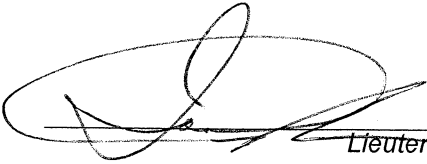


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.


1202 , Approved and Ordered DEC - 2 2004

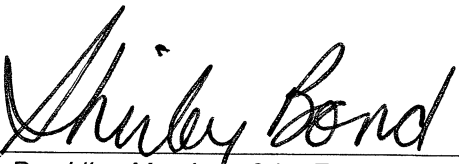

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective December 31, 2004,

- (a) the attached Transportation Act Regulation is made, and
- (b) the regulations referred to in the Appendix to this regulation are amended as set out in the Appendix.


Minister of Transportation


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Transportation Act, S.B.C. 2004, c. 44, ss. 87 and 89; Agricultural Land Commission Act, S.B.C. 2002, c. 36, s. 58, Assessment Act, R.S.B.C. 1996, c. 20, s. 74 (2) (c), Coastal Ferry Act, S.B.C. 2003, c. 14, s. 76, Commercial Transport Act, R.S.B.C. 1996, c. 58, s. 11, Forest and Range Practices Act, S.B.C. 2002, c. 69, s. 141, Forest Practices Code of British Columbia Act, R.S.B.C. 1996, c. 159, s. 221.1, Gaming Control Act, S.B.C. 2002, c. 14, ss. 54, 104 and 105, Land Act, R.S.B.C. 1996, c. 245, ss. 66 and 110, Land Title Act, R.S.B.C. 1996, c. 250 ss. 86 (2) and 385, Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 210, Motor Vehicle (All Terrain) Act, R.S.B.C. 1996, c. 319, s. 7, Petroleum and Natural Gas Act, R.S.B.C. 1996, c. 361, ss. 73 (2) and 133 (2), Strata Property Act, S.B.C. 1998, c. 43, ss. 292 and 243*

Other (specify):-

TRANSPORTATION ACT REGULATION

Contents

- 1 Definition
- 2 Prescribed area and tax
- 3 System of charges
- 4 Exception to section 42 (1) of the Act
- 5 Publication of notices
- 6 Interest

Definition

- 1 In this regulation, “**Act**” means the *Transportation Act*.

Prescribed area and tax

- 2 For the purposes of section 13 of the *Motor Fuel Tax Act*, the prescribed area is the Province of British Columbia and the prescribed tax is 6.75¢ per litre.

System of charges

- 3 (1) In this section, “**industrial users**” has the same meaning as in Schedule 2 of Order in Council 1081/2003.
- (2) Any system of charges established by the authority under section 36 of the Act in relation to the Sierra Yoyo Desan Road must be published in the Gazette as soon as practicable after the system of charges is approved by the Lieutenant Governor in Council.
- (3) The authority must consult with a sample of industrial users of the Sierra Yoyo Desan Road, which sample is considered by the authority in its sole discretion to be representative,
 - (a) before making any changes to the charges under the system of charges, and
 - (b) before adding any new categories of industrial users.

Exception to section 42 (1) of the Act

- 4 (1) Section 42 (1) of the Act does not apply
 - (a) to an expenditure of public money if the expenditure is confined to an expenditure for snowploughing or ice control,
 - (b) to a travelled road if the travelled road forms part of an existing railway right of way and, at the time public money was spent on it,
 - (i) was owned by the government or a Crown corporation or Crown agency, or
 - (ii) formed part of a railway right of way,
 - (c) to a highway if money has been authorized to be lent, guaranteed, invested, granted or spent in relation to the highway under section 13 of the *Ministry of Energy and Mines Act*, or
 - (d) to travelled roads that
 - (i) are on ferry terminal properties, within the meaning of the *Coastal Ferry Act*, and

- (ii) are not designated, under that Act, as highway properties.
- (2) Section 42 (1) of the Act does not apply to any of the following trails, whether or not public money is spent on the trail before or after the coming into force of this subsection:
 - (a) the Trans Canada Trail;
 - (b) a snowmobile trail established and maintained by a recreational organization.
- (3) Nothing in subsection (1) or (2) is to be read as including recreational trails within the meaning of roads or travelled roads.

Publication of notices

- 5 (1) For the purposes of sections 2 (2), 45 (2), 48 (3), 54 (3) and 60 (2) of the Act, a notice referred to in those sections must be published in the Gazette.
- (2) For the purposes of section 60 (3) of the Act, a notice of the intention to discontinue and close a surplus highway must be published once each week, for 4 consecutive weeks, in a newspaper published in British Columbia and circulating in the place in which the highway or part of it is located.

Interest

- 6 Interest payable under section 77 of the Act must be calculated in the manner prescribed in B.C. Reg. 214/83, the Interest on Overdue Accounts Receivable Regulation.

