

**SUBJECT: POLICY FOR NON-RECREATIONAL
USES OF FORMER RAILWAY
PROPERTIES**



Policy Number: CLM 023 2009
File Number: 600 00 0025

Effective Date: June 30, 2011
To Be Reviewed: June 30, 2015

Approval: Signed by Phil LePage, Deputy Minister
July 14, 2011

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1.0 Purpose

The purpose of this policy is to establish a decision-making framework for the non-recreational use, acquisition and disposal of former railway properties in New Brunswick (NB) that are under the administration and control of the Department of Natural Resources (DNR).

2.0 Background

2.1 Acquisition of the Former Railway Lines

Cabinet approved an initiative in 1993 to purchase from Canadian National Railway (CNR) and Canadian Pacific Railway (CPR) their former railway lines (FRL) in the province. The objectives of this acquisition were to:

- a) convert most of the FRL into a recreational trail system now known as Sentier NB Trail (SNBT), part of which would tie into the Trans Canada Trail, a national recreational trail system;
- b) use the former FRLs for linear utilities, and
- c) maintain a provincially-owned link between NB communities for possible future public transportation use.

The majority of former railway properties acquired by the Province were placed under the administration of the Minister of Natural Resources through the *Parks Act (PA)* in 1997/1998. The *Parks Act* was amended in 1999 to allow for the designation of linear recreational trails as provincial parks. Approximately 1100 kilometres of trails in the province are currently under the *PA*. About 230 kilometres of FRLs are administered under the *Crown Lands and Forests Act (CL&FA)* (see Figure 1). For example, FRLs within the municipal limits of the City of Fredericton are part of a recreational lease issued under the *CL&FA* held by the City, so that they can manage, maintain and enforce City by-laws on the trail system.

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2.0 Background, Continued

2.2 Inherited Agreements

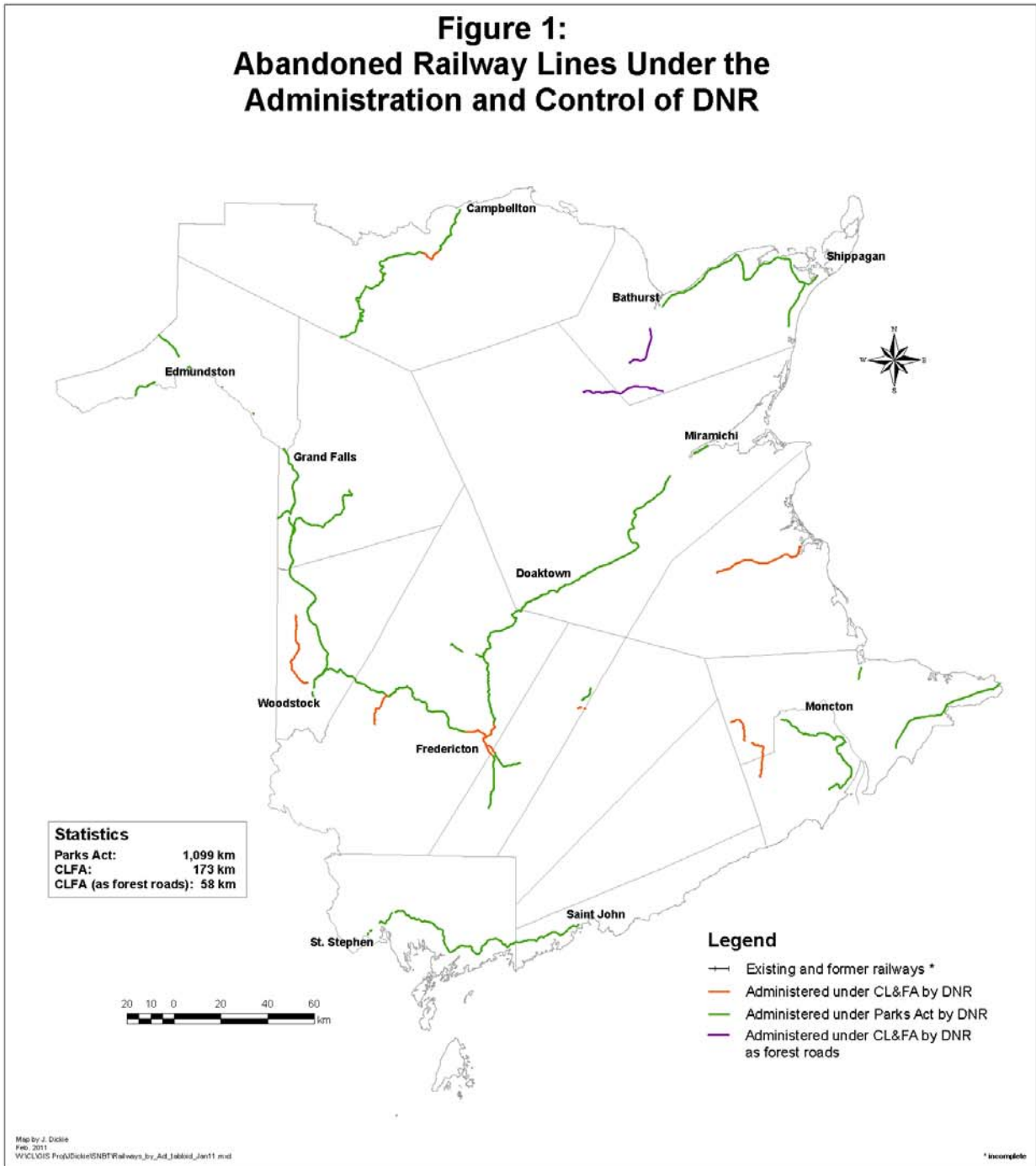
Numerous existing railway crossing agreements were in place at the time of the sale of FRLs to the Province. Utilities, industry, commercial and private landowners had agreements with the railway companies for utility crossings, vehicle crossings, property secondary use, etc.

