

ROAD USE AGREEMENT POLICY #32.1.6

POLICY STATEMENT

The Council of the County of Wetaskiwin recognizes the need to provide optimum transportation routes to promote and maintain economic diversity and growth within the County of Wetaskiwin. The County shall allow or Permit to allow, industrial and/or commercial traffic transport vehicle access along highways under the jurisdiction of the County of Wetaskiwin on the condition that the party directly responsible for the increased traffic or overweight loads, executes a Road Use Agreement (RUA).

Council also recognizes the need to expedite the execution of Road Use Agreements to minimize delays and thereby delegates authority to Administration for the preparation and execution of Road Use Agreements. This Policy is supported by the Road Protection Bylaw.

Typical transport of goods and materials requiring a Road Use Agreement includes: gravel and sand, soils, contaminated soils, rubble, logging, pipeline installations, seismic operations, septic haulers, oilfield construction, commercial and residential construction.

DEFINITIONS

1. "Director of Public Works" means the Director of Public Works for the County of Wetaskiwin or designate.
2. "CAO" means the Chief Administrative Officer for the County of Wetaskiwin or designate.
3. "Road Protection Committee" is comprised of the Reeve, Chief Administrative Officer and the Director of Public Works.
4. "Council" means the Council of the County of Wetaskiwin.
5. "The County" means the County of Wetaskiwin.
6. "The Hauler" means any corporation, person or entity that executes a Road Use Agreement.
7. "Permit" means the written authority of the Director of Public Works or designates to allow traffic or movement at any time on roads under the control of the County of Wetaskiwin.

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8. "Temporary Approach" means a temporary approach not built to County standards that is to be removed within 14 days following its construction.
9. "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 or privately owned, that the public is ordinarily entitled or Permitted to use for the passage or parking of vehicles and includes:
 - a. a sidewalk, including a boulevard adjacent to the sidewalk,
 - b. if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - c. 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.

PROCEDURES

1. All development Permits issued by the County of Wetaskiwin to an industry or commercial business (hereinafter referred to as the "Hauler") which may result in increased commercial traffic along a highway under the jurisdiction of the County of Wetaskiwin, shall include a requirement to enter into a Road Use Agreement. Haulers shall be identified through joint consultation between the Director of Public Works and the Planning & Development Department.
2. The Director of Public Works shall determine the level of service to be provided by the County and the level of service to be provided by the Hauler. Once the responsibilities have been determined, both parties shall complete and execute a Road Use Agreement.
3. Road Use Agreements shall be initially executed by the Hauler and shall then be reviewed and executed by Public Works.
4. When a Hauler acknowledges that four (4) or more vehicles with a Gross Vehicle Weight (GVW) in excess of 11,794 kg are to be moving into the same site, they will be required to obtain a "Special Haul" Permit from the County of Wetaskiwin. Other conditions imposed for multiple trip hauls include:
 - a. Non-Divisible Loads (Oilfield): a RUA and pre/post inspection is required for a multiple haul in excess of 4 trips;
 - b. Soil and Contaminated Soils: a RUA and pre/post inspection is required for a multiple haul in excess of 10 trips; and
 - c. Divisible Loads (Gravel and Fluids): a RUA and pre/post inspection is required for a multiple haul in excess of 40 trips.

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5. Should the Hauler fail to execute a Road Use Agreement and/or fails to meet all the conditions outlined within the RUA, the Road Protection Committee shall be delegated full authority to take all the necessary action to protect the road infrastructure including the issuance of road bans. The Director of Public Works may also at his discretion, refuse to grant the Hauler any or all Permits.
6. The Hauler shall inspect roadways prior to the haul. Any road defects detected shall be reported to the following:
 - During office hours: Public Works at 780-361-6221
 - After hours hotline: 780-352-0005 or 1-800-665-0338

Note: Defects to a roadway not reported, shall become the responsibility of the Hauler.

7. The Director of Public Works shall cause identified roads to be monitored on an ongoing basis and shall notify the Hauler in the event maintenance or road rehabilitation is required pursuant to the Road Use Agreement.
8. As per the Road Use Agreement and assignment of responsibilities, the County will continue to maintain the road according to its regular maintenance schedule. The Hauler will contribute to any road repair required due to damage caused in excess of the regular scheduled maintenance on an ongoing basis and any and all repairs as deemed necessary by the Director of Public Works.
9. Should the Hauler cause road damage, they shall cease operations immediately and notify the County of the road conditions. The Hauler agrees to pay for all repairs identified by the Director of Public Works to be over and above normal wear and tear.
 - a. If the Hauler refuses to complete the work in a timely manner, the County of Wetaskiwin shall undertake the work with all costs being the responsibility of the Hauler at the rates indicated in the Custom Work Fee Schedule Policy.
 - b. In the event the Hauler chooses to carry out the work and is not performed to County standards, the Director of Public Works shall provide notice to the Hauler within seventy two (72) hours of the deficiencies and shall arrange for the work to be completed to a level acceptable to the County.
10. The County shall charge a Fixed Municipal Fee as per the Fees & Charges Bylaw. The Municipality is authorized to charge applicants in accordance with the Municipal Government Act for overweight and over dimension permits where the Municipality has enacted a bylaw restricting overweight and over dimension loads including the recovery for the cost of services attributable to permits and approvals.

