



Province of
British Columbia

Ministry of
Forests

344-5991

Forest Service
Box 1380
Golden, B.C.
VOA 1H0

September 22, 1980

File: 01784

Sivertz, Brecknell and
Kiehlbauch
Barristers and Solicitors
Box 190
316 Hudson Street N.E.
Salmon Arm, B.C.
VOE 2T0

Attention: Mr. E.R. Brecknell

Dear Sir,

With reference to your letter of September 5, 1980 claiming damages on behalf of Mr. R. Kramer's truck in the Blaeberry Bridge failure.

I have forewarded the claim to our Legal Services Branch who will be in contact with you regarding the claim.

Yours truly,

D. E. Gill
District Manager

DEG/das

C.C. Nelson

R.D. 3-copy

Legal & Administrative Services Branch

From: Nelson
80 09 16

Attention: D.F. Ritson
Manager - Legal Services

File: 01784

Re: Blaeberry Bridge Collapse

The attached claim letter from the firm of Silvertz, Brecknell and Kiehlbauch is reasonably self explanatory. We suggest that you discuss this matter with Cym Williams who has a copy of our report on this incident.

We request, in due course, your advice as to the Forest Service's liability, if any, in this matter and the appropriate course of action that we should take in responding to Mr. Brecknell's letter. At this point we have simply acknowledged his letter.

L.F. Renshaw
Regional Staff Manager
Timber, Range & Recreation

LFR:jw

✓ cc: D. Gill
District Manager
Golden, B.C.

SIVERTZ, BRECKNELL & KIEHLBAUCH

BARRISTERS—SOLICITORS—NOTARIES PUBLIC

HENRY G. SIVERTZ, B.A., LL.B.
EDWARD R. BRECKNELL, B.A., LL.B.
LORNE D. KIEHLBAUCH, B.A., LL.B.

P.O. BOX 190
316 HUDSON STREET, N.E.
SALMON ARM, B.C.
VOE 2T0
TELEPHONE (604) 832-8031

OUR FILE: 4034
YOUR FILE: 01784
REPLY ATTENTION: Mr. E.R. Brecknell

September 26, 1980

Ministry of Forests
P.O. Box 1380
GOLDEN, B.C.
VOA 1H0

Attention: D.E. Gill

Dear Sirs:

Re: Bob Kramer

Thank you for your letter of September 22, 1980

I look forward to hearing from the legal services branch
and thank you for your attention.

Yours truly,

SIVERTZ, BRECKNELL & KIEHLBAUCH



Per: Edward R. Brecknell
ERB:jnm
p.c. Mr. B. Kramer

*
BCFS DIS GLN

BCFS DIS NLSN

SEPT 29/80

FILE 01784

D GILL
DISTRICT MANAGER

YOUR LETTER TO SIVERTZ BRECKNELL AND KIEHLBAUCH DATED SEPT 22/80

PLS ADVS WHETHER TRUCK DRIVEN BY MR R KRAMER WAS FS UNIT OR
RENTAL AND NUMBER

OUR TELEX REF MS-05

L D HOWARD
MECHANICAL SUPERINTENDEN

TELEX SENT TO LHS SEPT. 29/80

D.

TM*

BCFS DIS GLN

U*

B N

*

BCFS REG NLSN

BCFS DIS GLN

SEPTEMBER 29/80

FILE 01784

ATTENTION L D HOWARRD

RE YOUR TELEX OF SEPT 29/80

TRUCK DRIVEN BY MR R KRAMER WAS PRIVATE VEHICLE

DE E GILL
DISTRICT MANAGER

□ F D 3

*

BCFS REG NLSN

BCFS DIS GLN

TELEX MESSAGE

File No. 01784

To: NELSON

Attention: L.D. HOWARD

Re your telex of Sept. 29/80

TRUCK DRIVEN BY MR. R. KRAMER WAS
PRIVATE VEHICLE. ~~FOR HIS ACCOUNT~~

D. E. GILL
D. M.

SIVERTZ, BRECKNELL & KIEHLBAUCH

BARRISTERS—SOLICITORS—NOTARIES PUBLIC

HENRY G. SIVERTZ, B.A., LL.B.
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P.O. BOX 190
316 HUDSON STREET, N.E.
SALMON ARM, B.C.
VOE 2T0
TELEPHONE (604) 832-8031

