



Province of Alberta

HIGHWAYS DEVELOPMENT AND PROTECTION ACT

HIGHWAYS DEVELOPMENT AND PROTECTION REGULATION

Alberta Regulation 326/2009

Extract

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Main Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
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Definitions

1 In this Regulation,

- (a) “Act” means the *Highways Development and Protection Act*;
- (b) “designated access location” means a location on a freeway that is designated in an order under section 4(2) of the Act;
- (c) “development” means
 - (i) the placing, construction or erection of a building, structure, fixture, road (other than a physical means of access), airstrip, well, dugout, excavation or other undertaking, installation or object, whether it is on, above or below ground,
 - (ii) the enlargement, extension, replacement, renovation or repair of a development referred to in subclause (i), and
 - (iii) a change to the original purpose or use of a development referred to in subclause (i) on the parcel of land containing the development that may cause an intensification of the type or volume of vehicles that may
 - (A) enter onto the provincial highway from that parcel, or
 - (B) exit from the provincial highway onto that parcel;
- (d) “display of equipment” or “display equipment” means the display of a motor vehicle, trailer, machinery or other thing, whether for purposes of storage, wrecking, advertising or sale;
- (e) “municipality” means an urban municipality or a rural municipality;

- (b) multi-lane provincial highways that are not freeways;
- (c) major provincial highways;
- (d) minor provincial highways.

(2) Any change in the classification of a highway under subsection (1) comes into force on

- (a) the effective date of the change as specified in the amendment to the Roadside Management Classification Map that is published on the website, or
- (b) if no effective date is specified as set out in clause (a), the date on which the amendment to the Roadside Management Classification Map is published on the website.

(3) In addition to being classified under subsection (1), a provincial highway may be identified on the Roadside Management Classification Map by a name or route number, or both.

Permit required for development, display of equipment

4(1) No person shall, without a permit, commence a development or display equipment or cause a development to be commenced or equipment to be displayed,

- (a) in the case of a freeway,
 - (i) within the right of way or within 300 metres beyond the limit of the freeway, or
 - (ii) within 800 metres from the centre point of the intersection of the freeway and another highway,
- (b) in the case of a multi-lane provincial highway other than a freeway,
 - (i) within the right of way or within 300 metres beyond the limit of the highway, or
 - (ii) within 800 metres from the centre point of the intersection of the highway and another highway,
- (c) in the case of a major provincial highway,
 - (i) within the right of way or within 300 metres beyond the limit of the highway, or

- (ii) within 800 metres from the centre point of the intersection of the highway and another highway,

or

- (d) in the case of a minor provincial highway,
 - (i) within the right of way or within 150 metres beyond the limit of the highway, or
 - (ii) within 400 metres from the centre point of the intersection of the highway and another highway that is not a freeway, a multi-lane provincial highway or a major provincial highway.

(2) Subsection (1) does not apply to a wire fence that is located or to be located outside the right of way of the highway.

Special requirements for prescribed freeway developments

5(1) In this section, “prescribed freeway development” means a development described in clause (a), (b) or (c) that is or is to be located within the distances from a freeway set out in section 4(1)(a):

- (a) the placing, construction or erection of a building, structure or fixture for industrial purposes, commercial purposes, institutional purposes, recreational purposes, multi-residential purposes or country residential purposes;
- (b) the enlargement, extension, replacement, renovation or repair of a development referred to in clause (a);
- (c) a change to the original purpose or use of a development referred to in clause (a) on the parcel of land containing the development that may cause an intensification of the type or volume of vehicles that may
 - (i) enter onto the freeway from that parcel, or
 - (ii) exit from the freeway onto that parcel.

(2) For the purposes of subsection (1),

- (a) a development is for multi-residential purposes if it consists of or includes 3 or more single-family residences on a parcel of land, whether or not the residences are located in one or more buildings, and
- (b) a development is for country residential purposes if it is developed for country residential purposes within the meaning of the land use bylaw of the relevant

municipality, or for purposes that the Minister considers to be similar in nature to such purposes.

(3) The Minister shall not issue a permit under section 4 in respect of a prescribed freeway development unless

- (a) the municipality in which the development is located or proposed submits to the Minister a plan that sets out a system of local roads that will provide an adequate physical means of access from the parcel of land on which the development is located to the nearest designated access locations on the freeway in both directions from the development,
- (b) the Minister approves the plan referred to in clause (a), and
- (c) the municipality in which the development is located or proposed agrees to remove, within the time and in the manner prescribed by the Minister,
 - (i) any existing roadways specified by the Minister that provide physical means of access from the parcel of land on which the development is located to the freeway, and
 - (ii) any other roadways that are located between the accesses referred to in clause (a) and provide physical means of access to the freeway.

Funding assistance

6 Where, under the *Municipal Government Act*, a municipality approves a change in land use designation, a subdivision or a development in respect of a prescribed freeway development to which section 5(3) applies, the Minister may, on application, provide funding to the municipality to assist in the cost of either or both of the following:

- (a) constructing the system of local roads referred to in section 5(3)(a);
- (b) removing roadways referred to in section 5(3)(c).

Permit required for utility lines, vegetation

7(1) In this section, “construct”, in respect of a utility line, includes

- (a) the enlargement, extension, replacement, renovation or repair of the utility line, and