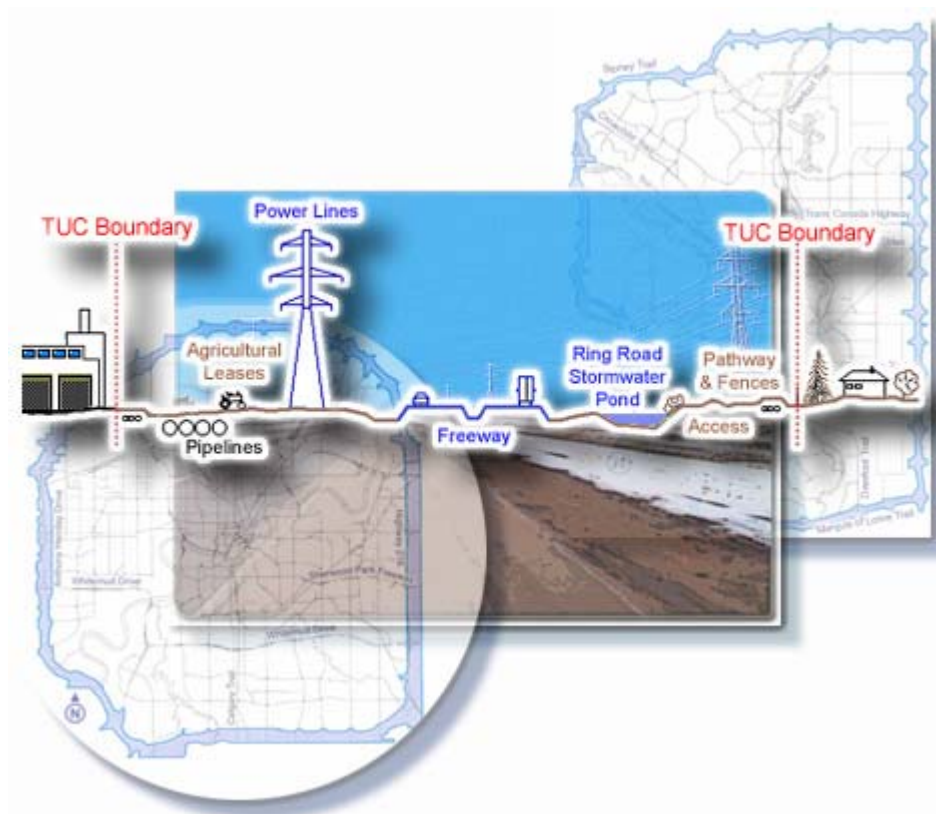


Transportation/Utility Corridor (TUC) Program Policy



April 2004

Land Planning
Realty Services Branch
Properties Division
Alberta Infrastructure

Approved by:

Original signed by

April 16, 2004

Eric J. McGhan
Deputy Minister

(date)

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Transportation/Utility Corridor Program Policy

(TUC Program Policy)

Introduction

An individual or organization (proponent) may propose to enter Transportation/Utility Corridor (TUC) lands around the cities of Calgary or Edmonton, and undertake an activity or use. To do this, a proponent may require authorization from Alberta Infrastructure (INFRAS). By reading this document and appendixes, a proponent will gain an understanding of the TUC Program, the types of authorizations issued by Alberta Infrastructure, and the procedures for obtaining each of these authorizations.

Please note the following:

- Words that appear in SMALL CAPITAL LETTERS are defined in Appendix A.
- The TUC Program Policy includes this document and the attached appendixes.
- The examples given, for instance cases and scenarios, may not represent all situations.
- INFRAS will periodically review the fees it charges.
- The TUC Program Policy is a “living document” and will be reviewed periodically. It is the proponent’s responsibility to obtain an up-to-date version. When in doubt contact Land Planning, INFRAS (see Appendix F).
- The legislation referred to is listed in Appendix B. Any legislation quoted is for convenience only. It is the proponent’s responsibility to refer to the original legislation.

1. What is a Transportation/Utility Corridor (TUC)?

In the mid-1970s, the Government of Alberta established RESTRICTED DEVELOPMENT AREAS (RDAs) around the cities of Calgary and Edmonton. The lands included in these RDAs were designated for TRANSPORTATION/UTILITY CORRIDOR (TUC) uses, including RING ROADS, major utilities, and linear municipal utilities. The TUCs were seen as the most effective means of providing long-term alignments for future RING ROADS and major linear utilities needed to serve these expanding urban areas.

