

1986 BILL 17

---

First Session, 21st Legislature, 35 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 17

**HIGHWAY TRAFFIC AMENDMENT ACT, 1986**

---

---

THE MINISTER OF TRANSPORTATION AND UTILITIES

---

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

---

*Bill 17*

## **BILL 17**

1986

### **HIGHWAY TRAFFIC AMENDMENT ACT, 1986**

*(Assented to \_\_\_\_\_, 1986)*

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

- 1 *The Highway Traffic Act is amended by this Act.*
- 2 *Section 1 is amended by adding the following after clause (f.1):*
  - (f.2) “emergency vehicle” means
    - (i) a vehicle operated by a police force,
    - (ii) a fire fighting or other type of vehicle operated by the fire protection service of a municipality,
    - (iii) an ambulance operated by a person or organization providing ambulance services,
    - (iv) a vehicle operated as a gas disconnection unit of a public utility, or
    - (v) a vehicle designated as an emergency response unit under section 17.1;
- 3 *Section 8(e) is amended by striking out “red”.*
  
- 4 *Section 16(1)(x) is amended by adding “persons including” after “to engage”.*

## Explanatory Notes

- 1 This Bill will amend chapter H-7 of the Revised Statutes of Alberta 1980.
- 2 Defines emergency vehicle.

- 3 Section 8(e) presently reads:

*8 The Lieutenant Governor in Council may make regulations*

*(e) respecting the requirements and use of alternately flashing red lights on vehicles bearing the sign "school bus";*

- 4 Section 16(1)(x) presently reads:

*16(1) With respect to highways under its direction, control and management but subject to the Transportation of Dangerous Goods Control Act, the council of a municipality may make by-laws, not inconsistent with this Act and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws*

*(x) delegating to the chief constable or municipal commissioners or municipal manager the power to engage members of the Canadian Corps of Commissionaires to issue and place on vehicles parked in contravention of this Act or a by-law passed under this section the parking tags authorized under clause (w);*

5 *The following is added after section 17:*

**17.1(1)** The Minister may by regulation designate a vehicle, or a class of vehicle, as an emergency response unit.

(2) Subject to this Act, the regulations made under subsection (1) may prescribe the terms and conditions under which the emergency response unit may be operated.

6 *Section 29(2) is amended*

(a) *in clause (a) by striking out “other than glazing”;*

(b) *in clause (b)(ii) by striking out “at the same height and”.*

7 *Section 59 is repealed and the following is substituted:*

**59** No vehicle other than an emergency vehicle shall, while on a highway, be equipped with a siren.

8 *Section 61 is repealed.*

**5** Emergency response unit.

**6** Section 29(2) presently reads:

*(2) When stop lamps are used on a vehicle,*

*(a) they shall be permanently mounted on a rigid part of the vehicle other than glazing, and the distance between the ground and the centre of the lamp when the vehicle is unloaded shall not be less than 38 centimetres or more than 185 centimetres, and*

*(b) they shall be located,*

*(i) in the case of a motor cycle, moped or power bicycle, on the vertical centre line unless more than one stop lamp is used and, in that case, they shall be symmetrically disposed about the vertical centre line,*

*(ii) in the case of every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles, at the same height and as far apart as practicable and shall be symmetrically disposed about the vertical centre line.*

**7** Section 59 presently reads:

*59 No vehicle other than a vehicle used*

*(a) for the transportation of any member of a fire brigade or of any firefighting equipment,*

*(b) for the transportation of any police officer,*

*(c) as an ambulance, or*

*(d) as a gas disconnecting unit of a public utility company,*

*shall, while on a highway, be equipped with a siren without the authorization of the Minister.*

**8** Section 61 presently reads:

*61(1) No person shall drive on a highway a vehicle that is equipped with or that carries or contains a device capable of detecting or interfering with radar or any other electronic equipment that may be used from time to time for measuring the speed of vehicles.*

*(2) Subsection (1) does not apply to*

*(a) a vehicle used by a peace officer in the course of his duties, or*

*(b) a vehicle used by a person in conducting a traffic survey authorized by the Minister.*

*(3) A peace officer who on reasonable and probable grounds believes that a device or equipment referred to in subsection (1) is being operated in a vehicle may, without warrant, search the vehicle and seize the device or equipment pursuant to subsection (4).*