OUR FILE: 4043
YOUR FILE:
REPLY ATTENTION: Mr. E.R. Brecknell

September 5, 1980

WITHOUT PREJUDICE

Mr. Don Gill
Forest Ranger
B.C. Forest Service
GOLDEN, B.C.
VOA 1H0

Dear Sir:

Re: Loss suffered by Robert Kramer and
R. Kramer Contracting Ltd. of Golden, B.C.
on June 11, 1980 due to collapse of Blaeberry
Bridge near O.B. Campground, Golden, B.C.

Please be advised that I act for Mr. Robert Kramer and his company
of Golden, British Columbia.

He has provided to me particulars and details of his losses as a
result of the bridge collapse on the 11th of June, 1980.

To date, his actual loss appears to be somewhere in the area of
\$40,000.00. This is not taking into consideration time loss or
the personal affect it has had on Mr. Kramer himself.

For your information, the following is a list of the damages or
losses incurred to date.

1. Water damage to chainsaws in truck	\$57.50
2. Towing bill	996.00
3. Loss of motorola 2-way radio	450.00
4. Loss of load of timber(5.5 cunits @\$75 per c)	412.50
5. Loss of tools etc. in truck	495.20
6. Replacement of deck on truck	1,414.00
7. Loss of truck	12,012.00
8. Loss of loader and to install new one (\$19,448.00 loader & \$2,895.73 to install)	22,343.73
Total	\$38,180.93

Mr. Don Gill

page 2

September 5, 1980

On the basis of the particulars supplied to me, it would appear that the Queen in the Right of British Columbia and more particularly the Forestry Department is liable for the damages and losses incurred by Mr. Kramer as a result of this unfortunate occurrence.

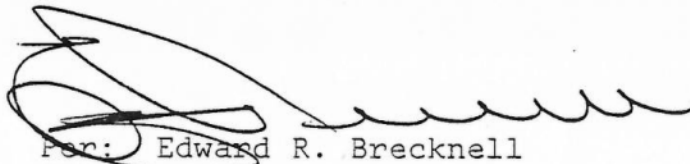
I would be obliged if you would consider the proposed claim with your authorities and get back to me with a view to hopefully discussing a settlement.

I would be pleased to meet with you to discuss this and/or anyone on your behalf with the proper authority to enter into a settlement discussion.

I look forward to hearing from you and thank you in advance.

Yours truly,

SIVERTZ, BRECKNELL & KIEHLBAUCH



Per: Edward R. Brecknell
ERB:jnm
p.c. Mr. R. Kramer

File:
Blaiberry P.R.

Kramer still seeking fair compensation

Copyright

TELEX MESSAGE

File No. 01784

To: NELSON

#15

Attention: R. M. BROCK

RE YOUR TELEX 1-12-80 ON BLAEBERRY BRIDGE
FAILURE. ANSWERS IN SEQUENCE TO YOUR QUESTIONS.

1) GROUND INSPECTION OF BRIDGE MADE BY LES
YOUNGHUSBAND & DON GILL APRIL 22/80, WITH REQUEST
FOR ENGINEERING APPRAISAL ON APRIL 24/80.

2) ACCIDENT REPORTED BY R. KRAMER JUNE 11/80
BETWEEN 14:00 & 14:30.

3) INITIAL INSPECTION OF ACCIDENT CARRIED
OUT BY G. LARSEN & D. DRAPER JUNE 11/80 WITH FOLLOW UP
BY L. YOUNGHUSBAND & D. DRAPER JUNE 12/80.