The Calgary TUC crosses lands within The City of Calgary and the Municipal District of Rocky View. The Edmonton TUC extends into three municipalities: The City of Edmonton, Strathcona County, and the City of St. Albert. Maps of the Calgary and Edmonton TUCs are attached as Appendix C.

Land acquisition for the TUC Program commenced in the mid-1970s. To date, the Government of Alberta has acquired about 95 per cent of TUC lands.

2. What is the objective of the TUC Program?

The objective of the TUC Program is to facilitate the development of the cities of Calgary and Edmonton, their surrounding regions, and the province by accommodating within the TUCs the development of RING ROADS, STORMWATER MANAGEMENT FACILITIES, major pipelines and power lines, and MUNICIPAL SERVICES. Currently the RING ROAD in Calgary includes Highway 22x and Stoney Trail (Hwy 201). In Edmonton, the RING ROAD includes Anthony Henday Drive and Highway 216 (Hwy 14x). Over time, additional roadway segments will be constructed to complete the RING ROADS in both cities.

The TUCs were established on the principle that long-term planning for the accommodation of a RING ROAD and major utilities within a TUC can maximize its use. The TUCs protect RING ROAD and utility alignments from advancing urban development and offer a long-term solution to many of the land use problems associated with developing major linear facilities in urban areas.

3. How are the TUCs administered?

The legislative authority for the TUC Program is set out in the Calgary, Edmonton, and Sherwood Park West RDA Regulations made under section 4 of Schedule 5 of the *Government Organization Act*. INFRAS administers the TUCs on behalf of the Government of Alberta. Any individual or organization proposing to enter TUC lands to undertake an activity or use requires authorization from INFRAS.

Where an individual or organization proposes an operation or activity on TUC lands that will likely cause a SURFACE DISTURBANCE, the RDA regulations require that the individual or organization receive written consent (MINISTERIAL CONSENT) from the Minister of INFRAS before starting.

The RDA regulations also ensure that the activities of other government departments and government agencies are coordinated and consistent with the TUC Program. Other government departments and government agencies require the consent of the Minister of INFRAS before exercising certain powers that would affect TUC lands, or before authorizing any operation or activity that would cause a SURFACE DISTURBANCE of TUC lands.

As the TUC administrator, INFRAS also has the mandate to purchase TUC lands required by the TUC Program, and sell provincial Crown lands that have become surplus to the requirements of the TUC Program. INFRAS manages provincial Crown lands within TUCs by granting LEASES (currently administers about 430 LEASES), LICENCES, UTILITY RIGHTS OF WAY, and RIGHTS OF ENTRY to individuals or organizations proposing to enter these TUC lands and undertake activities. The Minister of INFRAS can exercise these powers in accordance with section 10(2) of Schedule 11 of the *Government Organization Act*.

4. What are the different categories of TUC uses?

To effectively administer the TUC Program and accomplish its objective, INFRAS has defined categories of uses within the TUCs. First, however, it is important to understand that one or more of the following three situations may exist and be significant for a TUC use:

- A TUC use may occur on, above, or below the TUC land surface. Above-ground utilities (power lines) and underground utilities (pipelines) both have rights of way that provide for access, maintenance, and so on. Due to this multi-level aspect of uses, there may be two or more uses at a specific location within a TUC. For example, a site may have the following stack of uses: an overhead power line; an agricultural surface use, and a buried pipeline.
- A TUC use (for example, a roadway) may be planned but not yet built. In this case, the current land use (for example, agriculture) is different from that which is planned or designated.
- The SURFACE DISTURBANCE related to the construction of a UTILITY RIGHT OF WAY can vary and is usually less for power lines. Where construction eliminates a use, the use may be subsequently re-established. For example, an agricultural use may be disrupted during pipeline construction, but later the pipeline right of way may be reclaimed back to an agricultural use.

INFRAS recognizes three categories of TUC uses (see Appendix D for a representative cross-section of a TUC):

- **PRIMARY USES** - These are transportation and linear utility facilities that the TUCs are planned to accommodate. These uses include RING ROADS and associated interchanges and STORMWATER MANAGEMENT FACILITIES; pipelines; major power lines (69 kV and above); and municipal services (see MUNICIPAL SERVICES COMPONENT). Within the TUCs, there are designated COMPONENTS for each of these PRIMARY USES (for example, see definitions for RING ROAD COMPONENT, PIPELINE COMPONENT, and POWER LINE COMPONENT).

