GENERAL REQUIREMENTS

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17.01 Definitions

In this Part:

"gross vehicle weight rating (GVWR)" means the manufacturer's maximum recommended weight for a vehicle, including the weight of the vehicle itself, fuel and other fluids, passengers, and all cargo;

"highway" has the same meaning as in the *Motor Vehicle Act*;

"worker transportation vehicle" means a motor vehicle provided by or arranged by an employer to transport 3 or more workers to and from, or to or from, a workplace.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.1 Application

This Part applies to all persons, including the operator, engaged in transporting workers by any type of conveyance operated on behalf of the employer.

Note: This Part is not intended to apply to transportation of a worker by a public transportation system such as a taxi, bus line, chartered air

service or airline, or by a worker's personal transport on public roads prior to or following a work shift. The requirements for all-terrain vehicles are provided in Part 16 (Mobile Equipment).

17.1.1 General responsibilities

Vehicles used to transport workers must be designed, maintained and operated in a safe manner.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.1.2 Provision for seating and seat belt assemblies

If a worker transportation vehicle is used off a highway, the seating requirements under Division 39 of the Motor Vehicle Act Regulations and the seat belt assembly requirements of Section 220 of the *Motor Vehicle Act* apply as if the vehicle were operated on a highway.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.2 Employer's responsibility

If workers are to travel in a worker transportation vehicle, the employer must ensure that

(a) reasonable measures are taken to evaluate road, weather and traffic conditions to ensure the safe transit of the workers,

(b) an inspection of the worker transportation vehicle has been conducted by a qualified person before first use on a work shift, and

(c) any defect which might affect the safety of workers is corrected before the vehicle is used.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.2.1 Operator responsibility

(1) The operator of a worker transportation vehicle must ensure that the worker transportation vehicle has been inspected by a qualified person before first use on a work shift.

(2) In addition to the requirements of section 17.1.2, the operator must not operate a vehicle in which there is a worker who occupies a seating position for which a seat belt assembly is provided unless that worker is wearing the complete seat belt assembly in a properly adjusted and securely fastened manner.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.2.2 General operation requirements

(1) A vehicle used to transport workers must be operated by a driver properly licensed under the provisions of the *Motor Vehicle Act* and, if required, the *Industrial Roads Act*.

(2) If a vehicle is used to transport workers the following procedures must be in place:

(a) all doors must be closed and latched while the vehicle is in motion;

(b) the parking brake must be engaged when the vehicle is left unattended and the wheels blocked or chocked if the circumstances require.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.2.3 Provision for seat belts

An exemption under Division 32, and an exception under Division 39, of the Motor Vehicle Act Regulations apply to the operation of a worker transportation vehicle both on and off a highway.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.3 Seat belts

Repealed. [B.C. Reg. 258/2008, effective January 1, 2009.]

17.4 Riding restrictions

A worker must not ride in a vehicle

(a) in a standing position, unless protected from being thrown off balance, or

(b) with any part of the body outside the vehicle unless essential to the work process, and then only if the worker is adequately restrained.

17.5 Securing equipment

(1) Materials, goods, tools or equipment carried in a portion or compartment of a vehicle in which workers are riding must be located and secured to prevent injury to the operator or workers.

(2) If materials, goods, tools or equipment are regularly carried in a worker transportation vehicle there must be a designated area in the vehicle for transporting these items.

17.5.1 Gross vehicle weight rating

The gross vehicle weight rating (GVWR) of the worker transportation vehicle must not be exceeded.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.6 Hazardous materials

The transportation of hazardous materials in a vehicle transporting workers is restricted as follows:

(a) Repealed. [B.C. Reg. 312/2003, effective October 29, 2003.]

(b) if it is necessary to carry volatile, flammable, or otherwise hazardous materials, the materials must be carried in isolated compartments which are

(i) accessible only from outside the vehicle, are securely fastened and are fitted with adequate ventilation and drainage facilities, and

(ii) if internal to the vehicle, separated from the crew compartment by an approved firewall.

[Amended by B.C. Reg. 312/2003, effective October 29, 2003.]

17.7 Carrying animals

An animal must not be carried in the operator's cab or passenger compartment of a vehicle transporting workers unless appropriate facilities are provided for this purpose.

17.8 Passenger compartments

Any enclosed portion or compartment of a vehicle in which workers are transported must have

(a) effective ventilation, independent of doors, providing clean air,

(b) adequate lighting and means for heating and cooling,

(c) an effective means of communication between the operator and passengers, and

(d) more than one means of exit.

17.9 Boarding and leaving

(1) A worker must not board or leave any vehicle while it is in motion, except in case of emergency.

(2) Adequate docking facilities must be provided if necessary to ensure safe worker access and egress to marine craft and float-equipped aircraft.

(3) A walkway on a docking facility must have a surface finish or otherwise be maintained in a manner which minimizes the risk of a worker slipping.