*(4) If a peace officer apprehends a person operating a motor vehicle contrary to subsection (1), the peace officer may seize the device or equipment and it is forfeited to the Crown.*

9 *Section 66(5) is repealed and the following is substituted:*

(5) Notwithstanding anything in this Part,

(a) when

(i) a person is stationed, or

(ii) a barricade or sign is erected,

on a highway to direct traffic in connection with any construction, repair or other work on the highway or land adjacent to the highway, or

(b) when

(i) a person is giving directions, or

(ii) a sign is displayed,

for the purpose of directing traffic with respect to the transportation of an over-dimensional load on a highway or land adjacent to a highway,

every driver shall obey the directions given by the person or, where no person is giving directions, the directions shown on the sign or barricade.

10 *Section 68 is repealed and the following is substituted:*

**68** A siren on an emergency vehicle shall be operated only when the vehicle is being used to respond to an emergency, an emergency call or an alarm.

**68.1(1)** An operator of an emergency vehicle may, while the vehicle's siren is operating,

(a) operate the vehicle in excess of the posted speed limit,

(b) proceed past a red traffic light, stop signal or stop sign without stopping, and

(c) contravene any other rule of the road that is prescribed by this Act, the regulations or a municipal by-law,

where, considering the circumstances, it is reasonable and safe to do so.

(2) An emergency vehicle, while its siren is operating, has the right of way over all other vehicles.

(3) Notwithstanding subsection (2), while their sirens are operating emergency vehicles have, with respect to each other, the right of way in the following order:

(a) firstly, a vehicle operated by a fire protection service;

(b) secondly, an ambulance;

(c) thirdly, a vehicle operated by a police force;

*(5) No person shall, without the approval of the Minister, sell or offer for sale any device capable of detecting or interfering with radar or any other electronic equipment that may be used from time to time for measuring the speed of vehicles.*

**9** Section 66(5) presently reads:

*(5) Notwithstanding anything in this Part, when*

- (a) a flagman is stationed, or*
- (b) a barricade or sign is erected*

*on a highway to direct traffic in connection with any construction, repair or other work on the highway or on land adjacent to the highway, every driver shall obey the directions given by the flagman or, if none, by the barricades or signs.*

**10** Section 68 presently reads:

*68(1) Any motor vehicle equipped with a siren and being*

- (a) used for the transportation of any member of a fire brigade in response to an emergency call, or*
- (b) used for the transportation of a peace officer in response to an emergency call or for the purpose of
  - (i) investigating a reported accident,*
  - (ii) detecting or preventing crime, or*
  - (iii) making an arrest,**
- (c) an ambulance used in response to an emergency call,*
- (d) a gas disconnecting unit of a public utility company used in response to an emergency call, or*
- (e) a vehicle used in an emergency in accordance with an authorization granted by the Minister pursuant to section 59,*

*may, while being so used and while the siren is being continuously sounded,*

- (f) be operated at a speed that is reasonable and proper having regard to
  - (i) the traffic ordinarily on the highway,*
  - (ii) the use of the highway, and*
  - (iii) the fact that it is being so used,**
- (g) proceed past a red or stop signal or stop sign without stopping, and*

(d) fourthly, a vehicle operated as a gas disconnection unit of a public utility;

(e) fifthly, a vehicle designated as an emergency response unit under section 17.1.

(4) Where, considering the circumstances, it is reasonable and safe, an emergency vehicle may, while its flashing lights are operating, be parked contrary to any rules of the road respecting the parking of motor vehicles prescribed by this Act, the regulations or a municipal by-law.

(5) Where a peace officer is not present, the operator of an emergency vehicle, if the circumstances so require, has the powers of a peace officer under this Act with respect to traffic control and direction to the extent necessary to enable him to efficiently perform his duties or safeguard the public.

(6) Nothing in this section shall be construed to permit an operator of an emergency vehicle to

(a) operate his vehicle under subsection (1),

(b) park his vehicle under subsection (4), or

(c) control or direct traffic under subsection (5),

in a manner that, considering the circumstances, is negligent.

**68.2(1)** A peace officer operating a motor vehicle may, if required to do so for the purpose of carrying out his duties,

(a) operate the motor vehicle in excess of the posted speed limit,

(b) proceed past a red traffic light, stop signal or stop sign without stopping, and

(c) contravene any other rule of the road that is prescribed by this Act, the regulations or a municipal by-law,

while not operating a siren where, considering the circumstances, it is reasonable and safe to do so.