Apart from existing agreements, there are unauthorized crossings, utility and distribution lines, and other encroachments on and within FRLs in the province.

2.3 Moving Forward

Issues such as encroachment, fragmentation, infrastructure and maintenance costs mean the Province needs to plan how these issues will be dealt with in the short-term and long-term for all FRLs under provincial jurisdiction. This policy addresses these issues and is based on the objectives for acquiring FRLs in 1993. This policy is also intended to complement the Trail Management Principles.

**Figure 1:
Abandoned Railway Lines Under the
Administration and Control of DNR**



3.0 Policy Objectives

The primary objectives of this policy are to:

- a) Respect the recreational trail system and non-recreational use objectives for FRLs approved by Cabinet in 1993;
- b) Retain FRLs under DNR administration as public lands (insofar as reasonable);
- c) Provide guidelines for the management of current and future uses;
- d) Dispose of remnant segments of FRL that are not required to meet objective a).

These objectives will be attained by:

- a) Providing guidelines to enable staff to address existing unauthorized occupations;
 - b) Ensuring certainty of access for adjacent landowners and utilities;
 - c) Providing guidelines to enable staff to administer existing agreements;
 - d) Providing standards for construction activities;
 - e) Providing criteria for the acquisition or disposal of FRLs.
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4.0 Scope and Application

This policy applies to all FRLs under DNR's administration and control under the *CL&FA* and the *PA*.

This policy does not apply to recreational uses or agreements authorized under the *CL&FA* and the *PA*, unless the use is an unauthorized use and occupation as defined in Section 7.0.

5.0 Definitions

Adjacent Landowner	A freehold or Crown landowner whose property shares a common boundary line with a FRL.
Disposition	A lease, licence of occupation, easement or other authorization from the Minister of Natural Resources regardless if it was authorized under the <i>Crown Lands and Forests Act</i> or the <i>Parks Act</i> and their regulations.
DNR Lands	Lands administered by the Minister of Natural Resources under the <i>Crown Lands and Forests Act</i> or the <i>Parks Act</i> .
Easement	A right enjoyed by one landowner over the land of another for a special purpose other than general use and occupation for an unlimited period of time. A right that an individual or group of individuals has to legally pass over the land of another. A right-of-way in this document is not used to mean an easement.
Former Railway Line (FRL)	A linear corridor that was once an active railway line, including sidings. The corridor has been acquired by the Crown.
License of occupation or license	A type of tenure known to be a license of occupation when issued under the <i>Crown Lands and Forests Act</i> , and a license when issued under the <i>Parks Act</i> .
Recreational Use	Any activity carried out for the purposes of entertainment or leisure pursuits that may include buildings or structures such as trail shelters or trail infrastructure but does not include commercial or other uses.

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5.0 Definitions, Continued

Right Holder	A proponent in good standing who has been issued an authorization or is a holder of a disposition from the Department of Natural Resources.
Right-of-way (ROW)	The limits of the former railway lines and associated properties.
Secondary use	The use or occupation of land for uses other than a permanent domestic dwelling, commercial or institutional enterprise building or similar structure. Secondary uses would include landscaping, lawns, permanent or non-permanent structures such as, but not limited to, gates, stairs, fences, ponds, decks, fountains, garden boulders, gazebos or planted trees.
Survey Plan	A coordinated Plan of Survey or Subdivision Plan prepared by a licensed New Brunswick Land Surveyor on which coordinates are derived from ties adjusted to NB Monuments or HPN Monuments.
Utilities	For the purposes of this policy, utilities include both distribution lines used to transmit or deliver utility services and longer transmission lines that generally run parallel to the FRL ROW. These services may include power, water, gas or telecommunications delivered directly to the public (typically to homes, businesses and institutional or industrial users along the ROW). Utilities can be underground (e.g., gas pipelines, water lines, etc.) or overhead (e.g., power) lines.

6.0 Permitted Uses of FRLs

6.1 Crossings Existing prior to 1996

It is recognized that crossings of the ROW existed prior to the Province acquiring the lands in 1996. DNR will consider applications from adjacent owners for these crossings to formalize their use and occupation of the land through an easement. However, DNR will not deny access to adjacent property owners by virtue that adjacent owners may not opt to formalize their crossing if such crossing existed prior to 1996.

6.2 Types of Permissible Uses

A disposition may be authorized over a former railway line for the following purposes:

- a) Motor vehicle crossings
 - i. Crossings serving a single property
 - ii. Crossings serving multiple properties
 - iii. Crossings serving non-adjacent land owners
 - b) Utilities
 - c) Structures or works to protect the environment, public health and safety or significant loss of property
 - d) Renewal of existing agreements or dispositions for secondary uses
 - e) Signs
 - f) Infrastructure
 - g) Recreational trails
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6.2.1 Crossings Serving a Single Property

DNR may issue a disposition for one crossing per property, if the property is not part of a multi-lot subdivision, subject to the following crossing requirements:

- a) The width of a crossing for single lane traffic does not exceed 5 m (see Diagram 1, page 26).
 - b) The width of a crossing being used for commercial, industrial, utility or institutional activities, necessitating the passage of two-way traffic does not exceed 10 m.
 - c) The property is not served by an existing legitimate access.
 - d) The separation distance between individual crossings is a minimum of 100 m (see Diagram 2, page 26).
 - e) The applicant must obtain an approval from the Department of Transportation and/or the appropriate municipality or rural community for an entry/exit point off a highway and/or public street before DNR will consider the application.
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6.0 Permitted Uses of FRLs, Continued

6.2.2 Crossings Serving Multiple Properties Adjacent landowners who share a property line are encouraged to share a single driveway/crossing over the FRL ROW serving each of their respective properties (see Diagram 3, page 27). Neither landowner has exclusive use of the driveway/crossing and each landowner is encouraged to obtain a separate easement to service their property.