17.10 Vehicle design

(1) A vehicle operated by or on behalf of the employer primarily to transport workers must

(a) be suited to the type of use, terrain and weather,

(b) have a body of strong and rigid construction that is securely fastened to the vehicle chassis,

(c) have, with the exception of UTVs, rear or side doors with latches operable from inside and outside, with side doors on the right side of the

vehicle,

(d) be fitted with at least one emergency exit that is on the left side or rear of the vehicle, operable from both inside and outside, and unlocked while the vehicle is in use,

(e) have safe means of entry and exit with non-slip steps and handholds,

(f) be fitted with adequate service brakes and a mechanical parking brake,

(g) be equipped with appropriate first aid equipment determined under section 3.16 or 3.20, and

(h) be equipped with a fire extinguisher in good working order that has a UL Rating of at least 2A:10 B:C.

(2) A vehicle used to transport workers off road must have

(a) service brakes capable of stopping and holding the fully loaded vehicle on the maximum slope the vehicle can climb or at the maximum specified operating slope,

(b) a primary and secondary braking system with the secondary braking system having at least 50% of the braking capability of the primary braking system,

(c) if components are shared between the primary and secondary braking systems, a design such that failure of any one component will not disable both brake systems,

(d) if the service brake operates on the drive train, a design such that failure of any one component of the drive train will not reduce the braking capability to less than 50% of the primary brake system, and

(e) a mechanical parking brake capable of holding the vehicle in place on a slope of at least 15%.

[Amended by B.C. Reg. 348/2003, effective March 30, 2004.]
[Amended by B.C. Reg. 139/2021, effective September 1, 2021.]

17.11 Operation and maintenance

Repealed. [B.C. Reg. 258/2008, effective January 1, 2009.]

17.12 Seating design

A worker transportation vehicle must be equipped with seats that

(a) are safely located and securely attached to the vehicle, with a width of at least 41 cm (16 in) for each passenger and an upholstered seat and seat back which provide normal and comfortable seating for passengers,

(b) face to the front or rear of the vehicle, unless installed otherwise by the vehicle manufacturer, and

(c) provide a spacing of at least 66 cm (26 in) measured between the face of the seat back at seat level and the back of the seat or other fixed object in front.

17.13 Seating capacity

For vehicles that do not have seat belt assemblies in every seating position, the seating capacity must be determined by the number of 41 cm (16 in) seat widths available, provided the gross vehicle weight rating (GVWR) is not exceeded.

[Enacted by B.C. Reg. 258/2008, effective January 1, 2009.]

17.14 Aisles

If a worker transportation vehicle will carry 12 or more passengers, it must have an aisle at least 25 cm (10 in) wide providing access from each seat to a regular entry/exit door, and also to an alternate or emergency exit.

17.15 Compliance with regulations

Repealed. [B.C. Reg. 312/2003, effective October 29, 2003.]

17.16 Load rating

Repealed. [B.C. Reg. 381/2004, effective January 1, 2005.]

17.17 Safety standards

A vessel used to transport workers must meet generally accepted standards for safety and capacity based on the use of the vessel and the conditions in which the vessel could be expected to operate.

[Enacted by B.C. Reg. 381/2004, effective January 1, 2005.]

17.18 Operation

If the operator of a vessel transporting workers is not required to hold a certification under the *Canada Shipping Act*, the operator must

(a) have successfully completed a course on navigation and ship safety acceptable to the Board, or

(b) have other combination of training and experience acceptable to the Board.

[Enacted by B.C. Reg. 381/2004, effective January 1, 2005.]

17.19 Adverse weather

Repealed. [B.C. Reg. 381/2004, effective January 1, 2005.]

17.20 Life jackets

Repealed. [B.C. Reg. 381/2004, effective January 1, 2005.]

17.21 Fire extinguishers

Repealed. [B.C. Reg. 381/2004, effective January 1, 2005.]

17.22 Communication

(1) A vessel used to transport workers must be equipped with a two-way communication system of a design effective in the area of operation.

(2) The two-way communication system must be maintained in good operating condition, be able to establish contact with persons necessary to effect emergency response, and be immediately accessible in the event of an emergency.

[Enacted by B.C. Reg. 381/2004, effective January 1, 2005.]

17.23 Vessel preparation

Before transporting workers on a vessel, the operator of the vessel must ensure that the vessel is capable of safely making the passage, considering the

(a) stowage and securing of all cargo, skiffs, equipment, fuel containers and supplies,

(b) ballasting, and

(c) existing and forecast weather conditions.

[Enacted by B.C. Reg. 381/2004, effective January 1, 2005.]

17.24 Maintenance and inspection

(1) A vessel must be inspected before initial use to ensure that it is fit for safe operation, and after that at intervals that will prevent the development of unsafe conditions.

(2) Defects must be reported immediately, in writing, to the supervisor, employer or owner and those defects which affect the safe operation of the vessel must be remedied before the vessel is put to further use.

[Enacted by B.C. Reg. 381/2004, effective January 1, 2005.]

17.25 Anti-skid covering

A vessel used by workers wearing caulked boots must be fitted with deck matting or other covering which provides safe footing for workers, and the covering must be maintained in good condition.

[Amended by B.C. Reg. 381/2004, effective January 1, 2005.]

17.26 Lighting

Searchlights or floodlights must be provided and used if necessary to facilitate safe operation of a vessel and to illuminate working or boarding areas adjacent to the vessel.

[Enacted by B.C. Reg. 381/2004, effective January 1, 2005.]

17.27 Compliance with regulations

Repealed. [B.C. Reg. 312/2003, effective October 29, 2003.]