4) YES:- NUMEROUS BY F.S. STAFF & GENERAL PUBLIC.

5) NO; IT HAD FLOATED DOWN RIVER.

6) 16 FEET.

7) 1970 INTERNATIONAL TANDEN, WITH DF400 BARKO GRAPPLE
LOADER

CONT.

N F 89

PAGE 2

8) No

9) VIEWED AT LATER DATE IN RIVER. EST. LOGS TO BE 15-20 FT. LONG.

10) EST. ONLY. 14 CEDAR LOGS AVERAGE SIZE TOP 10" BUTT 16" LENGTH 16'.

11) 1975 CASE CRAWLER TRACTOR MODEL 1150B S/W 6WAY BLADE & WINCH. EST. WEIGHT 20 TON.

12) BRIDGE MATERIAL 7-16 FOOT LOGS; 12-16' 6X6 X TIES; & 200 LINEAR FEET 3X10 RUNNING PLANKS.

13) ~~EST. 5 TONS~~ EST. WEIGHT OF BRIDGE MATERIAL 5 TONS.

14) NOV. 20 1979

15) YES

16) No

D. E. Grier

DISTRICT MANAGER.

*
BCFS REG NLSN

BCFS DIS GLN

DEC 2/80

10:00

FILE 01784

File

ATTN R M BROCK

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- 4.) YES:- NUMEROUS BY FS STAFF AND FENERAL PUBLIC
- 5.) NO:- IT HAD FLOATED DOWN RIVER
- 6.) 15 FXXX 16 FEET
- 7.) 1970 INTERNATIONAL TADXXX TANDEM WITH DR480 BARKO GRAPPLE
LOADER
- 8.) NO
- 9.) VIEWED AT LATER DATE IN RIVER ESTIMATE LOGS TO BE 15-20
FEET LONG
- 10.) ESTIMATE ONLY 14 CEDAR LOGS AVERAGE SIZE TOP 10 INCH
BUTT 16 INCH LENGTH 16 FEET
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PLANKS
- 13.) ESTIMATE WEIHGT OF BRIDGE MATERIAL 5 TONS
- 14.) NOV 20/79
- 15.) YES
- 16.) NO

CORRECTION

7.) SHOULD BE DF480 BARKO NOT DR480

D E GILL

*

BCFS REG NLSN

BCFS DIS GLN

Legal & Administrative Services Branch

Attention: D.F. Ritson
Manager - Legal Services

From: Nelson
80 09 16

File: 01784

Re: Blaeberry Bridge Collapse

The attached claim letter from the firm of Silvertz, Brecknell and Kiehlbauch is reasonably self explanatory. We suggest that you discuss this matter with Cym Williams who has a copy of our report on this incident.

We request, in due course, your advice as to the Forest Service's liability, if any, in this matter and the appropriate course of action that we should take in responding to Mr. Brecknell's letter. At this point we have simply acknowledged his letter.

L.F. Renshaw
Regional Staff Manager
Timber, Range & Recreation

LFR:jw

cc: D. Gill
District Manager
Golden, B.C.

*Copy of
letter from
Mr. Brecknell
sent to Don Gill
also.*

SIVERTZ, BRECKNELL & KIEHLBAUCH

BARRISTERS—SOLICITORS—NOTARIES PUBLIC

HENRY G. SIVERTZ, B.A., LL.B.
EDWARD R. BRECKNELL, B.A., LL.B.
LORNE D. KIEHLBAUCH, B.A., LL.B.

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316 HUDSON STREET, N.E.
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VOE 2T0
TELEPHONE (604) 832-8031

OUR FILE: 4043

YOUR FILE:

REPLY ATTENTION: Mr. E.R. Brecknell

September 5, 1980

WITHOUT PREJUDICE

Mr. Don Gill
Forest Ranger
B.C. Forest Service
GOLDEN, B.C.
VOA 1H0

Dear Sir:

Re: Loss suffered by Robert Kramer and
R. Kramer Contracting Ltd. of Golden, B.C.
on June 11, 1980 due to collapse of Blaeberry
Bridge near O.B. Campground, Golden, B.C.