- **SECONDARY USES** - These usually occur adjacent to roadways, above underground pipelines, or below power lines. They are compatible with these PRIMARY USES and typically are for re-established agricultural use, parking, outdoor storage, limited recreation activities, and limited commercial activities. In addition, SECONDARY USES include subdivision-related CONTOURING that overlaps onto a TUC, BARRIERS, PATHWAYS, and SUPPLEMENTAL LANDSCAPE PLANTINGS. INFRAS may consult with the local municipality about the acceptability of a proposed SECONDARY USE; however, INFRAS will have the final approval as to whether it can be developed within a TUC. Although these SECONDARY USES may last a long time, INFRAS has taken care to ensure that these uses can be easily altered, reduced, or completely displaced to accommodate PRIMARY USES.
- **ORIGINAL USES** - While most of TUC lands have been designated by INFRAS for various PRIMARY USES, much of the actual land use within portions of the TUCs has remained unchanged since the beginning of the TUC Program. The TUCs will take many more years to become fully developed. These ORIGINAL USES include agriculture, residences (mainly original farmsteads), and sand and gravel mining. Currently, much of the TUC lands that have retained their ORIGINAL USES are provincial Crown lands and are leased out by INFRAS. Leasing assists with the maintenance of land and generates revenue. As PRIMARY USES and SECONDARY USES are gradually developed, they will displace these ORIGINAL USES.

5. What are the different types of authorizations granted by INFRAS within the TUCs?

The Crown in right of Alberta as represented by INFRAS owns almost all the TUC lands. The remainder of the TUC lands is privately owned, or lands associated with road rights of way (this includes road plans and statutory road allowances), and the beds and shores of water features. INFRAS may allow the use of provincial Crown lands within TUCs by granting a LEASE, LICENCE, UTILITY RIGHT OF WAY, or RIGHT OF ENTRY. For all TUC lands, whether they are provincial Crown lands or not, INFRAS may issue MINISTERIAL CONSENTS to authorize a SURFACE DISTURBANCE, or to authorize the exercise of certain powers by other government departments or government agencies.

- **LEASE** - This type of agreement is generally associated with ORIGINAL and SECONDARY USES, for example agricultural and residential uses. The Crown in right of Alberta (as represented by INFRAS) as lessor, grants to the lessee for a fixed term and for a specified purpose, and subject to the requirements of PRIMARY USES, exclusive possession of certain provincial Crown lands within a TUC. The LEASE provides that INFRAS may terminate the agreement if the lands are required for TUC PRIMARY USES.

- **LICENCE** - In this type of agreement, the Crown in right of Alberta (as represented by INFRAS) as licensor, grants to the licensee a privilege to enter provincial Crown lands within a TUC for a certain purpose. This type of agreement is typically used for temporary soil stockpiles and the construction and maintenance of SECONDARY USES, for example LANDSCAPE EARTHWORKS such as PATHWAYS. Although many SECONDARY USES are relatively long lasting, the LICENCE provides that INFRAS may terminate the agreement if the lands are required for TUC PRIMARY USES. INFRAS requires the licensee, at its cost, to have an Alberta Land Surveyor draw a plan of survey of the LICENSED area; however, neither the survey nor the agreement is registered at the Land Titles Office. INFRAS also requires the licensee, at its cost, to submit a CERTIFICATE OF COMPLIANCE.
- **UTILITY RIGHT OF WAY** - Here, the Crown in right of Alberta (as represented by INFRAS) as grantor, grants to the grantee a right on, over or under provincial Crown lands within a TUC. A UTILITY RIGHT OF WAY is typically granted for the construction and maintenance of PRIMARY USE utilities. It specifies the characteristics of the use (for example, vertical and horizontal alignments) and the type of installation (for example, pipeline, power line, telecommunications conduit, or municipal services). The use must be consistent with the long-term planning for PRIMARY USES within the TUC and, as a consequence, the UTILITY RIGHT OF WAY is considered to be permanent. INFRAS requires the grantee, at its cost, to have an Alberta Land Surveyor draw a plan of survey of the UTILITY RIGHT OF WAY. The grantee, at its cost, must register both the UTILITY RIGHT OF WAY agreement and the plan of survey at the Land Titles Office. INFRAS also requires the grantee, at its cost, to submit a CERTIFICATE OF COMPLIANCE for the activity.
- **RIGHT OF ENTRY** - Here, the Crown in right of Alberta (as represented by INFRAS) as grantor, grants to the grantee physical access to provincial Crown lands within a TUC to undertake an authorized activity. For a project with more than one phase, more than one RIGHT OF ENTRY may be required (for example for site survey, construction, maintenance, improvement, abandonment, and RECLAMATION phases). The RIGHT OF ENTRY sets out the timing of the entry and conditions that are specific to the authorized activity. If the land is leased, the grantee must notify the lessee before entering the land, and compensate the lessee for entry and activities causing property, or crop damage, or both.
- **MINISTERIAL CONSENT** – INFRAS, as the TUC administrator, may issue MINISTERIAL CONSENTS for all TUC lands. (The Minister of Alberta Infrastructure has delegated the authority to sign MINISTERIAL CONSENTS to certain individuals in INFRAS.) The MINISTERIAL CONSENT sets out conditions that ensure that a proposed operation, activity, or exercise of power is consistent with the TUC Program, and addresses any potential conflicts with