Note: prior to proceeding with a shared crossing, adjacent landowners are advised to establish a private agreement dealing with construction, maintenance, repairs, etc. DNR does not assume any responsibility, or liability for any such agreement, and will not become involved in any disputes between landowners.

DNR may issue a disposition for one crossing per property subject to the following crossing requirements:

- a) The width of a crossing for single lane traffic does not exceed 5 m.
- b) The width of a crossing necessitating the passage of two-way traffic does not exceed 10 m.
- c) For new, or additions to, multi-lot subdivision projects, the project will be limited to a single 20 m public or private crossing of the FRL ROW (see Diagram 4, page 27). Proponents must plan for one crossing with an internal road network as opposed to multiple crossings.
- d) The application to DNR for the crossing must include a sketch outlining access requirements for the new development. Upon request, DNR may also consider approving an additional crossing(s) for large developments where projected volumes of traffic are high or where topography constraints or safety issues exist (e.g., ingress/egress of emergency vehicles).

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6.0 Permitted Uses of FRLs, Continued

6.2.3 Crossings Serving Non- adjacent Land Owners

DNR may issue a disposition to property owners not adjacent to the ROW for one crossing per property subject to the following crossing requirements where a non-adjacent landowner is not able to legally access their land because:

- an intervening landowner¹ and/or adjacent landowner's property exists between the non-adjacent landowner's property and the FRL (see Diagram 5, page 28), and
 - no other legal access to the non-adjacent landowner's property exists.
- a) No other reasonable options exist for a driveway/vehicle crossing or for a utility crossing to the non-adjacent landowner's property, other than an easement across the FRL and across the intervening property(s) and/or adjacent landowner's property;
 - b) The non-adjacent landowner must obtain prior approval from the adjacent and/or intervening landowner(s) in the form of a legal easement(s) or other suitable right of passage before DNR will issue a corresponding easement (see Diagram 6, page 28);
 - c) The non-adjacent landowner is responsible for all costs associated with the easement across the FRL, and the easement(s) across the adjacent and/or intervening landowner's property (e.g., application fees, legal fees, survey fees, signage, etc.) and;
 - d) As per section 10.0, where disagreement exists between a non-adjacent landowner and an adjacent and/or intervening landowner(s) over an easement(s), DNR may require all parties to resolve all legitimate concerns at their own expense before DNR will proceed with the approval and/or issuance of an easement on the FRL.

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¹ In cases where more than one intervening landowner exists, multiple easements for a crossing/driveway can be issued for the same lands as long as each use does not interfere with the other.

6.0 Permitted Uses of FRLs, Continued

6.2.4 Exemptions to Crossing Requirements

Exemptions may be made to crossing requirements in this section where:

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- a) the crossing existed prior to the coming into effect of this policy and the disposition is required to establish legal documentation (such as Land Titles transfer document or mortgage), or
- b) there is an existing driveway/crossing on an adjacent landowner's property, or
- c) existing property widths do not allow the standard to be met, or
- d) existing crossings do not allow the separation distances to be met, or
- e) topography (e.g., excessive slope, sight lines, existing infrastructure (e.g., power pole and/or pole and anchor)), or other impediment precludes this separation distance (see Diagram 3, page 27) and;

II:

In addition to meeting one of the above exemptions, the applicant must also demonstrate to DNR that there is such a need for more than one crossing (e.g., separate large truck/delivery vehicle crossing; one-way crossings; or very high traffic volumes). As part of the application to DNR for the crossing(s), the applicant must submit a scale drawing or sketch to DNR outlining access requirements for the activity or development.

6.3 Utilities

DNR may issue a disposition for utilities. Wherever possible, utility installations should be 'grouped' together to avoid disruption to the trail surface and/or the ROW, and to users of the trail system. Each utility would require a separate easement which does not provide exclusive use. Utilities must not interfere with each other or with existing or anticipated uses of the FRL.

Utilities will be either:

- a) 'grouped' by utility provider where the nature of the disposition is a routine perpendicular crossing of the trail surface, but can also run parallel within the trail ROW for short distances, and usually a minimum of 5 m in width, depending on the size, number and type of utility, or
 - b) issued as a single disposition for major, stand-alone projects that are linear and cross the trail ROW or run along the trail ROW for an extensive distance.
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6.0 Permitted Uses of FRLs, Continued

6.4 Structures or Works to Protect the Environment, Public Health and Safety or Significant Loss of Property

DNR may issue a disposition for structures, works or projects that are needed to protect the environment, public health or safety, or to prevent significant loss of property within an FRL ROW. Structures or projects that may be permitted include but are not limited to:

- a) Retaining wall or erosion control structure;
- b) Culvert or similar works for a water body or storm run-off to pass through; or
- c) Raising or lowering the trail bed surface/ROW or re-contouring to address a flooding, drainage or erosion problem(s).

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6.0 Permitted Uses of FRLs, Continued

6.5 Secondary Use

It is the intention of DNR to discontinue the practice of issuing authorizations and dispositions for the use of Crown lands for secondary use activities. Upon the adoption date of this policy, dispositions for new secondary use projects are no longer accepted by DNR. Holders of current or over-holding authorization(s) for secondary use activities must apply (upon expiry) to continue their occupation of Crown lands upon the adoption of this policy.

