



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister  
MLA, Calgary-Shaw*

MINISTERIAL ORDER NO. MSD:028/23

I, Rebecca Schulz, Minister of Municipal Affairs, pursuant to Section 587 of the *Municipal Government Act*, Section 152(6)(d) of the *Traffic Safety Act*, and sections 6 and 12 of the *Special Areas Act*, make the following order:

1. This Order shall be known as the Special Areas Road Use Order.
2. The Schedule attached hereto is deemed to be part of this Order.
3. Ministerial Order No. MSD:028/23 shall come into effect on the date of signing.

Dated at Edmonton, Alberta, this 27<sup>th</sup> day of April, 2023.

  
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Rebecca Schulz  
Minister of Municipal Affairs

# Schedule to Ministerial Order No. MSD:028/23

## Special Areas Road Use Order

WHEREAS SECTION 587 OF THE *MUNICIPAL GOVERNMENT ACT*, RSA 2000, c M-26 PERMITS THE MINISTER TO DO BY ORDER ANYTHING IN RESPECT OF AN IMPROVEMENT DISTRICT THAT A COUNCIL OF A MUNICIPALITY MAY DO UNDER THIS OR ANOTHER ENACTMENT AND PURSUANT TO SECTION 6 OF THE *SPECIAL AREAS ACT* THIS AUTHORITY EXTENDS TO EVERY SPECIAL AREA AS IF IT WERE AN IMPROVEMENT DISTRICT;

AND WHEREAS SECTION 152 (6) (d) OF THE *TRAFFIC SAFETY ACT*, RSA 2000, c T-6, PERMITS THE MINISTER TO MAKE REGULATIONS IN RESPECT TO THE WEIGHT RESTRICTIONS OF COMMERCIAL VEHICLES FOR THE PURPOSE OF PHYSICALLY PRESERVING A HIGHWAY;

AND WHEREAS ACCORDING TO SECTION 12 OF THE *SPECIAL AREAS ACT* EVERY HIGHWAY, ROAD AND STREET, EXCEPT FOR A HIGHWAY THAT IS A PROVINCIAL HIGHWAY UNDER THE *HIGHWAYS DEVELOPMENT AND PROTECTION ACT*, IN A SPECIAL AREA IS SUBJECT TO THE DIRECTION, CONTROL AND MANAGEMENT OF THE MINISTER;

AN ORDER OF THE SPECIAL AREAS BOARD, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE SPECIAL AREAS BOARD

In this Order:

### 1. DEFINITIONS

**"Chair"** means the Chair of the Special Areas Board, or their **"Designate"**.

**"Court"** means a Court of competent jurisdiction in Alberta.

**"Designate"** means any person duly authorized by the Chair to enforce provisions of this Order.

**"Emergency Response Unit"** as defined by the Vehicle Equipment Regulation AR122/2009.

**"Emergency Vehicle"** as defined in the *Traffic Safety Act*.

**"Highway"** has the same meaning as in the *Traffic Safety Act*.

Highway means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly owned, that the public is ordinarily entitled to use for the passage or parking of vehicles and includes;

- (i) a sidewalk including a boulevard adjacent to the sidewalk,
- (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and,
- (iii) if a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway.

**"Implement of Husbandry"** has the same meaning as in the Use of Highway and Rules of the Road Regulation AR 304/2002.

**"Non-Standard Configuration"** means any unit that is not defined within the *Traffic Safety Act* or regulations thereto, will require an Alberta Transportation Permit (jeeps, wheelers, booster added to a tractor unit or trailer) as per Commercial Vehicle Dimension and Weight Regulation AR 315/2002 Section 18(1).

**"Over-dimensional Vehicle"** means a vehicle, including any load that is carried on the vehicle, which exceeds the dimensions prescribed by regulation.

**"Over-dimensional Permit"** means a permit issued under Section 62(1)(a)(ii) of the *Traffic Safety Act*.

**"Overweight Permit"** "overweight permit" means a permit issued under Section 62(1)(b)(iv) of the *Traffic Safety Act*.

**"Park", "Parking", or "Parked"** means to allow a vehicle, whether occupied or not, to remain stationary in one place, except;

- (i) when standing temporarily for the purpose of and while engaged in loading or unloading passengers or goods, or within a designated parking zone; or
- (ii) when complying with a direction given by a Peace Officer or Traffic Control Device.

**"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Community Peace Officer as defined in the *Peace Officer Act*, or Designate authorized by the Chair to enforce the provisions of this Order.

**"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative.

**"Provincial Offences Procedures Act"** means the *Provincial Offences Procedures Act* (POPA) and the regulations thereof, as amended or replaced from time to time.

**"Road Authority"** means the Minister of Municipal Affairs, in the case of a highway located in a Special Area that is not otherwise under the direction, control and management of the Minister of Transportation and Economic Corridors.

**"Road Use Agreement"** means a written Road Use Agreement (RUA) entered by a Person or company with the Special Areas Board governing Road Use for Industrial/Commercial Truck Hauls.

**"Self-Propelled Equipment"** means equipment as defined in the Commercial Vehicle Dimension and Weight Regulation AR 315/2002.

