

BILL 2

2004

BLACK CREEK HERITAGE RANGELAND TRAILS ACT

(Assented to , 2004)

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Schedule

Preamble

WHEREAS portions of the Black Creek Heritage Rangeland form partial boundaries of the south and east sides of the adjacent Bob Creek Wildland; and

WHEREAS the natural rugged topography of the area precludes off-highway and highway vehicle access to that Wildland from the south and east except through the Black Creek Heritage Rangeland; and

WHEREAS, without this Act, the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* prohibits such access through that Rangeland;

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

Definitions

1 In this Act,

- (a) “highway vehicle” means a motorized vehicle designed primarily for travel on highways;
- (b) “off-highway vehicle” means an off-highway vehicle within the meaning of section 117 of the *Traffic Safety Act*;
- (c) “trail” means a trail within the Black Creek Heritage Rangeland, including trailheads in it and any area along such a trail lawfully used for
 - (i) parking,
 - (ii) the loading and unloading of off-highway vehicles, or
 - (iii) any other activity that is incidental to the lawful use of the trail by off-highway vehicles or highway vehicles,

that is identified generally in the Schedule and more specifically in the regulations.

Application

2 Subject to this Act, the regulations and signs and notices erected or posted under this Act, the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* continues to apply with respect to the trails and, in particular, none of the prohibitions or restrictions imposed by or under this Act apply to any of the actions or activities described in section 9 of that Act.

Allowance of otherwise prohibited activities

3 Notwithstanding section 8.1(3) of the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, a person may, on the trails, operate

- (a) an off-highway vehicle, or
- (b) a highway vehicle,

to the extent permitted, and subject to any restrictions and prohibitions imposed, by the regulations, to travel through the Black Creek Heritage Rangeland for the purpose only of gaining access to and egress from the Bob Creek Wildland.

Signs, notices and trail markers

4(1) The Minister may erect or post signs or notices

- (a) applying provisions or portions of provisions of the regulations to a specific trail or identified portion of a trail,
- (b) imposing secondary prohibitions or restrictions on activities relating to off-highway or highway vehicles, or both, and
- (c) with respect to a specific trail or identified portion of a trail, respecting other matters provided for by the regulations.

(2) The Minister may erect trail markers identifying, and delineating the boundaries of, specific portions of a trail for the purposes of the regulations.

(3) The existence of a sign, notice or trail marker under this section is prima facie proof that it was properly erected or posted under this Act.

Offences – contraventions of the regulations

5 A person who contravenes any provision of the regulations or a sign or notice erected or posted under section 4(1) is guilty of an offence against this Act.

Penalty

6 A person who is convicted of an offence against this Act is liable to a fine of not less than \$250 and not more than \$5000.

Peace officers

7(1) In this section, “peace officer” means an individual who is a peace officer within the meaning of section 15(3) of the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*.

(2) Peace officers have the authority, responsibility and duty to enforce this Act and the regulations.

(3) Prohibitions or restrictions established by the regulations or signs or notices under this Act do not apply to a peace officer engaged in the execution of powers conferred or duties imposed by this section.

Recovery for damage

8(1) The Minister may by action recover as a debt the costs and expenses incurred in

- (a) repairing any damage to the trails, to the signs, notices or trail markers erected or posted under section 4 or to any improvements constructed on or in the proximity of the trails, or
- (b) repairing or replacing any such signs, notices or trail markers that have been removed.

(2) Costs and expenses are recoverable under subsection (1), on a joint and several basis, from any person who caused, directed or was in any other way responsible for the damage or removal.

Regulations

9 The Minister may make regulations

- (a) specifically identifying the areas that constitute the trails for the purposes of section 1(c);
- (b) permitting off-highway or highway vehicle operation, and setting out any restrictions and prohibitions, for the purposes of section 3;

- (c) respecting off-highway and highway vehicle traffic in relation to other vehicular, pedestrian or equine traffic;
- (d) otherwise respecting the management and use of the trails in relation to off-highway vehicles and highway vehicles, including rules as to the types of such vehicles, and equipment on or attached to them, that may or may not be used;
- (e) respecting signs, notices or trail markers erected or posted under section 4.

Amends RSA 2000 cW-9

10 The Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act is amended in section 1 by adding the following after clause (f):

- (f.1) “off-highway vehicle” means an off-highway vehicle within the meaning of section 117 of the *Traffic Safety Act*;

Coming into force

11 This Act comes into force on Proclamation.

Schedule

(section 1(c))

General Identification of the Trails

The general identification of the trails referred to in section 1(c) (more specifically identified in the regulations) is as follows:

- 1 The Bob Creek Trail, being a trail passing through portions of the south half and northwest quarter of section 7, township 11, range 2, west of the 5th meridian.
- 2 The Camp Creek Trail, being a trail passing through portions of the east half of section 35 and the southwest quarter of section 36, township 10, range 3, west of the 5th meridian.