



PROTOCOL OF RECOGNITION

BETWEEN:

British Columbia Ministry of Transportation and Highways

("BC")

AND:

Yukon Department of Community and Transportation Services

("the Yukon")

WHEREAS:

BC and the Yukon signed the BC-Yukon Intergovernmental Relations Accord on Sept. 30, 1997, committing both governments to work together on items of mutual interest including items relating to transportation and highways.

The Alaska Highway between Watson Lake and Whitehorse; the South Klondike Highway between the Alaska/BC border and Whitehorse; and the Haines Road between the Alaska/BC border and Haines Junction are operated and maintained by the Yukon Government.

These highways constitute key transportation arteries for the Yukon and are operated and maintained by the Yukon with funds provided by the Yukon.

Portions of these highways are within the Province of British Columbia ("the Highways"), but they do not provide any access to the highway system of British Columbia.



British Columbia has transferred the control and administration of the Highways to the federal government. The Alaska Highway was transferred in 1997, the South Klondike Highway in 1987 and the Haines Road in 1976. The result is that the Highways are now under the jurisdiction of Canada.

In January 1988, Canada exercised its authority under the federal *Government Property Traffic Act* by passing an order-in-council, which provides for what traffic laws are to be applied on federal land. The order provides that the federal traffic laws to be in effect on the BC portion of the South Klondike Highway are a mirror image of the traffic laws of the Yukon.

The result of the January 1988 order-in-council is that the BC portion of the South Klondike Highway has laws applicable to it from two jurisdictions, namely British Columbia and Canada (by incorporating Yukon law by reference).

The Yukon, with the approval of BC, intends to request Canada to pass a similar order-in-council under the *Government Property Traffic Act*. This will provide that the federal traffic laws to be in effect on the BC portions of the Alaska Highway and Haines Road are also mirror images of the traffic laws of the Yukon.

The parties wish to implement, to the extent legally possible, a regime whereby the federal laws on the Highways (as incorporated from the Yukon) applying to any subject are given priority, with respect to application and enforcement, over BC provincial laws on the same subject.

BC and the Yukon also wish to cooperate generally in ensuring practical application of BC and federal legislation for the more effective operation and maintenance of the Highways.

BC and the Yukon recognize that final decisions on matters must be made by the duly constituted BC and Yukon legislative authorities.



THEREFORE:

The principles established in this Protocol shall form the basis for the relationship between BC and the Yukon with respect to the application of highway traffic laws on the Highways.

PRINCIPLES:

1. Significance of Highways to the Yukon

The parties recognize that, while the Highways are located outside of the Yukon, and while the laws which will be applicable on the highways are not Yukon laws (but rather are federal laws incorporated from the Yukon), nevertheless the Highways are of considerable significance to the Yukon, are used primarily by vehicles travelling to and from the Yukon, and are maintained by the Yukon. Accordingly, it is appropriate and advantageous to the Yukon government and to the majority of the users of the Highways that a legal regime similar to that of the Yukon be applied to traffic on the Highways. The parties will consult and cooperate with respect to traffic law issues on the Highways and will work together to attempt to resolve the issues in a manner which respects this principle.

2. Priority of Federal Laws

BC and the Yukon will cooperate in arranging for a mutually satisfactory police force, with the authority to enforce both federal and BC provincial laws, to enforce the traffic laws on the Highways (“the Police Force”).

Without attempting to fetter police discretion, and by otherwise respecting the independence of the Crown in enforcement matters, BC and the Yukon will invite and encourage the Police Force to enforce on the Highways, where appropriate, the provisions of federal traffic laws (as incorporated from the Yukon) as opposed to BC provincial laws.

IMPLEMENTATION:

The Protocol is implemented upon signing by both parties.



**BRITISH
COLUMBIA**

Schedule 1, which may be amended by mutual agreement, lists the immediate issues that the parties will work to resolve following implementation.



Schedule 2 describes the process that will be followed to achieve resolution of the issues identified in Schedule 1 or that arise pursuant to any significant changes by either party in operation, legislation, standards, policies, or programs.

REVIEW OF THE PROTOCOL:

The parties shall review this Protocol annually on the anniversary of its signing.

ADMINISTRATION OF THE PROTOCOL:

The lead contacts for administering this Protocol are the:

- Deputy Minister of Transportation and Highways, Province of British Columbia
- Deputy Minister of Community and Transportation Services, Yukon Territory

COMMITMENT:

IN WITNESS OF AN AGREEMENT to adhere to the terms established in this Protocol, the parties have executed this Protocol this 5th day of October, 2000.

SIGNED on behalf of the PROVINCE OF BRITISH COLUMBIA by:

**Minister
Transportation and Highways**

SIGNED on behalf of the YUKON TERRITORY by:

**Minister
Community and Transportation Services**



SCHEDULE 1

The parties to the Protocol of Recognition will work diligently to resolve the following issues:

- 1) Agree on a procedure to deal with enforcement issues on the “British Columbia Portions” particularly related to commercial vehicles.
- 2) Address safety problems related to livestock at large on the “British Columbia Portions”, in particular the British Columbia portion of the Haines Road.
- 3) Develop a coordinated approach with respect to permitting the connection of access roads to the “British Columbia Portions”.



SCHEDULE 2

The following approaches will be followed in order to seek resolution of issues or disputes in an expedient manner:

- The party raising the issue will provide the other party with a written description of the issue or dispute and its implications
- The parties agree to commence discussion of the issue or dispute within two weeks
- Both parties will appoint representatives to address the issue
- The parties will seek resolutions based on their respective interests and will agree on a procedure for escalating negotiations and on timelines for such escalation
- The parties commit to share information on a timely basis
- The parties may agree to involve a neutral third party to assist with achieving a resolution
- The lead contacts for the protocol will ensure that there is a mutually agreeable written record in regard to the resolution to be implemented
- Implementation of resolution will proceed in a timely fashion