**"Special Areas"** means a special area constituted under the *Special Areas Act*.

**"Special Areas Act"** means the *Special Areas Act*, as amended from time to time.

**"Special Areas Board"** means a Special Areas Board as established under Section 29(1) of the *Special Areas Act*.

**“Track”** means to allow, cause, or permit any dirt, soil, mud, gravel, sand, clay, lime, fertilizer, manure, substance or material of any nature or kind whatsoever to become loose or detached or blow, drop, spill, or fall from any Vehicle appurtenances or tires onto a Highway; and the adjacent property line, whether or not it is paved or improved.

**“Traffic Control Device”** means any temporary or permanent sign, signal, marking, or device placed, marked or erected under the authority of the *Traffic Safety Act* or this Order for the purpose of regulating, warning or guiding traffic or governing parking.

**“Traffic Safety Act”** means the *Traffic Safety Act*, as amended from time to time.

**“Vehicle”** has the same meaning as in the *Traffic Safety Act*.

**“Violation Ticket”** means a ticket issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedures Act*.

**“Weather Restriction”** means weather advisories, watches, and warnings when a hazardous weather or hydrologic event is occurring, imminent or likely. This may include adverse weather conditions such as but not limited to extreme winds, fog, hail, rain, snow, tornado, or other conditions that may affect the visibility of the driver or the control of the Vehicle and that may contribute to road damage.

## **2. RULES OF INTERPRETATION**

- a) Nothing in this Order relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other Order or any requirement of any lawful permit, order, or licence.
- b) Any heading or sub-headings in this Order are included for guidance purposes and convenience only and shall not form part of this Order.
- c) Every provision of this Order is independent of all other provisions and if any provision of this Order is declared invalid for any reason by a Court, all other provisions of this Order shall remain valid and enforceable.
- d) Any reference to the provisions of a statute of Alberta is a reference to that statute and any regulations thereunder, as amended, or appealed and replaced from time to time.

## **3. APPLICATION**

This Order does not apply to the following:

- a) an Emergency Vehicle that is responding to an emergency; or
- b) a Vehicle or equipment operated by or under the Special Areas Board for snow removal, road and or bridge construction or maintenance, or maintenance of Special Areas Board property.

## **4. TRACK DEBRIS**

- a) No Person shall operate a Vehicle on a Highway so as to Track any earth, sand, gravel or other material on the Highway.
- b) A Person tracking material onto a Highway contrary to Section 4(a), in addition to any penalty that may be specified in Appendix A, shall be liable to clean up or remove the material tracked onto the Highway and in default the Special Areas

Board may clean up or remove the material at the expense of the Person responsible for the tracking.

## **5. PARKING RESTRICTIONS**

Unless permitted or required by a Traffic Control Device, no Person shall stop or Park a Vehicle or Self-Propelled Equipment:

- a) on any bridge or on any approach to a bridge; or
- b) in such a manner that may obstruct the safe movement of traffic using a Highway.

## **6. HIGHWAY MAINTENANCE**

The holder of the RUA shall immediately report any/all road damages to the Special Areas road maintenance supervisor for the applicable area.

- a) The Chair may cause temporary Traffic Control Devices to be placed on or near a Highway for snow removal, maintenance, or construction purposes.
- b) The Chair may cause operations to be ceased when road damage occurs.
- c) The Chair may impose penalties, in addition to regular collection actions, for continuing work on damaged roads.

## **7. EXEMPTIONS**

- a) At the direction of the Chair, an exemption may be issued for any provision identified in this Order.

## **8. OVERWEIGHT PERMITS**

- a) The Chair may designate the issuance of overweight permits to an external agency for the purpose of allowing a non-standard configuration Vehicle to operate on a Highway within the Special Areas.
- b) In issuing a permit under this provision, the Chair may impose such terms and conditions as are determined to be necessary or beneficial while acting reasonably.

## **9. ROAD USE AGREEMENTS**

- a) The Chair may from time to time impose a Weather Restriction to any or all Highways within the Special Areas. If a Weather Restriction is imposed, all current RUA(s) in the affected area(s) will be required to comply with any conditions of the Weather Restriction. This may include ceasing all movement of any legal loads or permitted loads under the provisions of the RUA or any other permit.
- b) The Chair may require a Person or a company to apply for a RUA, if in the Chair's opinion, the proposed use may cause damage to the Highway beyond normal wear and tear, create a public safety hazard, or constitute a nuisance to area residents due to:
  - (i) the weight of the Vehicle(s);
  - (ii) the dimensions of the Vehicle(s);
  - (iii) the frequency of use of the Highway by the Vehicle(s);
  - (iv) the size, type or tread pattern of the tires on the Vehicle(s);

- (v) the physical condition of the proposed haul route and its proximity to residential dwellings; or
- (vi) any combination of the above factors or conditions outlined by the Special Areas Board.

Any Person wishing to road (drive) construction equipment and/or Self-Propelled Equipment outside of a work area may apply for a RUA for movement of that equipment. Movement of equipment will only be approved for short duration moves from point A to point B. This RUA is for rubber-tired equipment only and will only be approved for unloaded equipment, unless otherwise authorized by the Chair. All conditions set out in section 9 shall be adhered to when under the approval of this RUA.

