

1977 BILL 19

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 19**

**THE PUBLIC HIGHWAYS DEVELOPMENT  
AMENDMENT ACT, 1977**

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MR. HANSEN

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 19*  
*Mr. Hansen*

## **BILL 19**

1977

### **THE PUBLIC HIGHWAYS DEVELOPMENT AMENDMENT ACT, 1977**

*(Assented to , 1977)*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

*1. The Public Highways Development Act is hereby amended.*

*2. Section 2 is amended*

*(a) by striking out clause (a), and*

*(b) by adding after clause (g) the following clause:*

*(g.1) "forestry road" means a road designated as a  
forestry road by the Minister;*

*3. Sections 9 and 10 are struck out.*

## Explanatory Notes

1. This Bill will amend chapter 295 of the Revised Statutes of Alberta 1970.

2. Definitions. Section 2, clause (a) reads:

2. *In this Act,*

(a) *“Board” means the Secondary Roads Board;*

3. Sections 9 and 10 presently read:

9. (1) *The Minister may establish a Secondary Roads Board composed of*

(a) *a Deputy Minister for the Department of Transportation designated by the Minister of Transportation,*

(b) *two employees of the Department appointed by the Minister, and*

(c) *one representative from the rural municipalities of the Province appointed by the Minister.*

(2) *The representative of the rural municipalities shall receive such remuneration as the Minister prescribes.*

(3) *The Board may request any representative of a rural municipality appointed by the council to attend a Board meeting and the Minister may reimburse that person his reasonable expenses in attending the meeting.*

(4) *The Deputy Minister shall be chairman of the Board and may designate one of the members as vice-chairman.*

4. *Section 11 is amended by adding the word “and” at the end of clause (f) and by striking out clause (g).*

5. *Section 12 is amended*

*(a) as to subsection (1) by striking out the word “Board” and by substituting therefor the word “Minister”, and*

*(b) as to subsection (3) by striking out the words “and the town or village is entitled to be notified of and be represented at any proceedings before the Board at which the rural municipality is entitled to be represented”.*

6. *Section 13 is struck out.*

7. *Section 14 is struck out and the following section is substituted therefor:*

**14.** The Minister shall consider the plan and may

(a) disapprove it, or

(b) approve it in whole or in part,

and the plan or part thereof approved by the Minister is the approved plan.

10. *The Board shall*

- (a) co-ordinate the establishment of a secondary roads system in the Province, and*
- (b) advise the Minister in matters of policy with respect to the secondary roads system.*

4. Section 11, clause (g) reads:

11. *The Minister may make regulations providing for*

- (g) procedures pertaining to applications to the Board, and the conduct of business at Board meetings, and*

5. Section 12, subsection (3) presently reads:

*(3) Where a system of secondary roads in the plan includes a street within a town or village, the rural municipality shall supply the town or village with a copy of the plan and the town or village is entitled to be notified of and be represented at any proceedings before the Board at which the rural municipality is entitled to be represented.*

6. Section 13 reads:

13. *(1) The Board shall consider the plan and may approve it in whole or in part or disapprove it in its entirety.*

*(2) Where the Board approves the plan in part or disapproves the plan, it may recommend to the rural municipality any changes the Board considers necessary and the rural municipality may submit a revised plan.*

*(3) When the Board approves the initial plan or any revised plan, the Board shall submit it to the Minister for his approval.*

7. Section 14 presently reads:

14. *The Minister may disapprove the plan or approve the plan in whole or in part and where the Minister approves it in part, the part approved is, for the purposes of this Act, the approved plan.*

8. *Section 15 is struck out.*

9. *Section 16 is amended by striking out the word “Board” and by substituting therefor the word “Minister”.*

10. *Section 22 is amended by striking out the word “and” at the end of clause (b) and by adding after clause (c) the following clauses:*

(d) forestry roads, and

(e) secondary roads numbered in the 900 series that the Minister by order designates as being under his direction, control and management.

11. *Section 26, subsection (1), clause (d), subclause (i) is amended by adding immediately preceding the word “placing” the word “developing,”.*

12. *Section 48, subsection (1) is amended by striking out the words “Subject to the regulations, the Minister may” and by substituting therefor the words “The Minister may”.*

**8. Section 15 reads:**

*15. (1) Where a plan has been approved by the Minister, the rural municipality may submit to the Board a plan for addition, alteration or deletion of secondary roads in the system shown on the existing approved plan.*

*(2) An application to the Board under subsection (1) shall be dealt with in the same manner as an application in the first instance.*

**9. Consequential amendment.**

**10. Section 22 presently reads:**

*22. The Minister has the direction, control and management of*

*(a) roads within improvement districts, other than roads under the administration of another member of the Executive Council,*

*(b) highways through Indian reserves, the title to which is vested in the Crown in right of Alberta and that are not the subject of an agreement with a rural municipality under section 18, and*

*(c) highways in cities where the title to the highway is vested in the Crown in right of Alberta pursuant to section 21.*

**11. Section 26, subsection (1), clause (d) presently reads:**

*26. (1) The Minister may make regulations*

*(d) prohibiting, except under the authority of a permit,*

*(i) the placing, constructing, enlarging, extending or erecting or re-erecting of a building, structure, fixture, road, airstrip, excavation or other development, whether on, above or below ground, and*

*(ii) the display of machinery, motor vehicles, or other articles, whether placed for storage or wrecking or for the purposes of advertising or sale,*

*within such distance from a controlled highway as the regulations may prescribe,*

**12. Section 48, subsection (1) presently reads:**

*48. (1) Subject to the regulations, the Minister may by order close the whole or any portion of a highway the title to which is vested in the Crown in right of Alberta and may re-open any highway or portion thereof so closed.*

*13. Section 53 is amended*

*(a) as to subsection (1) by adding after the word “highway” the words “or may enter into an agreement with any person for the construction or maintenance of a bridge”, and*

*(b) as to subsection (2)*

*(i) by adding after the word “construction” the words “or maintenance”, and*

*(ii) by striking out the words “or drainage district” in clauses (b) and (c) and by substituting therefor the words “, drainage district or other person”.*

*14. Section 55, clause (d) is amended by striking out the words “closing and”.*

*15. This Act comes into force on the day upon which it is assented to.*



**13.** This amendment will clarify the Minister's right to contract with companies and individuals for bridge construction or maintenance. Section 53, subsections (1) and (2) presently read:

*53. (1) Notwithstanding any other provision of this Act, the Minister may direct the construction or maintenance of a bridge on a highway.*

*(2) The cost of construction of the bridge shall be either*

*(a) paid by the Province, or*

*(b) paid by the urban municipality, rural municipality, irrigation district or drainage district concerned, or*

*(c) apportioned between the Province and the urban municipality, rural municipality, irrigation district or drainage district concerned, upon the basis prescribed in the regulations,*

*whichever the Minister directs.*

**14.** Regulations. Section 55, clause (d) presently reads:

*55. The Lieutenant Governor in Council may make such regulations as are necessary to carry out the provisions of this Act according to their intent or to meet cases that arise and for which no provision is made by this Act, and without restricting the generality of the foregoing, may make orders or regulations*

*(d) governing the closing and leasing of highways closed by the Minister pursuant to section 48.*