

SUBJECT: New Transportation Act, 2004

Managers, Victoria	Carrier Safety Inspectors	Supt of Motor Vehicles
Motor Vehicle Inspectors	Government Agents	MOT (Director, Chair,
Passenger Transportation Board	Appointed Agents	Transportation Policy)
Deputy Director, CVSE	Passenger Transportation Dept.	Tucking Industry
Regional CVSE Managers	Law Enforcement Agencies	Managers, Licensing
ADM (Compliance and Consumer Services)	Commercial Transport Insp. (Weigh Scales)	

PURPOSE OF CIRCULAR

- To advise that the *Highway Act*, the *Ministry of Transportation and Highways Act*, the *Build BC Act* and the *Highway Scenic Improvement Act* were repealed on December 31, 2004 and replaced with the new *Transportation Act* and regulations.
- Consequential amendments to the *Violation Ticket Administration and Fines Regulation* also came into force December 31, 2004 to reflect these statute amendments (see attached Order in Council).

BACKGROUND

- All of the regulations under the *Highway Act*, *Ministry of Transportation and Highways Act*, *Build BC Act* and *Highway Scenic Improvement Act* were repealed and replaced on December 31st, except for Division 3 of the Highway Act Regulations.
- Division 3 of the Highway Act regulations – “Transportation of Explosives and Flammable or Corrosive Commodities Through the George Massey Tunnel and the Cassiar Connector Tunnel” - remain in place, but have been re-named “Tunnel Transportation of Dangerous Commodities Regulation”.
- All other existing regulations were replaced with similar ones under the *Transportation Act*:
 - Transportation Act Regulation (BC Reg 546/04)
 - Provincial Public Undertakings Regulation (BC Reg 513/04)
 - Coquihalla Highway Tolls Regulation (BC Reg 512/04)
- Tickets can no longer be issued under the old highway statutes as of December 31, 2004. Tickets for highway-related offences (i.e., throwing filth on a highway; damaging a highway; contravening a weight restriction) must now be issued under the *Transportation Act*.
- The Act retains the authority for police to seize an abandoned vehicle on a provincial public highway if the vehicle interferes with the normal flow of traffic, interferes with the maintenance of the highway, or causes a danger or inconvenience to persons using the highway.
- Offences under the new *Transportation Act* include (fines include victim surcharge levy):

• **Section 36(2) – Fail to pay a toll or charge (\$115)**

A person must not take or operate a vehicle on a highway without paying a toll or charge if one has been established.

• **Section 49 (1) (a) – Unauthorized construction or re-opening (\$115)**

A person must not construct or re-open, or allow the construction or re-opening, of any means of access to or from a controlled access highway without authorization from the minister.

• **Section 49 (1) (b) – Unauthorized access (\$115)**

A person must not obtain access to or from any controlled access highway other than by way of an access point that was either constructed or authorized by the minister.

<ul style="list-style-type: none"> • Section 62 (1) – Unauthorized use or occupation of a highway (\$115) A person must not use or occupy, including do anything to or cause any thing to be constructed or deposited on, a provincial public highway or any land or improvement related to a highway, unless the person is authorized to do so under this Part, another enactment, by a lease entered into under section 13(2)(a) or at law.
<ul style="list-style-type: none"> • Section 64 (1) (a) – Interference with a provincial public undertaking (\$115) A person must not directly or indirectly interfere with or obstruct the planning, design, acquisition, holding, construction, use, operation, upgrading, alteration, expansion, extension, maintenance, repair, rehabilitation, protection, removal, discontinuance or closure of a provincial public undertaking, or of any related land or improvement, that is authorized under this act, another enactment or at law • Section 64 (1) (b) – Attaching object to a provincial public undertaking (\$115) A person must not moor or attach a vessel or other floating object to a bridge or other structure that forms part of a provincial public undertaking.
<ul style="list-style-type: none"> • Section 68(1) – Abandoning object on a highway (\$115) A person must not abandon a vehicle or other thing on a highway.
<ul style="list-style-type: none"> • Section 72 (1) – Unauthorized use or occupation of a concession highway (\$115) A person must not use or occupy, including do anything to or cause any thing to be constructed or deposited on, a concession highway unless the person is authorized to do so under this section or at law.
<ul style="list-style-type: none"> • Section 79(1) (b)- Fail to comply with a notice under section 16(1) – (\$173) Failure to comply with a notice to remedy equipment, a tree, fence, sign, building, vehicle, device, object or situation on land that, in the minister's opinion, creates a need to protect public safety on a highway or a highway itself. • Section 79 (1) (b) – Fail to comply with a notice under section 50(1) – (\$173) Failure to comply with a notice to remedy an unauthorized access point to a controlled access highway. • Section 79 (1) (b) – Fail to comply with a notice under section 55(1) – (\$173) Failure to comply with a notice to remedy garbage on roadside land that is likely to be unsightly or offensive to the public traveling on a scenic highway. • Section 79 (1) (b) – Fail to comply with a notice under section 63(1) – (\$173) Failure to comply with a notice to remedy unauthorized use or occupation of a highway. • Section 79 (1) (b) – Fail to comply with a notice under section 65(1) – (\$173) Failure to comply with a notice to remedy interference with a highway. • Section 79 (1) (b) – Fail to comply with a notice under section 68(2) – (\$173) Failure to comply with a notice to remedy an abandoned vehicle or thing on a highway.
<ul style="list-style-type: none"> • Section 79 (1) (c) – Improper highway use by extraordinary traffic (\$345) Contravention of a highway limitation, prohibition or direction. If the minister believes that a highway is liable to damage through extraordinary traffic, the minister may limit, prohibit or make directions respecting the use of the highway by a person operating or in charge of the extraordinary traffic or owning the goods carried by it or the vehicles used in it.
<ul style="list-style-type: none"> • Section 79 (1) (d) – Obstruction of authorized activity (\$288) Obstruction or prevention of a person from entering land or engaging in any other activity if that entry or activity is authorized by the Transportation Act.
<ul style="list-style-type: none"> • Section 91 (2) – Fail to pay the toll on the Coquihalla highway (\$115)

Please direct any enquiries or requests for further information to Kirsten Pedersen, Manager, Policy and Legislation, Ministry of Transportation, phone (250) 387-0882, email Kirsten.Pedersen@gems6.gov.bc.ca



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