Please be advised that I act for Mr. Robert Kramer and his company
of Golden, British Columbia.

He has provided to me particulars and details of his losses as a
result of the bridge collapse on the 11th of June, 1980.

To date, his actual loss appears to be somewhere in the area of
\$40,000.00. This is not taking into consideration time loss or
the personal affect it has had on Mr. Kramer himself.

For your information, the following is a list of the damages or
losses incurred to date.

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5. Loss of tools etc. in truck	495.20
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7. Loss of truck	12,012.00
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Total	\$38,180.93

Mr. Don Gill

page 2

September 5, 1980

On the basis of the particulars supplied to me, it would appear that the Queen in the Right of British Columbia and more particularly the Forestry Department is liable for the damages and losses incurred by Mr. Kramer as a result of this unfortunate occurrence.

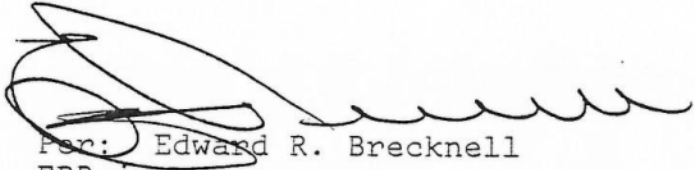
I would be obliged if you would consider the proposed claim with your authorities and get back to me with a view to hopefully discussing a settlement.

I would be pleased to meet with you to discuss this and/or anyone on your behalf with the proper authority to enter into a settlement discussion.

I look forward to hearing from you and thank you in advance.

Yours truly,

SIVERTZ, BRECKNELL & KIEHLBAUCH



Per: Edward R. Brecknell
ERB:jnm
p.c. Mr. R. Kramer

TELEX MESSAGE

File No. _____

To: NELSON

Attention: R. BROCK

Re: BRECKNELL LETTER ON BLADESKY
BRIDGE.

WE HAVE MISPLACED OUR COPY
I REQUEST YOU FORWARD XEROX
COPY FOR OUR FILE.

THANK U

D. E. Givi

D. M.

*
BCFS DIS GLN

BCFS REG NLSN
6 80/12/01 FILE 01784
ATTN D E GILL
RE BLAEBERRY BRIDGE FAILURE

EXECUTIVE ARE ASKING FOR MORE INFO CONCERNING KRAMER'S ACCIDENT. PLS ANSWER THE FOLLOWING TO BEST OF UR ABILITY. PLS GIVE THIS MATTER AS HIGH PRIORITY AS POSSIBLE.