APPENDIX

Agricultural Land Commission Act

- 1 *Section 3 (4) (b) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended by striking out “public highway under section 4 of the Highway Act;” and substituting “highway under section 42 of the Transportation Act;”.*

Assessment Act

- 2 *Section 2 (i) of the Exempt Interests Regulation, B.C. Reg. 302/90, is amended by striking out “section 13 of the Highway Act.” and substituting “section 13 (4) of the Transportation Act.”.*

Build BC Act

- 3 *The Sierra Yoyo Desan System of Charges Regulation, B.C. Reg. 409/2003, is repealed.*
- 4 *The BC Transportation Financing Authority Motor Fuel Tax Regulation, B.C. Reg. 272/93, is repealed.*

Coastal Ferry Act

- 5 *Section 2 of the British Columbia Ferry Regulation, B.C. Reg. 151/99, is amended by striking out “Highway Act” and substituting “Transportation Act”.*

Commercial Transport Act

- 6 *Section 1.01 of the Commercial Transport Regulations, B.C. Reg. 30/78, is amended in the definition of “highway” by striking out “Highway Act,” and substituting “Transportation Act,”.*
- 7 *Section 7.01 (b) is repealed and the following substituted:*
(b) an arterial highway within the meaning of the Transportation Act.
- 8 *Section 7.07 (5) is amended by striking out “section 13 of the Highway Act, or an agreement entered into under section 23 of the Highway Act,” and substituting “section 13 (4) of the Transportation Act, or an agreement entered into under section 66 (3) of the Transportation Act,”.*

- 9 Sections 7.08 (5) is amended by striking out “section 23 of the Highway Act,” and substituting “section 66 of the Transportation Act,”.

Coquihalla Highway Construction Acceleration Act

- 10 The Coquihalla Highway Toll Regulation, B.C. Reg. 72/86, is repealed.

Forest and Range Practices Act

- 11 Section 1 of the Forest Planning and Practices Regulation Regulations, B.C. Reg. 14/2004, is amended

(a) in paragraph (c) (i) of the definition of “authorized in respect of road” by striking out “Highway Act,” and substituting “Transportation Act,”, and

(b) in paragraph (c) (i) in the definition of “road” by striking out “Highway Act,” and substituting “Transportation Act,”.

Forest Practices Code of British Columbia Act

- 12 Section 22 (2) of the Fort St. John Pilot Project Regulation, B.C. Reg. 278/2001, is amended by striking out “Highway Act,” and substituting “Transportation Act,”.

Gaming Control Act

- 13 Section 11 (1) of the Gaming Control Regulation, B.C. Reg. 208/2002, is amended in the definition of “highway” by striking out “Highway Act” and substituting “Transportation Act”.

Highway Act

- 14 The Highway Act, Part 6, Regulation, B.C. Reg. 7/89, is repealed.

Land Act and Motor Vehicle (All Terrain) Act

- 15 Section 2 (a) of the Prohibition Regulation No. 2, B.C. Reg. 552/76, is amended by striking out “Highway Act;” and substituting “Transportation Act;”.

- 16 Section 2 (a) of the Prohibition Regulation No. 3, B.C. Reg. 12/77, is amended by striking out “Highway Act;” and substituting “Transportation Act;”.

- 17 *Section 2 (a) of the Prohibition Regulation No. 4, B.C. Reg. 13/77, is amended by striking out “Highway Act;” and substituting “Transportation Act;”.*
- 18 *Section 2 (a) of the Prohibition Regulation No. 5, B.C. Reg. 119/78, is amended by striking out “Highway Act;” and substituting “Transportation Act;”.*
- 19 *Section 3 (a) of the Prohibition Regulation No. 7, B.C. Reg. 517/76, is amended by striking out “Highway Act;” and substituting “Transportation Act;”.*

Land Title Act

- 20 *Section 1 of the Application for Subdivision Approval Regulation, B.C. Reg. 8/89, is amended by striking out “Highway Act” and substituting “Transportation Act”.*
- 21 *Form 12 of Schedule A of the Land Title Act Regulation, B.C. Reg. 334/79, is amended by striking out “Highway Act.” and substituting “Transportation Act.”*

Motor Vehicle Act

- 22 *Section 1 (b) of the Inspectors Authorization Regulation, B.C. Reg. 372/92, is repealed and the following substituted:*
(b) *the Transportation Act and regulations, .*
- 23 *Section 19.01 (2) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is amended by striking out “section 27 of the Highway Act” and substituting “the Transportation Act”.*

Petroleum and Natural Gas Act

- 24 *Section 4 (7) (b) of the Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation, B.C. Reg. 495/92, is amended by striking out “the Build BC Act,” and substituting “Part 3 of the Transportation Act;”.*
- 25 *Section 11 of the Petroleum Development Road Regulation, B.C. Reg. 356/98, is amended by striking out “Highway Act” and substituting “Transportation Act”.*

Strata Property Act

- 26 *Section 5 (1) (d) of the Bare Land Strata Regulations, B.C. Reg. 75/78 is amended by striking out “Municipal Act or sections 5 and 12 of the Highway Act,” and substituting “Local Government Act or sections 2 (1) (a) and (f) and (2), 8 to 11 and 43 of the Transportation Act;”.*

- 27 *Section 11 is amended by striking out “Highway Act,” and substituting “Transportation Act,”.*
- 28 *Section 12 is amended by striking out “Municipal Act” and substituting “Local Government Act”.*