DNR may consider authorizing the continuation of a secondary use occupation of the ROW for existing disposition holders for a term of no longer than five years to accommodate financial investments relating to the secondary use made by the disposition holder subject to the following conditions:

- a) 'Basic' maintenance/upkeep of existing secondary use projects (e.g., flowerbeds/landscaping features, mowing/re-seeding/re-sodding of lawn, etc.) will not be given authorization; the areas within the ROW must be allowed to revert to vegetation naturally.
- b) If DNR determines that a secondary use project is no longer in the public interest, or if the licensee breaches any of the terms and conditions of the agreement, DNR will:
 - i. provide written notice to the licensee to remove any improvements within a specific time frame (dependent on the season),
 - ii. instruct the licensee to restore and rehabilitate the land to DNR standards within a specific time frame, and
 - iii. cancel the licence or licence of occupation.
- c) DNR reserves the right to issue approval for a new use of the lands (or portion of the lands) within an existing licence or licence of occupation for secondary use for another purpose (e.g., installation of utility line, etc.). As a result, DNR may either cancel the existing licence or licence of occupation, or amend the authorization and/or the terms of conditions in the licence or licence of occupation;
- d) The holder of an existing DNR authorization for secondary use is in good standing; and
- e) The project meets all necessary legislation and any other requirements of this policy. Existing secondary use projects that do not meet these criteria must be removed, and the subject lands rehabilitated, upon expiration of the existing authorization.

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6.0 Permitted Uses of FRLs, Continued

- 6.6 Signs** Notwithstanding standards for construction warning signs, stop signs and safety signs outlined in section 11.0 of this policy, signs are permitted within the ROW, subject to DNR's *Crown Lands Sign Policy*.
- 6.7 Infrastructure** The siting of infrastructure such as a utility transformer station or substation, municipal water pumping station or well, oil or gas pumping or compressor station, etc., may be permitted within an ROW where it is required to support an existing or proposed utility line within an ROW, and where no other reasonable siting options exist. DNR will evaluate each request on a case-by-case basis.
- 6.8 Recreational Trails** Leases or licences of occupation for recreational trails (e.g., snowmobile trails, ATV trails, SNBT) that are held by disposition holders who are in good standing with DNR are a permitted use on an ROW. However, this policy does not address or govern recreational use, and/or recreational user groups on an ROW.
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7.0 Unauthorized Use and Occupation

7.1 Authorization of Unauthorized Occupations

Unless provided for elsewhere in this policy, unauthorized occupations within a ROW may be authorized where one of the following conditions is met:

- a) the occupation is a non-abandoned utility, driveway crossing, access road, private or public street, residence or business premises or other structure (does not include sheds, residential garages or gazebos that can be moved), where no other viable location options exist, and where all environmental impacts have been mitigated; or
- b) the occupation is needed to protect the environment, public health or safety, or to prevent significant loss of property, and where no other practical means exist to address a problem(s);

In addition to the above, the occupation must meet **all** of the following conditions:

- a) the occupation cannot be easily moved or relocated from within the ROW (e.g., contains a permanent foundation in the case of a structure);
- b) the occupant submits valid documentation showing that the occupation occurred prior to the effective date of this policy. Documentation that may be accepted by DNR includes but is not limited to: aerial photo(s); building permit with inspection dates; property assessment notice; legal survey plan; etc. Acceptance and validation of documentation is at DNR's discretion;
- c) there is no evidence that the occupant was aware or should have been aware that the occupation was on Crown lands;
- d) the occupant applies for, and obtains an offer for, a land disposal, land exchange, an easement, lease, licence or licence of occupation to legitimize the occupation;
- e) the continued occupation would pose no more of a threat to the environment or public health or safety than if it were to be removed;
- f) the occupation is not impeding access;
- g) the occupation is consistent with the objectives of this policy within or adjacent to the ROW; and
- h) all the requirements of this policy with respect to the authorization of dispositions are met.

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7.0 Unauthorized Use and Occupation, Continued

7.1 Authorization of Unauthorized Occupations

The authorized area shall only include a sufficient amount of land required to authorize the following:

- a) The footprint of the occupation and an area surrounding the occupation to provide for access and maintenance.
- b) Associated:
 - i. sewage disposal systems
 - ii. wells, and,
 - iii. driveways.

Any additional land beyond this standard may be considered on a case by case basis where it can be demonstrated that such land is necessary for the protection of public health, safety or the environment.

Unauthorized occupations will only be legitimized where they do not negatively impact the utility of the FRL for the purposes intended when they were acquired in 1993.

7.2 Removal of Unauthorized Occupations

An unauthorized occupation shall be removed or destroyed if:

- a) it does not meet the criteria for authorization in subsection 7.1;
 - b) it is endangering public health, public safety, the environment or property;
 - c) the occupant has failed to apply for authorization of the occupation within the time frame specified when requested to do so;
 - d) the applicant fails to fulfill the requirements for approval within the time frame specified;
 - e) the occupants were advised, prior to the adoption of this policy, that their improvements must be removed; or
 - f) the occupant knowingly placed or built a structure or made improvements within the FRL ROW despite advice or instruction(s) not to do so.
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7.3 Unauthorized Travel along the ROW

Travel along the ROW by motorized vehicle, other than by an authorized off-road vehicle on a managed trail, to access land as an alternative to the creation of a crossing is not permitted unless specifically authorized under this policy.

8.0 Disposition Mechanisms

8.1 Existing Agreements

Authorizations were issued by DNR using a number of mechanisms such as leases and licences of occupation for what are commonly referred to as Ten/Ten Agreements. The majority of these agreements expired in March 2009.