(2) Where, considering the circumstances, it is reasonable and safe, a peace officer may, if required to do so for the purposes of carrying out his duties, park a motor vehicle, while not operating any flashing lights or siren, contrary to any rules of the road respecting the parking of motor vehicles prescribed by this Act, the regulations or a municipal by-law.

(3) Nothing in this section shall be construed to permit a peace officer to

(a) operate a motor vehicle under subsection (1), or

(b) park a motor vehicle under subsection (2),

in a manner that, considering the circumstances, is negligent.

**68.3** Vehicles being used

(a) for highway maintenance or highway construction work,  
or

- (h) be operated at a speed that is reasonable and safe under the circumstances.*
- (2) If required to do so for the purpose of carrying out his duties as a peace officer, a peace officer may, notwithstanding subsection (1),*
- (a) operate a motor vehicle on a highway in excess of the speed limit on the highway and at a speed that is necessary and reasonable having regard to the traffic ordinarily on the highway and the fact that it is being so used,*
  - (b) drive past a red or stop signal or stop sign without stopping but only at a speed that is reasonable and prudent under the circumstances, and*
  - (c) drive and park a motor vehicle contrary to any rule of the road prescribed by this Act or a municipal by-law, if in the interest of law enforcement it is necessary and in the circumstances safe to do so.*
- (3) If required to do so for the purpose of carrying out his duties as a member of a fire brigade or ambulance service, a fireman or ambulance driver may drive and park a motor vehicle contrary to any rule of the road prescribed by this Act or a municipal by-law, if it is necessary and in the circumstances safe to do so and shall, in the absence of a peace officer, have the powers of a peace officer under this Act with respect to traffic control and direction to the extent necessary to enable him to efficiently perform his duties or safeguard the public.*
- (4) Vehicles used in highway maintenance or highway construction work or by employees in the Safety Branch may be operated on any portion of a highway in the course of highway maintenance, highway construction or other work in which it is engaged.*

(b) in respect of a highway safety program that is under the administration of the Minister,

may be operated or parked on any portion of a highway during the time that the vehicles are actually engaged for the purposes of highway maintenance or highway construction or in respect of a highway safety program or matters related thereto.

11 *Section 70(1) is repealed and the following is substituted:*

**70(1)** Except where a higher rate of speed is prescribed pursuant to section 5, no person shall drive on a primary highway outside an urban area at a greater rate of speed than 100 kilometres per hour.

12 *Section 103 is repealed and the following is substituted:*

**103(1)** A driver meeting or being overtaken or approached by an emergency vehicle that is operating a siren shall, unless otherwise directed by a peace officer, yield the right of way to the emergency vehicle, and

(a) forthwith drive his vehicle,

(i) if the highway is not divided by a median into 2 separate roadways, to a position that is clear of any intersection and parallel to and as close as practicable to the right hand curb or edge of the roadway, or

(ii) if the highway is divided by a median into 2 separate roadways, to a position that is clear of any intersection and parallel to and as close as practicable to the curb or edge of the roadway that is the nearest to the driver,

and stop and remain stopped in that position until the emergency vehicle has passed and the driver has determined that no other emergency vehicles are approaching, or

(b) if the driver's vehicle is in an intersection and it is not safe or possible to clear the intersection,

(i) forthwith position the vehicle as far as practicable from the centre of the intersection so as to leave the largest direct passage possible in the circumstances for the emergency vehicle to pass, and

(ii) stop and remain stopped in that position until the emergency vehicle has passed and the driver has determined that no other emergency vehicles are approaching.

(2) No driver of a vehicle, other than a driver of an emergency vehicle operating a siren or flashing lights or both, shall, unless otherwise directed by a peace officer, follow within 150 metres of an emergency vehicle that is operating a siren or flashing lights or both.

