

## BILL 13

2005

### RAILWAY (ALBERTA) AMENDMENT ACT, 2005

(Assented to \_\_\_\_\_, 2005)

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

#### Amends RSA 2000 cR-4

**1 The *Railway (Alberta) Act* is amended by this Act.**

**2 The following is added after section 6:**

#### **Road authority**

**6.1** In sections 7 and 7.1, “road authority” means the person who owns or is otherwise responsible for the direction, control and management of the highway.

**3 Section 7 is amended**

**(a) in subsection (1)(b) by striking out** “person who owns or is otherwise responsible for the direction, control or management of the highway” **and substituting** “road authority”;

**(b) by repealing subsection (3) and substituting the following:**

**(3)** Where the operator of the railway is unable to agree with the road authority as to the apportionment of costs associated with the construction, the operator of the railway or the road

authority may apply to the Land Compensation Board to apportion the costs.

**4 The following is added after section 7:**

**Maintenance costs of highway crossings**

**7.1(1)** In this section, “highway crossing” means

- (a) a track on, across, over or under a highway, or
- (b) a highway on, across, over or under a track.

**(2)** Where the operator of a railway is unable to agree with the road authority on the apportionment of costs associated with the maintenance of a highway crossing that existed on or after the coming into force of this Act, the operator of the railway or the road authority may apply to the Land Compensation Board to apportion the costs.

**5 Section 20(1)(a)(ii) is amended by striking out “control or management” and substituting “control and management”.**

**6 Section 30(x) is amended by adding “or the Land Compensation Board” after “Surface Rights Board” wherever it occurs.**

**7 Section 43(1) is amended by adding “within 30 days of the date the action was taken” after “a review of the action taken by the Railway Administrator”.**

**8 Section 4 comes into force on Proclamation.**

**Explanatory Notes**

**1** Amends chapter R-4 of the Revised Statutes of Alberta 2000.

**2** Definition of road authority.

**3** Section 7 presently reads in part:

*7(1) A person shall not, in respect of any railway,*

*(b) construct a highway on, across, over or under track unless the Railway Administrator has granted to the person who owns or is otherwise responsible for the direction, control or management of the highway an approval to carry out that construction.*

*(3) Where the operator of the railway referred to in subsection (1) or (2) is unable to agree with the person who owns or is otherwise responsible for the direction, control and management of the highway as to the apportionment of costs between those parties with*

*respect to the construction, the operator of the railway or the person who is the owner or is otherwise responsible for the direction, control and management of the highway may apply to the Surface Rights Board to apportion those costs.*

**4** Maintenance costs of highway crossings.

**5** Section 20(1)(a) presently reads:

*20(1) In this section,*

*(a) "private road" means*

*(i) a road that is not a highway, or*

- (ii) *a highway that is not owned or otherwise under the direction, control or management of the Crown in right of Alberta or Canada, a Minister or a municipality and is designated as a private road by the Minister,*

**6** Section 30 presently reads in part:

*30 The Minister may make regulations*

- (x) *for the purposes of conducting proceedings before the Surface Rights Board with respect to matters under this Act,*
  - (i) *prescribing the provisions of the Surface Rights Act and the Expropriation Act that apply in whole or in part,*
  - (ii) *defining terms used in this Act that are not otherwise defined under this Act,*
  - (iii) *modifying any provision prescribed under subclause (i), and*
  - (iv) *generally governing proceedings before the Surface Rights Board;*

**7** Section 43(1) presently reads:

*43(1) Where an action is taken by the Railway Administrator, the affected person in respect of whom the action was taken may apply to the Board for a review of the action taken by the Railway Administrator.*

**8** Coming into force.