8.2 Types of Dispositions

Upon adoption of this policy DNR may, upon the receipt of an application, convert these former agreements to a longer term and appropriate disposition. Existing agreements may be converted to better align with authorizations that would be more commonly used for new uses, as follows:

Existing Agreement Use	New Right Type
Right-of-way/Crossing/Driveway	Easement
Utilities	Lease, Easement, Licence, Licence of Occupation, Licence in Gross or Licence of Occupation in Gross
Beautification/Land improvement (secondary use)	Licence or Licence of Occupation
Signs	Licence or Licence of Occupation

9.0 Acquisition and Disposal of FRLs

9.1 Benefits of FRLs

FRLs administered by DNR on behalf of the Province provide existing and future benefits and opportunities for the Province, such as:

- a) recreation;
 - b) telecommunication;
 - c) utility corridors (e.g., pipelines, electricity); or
 - d) future public transportation use.
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9.2 Guidelines for the Acquisition of FRLs not under DNR Administration and Control

DNR may consider the acquisition of FRLs that are not under the administration or control of DNR. Factors that would be considered are:

- a) Location (close to communities and/or amenities);
- b) Existing FRL structure and associated infrastructure (FRLs or infrastructure that require considerable maintenance and repair would be less likely candidates); and
- c) Extent of the FRL (i.e., is the size/length of the FRL feasible for DNR to manage and maintain).

Other factors that may be considered are:

- a) Consolidation of Crown lands;
 - b) Reduction in boundary line maintenance;
 - c) Presence of significant resource features (recreational, wildlife, ecological, access to Crown lands – terrestrial, water or coastal areas);
 - d) Contribution to a departmental program; and
 - e) Availability of acquisition funding.
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9.0 Acquisition and Disposal of FRLs, Continued

9.3 Guidelines for the Disposal of FRLs under DNR's Administration and Control

As per subsection 9.1 and as an objective of this policy, it is the intent of DNR that wherever possible, FRLs shall be retained, with existing ROW width, as public lands. In certain circumstances all or a portion of these lands may be disposed of using the following criteria:

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- a) the FRL is considerably fragmented; or
- b) continuous linear ownership does not exist; or
- c) re-establishment of a contiguous ROW is not possible; or
- d) the FRL is not required to support any departmental programs; or
- e) the Department has no foreseeable plans to use the FRL to support any departmental program;

II:

In addition to meeting one of the above criteria, the Minister has determined that all or a portion of the FRL will not presently or in the future be used for any objective outlined in section 2.1 of this policy.

10.0 Public Consultation

10.1 Consultation

Where it appears that adjacent landowners or occupants may be adversely affected by the issuance of a lease, licence, licence of occupation, easement or ROW, the Department may inform adjacent landowners and occupants of the application, or require the applicant to inform adjacent landowners at their own expense.

10.2 Dispute Resolution

Where disagreement exists among adjacent landowners and/or occupants, DNR may require the disputing parties to resolve all legitimate concerns at their own expense before proceeding with the approval of the application.

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10.0 Public Consultation, Continued

10.3 Signed Release Following resolution of the dispute, the applicant will provide DNR with a release signed by the disputing landowners freeing the Province from future claims.

10.4 Non-Resolution Where resolution to valid and significant objections cannot be reached, DNR will not issue a lease, licence, licence of occupation or easement within the FRL.

11.0 General Guidelines and Provisions

11.1 Safety Guidelines It is the responsibility of the right holder or persons or agents acting on their behalf to ensure that:

- a) a safe work environment exists during construction on and adjacent to the FRL; and
- b) the safety of trail users or any adjacent landowners is not jeopardized at any time.

11.2 Survey Guidelines Before an easement or lease is issued by DNR, the applicant shall, at his or her expense, have a licensed New Brunswick Land Surveyor prepare a coordinated plan of survey or subdivision plan on which coordinates shown were derived from ties to adjusted NB Monuments or HPN Monuments, along with a description of the surveyed area.

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11.0 General Guidelines and Provisions, Continued

11.3 Construction Guidelines

The following standards apply to all construction sites on a FRL:

- a) Safe visibility for trail users and crossing users must be maintained at all times;
- b) Proper drainage and slope must be maintained to prevent flooding and erosion of the trail surface and of adjacent properties;
- c) Where required by DNR, culverts must be installed and maintained at the expense of the right holder on both sides of the trail, and to the appropriate DNR standards;
- d) Storage of materials is not permitted within the ROW;
- e) The condition of the trail surface must be maintained on and adjacent to the subject area, and any damage to the trail surface (e.g., ruts) must be repaired to pre-construction condition or to DNR standards, whichever is the greater;
- f) The right holder must contact and obtain permission from DNR before any trees are harvested on the subject lands. DNR will give direction on the harvesting and disposal of the appropriate trees within the FRL; and
- g) Wherever possible, crossings should be perpendicular to the ROW and be located at the boundary line of an adjoining property to reduce the number of cumulative crossings over the ROW (see Diagram 1, page 26). (may be dependant upon topography, trail configuration, sight lines, and issues related to public safety).

11.4 Sign Guidelines

The following guidelines for signs must be applied according to the crossing type, volume of traffic, and landscape setting on both sides of the trail crossing to alert motor vehicles and others of existence of a crossing. Authorization for stop/warning signs will be included as part of the disposition and will not require a licence of occupation.

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11.0 General Guidelines and Provisions, Continued

11.4.1 Stop Signs

Stop signs must be posted in the following manner

- a) Where private residential traffic crosses the trail, stop signs must be posted on both sides of the trail crossing to alert motor vehicles and others of existence of the trail (trail users have the right of way on the trail surface). (see Diagram 7, page 29); or
- b) Where public, private, commercial or institutional traffic crosses the trail or the easement is 20 metres in width, stop signs must be posted on both sides of the road crossing to alert trail users of the existence of the road crossing (vehicles on the road have the right of way) (see Diagram 8, page 29); and
- c) Stop signs must be supplied and installed to DNR standards, and at the disposition holder's expense.