13 *Section 105 is repealed and the following is substituted:*

**105(1)** In this section, "school bus" means a vehicle on which are displayed the words "school bus".

**11** Section 70(1) presently reads:

*70(1) Except where a higher rate of speed is prescribed pursuant to section 5, no person shall drive on a primary highway outside an urban area at any greater rate of speed than*

- (a) 100 kilometres per hour during the daytime, or*
- (b) 80 kilometres per hour during the night time.*

**12** Section 103 presently reads:

*103(1) A driver meeting or being overtaken or being approached from the right or the left by a vehicle on which a siren is being sounded shall*

- (a) drive his vehicle as closely as practicable to the right of the roadway,*
- (b) bring his vehicle to a stop, and*
- (c) remain stopped,*

*until the vehicle sounding its siren has passed.*

*(2) On a one-way highway where there are more than 2 traffic lanes a driver meeting or being overtaken or being approached from the right or left by a vehicle on which a siren is being sounded, shall*

- (a) drive his vehicle as close as practicable to either the right or the left of the roadway, whichever is nearer,*
- (b) bring his vehicle to a stop, and*
- (c) remain stopped,*

*until the vehicle sounding its siren has passed.*

*(3) Subsections (1) and (2) do not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the highway.*

**13** Section 105 presently reads:

*105(1) If a vehicle bearing the sign "school bus" and displaying alternately flashing red lights is stopped on a highway, the operator of a vehicle approaching the school bus*

(2) Where a school bus is displaying alternately flashing amber lights, the operator of a vehicle approaching the school bus shall,

(a) when approaching the school bus from the rear, if the school bus is on a highway that is divided by a median into 2 separate roadways, or

(b) when approaching the school bus from the front or rear, if the school bus is on a highway that is not divided by a median into 2 separate roadways,

reduce the speed of the approaching vehicle so that if the approaching vehicle passes the school bus it does so in a cautious manner.

(3) Where a school bus is displaying alternately flashing red lights, the operator of a vehicle approaching the school bus shall,

(a) when approaching the school bus from the rear, if the school bus is on a highway that is divided by a median into 2 separate roadways, or

(b) when approaching the school bus from the front or rear, if the school bus is on a highway that is not divided by a median into 2 separate roadways,

stop the approaching vehicle before it reaches the school bus.

(4) When an approaching vehicle referred to in subsection (3) stops before reaching a school bus, the operator of the vehicle shall not pass the school bus until

(a) the operator of the school bus indicates by signal that the vehicle may proceed, or

(b) the alternately flashing red lights stop flashing.

(5) The operator of a school bus shall

(a) activate the alternately flashing amber lights when he begins to slow down the school bus for the purpose of stopping on a highway to load or unload passengers, and

(b) activate

(i) the alternately flashing red lights, and

(ii) the stop arm,

when he is stopped on a highway for the purpose of loading or unloading passengers.

(6) No person shall operate the alternately flashing lights or the stop arm located on a school bus other than as provided for under subsection (5).

(7) Subsection (5)(a) and (b)(ii) apply only in respect of school buses that are equipped with alternately flashing amber lights and stop arms.

(8) Notwithstanding subsection (5), the council of a municipality

(a) that comprises an urban area having a population of 10 000 or more, or

*(a) from the rear, if the highway is physically divided by a median into 2 separate roadways, or*

*(b) from the front or the rear, if the highway is not divided as described in clause (a),*

*shall stop before he reaches the school bus.*

*(2) An operator who is required by subsection (1) to stop shall not pass the school bus until the driver of the school bus indicates by signal that he may proceed or the alternately flashing red lights stop flashing.*

*(3) The operator of a vehicle bearing the sign "school bus" shall not activate the alternately flashing red lights on the vehicle unless he is loading or unloading passengers*

*(a) on a highway, except a highway within the corporate limits of a city, on which the posted speed limit exceeds 50 kilometres per hour, or*

*(b) on a highway within the corporate limits of a city in respect of which a by-law has been passed under subsection (4).*

*(4) The council of a city may, with respect to a highway within the corporate limits of the city on which the posted speed limit exceeds 50 kilometres per hour, pass a by-law requiring the operator of a vehicle bearing the sign "school bus" to activate the alternately flashing red lights on the vehicle when he is loading or unloading passengers on the highway.*

*(5) If the council of a city passes a by-law under subsection (4) it shall cause signs indicating the requirement to be posted at appropriate locations on the highway.*

(b) that includes a hamlet having a population of 10 000 or more

may, in respect of a highway located within the urban area or hamlet that has a posted speed limit of 50 kilometres or less, pass a by-law prohibiting the use of alternately flashing lights and stop arms.

*14 Section 13 comes into force on September 1, 1986.*

**14** Coming into force.