1. ON WHAT KNOWLEDGE OR INSPECTION WAS UR REQUEST FOR INSPECTION BY ENGINEERING OFFICE BASED? *Field inspection April 22/80
Request ENG. April 24/80*
2. WE UNDERSTAND ACCIDENT WAS REPORTED TO FS ON JUNE 12. WHO REPORTED IT AND WHAT TIME TO BEST OF UR KNOWLEDGE WAS REPORT MADE? *WED 11/80 Report R. KRAMER 14-14.30 GLARSEN D. DRAVER.*
3. WHEN ACCIDENT WAS REPORTED DID DISTRICT MANAGER OR A MEMBER OF HIS STAFF GO IMMEDIATELY TO INSPECT THE SITUATION? *PS: 3, 0-16.4*
4. WERE PICTURES TAKEN OF THE SCENE? *YES. F.S. KRAMER
RCMP.*
5. WAS THE LOG LOAD IN EVIDENCE? *No FLOATED DOWN RIVER*
6. WHAT WAS LENGTH OF BOX OR DECK?
7. WHAT WAS TYPE OF TRUCK? *1970 SELF LOADING INTERNATIONAL
WITH DF. 480 BARKER GRAPPLE
LOADER*
8. HAD LOGS BEEN SCALED? *No*
9. IF YES TO 8 - WHAT WERE LENGTHS OF SCALED LOGS? *5 STRINGS*
10. IS THERE ANY WAY TO DETERMINE LOAD SIZE? *X Ties 6x6
Running Ranks 3x10*
11. WHAT WAS MAKE AND MODEL OF KRAMER'S TRACTOR HAULED OVER BRIDGE? WHAT WAS ITS WEIGHT IF KNOWN? *CASE - Model 1150 E - 1975*
12. WHAT BRIDGE MATERIAL DID HE HAUL?
13. CAN WE DETERMINE THE PROBABLY SIZE OF HIS LOAD OF BRIDGE MATERIAL?
14. WHEN WAS CASH SALE OF CEDAR SALVAGE AWARDED TO KRAMER? *Nov. 20 1979*
15. DID AWARD PREDATE DISTRICT MANAGER'S OBSERVATION OF THE BRIDGE CONDITION? *YES.*
16. IF YES TO 15 - WAS ANY MENTION MADE AS TO CONDITION OF STRUCTURE? *No*

R M BROCK
REGIONAL ENGINEERING OFFICER

13:20 MH

*
BCFS DIS GLN



*✓ District Manager
Golden*

DATE: 1980-07-03

FILE No. 01784

SUBJECT: Blaeberry River Bridge Failure.

ATTENTION OF: Frank Renshaw, Manager
Timber, Range & Recreation

REMARKS:

Submitted herewith is my report on the failure of the Blaeberry River bridge at km 6.75 of the Blaeberry River Forest Service Road. The report lacks technical details but these are not considered important in establishing the cause of the accident.

We have not yet received a claim either from Mr. Kramer or from I.C.B.C. but we anticipate one will be forthcoming in the near future.

We offer no excuse for this incident. An accident of this nature was inevitable sooner or later considering the staff capacity made available to us to meet the growing demands of a very large area and organization. We have repeatedly pleaded our case for higher levels of staff and funding but have not been heard. In this, as in all other aspects of our work our intensity of input is dictated by the available resources. If we accept a minimal level of input we must accept some failures and should not be surprised or shocked when they occur. It is very fortunate that this incident did not result in serious injury or death.

R. M. Brock
Regional Engineering Officer

RMB/caa
bcgeu



DATE: 1980-07-03

FILE No. 01784

SUBJECT: Report of Failure of the Blaeberry River
Bridge at KM 6.75 of the Blaeberry River
Forest Service Road.

ATTENTION OF: F I L E N O T E

REMARKS: At approximately 2 pm on June 11th, 1980, a loaded tandem axel truck, owned and driven by Mr. Robert Kramer, 1304-11th Street, Golden, B. C. broke through a bridge over the Blaeberry River at km 6.75 of the Blaeberry Forest Service Road causing the entire structure to collapse. The downstream side of the bridge failed first, throwing the truck into the river before the remainder of the structure collapsed. The truck landed on its right side crushing the passenger side of the cab and was prevented from rolling over only by the self-loading crane mounted on the truck. Kramer escaped uninjured but his truck is estimated to have sustained up to \$30,000 in damages.

The bridge was constructed in 1972 by Evans Products Company Limited, replacing an earlier bridge approximately three miles further upstream. The structure and approaches were built in trespass. An application was made by Evans on August 12th, 1974 to have their R/W 0239160 expiring November 24th, 1974 extended and amended to include the bridge and approaches but apparently the Letter-of-Consent was never renewed and on January 22nd, 1979 the R/W was deleted. The road, including the bridge, was subsequently established as the Blaeberry Forest Service Road by Gazette notice dated March 20, 1979. No inspection of the bridge was made prior to gazetting.