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11. Council shall authorize the Director of Public Works to enter into a Road Maintenance Agreement if the Hauler has a permanent base of operations requiring 100% legal axle weights on an annual basis. The Road Maintenance Agreement shall include an annual fee based on the increased wear and tear on the highway as a direct result of the Haulers operations. The fee shall be based on the number of trips per day and road infrastructure. This agreement does not relieve the Hauler from their responsibility to repair all road damage as detailed within their Road Use Agreement.
12. As per the Fees & Charges Bylaw, Council shall authorize the Director of Public Works to charge for approach approvals, proximity and crossing approvals, and (pre and post) inspections for any industry where there is potential for road damage. Examples include well sites, multiple legal loads and contaminated loads.
13. Industry requiring temporary approach access must provide the County with a site survey and calculated sight lines prior to entering into a Road Use Agreement. After signing the RUA, the Hauler shall contact the County's permitting agency to obtain inspections for the temporary approach. These approaches however, are not required to meet the County's approach standards (i.e. no culvert or gravel required). Fees are as specified in the Fees & Charges Bylaw and are based per approach, and per inspection completed.
 - a. If the temporary approach is not removed within 14 days following construction, the County shall undertake the work with all charges being the responsibility of the Hauler at the rates indicated in the Custom Work Fee Schedule Policy.

ROAD BANS AND PERMITS:

No person shall operate a Vehicle or combination of Vehicles in excess of the load limits or the size limits as legislated in the Commercial Vehicle and Weight Regulation, or in contravention of any prohibitions as stated in this Policy or the Road Protection Bylaw, without first obtaining a Permit to do so, subject to the conditions of the Permit.

During the spring thaw and the Seasonal Road Ban period (typically April to June), all posted weight restrictions on County roadways are to be strictly adhered to.

For roads subject to **permanent and seasonal** weight restrictions, the exceptions and limitations to travel above posted bans will be as follows:

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Conditions When No Permits Required:

During Road Ban Season: No Permit Required – Exempt Vehicles at 100%

- a) Emergency Vehicles as defined in the Traffic Safety Act;
- b) A vehicle required by a road authority to transport materials needed for emergency maintenance of a highway;
- c) Vehicles and equipment owned and operated by the County of Wetaskiwin to maintain and repair roads and to provide essential services;
- d) A school bus;
- e) A rubber tired tractor, with or without a trailer;
- f) A vehicle crossing a highway;
- g) Deliveries to a commercial business located within a Hamlet;
- h) Vehicles and equipment travelling to and using highways adjacent to lands hosting a community event;
- i) A vehicle transporting fresh milk or cream from its place of origin;
- j) A vehicle transporting pregnant mare urine from its place of origin;
- k) A vehicle having a combined gross weight of all its axles not exceeding 5000 kilograms.

During Road Ban Season: No Permit Required - Restrictions at 90%

- a) a vehicle transporting
 - a. bread
 - b. mail
 - c. heating fuel; and
 - d. fertilizer (includes animal waste manure)
- b) a bus, other than a school bus, carrying passengers.

During Non-Road Ban Season - No Permit Required:

- Roads with no restrictions – 100% of legal axle weights
- Roads with permanent annual restrictions – Obey posted % of legal axle weights

Conditions When Permits Required:

The Director of Public Works or designates, are authorized to establish a system to issue Permits on behalf of the County. The process to obtain a Permit is as follows:

1. The Hauler contacts Public Works requesting a Permit;
2. Public Works prepares a Road Use Agreement (RUA) and submits to the Hauler for signatures;

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3. Once a signed RUA has been received by the County, Public Works will sign, return a copy to the Hauler and file the RUA with Roadata Services;
4. Roadata Services (RDS) will maintain the RUA on file;
5. Prior to the haul, the Hauler is to contact RDS at 1-888-830-7623 to obtain their Permit.

During Non-Road Ban Season: Permit Required:

Outside of the Seasonal Road Ban period (April to June), Haulers are permitted the following legal axle weights on permanently banned roads:

- Agricultural producers transporting oil seeds and grain – 100%
- Non-divisible loads (e.g. concrete pumper) – 100%
- Agriculture related and General Haulers
 - 75% on 50% posted roadways (one increment above)
 - 90% on 75% posted roadways (one increment above)

Specialized Permits for overweight and over-dimension vehicles are available from the Government of Alberta through the Transportation Routing And Vehicle Information System (TRAVIS) which uses private service providers (Agents) such as Roadata Services to provide the permitting service. Subject to existing road conditions, the County will recognize valid TAC permits and allow the Hauler to transport at the specified allowable weights included within the Permit.

SECURITY:

As per the RUA, and depending on the intensity, location, timing and duration of the haul, a Hauler may be required to guarantee the road repair and restoration to as good as or better than, the road condition prior to the haul. The form of security shall include one of the following:

- A Labour and Materials Bond in the amount of 100% of the established Work effort for all labour, equipment and materials used or reasonably required for the Work. The established Work effort and its associated cost will be determined by the Director of Public Works; or
- An Irrevocable Letter of Credit, Certified Cheque, Bank Draft or Money Order in the amount equal to the established Work effort and its associated cost. The established Work effort and its associated cost will be determined by the Director of Public Works. The Irrevocable Letter of Credit, Certified Cheque, Bank Draft or Money Order will be released 120 days following the issuance of a Final Acceptance Certificate (FAC).

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