violation Ticket and Administration Regulation of the Offence Act
- ORV riders 12 and older must carry government-issued photo identification to help officers identify riders and establish their age
 - See [Section 25](#) of the ORV Regulation
- 24-7 access to ORV registration information

Under [section 8](#) of the [Wildfire Regulation](#), a contravention for not having a spark arrestor installed in the engine exhaust system of an ORV could result in a violation ticket fine of \$460 or an administrative monetary penalty of up to \$10,000. If a wildfire starts, the ORV operator may also receive a court fine up to \$1,000,000 and/or up to three years in jail.

Anyone who witnesses a violation of the ORV Act is encouraged to call the Conservation Officer Service and Natural Resource Violations hotline at [1-877-952-7277](tel:1-877-952-7277), or #7277 on the TELUS Mobility Network.

More topics

The ORV Framework



A cross-government initiative, the ORV Management Framework consists primarily of the Off-Road Vehicle Act.

But it also includes changes to the Motor Vehicle Act to provide safe, convenient incidental access to highways. This includes free [police-issued operation permits \(PDF\)](#), where applicable.

Expanded Definition



The ORV Act now applies to a wide range of vehicles used for work or leisure on Crown land, including resource roads.

Contact information

If you have questions about the ORV Management Framework, please contact Vera Vukelich, Manager responsible for ORVs.



Email

offroadvehicle@gov.bc.ca

Did you find what you were looking for?

Yes

No

The B.C. Public Service acknowledges the territories of First Nations around B.C. and is grateful to carry out our work on these lands. We acknowledge the rights, interests, priorities, and concerns of all Indigenous Peoples - First Nations, Métis, and Inuit - respecting and acknowledging their distinct cultures, histories, rights, laws, and governments.



We can help in over 220 languages and through other accessible options. [Call, email or text us](#), or [find a service centre](#)

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Improved road access for ORVs

✦ Last updated on January 31, 2024

On this page

- [Highways \(public roads\)](#)



Search 

Menu 

Off-Road Vehicle (ORV) Management Framework.

Highways (public roads)

Amendments to the [Motor Vehicle Act Regulations, Division 24](#) allow off-road vehicle operators greater access to highways, including the ability to:

- Cross a highway without having to obtain an operation permit if the crossing is controlled by a stop sign or traffic light
- Travel on any highway anywhere local police authorize, within the limits set out in an operation permit
- Load or unload in a parking lot without an operation permit
- Obtain an operation permit with an extended term of up to two years

All other Motor Vehicle Act requirements on highways have not changed (e.g., the requirement for ICBC's basic insurance and a valid driver's licence). When in doubt, ORV operators should contact local law enforcement to inquire whether an operation permit is required. [Police-issued operation permits](#) continue to be free.



- Find out about [vehicles restricted to incidental access \(PDF, 196KB\)](#)
- Insurance Corporation of B.C. toll-free: [1-800-663-3051](#)
- [Transporting ORVs on Highways](#)

The B.C. government continues to implement improved road and highway crossings, in stages, under the Motor Vehicle Act. Improved incidental access will better connect B.C.'s rural communities and support a first-rate ORV trail network.

On public roads and highways, the Insurance Corporation of B.C.'s basic insurance continues to be a requirement for all motorists, including ORV owners. ORV riders who opt for incidental access to highways will also require ICBC's basic insurance.

Resource Roads (Forest Service Roads)

Be safe when sharing a resource road with industrial vehicles – check out this brochure about off-road vehicles using resource roads:

- [Using ORVs on Resource Roads \(PDF, 3.3MB\)](#)

The basic requirements on a Forest Service Road continue to apply, such as a valid driver's licence and having a minimum of \$200,000 in third-party liability insurance. On all other Crown land, third-party liability insurance is voluntary but recommended.

The [Forest Service Road Use Regulation](#) has been amended as follows:

- A snowmobile operator may cross a ploughed Forest Service Road if the operator has a valid driver's licence, \$200,000 third-party liability insurance, and both the driver and passenger are wearing a helmet
- In addition, the snowmobile operator must yield the right-of-way to other traffic, exercise due care and attention and take reasonable precautions for the safety of other persons using the Forest Service Road.

Follow the rules



Anyone who witnesses a contravention is encouraged to call the Conservation Officer Service and Natural Resource Violations hotline at [1-877-952-7277](tel:1-877-952-7277) (or #7277 on the TELUS Mobility Network).

Contact information

If you have questions about the ORV Management Framework, please contact Vera Vukelich, Manager responsible for ORVs.



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