existing and future PRIMARY USES. Under the RDA regulations, INFRAS may issue a MINISTERIAL CONSENT to:

- o any individual or organization to undertake any operation or activity that is likely to cause a SURFACE DISTURBANCE within a TUC (for example, utility installations);
- o any Minister of the Crown or government official to grant an estate or interest in provincial Crown lands within a TUC under the *Mines and Minerals Act*, the *Public Lands Act*, or any other Act (for example, the granting of a UTILITY RIGHT OF WAY);
- o any Minister of the Crown, government official or government agency to exercise any power under the *Municipal Government Act*, the *Pipeline Act*, the *Water Act*, or any other Act to authorize any operation or activity that is likely to cause a SURFACE DISTURBANCE within a TUC (for example, the EUB granting approval of regulated power lines and pipelines); and
- o any Minister of the Crown, government official or government agency to exercise any power under the *Municipal Government Act* to authorize any townsite plan, subdivision plan, or other plan of survey, or any agreement, transfer, or other instrument affecting any TUC lands (for example, registration of plans by Alberta Land Titles).

6. What are the eight major cases of authorizations issued within the TUCs and who are the contacts for each case?

The type of authorization issued by INFRAS depends on the circumstances. There are eight major cases.

- The flow chart in Appendix E shows the authorization procedure for each of the cases.
- The contacts for the cases are as follows:
 - o Cases 1 to 3 - For more information or an authorization, the proponent should contact Property Management, INFRAS (see Appendix F).
 - o Cases 4 to 8 - In these cases, a MINISTERIAL CONSENT from INFRAS is required because of the potential for a SURFACE DISTURBANCE. Therefore, it is extremely important that the proponent contact Land Planning, INFRAS (see Appendix F) at the conceptual stage. Land Planning will work with the proponent to determine:

- compatibility with the requirements of the TUC Program; and
 - any technical requirements necessary to ensure that the proposed use is consistent with TUC planning, including long-term PRIMARY USES.
- The cases are:
 - o **Case 1** - INFRAS and a prospective or existing lessee are entering into, renewing, or terminating a LEASE of provincial Crown lands within a TUC, or negotiating terms such as rental (for example, the renewal of an agricultural LEASE). In this case the land use remains unchanged and there is no SURFACE DISTURBANCE.

Authorization - Property Management, INFRAS (see Appendix F) is responsible for LEASE-related matters.
 - o **Case 2** - A proponent proposes to temporarily enter provincial Crown lands within a TUC for a purpose that will not cause a SURFACE DISTURBANCE (for example, a legal survey).

Authorization - If the temporary activity is compatible with the TUC Program, Property Management will grant a RIGHT OF ENTRY for the proponent to gain physical access to the land.
 - o **Case 3** - A prospective or existing lessee proposes a change in land use of provincial Crown lands within a TUC that will not cause a SURFACE DISTURBANCE and will not require capital investment on the part of the lessee.

