



**PERMIT TO USE OR OCCUPY
A HIGHWAY RIGHT-OF-WAY
(For a Special Event)**

FILE COPY

Permit/File Number: **2015-00525**

Office: **Courtenay**

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by the
Minister of Transportation and Infrastructure

Courtenay Area Office, 550 Comox Road, Courtenay, BC V9N 3P6

(the "Province")

AND:

Comox Valley Snow to Surf Society, 121-750 Comox Road, Courtenay, BC V9N 3P6

(the "Permittee")

WHEREAS:

- A. The Province has use of highway right of way, pursuant to the *Transportation Act*, the *Industrial Roads Act*, the *Motor Vehicle Act* and the *Nisga'a Final Agreement Act*.
- B. The Permittee has requested that the Province issue a permit, pursuant to the Province's authority, for the use of highway right of way in the location and for the purpose(s) hereinafter set out.
- C. The Province is prepared to issue such a permit to the Permittee on certain terms and conditions.

ACCORDINGLY, the Province hereby grants to the Permittee a permit (this "Permit") for the use of highway right of way in the location described in section 1 (the "Permit Area"), on the following terms and conditions:

1. This Permit is issued for the use of the Permit Area by the Permittee for the following purpose(s):

To conduct the road cycling and running portions of the 2015 Snow to Surf Relay on Sunday April 26, 2015 between the anticipated hours of 9:30am and 3:00pm, involving approximately 170 participants, on, across, or along:

1) Road Cycling Section - Royston Road (#00011), Highway 19A (#00019A), Argyle Road (#00990), Kilmarnock Drive (#00989), Spindrift Road (#00540) as per the map submitted by Bill Atkinson on February 2, 2015.

2) Running Section - Strathcona Parkway (#01327) as per the map submitted by Bill Atkinson on February 2, 2015.

2. The Province will designate an official (the "Designated Ministry Official") who will act as the Province's agent in the administration of this Permit in the manner hereinafter set out.
3. The Permittee may enter the Permit Area for the period beginning the 26 day of April , 2015, and ending the 26 day of April , 2015 inclusive (the "Term").
4. This Permit will expire on the last day of the Term, or on such earlier date of termination as is provided for in this Permit.
5. The Term of this Permit may be extended past the expiration date, provided that the Province, in its sole discretion, has agreed with the Permittee with respect to the length of the extension and such extension is issued in writing prior to the expiration of the Permit.
6. The Permittee must observe, abide by and comply with all laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority in any way affecting the Permit Area including, without

limitation, the safety of the individual persons involved and the public at large and, at all times, the Permittee must safeguard the travelling public.

