

Topic: Scorpion Construction – Appeal Hearing Suspension of Haul Agreement 2013-H-34 for failure to follow the designated haul route – one week suspension.

Introduction:

In Parkland County a gravel company is required to have a Development Permit to extract aggregate. One of the Development Permit conditions requires the aggregate company to obtain a Haul Agreement from Public Works. Council direction to Administration in the past was to strengthen the Haul Agreement and administrative penalties. The Haul Agreements regulate hours of hauling, traffic safety monitoring, dust control, road maintenance, etc. Enforcement Services, via the Gravel Focus Officer, monitors the Haul Agreements, investigates alleged breaches of this document and imposes the administrative penalties.

Facts (Background Information):

Scorpion Construction has been extracting aggregate in Parkland County since 2011. They were issued Haul Agreement 2013-H-34 by Public Works. A copy is attached. On June 18, 2014 Enforcement Services was pro-actively patrolling in the area of Range Road 51 and Highway 16. The breaches of Haul Agreement 2013-H-34 occurred as follows:

- 1019 hrs. a gravel truck was stopped on the Service Road near Rge Rd 51.
 - o There was no Alberta Sand and Gravel Association, (ASGA), numbers
 - o It was determined this truck had come from Scorpion Construction Pit
 - o Use of the Service road is not part of their authorized route,
 - o Please note; the operator of this truck had been observed hauling from the Scorpion Construction gravel pit the previous week.
- 1109 hrs a second gravel truck was stopped travelling on the Service Road
 - o It too did not have ASGA numbers
 - o It too was from the Scorpion Construction gravel pit
 - o It was not being operated on the authorized route.

Enforcement Services has chosen to treat these two separate incidents as one, plus not to penalize for the missing ASGA numbers.

The first infraction for being off the authorized route was August 29, 2013. Scorpion Construction received a one day suspension as per Haul Agreement 2013-H-34, was served on August 30, 2013.

The authorized designated route for Scorpion Construction, as of June 10, 2014, is North on Rge Rd 52 to Twp. Rd 534 and East to Rge Rd 51 for empty trucks only. Loaded trucks must travel south on Rge Rd 51 from the pit to Highway 16. Empty truck may also travel north on Rge Rd 51. The municipal address for Scorpion Construct gravel pit is 53313 Rge Rd 51.

Analysis:

The following suspension is being appealed by Scorpion Construction:

- June 18, 2014 – Fail to follow designate Haul Route.
 - o Second offence – one week suspension

Alternatives:

1. Council direct Administration to re-draft the Administrative penalties to be less harsh.

Conclusion/Summary:

Administration supports the one week suspension as per Haul Agreement 2013-H-34.

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