



TRANSPORTATION SERVICES

TO: Council
DATE: October 25, 2022
FILE: 1007-100
SUBJECT: Road Use Agreement Bylaw C-8323-2022

DIVISION: All
APPLICATION: N/A

EXECUTIVE SUMMARY:

The existing Road Use Agreement Bylaw C-8065-2020 has been reviewed with Administration determining that the proposed revisions require a re-write versus amendments to the bylaw. The re-write will include current terminology, as well as provide clarity to sections where proposed revisions were made.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

BACKGROUND:

Road Use Agreement Bylaw C-8065-2020 was implemented to better define the process and framework for establishing Road Use Agreements. The purpose of a Road Use Agreement is to minimize the impact of intense transport activities on area residents and to protect County infrastructure by transferring liability for road damage and maintenance costs from the County to the individual or company responsible for the transport operation.

The County introduced Road Use Agreements in 2006 with implementation supported by the *Traffic Safety Act*. After implementation, the County realized it lacked an effective means to compel an individual or company to enter a Road Use Agreement if they refuse to do so. Further to this, the applicability of Road Use Agreements to certain industry groups, such as film and agriculture, was unclear, and a mechanism for effective enforcement of the Road Use Agreements was not available. Road Use Agreement Bylaw C-8065-2020 was implemented to serve this purpose.

As committed to Council, Administration has monitored the progress of Road Use Agreement Bylaw C-8065-2020 as well as reviewing for common language, grammar, and terminology. After doing so, Administration determined that proposed revisions required a re-write versus amendments to the bylaw.

Industry was surveyed twice in 2021 and 2022 to solicit feedback. A questionnaire was sent to 32 companies:

- Construction (16 Companies)
- Oil & Gas (6 Companies)
- Logging (4 Companies)
- Environmental (3 Companies)
- Other (3 Companies – Thorlakson Feedyards, Filming and Langdon Water Works)

Administration Resources

Steven Hulsman, Transportation Services



Six responses were received:

- From a construction company but the response was unrelated to the RUA Bylaw.
- From a logging company with confusion in regards to when a RUA is required.
- From a Confined Feeding operation questioning definitions.
- One no comment
- One unrelated
- One in regards to the AG permit

Administration then completed a final legal review of the proposed Road Use Agreement Bylaw C-8323-2022.

PROPOSED REVISIONS:

Revisions to the existing Road Use Agreement Bylaw (C-8065-2020) are:

- As per the new CAO Bylaw the term of Executive Director of Operations was replaced with Chief Administrative Officer throughout the Bylaw.
- Section 8 was re-written to allow the Chief Administrative Officer the option of using hauling permits in lieu of a road use agreement subject to the considerations under Section 7 of the Bylaw.
- Section 11 (1) was re-written to exclude Schedule “B” – Exempted Roads. The list of exempted roads is available on the County’s website.
- Section 14 (1-4) was re-written to better clarify the penalties in the event any person contravenes the requirements of Section 13 of the Bylaw.
- Section 15 was added in the revised Bylaw to support Section 14 (1-4) which deals with the penalties in the event any person contravenes the requirements of Section 13 of the Bylaw.
- Section 20 of the existing Bylaw was removed. This section dealt with the onus of proving that a road use agreement has been entered into.
- Section 22 of the existing Bylaw was re-written to clarify permissible hauling operations during spring road ban season in the case of any active road use agreements. This section has been re-named Section 23 in the revised Bylaw.
- Section 24 was added in the revised Bylaw to clarify permissible hauling operations during spring road ban season in the case of any transport operations not subject to a road use agreement.
- Definition 13 “Family Farm” as contained in Schedule “C” – Definitions was re-written for clarification.



STRATEGIC OBJECTIVES:

The proposed Road Use Agreement Bylaw C-8323-2022 aligns with several of Council's Strategic Objectives:

"Create a Culture of Customer Service"

- Reduce the regulatory impact for small-scale transport operations as these activities will generally be exempted from Road Use Agreements due to the increased movement threshold;
- Improve fairness for industry partners currently willing to execute Road Use Agreements with the County by requiring all applicable haulers to enter into Road Use Agreements; and,
- Improve the clarity and readability of the Road Use Agreement template.

"Enhance Transparency and Communication"

- The Bylaw is intended to better define the process and framework for establishing a Road Use Agreement; and
- Clarify the refundable security deposit determination in the Road Use Agreement template.

"Embrace Partnerships"

- Collaborate with individuals or companies to share road repair and maintenance costs, permit hauling above the posted road ban and balance transport needs against negative impacts to residents and County infrastructure.

"Strengthen Our Financial Resiliency"

- Reduce the County's road repair and maintenance costs due to intensive transport operations.

BUDGET IMPLICATIONS:

None

OPTIONS:

- Option #1:
- Motion 1: THAT Bylaw C-8323-2022 be given first reading.
 - Motion 2: THAT Bylaw C-8323-2022 be given second reading.
 - Motion 3: THAT Bylaw C-8323-2022 be considered for third reading.
 - Motion 4: THAT Bylaw C-8323-2022 be given third and final reading.

Option #2: THAT Bylaw C-8323-2022 be refused.



ROCKY VIEW COUNTY

Respectfully submitted,

Concurrence,

“Byron Riemann”

“Dorian Wandzura”

Executive Director
Operations

Chief Administrative Officer

SH/bg

ATTACHMENTS:

ATTACHMENT ‘A’ – Road Use Agreement Bylaw C-8323-2022

ATTACHMENT ‘B’ – Road Use Agreement Bylaw C-8065-2020

ATTACHMENT ‘C’ – Road Use Agreement Bylaw C-8065-2020 Questionnaire