11.4.2 Warning Signs

Warning signs must be posted in the following manner:

- a) Where sight lines or topography create a safety concern, signs stating a "Driveway Crossing Ahead" or "Stop Sign Ahead", or similar, must be supplied and installed by the disposition holder to DNR standards.
- b) In the case of construction activities warning signs must be posted on each side of the crossing during construction activities that warn trail users about construction on the trail.
- c) Warning signs must be posted prior to the start of the construction zone; and
- d) Warning signs must be supplied and installed to DNR standards, and at the disposition holder's expense.

11.5 Secondary use Guidelines

The following guidelines apply to existing secondary use projects:

- a) Planted trees, shrubs and vegetation within FRL ROW will not be permitted as they interfere with or impede the visibility of users of the trail or trail crossing;
- b) Vegetation within the trail ROW must not impede or encroach upon the trail surface in order to maintain a minimum trail surface width; and
- c) Approved secondary use areas must be maintained by the licensee, at their own expense.

12.0 Requirements of Right Holders

12.1 Compliance with Legislation

All relevant provincial, federal, municipal and rural community legislation must be adhered to, and the proponent must obtain all the necessary approvals, permits, licences or authorizations prior to conducting any work on the subject lands.

12.2 EIA Registration

Any application within a FRL that corresponds to one of the undertakings described in Schedule A of Regulation 87-83, *Environmental Impact Assessment Regulation – Clean Environment Act*, must be registered with the Minister of Environment to determine whether completion of an Environmental Impact Assessment (EIA) is required (e.g., major pipeline, transmission line, etc.).

Should a project require registration under the EIA Regulation, DNR will not provide an approval until:

- a Certificate of Determination is issued by the Minister of Environment under the EIA Regulation; or
- the Lieutenant-Governor in Council gives approval for the undertaking, following the completion of a required EIA.

If the Lieutenant-Governor in Council refuses to approve the undertaking, DNR will reject the project application.

12.3 Public Interest

With appropriate notice to the right or agreement holder, an agreement, lease, licence or licence of occupation may be amended or terminated by the Minister, should it be determined that it is in the public interest to do so.

13.0 Authority

13.1 Enabling Legislation *CL&FA*

The following sections, subsections or paragraphs provide authority for this policy in the *Crown Lands and Forests Act* and its regulations:

- Agreements – Section 4;
 - Acquiring Crown land – Section 19;
 - Conveyance of Crown land – Section 21;
 - Leases – Sections 23 and 24, and Regulation 2009-62 – *Lands Administration Regulation – Crown Lands and Forests Act*;
 - Easement – Section 25;
 - Licence of occupation – Section 26;
 - Unauthorized occupations – Section 70, 71.
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13.2 Enabling Legislation *Parks Act*

The following references provide authority for this policy in the *Parks Act* and its regulation:

- Disposal of any buildings, installations or improvements, or all or any part of the land included in a provincial park – Paragraph 3(2)(f);
 - Lease – Subsection 8(3);
 - Licence – Subsection 8(4);
 - Easement for accessing land adjacent to the trail or the installation or maintenance of above or below ground utilities – Subsection 8(5);
 - Unauthorized occupations – Sections 9 and 19 of Regulation 85-104 – *General Regulation – Parks Act*.
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14.0 Inquiries

**14.1
Written
Inquiries**

Inquiries concerning this policy may be made in writing to:
Director, Crown Lands Branch
Department of Natural Resources
P.O. Box 6000, Fredericton, N.B. E3B 5H1

**14.2
Phone Inquiries**

Inquiries may be made by phone by calling the Land Use Application Service Centre at 1-888-312-5600.

**14.3
E-mail
Inquiries**

E-mail inquiries concerning this policy may be made by e-mailing the Land Use Application Service Centre at CL_TCweb@gnb.ca.