Authorization - Property Management is responsible for this LEASE-related matter.
 - o **Case 4** - An existing or prospective lessee of provincial Crown lands within a TUC proposes:
 - a change in land use of TUC lands that will cause a SURFACE DISTURBANCE, or will require a major capital investment on the part of the lessee, or both; or
 - a LEASE with a term of more than five years.
Authorization - If the change in land use is compatible with the TUC Program:
 - Land Planning, INFRAS (see Appendix F) will issue a MINISTERIAL CONSENT; and

- Property Management will draw up a new LEASE with different conditions, or amend an existing LEASE to incorporate changes to an original LEASE.

Additional approvals may be necessary according to other legislation.

- o **Case 5** - A proponent proposes to enter provincial Crown lands within a TUC for a purpose that will cause a SURFACE DISTURBANCE and the development of a SECONDARY USE that will be maintained by INFRAS (for example, LANDSCAPE EARTHWORKS resulting from subdivision-related CONTOURING activities).

Authorization - If the project is compatible with the TUC Program:

- Land Planning will issue a MINISTERIAL CONSENT; and
- Property Management will grant a RIGHT OF ENTRY.

Additional approvals may be necessary according to other legislation.

- o **Case 6** - A proponent proposes to enter TUC lands for a purpose that will cause a SURFACE DISTURBANCE and the development of a SECONDARY USE that will be maintained by the proponent (for example, outdoor storage, limited recreation activities, or PATHWAYS).

Authorization - If the project is compatible with the TUC Program:

- Land Planning will issue a MINISTERIAL CONSENT;
- Property Management will draw up a LICENCE if the lands are provincial Crown lands; and
- Property Management will grant a RIGHT OF ENTRY if the lands are provincial Crown lands.

Additional approvals may be necessary according to other legislation.

- o **Case 7** - A proponent proposes to enter TUC lands for a purpose that will cause a SURFACE DISTURBANCE and the development of a temporary PRIMARY USE (for example, a temporary rerouting of a power line).

Authorization - If the project is compatible with the TUC Program:

- Land Planning will issue a MINISTERIAL CONSENT;
- Property Management will draw up a LICENCE if the lands are provincial Crown lands; and
- Property Management will grant a RIGHT OF ENTRY if the lands are provincial Crown lands.

Additional approvals may be necessary according to other legislation.

- o **Case 8** - A proponent proposes to enter TUC lands for a purpose that will cause a SURFACE DISTURBANCE and the development of a permanent PRIMARY USE (for example, a petroleum pipeline or a power line).

Authorization - If the project is compatible with the TUC Program:

- Land Planning will issue a MINISTERIAL CONSENT;
- Land Services, INFRAS (Appendix F) will draw up a UTILITY RIGHT OF WAY in the case of a utility if the lands are provincial Crown lands; and
- Property Management will grant a RIGHT OF ENTRY if the lands are provincial Crown lands.

In the case of a regulated pipeline or power line, INFRAS will forward a copy of the proponent's MINISTERIAL CONSENT to the EUB, and also issue a separate MINISTERIAL CONSENT to the EUB so that the EUB may issue an authorization.

Additional approvals may be necessary according to other legislation.

7. What are the financial implications of using provincial Crown lands within a TUC? (fees, security, payment to lessees)

Depending on the characteristics of a project and the authorizations required, INFRAS may charge an individual or organization one or more fees for using provincial Crown lands within a TUC. **Note** that INFRAS will review these fees periodically.

- **Rent for LEASES** - INFRAS will charge a lessee rent for a LEASE of provincial Crown lands within a TUC at a market rate less an amount that takes into account that INFRAS may temporarily or permanently disrupt the use of the lands on short notice for TUC activities. GST is added to the rent for TUC LEASES.
- **Compensation fee for LANDSCAPE EARTHWORKS** - INFRAS will charge the proponent a one-time compensation fee of \$61,755 per hectare (\$25,000 per acre) plus GST, for placing a LANDSCAPE EARTHWORK on provincial Crown lands within a TUC (see Section 6, Cases 5 and 6 for LANDSCAPE EARTHWORK authorization). INFRAS will waive this fee if:
 - o the proponent has followed the steps for obtaining MINISTERIAL CONSENT and did not start construction of the LANDSCAPE EARTHWORK before applying for and receiving MINISTERIAL CONSENT; and