7. Except as specifically provided for in this Permit, the Permittee must, at all times, keep the Permit Area open to traffic and, when necessary, the Permittee must ensure that the roadway is completely restored for traffic as soon as possible.
8. The Permittee must keep the Permit Area in a safe, clean and sanitary condition satisfactory to the Province and, at the request of the Designated Ministry Official, make the Permit Area safe, clean and sanitary.
9. The Permittee must not bring on to the Permit Area, or cause or permit any part of the Permit Area to be used for the storage or disposal of, any hazardous, toxic, dangerous or potentially dangerous, wastes, materials or substances capable of causing contamination to air, land or water.
10. The Permittee must not construct, erect or place any buildings, structures or other improvements on, or otherwise deface, the Permit Area unless specifically stated in this Permit.
11. On the expiration or earlier termination of this Permit, the Permittee will:
 - a. peaceably quit and deliver possession, custody and control of the Permit Area; and
 - b. remove all buildings, machinery, equipment and any other apparatus, and all improvements to, or things on, the Permit Area, at its own expense, as the Designated Ministry Official may direct;and, to the extent necessary, this provision will survive the expiration or earlier termination of this Permit.
12. The Permittee must obtain, and maintain in force and effect during the Term, insurance in form, content and amounts acceptable to the Province, as required by the Designated Ministry Official.
13. **Prior to the issuance of this Permit by the Province, the Permittee must deliver to the Designated Ministry Official evidence of the required insurance coverage by way of the completed Ministry of Transportation and Infrastructure Certificate of Insurance (Form H0111), as attached to this Permit, duly executed by the authorized representative of the insurer. For Automobile Liability insurance ONLY, evidence may be provided either by a Ministry of Transportation and Infrastructure Certificate of Insurance OR a duly executed I.C.B.C. APV47 or APV250L form. Should any insurance policies expire during the term of the Permit, then evidence of renewal prior to the expiry date of the policy(s) must be provided. All insurance must be as required by the Designated Ministry Official.**
14. As a condition of this Permit, the Permittee indemnifies and saves harmless the Province and its employees, servants, contractors and agents against any and all losses, claims, damages, actions, costs and expenses including, but not limited to, fees of solicitors and other professional advisors, made against or incurred, suffered or sustained by the Province (whether before or after the expiration or earlier termination of this Permit), arising out of or in connection with:
 - a. any breach, violation or nonperformance of any condition or term in this Permit by the Permittee; or
 - b. any personal injury, death or property damage occurring on the Permit Area or happening by virtue of the Permittee's possession, control and/or custody of the Permit Area,and this indemnity will survive the expiration or earlier termination of this Permit.
15. In the event that the Permittee, in the reasonable opinion of the Designated Ministry Official:
 - a. fails to make diligent use of the Permit Area for the purpose(s) permitted herein,
 - b. fails to observe or perform any of the terms, conditions and provisions contained herein, or
 - c. misrepresented or withheld any fact material to granting the Permittee the use of the Permit Area,the Province may, in its sole discretion, cancel this Permit, such termination to be effective immediately upon notification of the Permittee, and the rights herein granted with respect to the Permit Area will be deemed to be null and void as against the Permittee.
16. In the event that the Permittee commits an act of bankruptcy, becomes insolvent or is petitioned into bankruptcy or voluntarily enters into an arrangement with its creditors, this Permit will be deemed to be cancelled as of the date of the act.
17. The Permittee must not at any time before or during the Term of this Permit assign this Permit for all or any part of the Permit Area or the rights hereunder in any manner whatsoever without the prior written consent of the Province.
18. This Permit will be governed by and construed in accordance with the laws of the Province of British Columbia.

19. No term or condition of this Permit will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a term or condition of this Permit will not be construed as, or constitute a waiver of, any further or other breach of the same or any other term or condition of this Permit, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.
20. No remedy conferred upon or reserved to the Province under this Permit is exclusive of any other remedy in this Permit or provided by law, but that remedy will be in addition to any other remedy existing or available to the Province pursuant to this Permit or then existing at law, in equity or by statute.
21. If any section of this Permit or any part of a section is found to be illegal or unenforceable, that part or section, as the case may be, will be considered separate and severable and the remaining parts or sections, as the case may be, will not be affected thereby and will be enforceable to the fullest extent permitted by law.
22. A reference in this Permit to a statute means a statute of the Province of British Columbia unless otherwise stated and includes every amendment to it, every regulation made under it, and any enactment passed in substitution therefore or replacement thereof.
23. As a condition of this Permit, the Permittee unconditionally agrees with the Province that the Permittee is the prime contractor, as described in section 118 of the *Workers Compensation Act*, for the purposes of the work described by this Permit, at the work location described in this Permit, and that the Permittee will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the *Workers Compensation Act* and the *Occupational Health and Safety Regulation*.
24. The Permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in coordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
25. *Routes as submitted.*
26. *The applicant shall register liability insurance with inclusive limits of not less than two million dollars for bodily injury, including death, and property damage, shall be solely responsible for all damages arising out of the Special Event activities and shall indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and Her Servants, Agents and Employees, from and against all claims and demands, loss or damages in respect thereof. Maximum deductible shall be no greater than \$5,000.*
27. *The applicant to contact all appropriate agencies, e.g. RCMP, Ambulance Service, Comox Valley Regional District and the City of Courtenay. (Those portions of the event occurring on municipal streets are under municipal jurisdiction.)*
28. *This permit does not relieve the applicant of any obligation with regard to adherence to the Motor Vehicle Act or any other Act or Regulation with respect to the Event.*
29. *The Event shall yield the right of way to emergency vehicles at all times.*
30. *The applicant must not, in view of a highway, erect, place, replace, alter or maintain a light or similar electrical device that is ordinarily visible to part of the public travelling on the highway and could reasonably be expected to create a nuisance to a person using the highway, or impair the person's vision or distract him or her in a manner that affects the efficient operation of his or her motor vehicle.*
31. *Marshals and/or Production Assistants must be equipped with WorkSafe BC approved high visibility apparel.*
32. *Licensee is responsible for any additional traffic control requirements, if deemed necessary, by either the local police authority, Ministry, or Ministry representative, in order to maintain the safety of the travelling public using the highway. Implementation of any additional requirements shall be made without delay.*
33. *Licensee is responsible for the removal of any mud, soil, debris or other foreign material tracked onto the highway or License Area. The License Area must be left in its original condition or better after completion of the event. Any costs or works required to restore the highway or License Area will be borne by the Licensee.*
34. *On site contact name and number must be provided to the Ministry or Ministry representative.*
35. *All emergency services, bus lines etc. are advised of said event.*
36. *The Normal Rules of the Road will apply at all times.*
37. *Accommodation of Traffic*