In late April, 1980 District Manager Don Gill advised the regional engineering office that the Blaeberry River bridge needed replacement and that Evans was prepared to do the work under Section 88 of the Forest Act and were proceeding with preparation of a cost estimate. He also advised that there was no hauling planned for the road until this fall.

An inspection of the bridge was scheduled for the week of June 9th, 1980 but this was deferred until June 17th due to a budget seminar planned for June 10th and 11th and subsequently cancelled. The accident occurred on June 11th.

The inspection, carried out by Field Engineer, Al Coombs, and the writer revealed that:

- (a) The stringers were of a size sufficient to permit standard highway loading for a short term (3 to 5 years) only but were still in place after approximately seven years.
- (b) The unpeeled spruce stringers were 30 to 50% rotten.

This spring Kramer worked under hire agreement for the Golden District, assisting foreman Gordon Larsen to replace a bridge across Willowbank Creek just beyond the Blaeberry bridge. The hire agreement was for supply of a small cat and the truck complete with operator. The truck was used to transport the cat and sundry bridge materials, including log stringers, to the Willowbank Creek bridge site. Kramer was advised at the time that the Blaeberry River bridge was to be replaced and that caution should be used in crossing it to avoid acceleration, braking, etc. so as not to impose additional loading due to impact.

Kramer subsequently purchased some cedar logs from the area by a cash sale from the Ministry and was hauling the timber over the bridge when the accident occurred.

During his term of work with the Ministry, Kramer appears to have picked up fragments of misinformation concerning our bridge design practise which led to his misjudgement of the capacity of the structure. This information was apparently reported to the Golden Star newspaper, by Kramer, after the accident as follows:

"Forest Service bridges of the sort constructed by Bob Kramer are constructed of Douglas Fir which is creosoted and has a life expectancy of 25 years.

He used the bridge knowing it was suspect, because he knew that such structures were built to carry twice a normal load, and therefore, even with a weak stringer, should be alright with a load of cedar which is quite light."

We have no way of knowing the size or configuration of the load but even with light cedar, if the logs are quite long it is possible that most of the weight may have been concentrated on the rear wheels and could have induced bending stresses exceeding normal highway loading.

The Golden Star reported that "It appeared at the time of writing that the Forest Service intends to accept liability in the matter although Don Gill (District Manager) could not be explicit on the point." Mr. Gill has advised that he made no commitment as to Ministry liability.

Notwithstanding Kramer's awareness that the bridge was suspect, it is my opinion that the Ministry must acknowledge responsibility at three levels:


1980-07-03

Page 3

1. The Regional Engineering Officer failed to have the bridge inspected and posted for load rating at the time of its declaration as a Forest Service Road.
2. The District Manager implied that the bridge was safe for use by Kramer's truck when Kramer, as his employees, used it while replacing the Willowbank Creek bridge and when he sold Kramer timber which could only be removed over the bridge.
3. Senior Management has failed to recognize the need for and to provide for sufficient staffing and funding to properly inspect and maintain the large inventory of roads and bridges for which the Ministry is either directly or indirectly responsible.

The incident pinpoints an additional area of concern which in our opinion requires clarification viz:

When a Licensee who has constructed a road on Provincial Forest Land under authority of a Road Permit, relinquishes deemed ownership by so declaring as provided for in Section 95 of the Forest Act, what then is the responsibility of the Ministry as administrative authority over the land which includes the road. It is true that such agreements contain a clause indemnifying the Crown against claims etc. arising from use of the road by the Licensee, but is the Crown really protected in case the Licensee is unable to pay such claims?


R. M. Brock, P. Eng., R.P.F.
Regional Engineering Officer

RMB/caa
bcgeu

*
BCFS DIS GLN

BCFS REG NLSN
6 80/12/01 FILE 01784
ATTN D E GILL
RE BLAEBERRY BRIDGE FAILURE

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R M BROCK
REGIONAL ENGINEERING OFFICER

13:20 MH
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BCFS DIS GLN