- o the LANDSCAPE EARTHWORK meets at least one of the following three criteria:
 - INFRAS accepts that the LANDSCAPE EARTHWORK is a MINOR LANDSCAPE EARTHWORK;
 - INFRAS accepts that there is a DEFINABLE BENEFIT of the LANDSCAPE EARTHWORK to existing, or future TUC uses, or both, and the LANDSCAPE EARTHWORK will not be in conflict with these uses; or
 - INFRAS accepts that the LANDSCAPE EARTHWORK will be constructed solely for the purpose of establishing a TUC PATHWAY.
- **Compensation fee for temporary PRIMARY USES and SECONDARY USES requiring a LICENCE** - INFRAS will enter into a LICENCE agreement (see Section 6, Cases 6 and 7 for LICENCE authorization) with the proponent and charge a compensation fee for temporary PRIMARY and SECONDARY USES on provincial Crown lands within a TUC. The determination of the compensation fee, and the list of entities exempt from payment, are addressed in the Alberta Infrastructure Licences, Easements, and Utility Rights of Way Policy (see Appendix G).
- **Compensation fee for UTILITY RIGHTS OF WAY** - INFRAS will enter into a UTILITY RIGHT OF WAY agreement (see Section 6, Case 8 for UTILITY RIGHT OF WAY authorization) with the proponent and will charge a compensation fee for a permanent utility installation on provincial Crown lands within a TUC. The determination of the compensation fee, and the list of entities exempt from payment, are addressed in the Alberta Infrastructure Licences, Easements, and Utility Rights of Way Policy (see Appendix G).
- **Financial implications for RIGHTS OF ENTRY** - A RIGHT OF ENTRY to provincial Crown lands within a TUC granted by INFRAS may have financial implications for the proponent, as follows:
 - o **Administration fee** - INFRAS will charge the proponent a one-time administration fee of \$1,500 plus GST for granting a RIGHT OF ENTRY to provincial Crown lands within a TUC (see Section 6, Cases 2, 5, 6, 7, and 8 for RIGHT OF ENTRY authorization). However, INFRAS will waive this fee if:
 - the proponent is a provincial government department, a municipality, or an entity that is a designated public utility listed in sections 1 and 2 of the *Designation Regulation* made under the *Public Utilities Board Act*; or
 - INFRAS expects to grant the proponent a LEASE for this provincial Crown land.

- o **SECURITY** - INFRAS may require the proponent to provide INFRAS with SECURITY in the form of an IRREVOCABLE LETTER OF CREDIT, or a cheque, with the money to be held in trust for a period of up to two full growing seasons after completion of the project. INFRAS will always require SECURITY where it has decided to waive the compensation fee for a LANDSCAPE EARTHWORK (see Compensation fee for LANDSCAPE EARTHWORKS, above in this section).

The amount of SECURITY required is calculated by multiplying the PROJECT AREA in square metres by \$1.50 per square metre (or PROJECT AREA in square feet by \$0.14 per square foot), and adding GST.

In some cases, INFRAS may vary the amount of SECURITY determined by the above calculation:

- INFRAS requires a minimum SECURITY of \$5,000.
- INFRAS will accept a reduced amount of security where the provisions of the *Conservation and Reclamation Regulation*, made under the *Environmental Protection and Enhancement Act*, apply to a project. This occurs when the proposed use falls under the definition of SPECIFIED LAND in the Regulation and, as a consequence, Alberta Environment is responsible for ensuring that the proponent reclaims the use.
- INFRAS may require additional SECURITY depending on the characteristics of the project.

After INFRAS has issued the MINISTERIAL CONSENT and the proponent indicates that the project has been completed, INFRAS will release to the proponent the full amount of the security, or only a portion of it if everything has not been completed to INFRAS' satisfaction (see Section 9 for details).

- o **Payment to lessee** - If the land is leased by a third party, the proponent must pay to the lessee an amount to compensate the lessee for entry, and activities causing property damages, or crop loss, or both. All matters relating to payment are between the proponent and the lessee.

8. What are the steps for obtaining MINISTERIAL CONSENT and other related authorizations from INFRAS?

A nine-step procedure must be followed where the proponent requires a MINISTERIAL CONSENT from INFRAS to undertake a proposed project within a TUC (see Section 6, Cases 4 to 8, and the flow chart in Appendix E).

Step 1 - The proponent prepares and submits a MINISTERIAL CONSENT application to INFRAS

The proponent must submit a written application for MINISTERIAL CONSENT to INFRAS before undertaking the proposed project. Land Planning, INFRAS (see Appendix F) will advise the proponent on the content of the submission and any specific requirements identified during the review of the project at the conceptual stage.