38. *The Permittee shall, at his cost, supply, erect, and maintain standard traffic control devices in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and WCB Regulation, Part 18.*

This Permit cancels and replaces 2014-00997

With regards to your request for a temporary lane closure along Highway 19A from Anfield Road to Mansfield Drive the Ministry will allow the use of the eastern lane of the Highway under our jurisdiction subject to the following (Please note that the portion from Anfield Road to 29th Street is under City jurisdiction):

- lane closure to be for the shortest duration possible*
- professional traffic control people to direct traffic in the areas where lanes are closed, Highway 19A and Comox Valley Parkway*
- closed lanes to be delineated by type D, tubular markers*
- if lights at the intersection of Royston Road/Island Highway 19A are placed in 'flash mode' by the RCMP, please ensure lights are returned to the proper operation at the end of the race*
- a Work Notification/Lane Closure Request and Approval form must be submitted and approved prior to race day*

It is also recommended that a notice of possible traffic disruptions be advertised in the local papers prior to race day.

The rights granted to the Permittee in this Permit are to be exercised only for the purpose(s) set out in section 1 of this Permit.

SIGNED on behalf of **Her Majesty the Queen in right of the Province of British Columbia**, by a duly authorized representative of the Minister of Transportation and Infrastructure, on the 9 day of March, 2015,



For the Minister of Transportation and Infrastructure

Molony, Anne TRAN:EX

From: Molony, Anne TRAN:EX
Sent: Monday, March 9, 2015 3:33 PM
To: 'William Atkinson s.22
Subject: Permit 2015-00525 (Snow To Surf Relay)
Attachments: Lane Closure Form.pdf; H0111[1] Certificate of Insurance Form.pdf; Scan_20150309.pdf

Hi Bill,

Please find attached Permit 2015-00525 for the upcoming Snow to Surf Relay to be held on April 26, 2015.

You are also required to submit a Certificate of Insurance and a Work Notification/Lane Closure Request and Approval form for review and approval prior to race day. I have attached copies of these documents.

Please let me know if you have any questions or concerns regarding this permit and the associated forms.

Sincerely,

Anne Molony
District Development Technician
Courtenay Area Office
Ph: 250-334-6969 Cell: 250-218-1605
Email: Anne.Molony@gov.bc.ca

Thompson, Tammy TRAN:EX

From: Molony, Anne TRAN:EX
Sent: Monday, February 2, 2015 11:32 AM
To: Thompson, Tammy TRAN:EX
Subject: FW: Royal Le Page Snow to Surf
Attachments: MOT REQUEST.doc

Hi Tammy,
Can you please create a file for this one, thx!

Anne Molony
District Development Technician
Courtenay Area Office

From: William Atkinson s.22
Sent: Monday, February 2, 2015 11:17 AM
To: Molony, Anne TRAN:EX
Subject: Royal Le Page Snow to Surf

Ms Molony

Just sending in our annual request to conduct the Snow to Surf Relay on Sunday, April 26, 2015.

In general there is no change from the previous requests. In particular , however , in talks with City of Courtenay Engineering Dept. we've determined that for reasons of safety and better vehicle movement to have professional traffic control people replace volunteer marshals on the The portion of Cliffe Avenue between Anfield and Mansfield Drive. In order to ensure rider safety and better vehicle flow from the South Connector turning left onto Cliffe we would like to have the traffic control people close the curb lane on the Connector.

Hope this additional measure meets with your approval.

Regards

Bill Atkinson

Ministry of Transportation and Infrastructure.
February 2, 2015

The Royal LePage Snow to Surf Race requests permission to conduct Road Cycling and Running portions of the event on April 26, 2015 between the anticipated hours of 9:30 Am and 3:00 Pm and involving 170 participants in each portion along or across:

1. Road Cycling Section- Royston Road (# 00011), Highway 19A (#)19A), Argyle Road (#00990), Kilmarnock Drive (00989), Spindrift Road (# 00540) as per the map submitted by Bill Atkinson on March 3, 2014.