15.0 Diagrams

Diagram 1

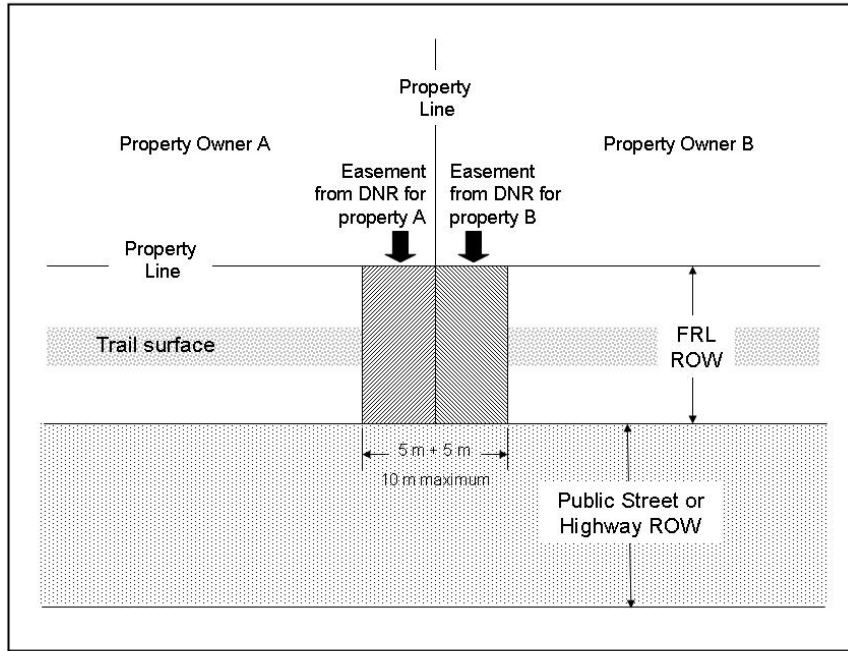


Diagram 2

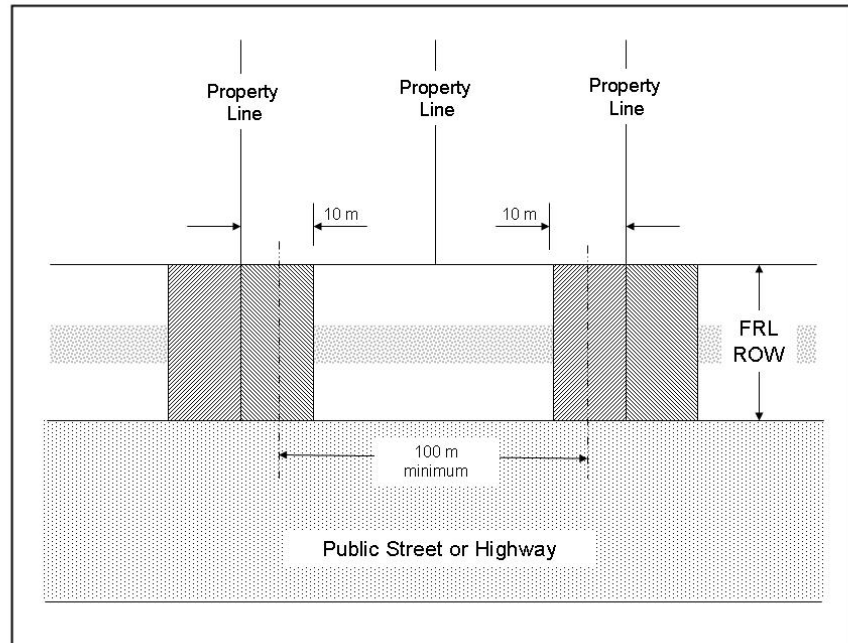


Diagram 3

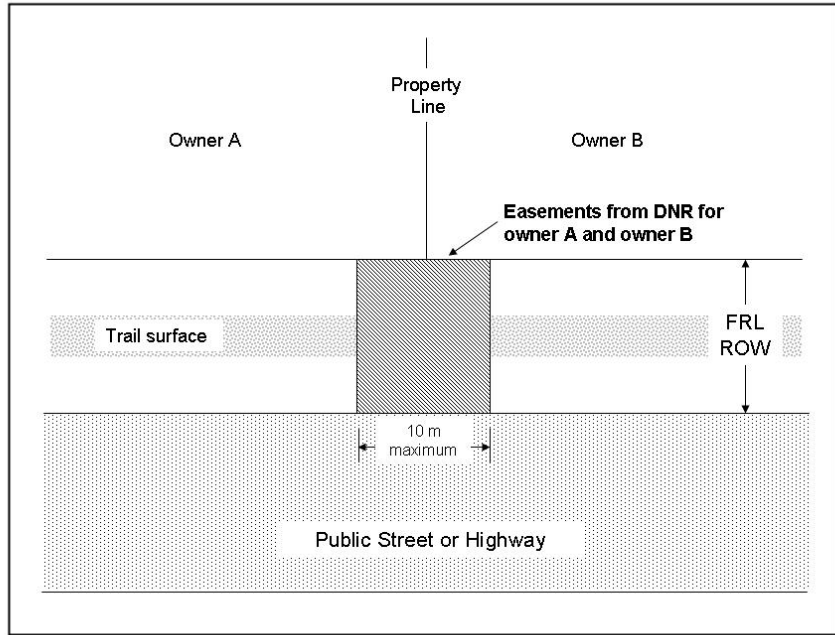


Diagram 4

