



TRANSPORTATION SERVICES

TO: Council
DATE: February 8, 2022 **DIVISION:** All
FILE: N/A **APPLICATION:** N/A
SUBJECT: Licensing of Undeveloped Road Allowance Right-of-Ways

EXECUTIVE SUMMARY:

At the December 14, 2021 Council Meeting, a Notice of Motion was introduced that directed Administration to investigate possible amendments to Rocky View County's Road Licensing Policy C-433 to enable Rocky View County to issue a license or permit for the use of any Undeveloped Road Allowance right-of-way or a portion of any Undeveloped Road Allowance right-of-way located within Rocky View County for the purpose of providing private access to landowners who own land immediately adjacent to or hold a beneficial interest in the undeveloped Road Allowance right-of-way.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

BACKGROUND:

Under the authority of Sections 16 and 18 of the *Municipal Government Act*, all Road Allowance right-of-ways located within Rocky View County except provincial highways are under the direction, control, and management of Rocky View County; Section 13 (1) (o) of the *Traffic Safety Act* provides Rocky View County the ability to issue a license or permit for the use of any Undeveloped Road Allowance right-of-way or a portion of any Undeveloped Road Allowance right-of-way located within Rocky View County which is not required for use as a public roadway.

Currently under the authority of Council, Road Licensing Policy C-433, any Undeveloped Road Allowance right-of-way (or portion thereof) located within Rocky View County which is not required for use as a public roadway is available to be licensed only for grazing or cultivation purposes by persons who are immediately adjacent to or hold a beneficial interest in the undeveloped Road Allowance.

Rocky View County having the direction, control, and management of all roads within its boundaries recognizes that the primary purpose of roads and rights-of-way is to provide unobstructed access to the public. If the applicant is requesting private or exclusive access to the road allowance the applicant would be required to apply for a road closure and consolidation as per Section 22 (1) of the *Municipal Government Act*, stating that no road in a municipality that is subject to the directions, control and management of the Municipality may be closed except by Bylaw. It is recommended that access through licensing should be referred to as "dedicated" as opposed to "private".

The current process for accessing parcels utilizing Undeveloped Road Allowances within the County would be through a development permit and construction of a county road built to the Rocky View County Standards. Once completed, maintenance responsibilities would then be the responsibility of the County and the road open to the public.

Administration Resources

Steven Hulsman, Transportation Services



Possible amendment to Council Road Licensing Policy C-433 could include a license for the purpose of providing dedicated access to landowners who own land immediately adjacent to or hold beneficial interest in an undeveloped Road Allowance right-of-way, requiring the same conditions as the current leasing requirements for grazing. These requirements would include but not limited to indemnification, liability insurance, maintenance responsibilities, and notice of termination.

The risk associated with the proposed amendment could be potential attempts to utilize a dedicated road license to access new development outside of current Policy.

During the review process it has been identified that Council Road Licensing Policy C-433 is better aligned as a Bylaw as per Section 13(1) of the *Traffic Safety Act*, that the Council of a municipality may, with respect to a highway under its direction, control, and management, make bylaws that are not inconsistent with this Act.

OPTIONS:

- Option #1: THAT Council direct Administration to prepare the proposed amendment to Council Road Licensing Policy C-433 and bring to Council for consideration as a Bylaw and rescind Council Road Licensing Policy C-433.
- Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

“Byron Riemann”

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Executive Director
Operations

Acting Chief Administrative Officer

SH/bg

ATTACHMENTS:

ATTACHMENT ‘A’ – Council Road Licensing Policy C-433