2. Additionally we ask permission to close the right hand (curb) lane on the South Connector between Kilpatrick St, and Highway 19 A between 11:00 Am and 3:00 Pm in order to allow vehicle traffic to make orderly turns onto Highway 19 A where the Right Hand (curb) lane will be closed from Anfield Road to Ansfield Drive. Both these closures will be done by Profession Traffic Control people under contract. Last year the abrupt change in the traffic pattern created some confusion for drivers.

3. Running Section-Strathcona Parkway (# 01327)

1. These lane closures will be for the shortest possible duration.

2. Professional Traffic Control people will direct traffic where lanes are closed as above and will be marked with approved signage and tubular 'type D' delineators.

3. If lights at the Roston Rd./ Highway 19 Intersection are placed in "Flash Mode" by the RCMP they will be returned to normal operation when the last race has cleared that intersection.

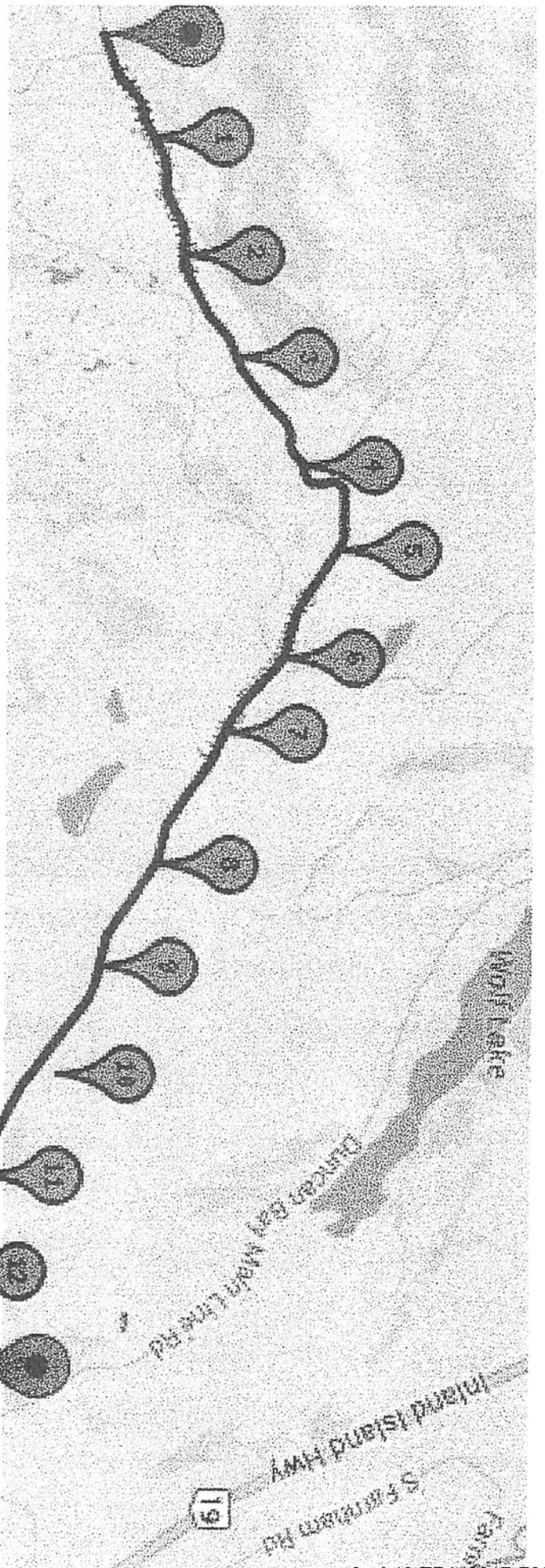
Respectfully

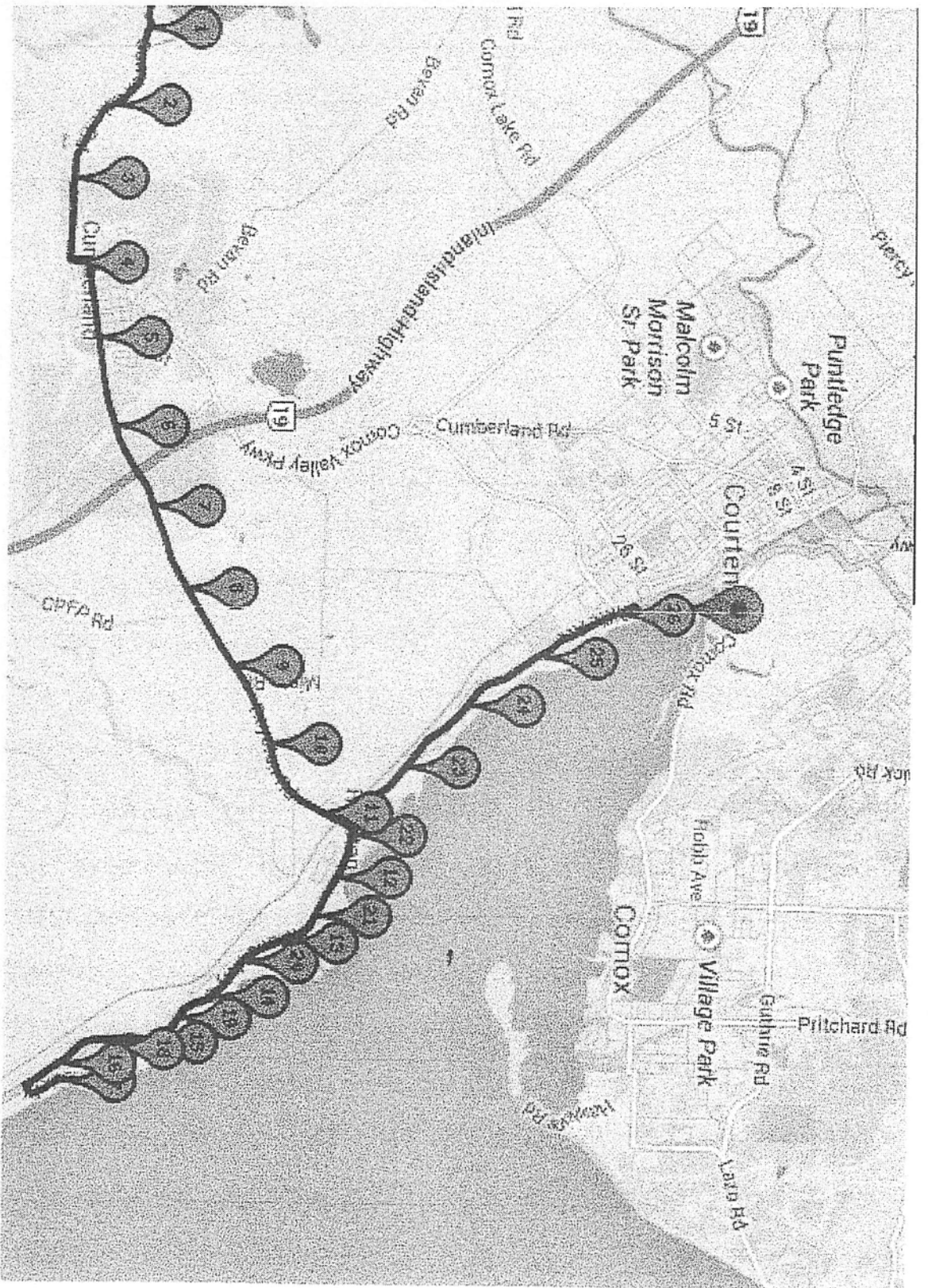
Bill Atkinson
RoadCycling Director
Royal le Page Snow To Surf Relay

email: s.22
Phone

EDAS
ENT'D

STREATHCORN PARCELS > Duncan Bay Main
 Suba To Seaf Landing logs.





to Seaf B. Re Route - 26. 69 k.

