

BILL

No. 37 of 1918.

An Act to provide for a System of Highways in the Province.

(Assented to _____, 1918.)

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

1. This Act may be cited as "*The Public Highways Act.*" Short title
2. In this Act—
 - (a) "Minister" means the Minister of Public Works; Interpretation
 - (b) "Department" means the Department of Public Works;
 - (c) "Highway" includes all common and public highways, all road allowances, thoroughfares, public travelled roads, trails and all other roads and ways vested in or over lands vested in the Province of Alberta by any Act of Parliament or any Statute or Ordinance or otherwise, or over lands reserved for public purposes under *The Public Works Act*; and all bridges, culverts, drains or other accessories to a highway erected thereon, thereunder or adjacent thereto or used or enjoyed therewith; and any part of any highway as herein defined;
 - (d) "Construction" means the original work of constructing any new highway or of putting any existing highway into repair, and building and enlarging bridges thereon and performing such other work as may be necessary to render a highway adapted for use by the traffic customary thereon;
 - (e) "Maintenance" means the preservation and keeping in repair of any highway, including making, cleaning and keeping open all ditches, gutters, drains and watercourses necessary for the maintenance of such highway;
 - (f) "Vehicle" means any conveyance whatsoever, excepting such a conveyance as runs only upon rails or tracks;
 - (g) "Local authority" means the council of any city, town, village, rural municipality or any local improvement district and in the case of a large local improvement district, the Minister;
 - (h) "Municipal authority" means any local authority except the Minister;
 - (i) "Area" means any district or extent of land subject to the control of, and local government by, a local authority, or any part thereof.

3. All highways shall be placed by the Minister in one ^{Classification of highways} of the following classes:

- (a) Main Highways.
- (b) District Highways.
- (c) Local Highways.

4. (a) "Main Highways" shall be such highways as the ^{Location of highways} Minister deems to be of prime importance either by reason of being trunk channels of communication between the more important cities and towns of the province or with the main travelled roads situate outside and adjoining the province, or for other good reasons.

(b) "District Highways" shall be highways which the Minister considers of less general importance, but of considerable local importance.

(c) "Local Highways" are all such highways as are not classified as main or district highways.

5. The Minister shall denote the highways which in his ^{Preparation of maps} opinion should be treated as main and district highways by delineating upon a map the exact route of each such highway throughout each area through which it passes or is intended to pass; and shall after fulfilment of the conditions hereinafter set out forward such map or maps to the Lieutenant Governor in Council for establishment of the highway or highways marked thereon, that is to say—

- (a) As to main highway, after consultation with every municipal authority through whose area the highway runs or is intended to run;
- (b) As to district highways, after agreement made with and ratified by by-law of every municipal authority through whose area the highway runs or is intended to run.

6. After the establishment by order of the Lieutenant ^{Establishment of highways} Governor in Council of any main or district highway, the fact of its establishment shall be published in The Alberta Gazette and no change shall be made in the route of such highway except by order of the Lieutenant Governor in Council.

7. The cost of construction and maintenance of any ^{Construction and maintenance} highway shall be borne by the department and the local authorities of the areas through which the highway runs, as is set out in the second and third columns respectively of schedule hereto, and such construction and maintenance shall be under the control of the Minister or the local authorities as is set out in the fourth column of the said schedule:

Provided always, that in case of any dispute between any local authorities as to the amount of the said cost to be borne by them respectively the Minister shall have power to allocate at his discretion the proper proportion of such cost to each of such local authorities; and

Provided further, that in the case of maintenance of a district highway the Minister shall have power to direct that a portion of the cost thereof shall be borne by the local authority of any area through which the highway does not in fact pass and to allocate such portion of the cost as in his discretion he may think right to such other local authority.

8. After the establishment of any main or district highway, the Minister shall make a demand upon each municipal authority through whose area such highway passes for payment of the proportion of the cost of construction thereof, incurred prior to the date of such demand and payable by such municipal authority under the provisions of section 7 hereof and its proper proportion of such cost shall forthwith be paid to the Minister by each such municipal authority; provided that such municipal authority shall be liable for the payment aforesaid, whether the said demand be made or not.

9. The Minister may at any time give notice to a municipal authority that any district highway within its area is not being properly maintained and repaired and if within fifteen days after the receipt of such notice such highway in the opinion of the department continues to be improperly maintained or in a state of disrepair, then the Minister may authorize any person to put the same into a proper state of maintenance or repair and may pay the cost thereof and may recover the same from the defaulting municipal authority.

10. Notwithstanding any other provision of this Act, the Minister may expend money in the construction or maintenance of any local highway and may pay the cost thereof out of any moneys specifically voted by the Legislature for that purpose.

11. Notwithstanding any other provision of this Act, the Minister may build or re-build any bridge upon any highway, where the cost of the same shall have been provided by a specific vote of the Legislature thereof; provided, however, that in case of flood or other accident the Minister may repair any bridge and pay the cost thereof.

12. All money due to the department or Minister or Crown under the provisions of this Act, including therein the cost of work undertaken by the department in lieu of any municipal authority under the provisions of this Act and the allocated cost of construction of main or district highways, may be recovered by suit from the proper municipal authority as if such money were a debt due to the Crown, and such money shall form a special lien against all municipal taxes collected by the said proper municipal authority, which lien shall have priority over all claims, liens, privileges or encumbrances whatsoever.

13. Tenders shall be invited by public advertisement or other public notice for the construction or the carrying out of any work under this Act in connection with any highway, except in cases where from the nature of the work it can be otherwise executed more expeditiously and economically.

14. In carrying out any work in connection with any highway all mechanics, labourers and other persons engaged therein shall be paid such wages as are current for competent workmen of the class to which such persons respectively belong in the district in which the work is being performed; and if there is no current rate in such district, then fair and reasonable wages shall be paid; and in the

event of a dispute arising as to what the current or fair or reasonable wages are, it shall be determined by the Minister, whose decision shall be final.

15. The Minister shall have power to make rules and regulations for the control of all traffic and vehicles on any highway in the province, and such rules and regulations on being approved by the Lieutenant Governor in Council shall have the same effect as if they had been included in this Act.

16. This Act shall in its totality come into force and operation on the first day of January, 1919, but the classification of highways, the preparation of map or maps thereunder, the establishment of highways and all other matters preparatory or ancillary to the construction of a highway may be proceeded with immediately after the passing of this Act, and shall be valid to all intents and purposes; provided, that prior to the said date, the Minister may expend moneys either for construction or maintenance on a highway of any class.

SCHEDULE.

<i>In the Case of</i>	<i>The Cost of Construction shall be borne as follows</i>	<i>The Cost of Maintenance shall be borne as follows</i>	<i>The Control of Construction shall be under</i>
Main Highways	By the Department. 75% By the Local Authorities within whose areas the highway runs.....25%	By the Department	The Department
District Highways	By the Department. 25% By the Local Authorities within whose areas the highway runs.....75%	By the Local Authorities within whose area the highway runs	The Department or Local Authorities within whose areas the highway runs as agreed upon; and in default of agreement, the Department
Local Highways	By the Local Authority within whose area the highway runs	By the Local Authority within whose area the highway runs	The Local Authority within whose area the highway runs

The Minister may direct that other local authorities within whose areas the district highway does not run shall contribute to the cost.

No. 37.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

An Act to provide for a System of
Highways in the Province.

Received and read the

First time

Second time

Third time

HON. MR. McLEAN.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1918