At a minimum, the application for MINISTERIAL CONSENT must include the following information:

- **Covering letter** - In the covering letter, the proponent must request MINISTERIAL CONSENT for the application and provide a detailed description of the project, including:
 - o PROJECT AREA (hectares or acres);
 - o dimensions of the area;
 - o construction schedule (commencement and completion dates);
 - o legal description of the PROJECT AREA (legal subdivision, quarter section, township, range, meridian; or lot, block and plan numbers; or both if they exist); and
 - o certificate of title numbers.
- **Site drawing** - The site drawing must:
 - o show the proposed PROJECT AREA, the boundary of the right of way (if a utility), and any temporary working space required;
 - o be superimposed on a TUC Alignment Orthophoto or Legal Survey drawing, and clearly show the TUC boundaries and the boundaries of each COMPONENT in relation to the proposed use (contact Land Planning, INFRAS for the most up-to-date TUC plans; see Appendix F);
 - o include a base/key plan, if an application includes multiple drawings;

- o have a north arrow and be oriented so that north is at the top of the page, unless the shape of the area favours other orientations; and
- o have a legend that includes:
 - legal description of the PROJECT AREA;
 - municipality (for example, The City of Calgary);
 - drawing scale (for example, 1:2,000);
 - air photo data - if applicable, information on air photos used to derive information (date, scale, job, line, and photo numbers);
 - date drawn; and
 - name(s) of person(s) or group that prepared the drawing.

Depending on the characteristics of the project, INFRAS may require additional information. Examples of these projects include utilities and LANDSCAPE EARTHWORKS:

- **Proposed utility located within a UTILITY COMPONENT** - For a proposed utility located within a UTILITY COMPONENT, the site drawing requirements are the same as the minimum ones set out above, with the following additional requirements:
 - o the drawing must use 3-TM NAD83 co-ordinates and show profiles, or cross-sections, or both if possible;
 - o the drawing must show the location of existing utilities within the UTILITY COMPONENT; and
 - o where more than one utility is proposed within the UTILITY RIGHT OF WAY, the drawing must show the location of all the proposed utilities.
- **Proposed utility crosses a TUC** - For a proposed utility crossing a TUC, the site drawing requirements are the same as set out above for a proposed utility located within a UTILITY COMPONENT. However, there are several special requirements where the utility crosses the RING ROAD COMPONENT. The drawing must show:
 - o utility elevations and cross-sections at all existing and proposed roadway crossings;
 - o for underground utilities, depths from the top of the proposed utility to the proposed final roadway ditch bottoms. **Note** that underground utilities within the RING ROAD COMPONENT must:
 - not bend vertically or horizontally;
 - be cased if they are jointed, or if continuous must be of sufficient strength to withstand the loading; and

- maintain a separation of at least 1.4 metres (4.6 feet) between the lowest final grade of a RING ROAD ditch and the top of the utility (for water lines the minimum separation is 2.5 metres (8.2 feet)); and
- for overhead utilities, vertical separation distances (clearances) from the line to the roadway. In addition, drawings must show accurately the location of all poles, towers, anchors, transformers, and other structures associated with the proposal in relation to the RING ROAD COMPONENT and other COMPONENTS.
- **Proposed LANDSCAPE EARTHWORK** - INFRAS will require the proponent to submit additional technical information in support of a LANDSCAPE EARTHWORK project. These requirements are set out in Appendix H.

Step 2 - INFRAS reviews the MINISTERIAL CONSENT application for completeness

Land Planning, INFRAS (see Appendix F) reviews the application for completeness. If it is incomplete, Land Planning will return it to the proponent to remedy the deficiencies.

Step 3 - INFRAS refers the complete MINISTERIAL CONSENT application to stakeholders and evaluates potential conflicts

Land Planning, INFRAS (see Appendix F) sends the complete application for MINISTERIAL CONSENT to other provincial government departments and other stakeholders that, in Land Planning's opinion, would be affected by the proposal. (See Appendix I for a description of the roles and responsibilities of TUC stakeholders.) Based on comments from these stakeholders and INFRAS' TUC Program objectives for this area, Land Planning will determine whether potential conflicts exist between the proposal and existing and future TUC PRIMARY USES, and existing SECONDARY USES.