May 18 - A

Argyle →

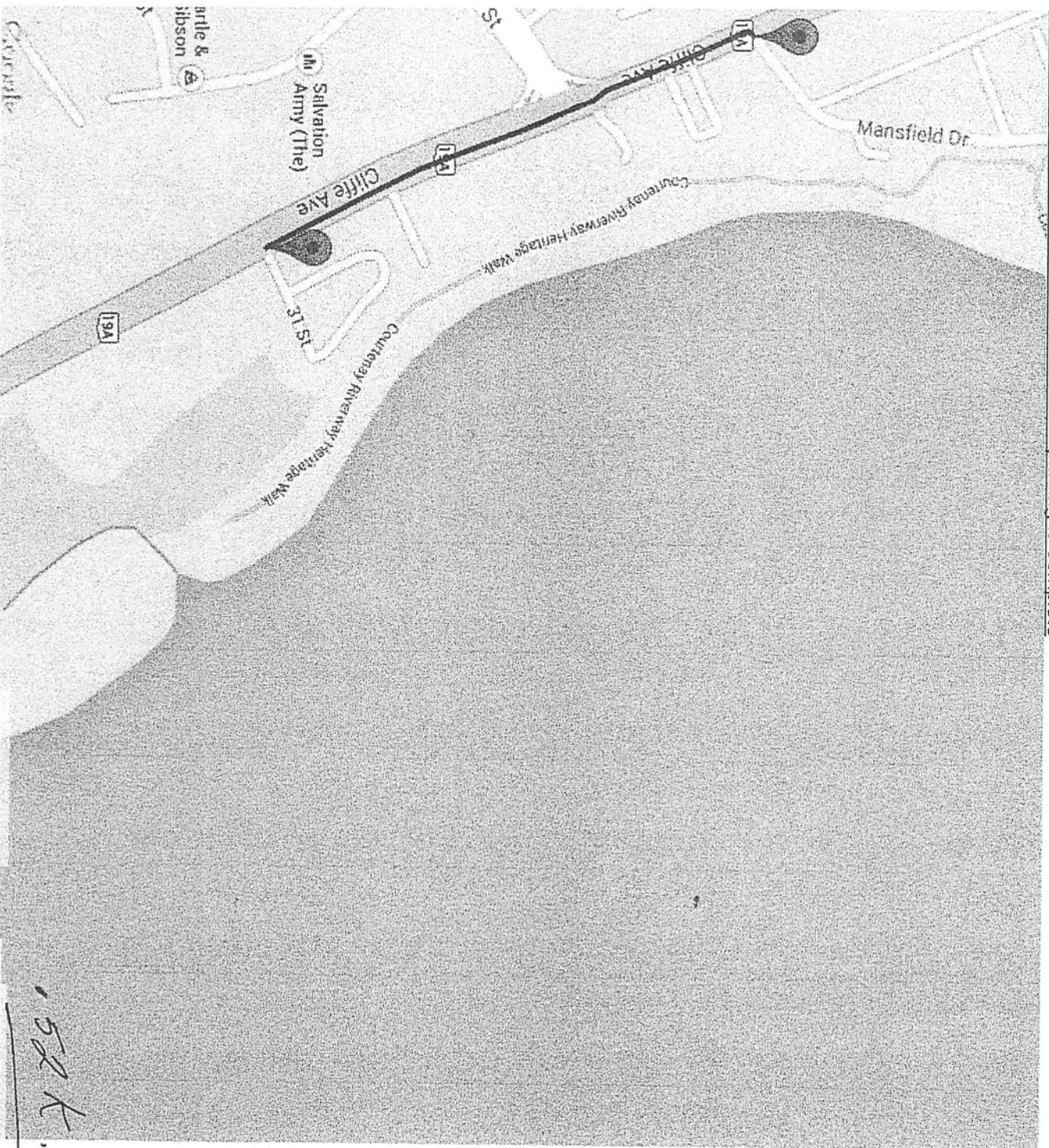
K. Marnock

Spindrift.

May 19 -

Cliffe -

[Click here to return to the main window when printing is complete](#)



lane closure -
31st St > Mansfield
using 100cm
Type D
Tubular Markers
from City of Coventry

522k

Page 11 to/à Page 12

Withheld pursuant to/removed as

s.21

Thompson, Tammy TRAN:EX

From: William Atkinson s.22
Sent: Wednesday, March 11, 2015 11:28 AM
To: Molony, Anne TRAN:EX
Subject: Snow To Surf Certificates of Insurance
Attachments: 2015-2016 Certificates of Insurance.pdf

Anne

Thanks for your Response I have attached all our Certificates as they came to me as one file. Please find the applicable MOT certificate.

Regards

Bill Atkinson

Page 14 to/à Page 44

Withheld pursuant to/removed as

s.21

Event Id: -52204 Plan Id: 243131

Special Event in Courtenay at 29th Street 11:00 am to 3:00 pm on Sun Apr 26. Lane closure will be in effect. Motorists to drive with caution watching for cyclists and traffic control. Updated on Tue Apr 21 at 2:38 pm. (ID# -52204)

Highway 19A between Parksville and Campbell River, Southbound.
in Courtenay at 29th Street.