- c) RUA shall be required for any movement exceeding five (5) loads to or from the same destination within a 24-hour period.
- d) A RUA may require the agreement holder to pay such amounts or post security in a form and amount, or both, as may be determined by the Chair in order to secure performance of the agreement holder's obligations under the RUA.
- e) A Person to whom a RUA has been issued pursuant to this Order and any Person conducting an activity otherwise regulated, restricted, or prohibited by this Order pursuant to such RUA, shall comply with any terms and conditions forming part of that RUA.
- f) A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a RUA pursuant to this Order.
- g) If any term or condition of a RUA issued is contravened or if a false or misleading statement or false or misleading information was provided to obtain the RUA, in addition to any other remedy available to the Special Areas, the Chair may immediately cancel the RUA.
- h) No Person shall fail to obtain a RUA when required by any Part of this Order.
- i) No Person shall operate a tracked Vehicle on a Highway without special designation noted in a RUA.
- j) No Person shall operate a Vehicle with tire chains on any Highway without special designation noted in a RUA.
- k) No Person shall begin movement under a RUA until a fully executed copy has been issued and all conditions have been met.
- l) No Person shall fail to report road damages.
- m) No Person shall fail to comply with the cease of operations order.
- n) No Person shall fail to produce a copy of the RUA upon request by a Peace Officer or Chair designate.

## **10. OBSTRUCTION**

- a) No Person shall obstruct, hinder, interfere with or impede any Peace Officer, or Special Areas designate, contractor or agent in the exercise of any of their powers or duties under this Order.

## **11. IMPLEMENT OF HUSBANDRY EXEMPTION**

- a) All agricultural Implements of Husbandry shall be exempt from provisions of this Order and all applicable Provincial legislation shall apply.

## **12. PENALTIES AND FEES**

- a) A Person who contravenes this Order is guilty of an offence.
- b) Penalties and fees for this Order will be as follows:
  - (i) Any Person who guilty of an offence is liable, upon conviction, as follows:
    - (1) to a fine in the amount not less than the specified penalty established in Appendix "A" – Penalties of this Order, but not exceeding \$10,000; and
    - (2) in default of payment of the fine and costs, to a period of imprisonment not exceeding six (6) months, unless the fine and costs including the costs of committal are paid sooner, (this section shall only apply for a Part 2 Violation Ticket).
  - (ii) For greater clarity, where any Person contravenes the same provision of this Order, within 12 months of their last offence, the specified penalty payable in respect to the subsequent offence is double the amount of the original offence as set out in the Appendices of this Order.
  - (iii) Where a Peace Officer believes that any Person has contravened any provision of this Order, the Peace Officer may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the POPA.
  - (iv) Where a Peace Officer issues a Violation Ticket in accordance with this Order, the Person may either:
    - (1) pay the specified penalty as provided in the Appendix of this Order by indicating such specified penalty on the Violation Ticket; or
    - (2) be required at a court appearance where the Peace Officer reasonably believes that such appearance is in the public interest, pursuant to the provisions of the POPA.
  - (v) The levying and payment of any fine for the imprisonment for any period in this Order shall not relieve any Person from the necessity of paying any fees, charges, or costs for which the Person is liable pursuant to the provisions of this Order or of the RUA.
  - (vi) A Peace Officer may pursue any and all remedies set out in this Order, the *Municipal Government Act* and any other law in the Province of Alberta. Nothing in this Order shall restrict, limit, or preclude the Special Areas Board from taking multiple steps to regulate highway use within the Special Areas.

## Appendix "A"

### Penalties

Section	Description	1 <sup>st</sup> Offence	2 <sup>nd</sup> or Subsequent Offence
S. 4(a)	Track Debris onto Highway	\$500	\$1,000
S. 5(a)	Park Vehicle on a bridge, approach to bridge	\$500	\$1,000
S. 5(b)	Park Vehicle obstructing safe movement on Highway	\$500	\$1,000
S. 9(a)	Fail to comply with Weather Restriction	\$1,000	\$2,000
S. 9(b)	Operate construction, self-propelled equipment outside work area without RUA	\$2,000	\$4,000
S. 9(f)	Make false/misleading statements in RUA	\$800	\$1,600
S. 9(g)	Contravene condition/term of RUA	\$1,000	\$2,000
S. 9(h)	Fail to obtain RUA	\$1,000	\$2,000
S. 9(i)	Operate tracked vehicle on Highway without special designation noted in a RUA	\$2,000	\$4,000
S. 9(j)	Operate vehicle with chains on Highway without special designation noted in a RUA	\$1,000	\$2,000
S. 9(k)	Begin haul before RUA is signed	\$500	\$1,000
S. 9(l)	Fail to report road damages	\$1,000	\$2,000
S. 9(m)	Fail to comply with Cease of Operations Order	\$1,000	\$2,000
S. 9(n)	Fail to produce RUA when required	\$500	\$1,000
S. 10(a)	Obstruct/hinder/interfere with Peace Officer or Employee	\$1,000	\$2,000