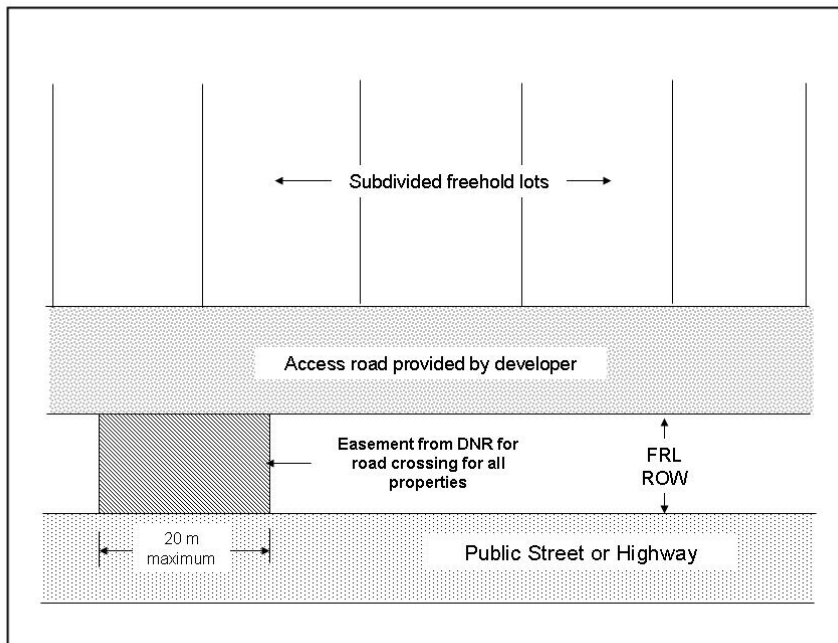


Diagram 5

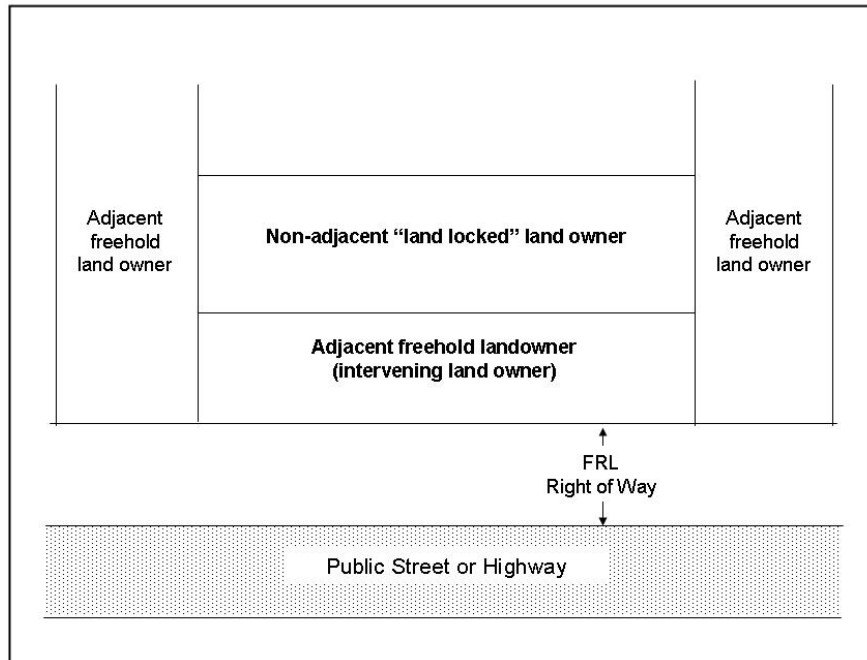


Diagram 6

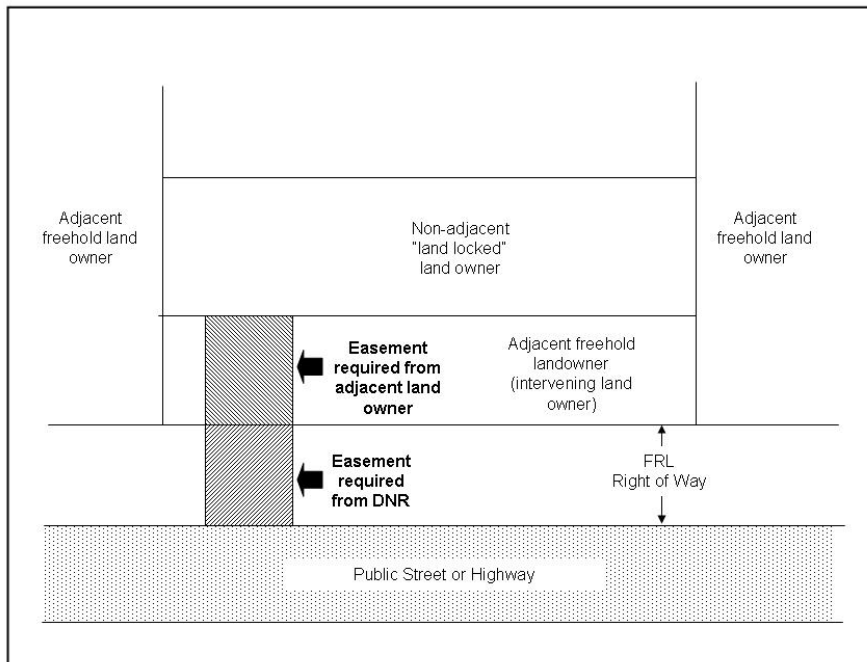


Diagram 7

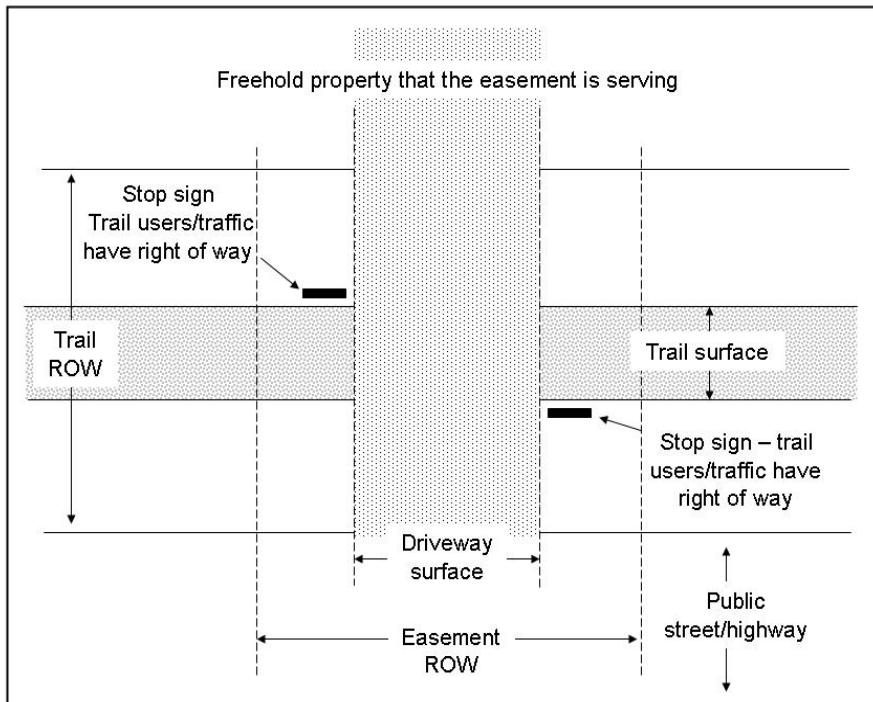


Diagram 8