A lane closure will be in effect,
because of a special event.

11:00 am to 3:00 pm, on Sunday April 26.

Motorists to drive with caution watching for cyclists and traffic control.

Last updated on Tuesday April 21 at 2:46 pm.

2015-00525



BRITISH
COLUMBIA

Ministry of
Transportation

File Number

Permit Number

Date (yyyy/mm/dd) 20 15 104 121

WORK NOTIFICATION/LANE CLOSURE REQUEST AND APPROVAL

If you have a DriveBC account, you can enter this data directly into DriveBC through the Web Input Utility (WIU). Otherwise, please submit this completed form at least five (5) working days prior to the work being scheduled.

NOTE: This form is to be submitted five (5) working days prior to the work being scheduled.

To ANNE MOLONY COMOX VALLEY Telephone _____
District Highways Manager District Office Fax _____

From ROYAL LE PAGE SNOW TO SOFT BILL ATKINSON Telephone s.22
(Organization) (Contact Person) Fax _____

☐ I request approval to work within the Ministry right-of-way (check as many boxes below as required):
☐ North Bound ☐ South Bound ☐ East Bound ☐ West Bound

☒ I request approval to close the Ministry right-of-way indicated below (check as many boxes below as required):
☐ North Bound ☐ South Bound ☒ East Bound ☐ West Bound

Indicate all lanes affected: ☒ Right Turn Lane ☐ Middle Lane ☐ Left Turn Lane ☐ Work on Shoulder
☒ Curb/Outside Lane ☐ Centre/Inside Lane ☐ All Lanes ☐ No Lane Closure

on 29th Street between _____ and CLIFFE AVE.
(Highway Name) (Landmark) (Landmark)

from 11:00 ☒ a.m. / ☒ p.m. to 3:00 ☐ a.m. / ☒ p.m. on the following dates (yyyy/mm/dd) 20 15 104 126
to 20 1 1; for the purpose of constructing the following works: Safe passage for cyclists in closed curb lane on Cliffe Ave.

In the above noted direction, the highway is ☒ one (1) / ☐ two (2) / ☐ three (3) lanes wide and
☐ zero (0) / ☒ one (1) / ☐ two (2) lanes of traffic will be maintained in the same directions as the closure.

PLEASE ATTACH THE FOLLOWING:

- a) Traffic control diagram figure number _____ as per "Traffic Control Manual for Work on Roadways";
- b) A detailed Traffic Management Plan (format available at the District Highways Office)

APPROVAL SECTION

☐ Request denied ☒ Request approved as submitted ☐ Request approved with the following changes:

• provide notification to the City of Courtenay
• emergency vehicles have priority passage at all times
• traffic control as per "MOT Traffic Control Manual for Works on Roadways"

☒ This approval is granted subject to traffic queues being monitored continuously by the Ministry or Project Representative while lane closure or traffic diversions are under way. Delays are not to exceed 5 minutes over the normal travel time.

☐ This approval is granted subject to traffic queues being monitored continuously by the Ministry or Project Representative while lane closure or traffic diversions are under way. Standards will be set as to what delays are acceptable to the public in the Traffic Management Plan and then work will commence once these limits have been reached and the Traffic Management Plan will be adjusted and re-approved accordingly.

THIS MINISTRY'S PROVINCIAL HIGHWAYS CONDITION CENTRE, (604) 660-9770, MUST BE CONTACTED AS FOLLOWS:

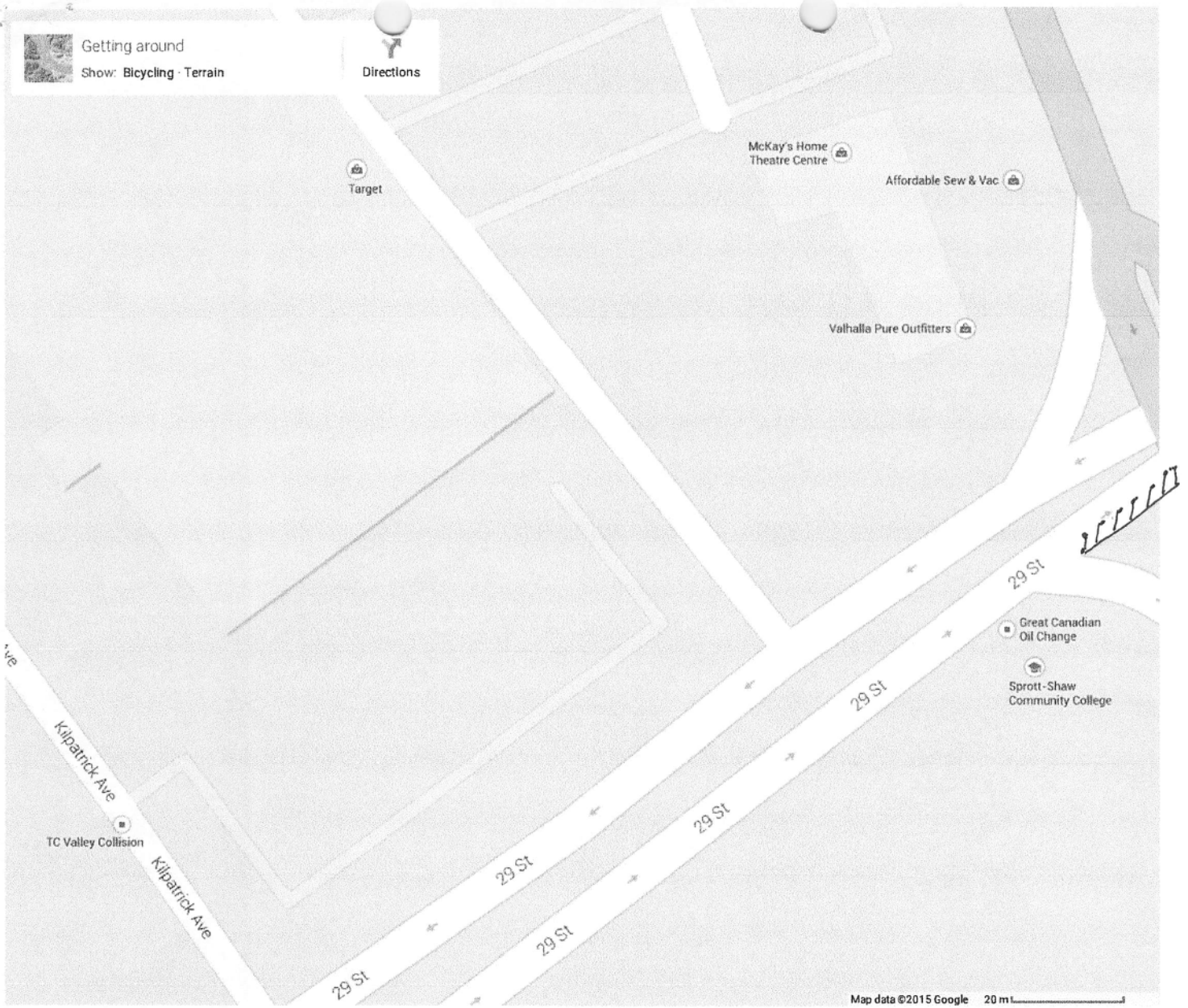
- 24 HOURS PRIOR TO A LANE CLOSURE INSTALLED BEFORE 7:00 A.M.
- BY 6:00 A.M. THE DAY OF THE CLOSURE FOR A LANE CLOSURE INSTALLED AFTER 7:00 A.M.
- UPON REMOVAL OF THE CLOSURE
- THIS APPROVAL MUST BE KEPT ON HAND AT THE WORK SITE.

ANNE MOLONY
District Highways Manager (or Designate)

2015/04/21
Date (yyyy/mm/dd)

27/03/2015

Google Maps



Island Traffic Services

Al. Jorgenson.

Close south lane. From right turn
to Cliffe as shown shaded.

Bill Atkinson.

Molony, Anne TRAN:EX

From: Molony, Anne TRAN:EX
Sent: Tuesday, April 21, 2015 1:52 PM
To: 'William Atkinson' s.22
Subject: Work Notification/Lane Closure Request and Approval
Attachments: Scan_20150421.pdf

Hi Bill,

Please find attached the completed Work Notification/Lane Closure Request and Approval, if you have any questions or concerns please let me know.

Kind Regards,
Anne

Anne Molony
District Development Technician
Courtenay Area Office