

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M450

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on November 17, 2021 because of flooding and landslides that pose a threat to lives, property and infrastructure in the Province of British Columbia;

AND WHEREAS the transportation network between the Greater Vancouver area and the interior of British Columbia has been significantly impacted by the flooding and landslides;

AND WHEREAS the condition of the transportation network is significantly impacting the availability and distribution of essential goods and supplies throughout the Province of British Columbia;

AND WHEREAS restricting travel within and entry and access to highways that reopen after being closed due to flooding and landslides is a necessary tool for preventing, responding to and alleviating the effects of the landslides and flooding;

AND WHEREAS some travel is essential and will not be subject to restrictions;

AND WHEREAS a coordinated provincial approach to travel restrictions and enforcement is warranted;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General and Deputy Premier, order that the attached Travel Restrictions (Flooding and Landslides) Order is made.

November 19, 2021

Date



Minister of Public Safety and Solicitor General and
Deputy Premier

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

Authority under which Order is made:

Act and section: Emergency Program Act, R.S.B.C. 1996, c. 111, s. 10

Other: _____

TRAVEL RESTRICTIONS (FLOODING AND LANDSLIDES) ORDER

Definitions

1 In this order:

“**enforcement officer**” means a person designated as an enforcement officer under section 2 of the Violation Ticket Administration and Fines Regulation made under the *Offence Act*;

“**essential goods and supplies**” means any goods and supplies that are necessary for the health, safety and welfare of people, including, without limitation, the following:

- (a) food, water and other beverages;
- (b) fuel and gasoline;
- (c) health care goods, pharmaceuticals and medical supplies;
- (d) personal hygiene, sanitation and cleaning goods;

“**essential purpose**” means a purpose described in Appendix 1;

“**highway**” means a highway as defined in the *Transportation Act*;

“**highway segment**” means a segment of a highway or of a provincial public undertaking described in Column 2 of Appendix 2;

“**motor vehicle**” means a motor vehicle as defined in section 1 of the *Motor Vehicle Act*;

“**personal information**” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

“**police force**” means a police force within the meaning of section 1.1 (a) to (c) of the *Police Act*;

“**police officer**” means

- (a) a special provincial constable, as defined in the *Police Act*,
- (b) a designated constable, as defined in the *Police Act*,
- (c) an officer, member or constable of the provincial police force,
- (d) an officer, member or constable of a municipal police force in the Province, or
- (e) a member of the Royal Canadian Mounted Police;

“**provincial public undertaking**” means a provincial public undertaking as defined in the *Transportation Act*;

“**traffic control official**” means a person engaged with highway construction, operation, repair, maintenance work, or traffic management, including a flagger, within a highway segment.

Prohibition on travel within highway segments

- 2 (1) A person must not travel within, enter or access a highway segment except for an essential purpose described in Column 4 of the table in Appendix 2 opposite the highway segment.

- (2) A person who travels within, enters or accesses a highway segment for an essential purpose must comply with any condition described in Column 3 of the table in Appendix 2 opposite the highway segment.
- (3) Subsections (1) and (2) do not apply to travel to comply with a direction under section 3(4).

Requirement to stop and provide information

- 3 (1) A police officer may require the driver of a motor vehicle to stop and the driver, when signalled or requested to stop by a police officer who is readily identifiable as a police officer, must immediately come to a safe stop.
- (2) A police officer may exercise the power under subsection (1) within or approaching a highway segment.
- (3) If requested by a police officer for the purposes of this order, the driver of a motor vehicle that has been stopped under subsection (1) must
 - (a) provide the driver's name, residential address and driver's licence,
 - (b) provide any other available documentation respecting paragraph (a), and
 - (c) state the purpose of the driver's travel.
- (4) If a police officer reasonably believes that a driver
 - (a) has contravened or is contravening section 2 (1) or 2 (2), the police officer may direct the driver to leave the highway segment, or
 - (b) is about to contravene section 2 (1) or 2(2), the police officer may direct the driver to not enter the highway segment.
- (5) A driver directed by a police officer under subsection (4) must comply with the direction of the police officer.

Prohibition on abusive or belligerent behaviour

- 4 A person must not engage in abusive or belligerent behaviour towards an enforcement officer acting in relation to this order or a traffic control official.

Enforcement information to minister

- 5 A law enforcement agency must provide the minister with information in its possession, other than personal information, that the minister requests respecting the enforcement of this order by the law enforcement agency.

Personal information

- 6 Personal information collected for the purposes of this order may be collected, used and disclosed only for the purposes of this order unless otherwise authorized or required by law.

Section 35 of *Constitution Act, 1982*

- 7 For certainty, this order must be construed in accordance with section 35 of the *Constitution Act, 1982*.

Appendix 1

Essential Purposes

- (a) commercial transporting for goods;
- (b) transporting essential goods and supplies;
- (c) transporting livestock, agricultural or seafood products or related supplies;
- (d) livestock producers returning to a farm to provide care for animals;
- (e) responding to emergencies or critical incidents, including incidents that involve search and rescue operations;
- (f) evacuating for medical reasons or transporting for urgent medical treatment;
- (g) highway and infrastructure repairing, maintenance and operation and related activities;
- (h) transporting essential personnel, including health care workers and emergency responders;
- (i) returning to a person's own principal residence;
- (j) exercising an Aboriginal or treaty right as recognized and affirmed by section 35 of the *Constitution Act, 1982*.

Appendix 2
Highway Segments, Conditions and Essential Purposes

	Column 1 Highway	Column 2 Highway segment	Column 3 Conditions	Column 4 Essential Purposes
Item 1	Highway 3	From the junction of Highway 5 and Highway 3 in Hope to the west entrance into Princeton from Highway 3		Paragraphs a. through j. in Appendix 1
Item 2	Highway 7	From the junction of Highway 7 and Highway 9 in Agassiz to the junction of Highway 7 and Highway 1 in Hope		Paragraphs a. through j. in Appendix 1
Item 3	Highway 99	From the junction of Highway 99 and Lillooet River Rd to the BC Hydro Seton Lake Campsite access in Lillooet	Gross vehicle weight must be no more than 14,500 kilograms	Paragraphs a. through j. in Appendix 1