



The Shuswap North Okanagan Rail Trail (Sicamous-to-Armstrong)

BRIEFING NOTE

To: Rail Trail Governance Advisory Committee

From: Technical Operating Committee

Date: April 29, 2024

Re: Local Government Requests to place utility infrastructure within and parallel to the rail trail lands, and register associated Statutory Rights of Way on the Rail Trail Lands.

RECOMMENDATION:

That: the Shuswap North Okanagan Rail Trail Governance Advisory Committee recommend to the Boards of the Columbia Shuswap Regional District (CSR D) and the Regional District of North Okanagan (RDNO), and to Splat sin Kukpi7 and Tkwamipla7s, that requests to place utility infrastructure within and running parallel to the rail trail lands, and to register associated Statutory Rights of Way (SROWs), be considered on an individual basis by the Governance Advisory Committee (GAC);

And That: following consideration by the GAC of such requests, that a subsequent recommendation be made to CSR D and RDNO Boards and Splat sin Kukpi7 and Tkwamipla7s.

BACKGROUND:

In 2019, the GAC, when considering the various types of encroachments on the Rail Trail Lands, recommended to the CSR D and RDNO Boards, and Splat sin Kukpi7 and Tkwamipla7s, that Statutory Rights of Way be granted only to local government to replace existing agreements for utility works. The CSR D and RDNO Boards and Splat sin Kukpi7 and Tkwamipla7s subsequently considered and passed the recommendation. During the discussion at the GAC Meeting, the GAC advised that it did not support SROWs for parallel use of the Rail Trail Lands, as such use could hamper future use of these public lands.

1. City of Enderby Request – Future Construction of a trunk Watermain line:

In March of 2021, the TOC forwarded a request from the City of Enderby for a linear SROW for a trunk water main between Mill Avenue and Bass Avenue within the rail corridor, to the GAC for consideration at its March 19, 2021, meeting, along with the sketch provided by the City. The GAC supported the City’s request. (See sketch and Minutes of GAC March 19, 2021, attached).

There was not a formal recommendation made at the March 19, 2021, GAC Meeting, and therefore, there was no subsequent consideration and approval of the City’s request, by the RDNO and CSR D Boards, and Splat sin Kukpi7 and Tkwamipla7s.

However, based on the GAC approval in principle, and subsequent follow-up with the TOC, the City has had a surveyor prepare a plan for the future trunk watermain line (see Plan EPP111993



attached). The Plan has not yet been registered as a charge against the title of the Rail Trail Lands.

2. District of Sicamous Request:

The District of Sicamous (DoS) recently inquired whether the Rail Trail Owner would consider allowing the DoS to register a SROW running parallel with the Rail Trail Lands, through the portion of the Rail Trail Lands located within the DoS, for future utility infrastructure.

DoS staff has not provided additional details regarding the type of utilities that may be placed within the Rail Trail Lands, should it obtain the approval of the GAC (and RDNO and CSR D Boards and Splitsin Kukpi7 and Tkwamipla7s).

Where the GAC and Splitsin Kukpi7 and Tkwamipla7s, and the Boards of the CSR D and RDNO grant approval to local governments, for placement of utility infrastructure within the Rail Trail Lands, it must be made clear to the local governments that if the installation of any utility works will result in the disturbance of soil or excavation, an archaeological assessment is required. The Archaeology Permit (or Heritage Permit) obtained by the Rail Trail Owners applies to construction of the Rail Trail only. Local Governments would be responsible for obtaining their own Heritage Permit, ensuring compliance with all other laws and regulations, and obtaining any and all permits that may be required by any authority having jurisdiction regarding the water lines and drainage course.

The TOC is asking that the GAC recommend that a Policy be adopted by the Rail Trail Owner, regarding requests from Local Governments to place utility infrastructure within and running parallel to the rail trail lands, and to register associated Statutory Rights of Way on the Rail Trail Lands. The Policy would then provide direction to the TOC should it receive similar requests in the future.

Reference Documents:

- [MINUTES Shuswap North Okanagan Rail Trail Governance Advisory Committee, March 19, 2021](#)
- [21 03 31 Gmail – Rail Trail – Trunk Water Line Map Location \(Enderby\)](#)
- [Survey Plan Certification EPP111993 Signed, June 10, 2021](#)