Step 4 - INFRAS reviews the MINISTERIAL CONSENT application and decides if any additional authorizations from INFRAS are required

Land Planning, INFRAS (see Appendix F) reviews the application and decides if any authorizations from INFRAS are required in addition to the MINISTERIAL CONSENT. INFRAS may require the proponent to enter into a new LEASE, LICENCE, or UTILITY RIGHT OF WAY agreement with INFRAS. (See Step 9, Scenario B for the procedure for a LICENCE, and Step 9, Scenario C for the procedure for a UTILITY RIGHT OF WAY.)

If a LICENCE or UTILITY RIGHT OF WAY agreement is required, the proponent must obtain a RIGHT OF ENTRY from INFRAS to obtain physical access to the lands (see Step 7 for details). **Note** that all LANDSCAPE EARTHWORKS will require a RIGHT OF ENTRY, even though some will not need a LICENCE. (See Section 6, Case 5; also refer to Step 9, Scenario A for the procedure for a LANDSCAPE EARTHWORK that does not require a LICENCE.)

Step 5 - INFRAS determines all applicable fees and any SECURITY

Land Planning, INFRAS (see Appendix F) will determine all applicable fees and any SECURITY for the project (see Section 7).

Step 6 - INFRAS issues the MINISTERIAL CONSENT

After the proponent has met all of the requirements for obtaining MINISTERIAL CONSENT to INFRAS' satisfaction, Land Planning, INFRAS (see Appendix F) will issue the MINISTERIAL CONSENT. The MINISTERIAL CONSENT will specify all applicable fees and any SECURITY (see Section 7 and Step 5).

Note that Land Planning takes a minimum of 30 days to issue a MINISTERIAL CONSENT. This time is required for the review and decision-making process.

Note that occasionally a project will take place on private lands within a TUC. In this case, a condition of the MINISTERIAL CONSENT may require the proponent to submit a CERTIFICATE OF COMPLIANCE in the form set out in Appendix J, signed by a professional engineer. Additionally, if the project is for a utility, a condition of the MINISTERIAL CONSENT may require that INFRAS approve the plan of survey for the UTILITY RIGHT OF WAY before the proponent registers it at the Land Titles Office.

Note that Land Planning may issue additional MINISTERIAL CONSENTS to other provincial government departments or agencies (for example, the EUB) so that they can exercise their powers. (See the definition of MINISTERIAL CONSENT.)

Step 7 - For a project on provincial Crown lands within a TUC, the proponent applies to INFRAS for a RIGHT OF ENTRY

The RIGHT OF ENTRY allows the proponent to physically enter provincial Crown lands within a TUC and carry out the authorized project specified in the MINISTERIAL CONSENT. To obtain a RIGHT OF ENTRY, the proponent must apply to Property Management, INFRAS (see Appendix F).

The RIGHT OF ENTRY will include a number of provisions, including, for example, requiring the proponent to notify in writing any lessees that will be affected by the RIGHT OF ENTRY (this is critical where there are buildings or residences).

Property Management will grant a RIGHT OF ENTRY if the proponent has:

- paid any compensation fee and administration fee required, and provided any SECURITY required (see Step 5); or
- made arrangements that are acceptable to Property Management to pay these fees and provide the SECURITY.

Note that the proponent is responsible for locating any LICENSED underground utilities beneath or in close proximity to the project. Property Management, on request, will provide the proponent with copies of any related LICENCES and associated survey plans.

Step 8 - For a project on provincial Crown lands within a TUC, the proponent proceeds in accordance with the MINISTERIAL CONSENT and the RIGHT OF ENTRY

Step 9 - For a project on provincial Crown lands within a TUC, the proponent submits a plan of survey and CERTIFICATE OF COMPLIANCE and, if applicable, enters into a LICENCE or UTILITY RIGHT OF WAY agreement with INFRAS

There are three major scenarios:

Scenario A - Steps for projects not requiring a LICENCE from INFRAS (see Section 6, Case 5)

Step 9.A.1 The proponent submits a plan of survey and a CERTIFICATE OF COMPLIANCE to INFRAS

By the expiry date set out in the MINISTERIAL CONSENT (see Step 6) or within 90 days of completion of the project, whichever comes first, the proponent must submit to Land Planning, INFRAS (see Appendix F):

- a plan of survey that:
 - o encompasses the PROJECT AREA;
 - o is both on paper and on an appropriately formatted digital file (preferably AutoCAD);
 - o is of sufficient quality that it could be registered at the Land Titles Office; and

- o includes a signature block for INFRAS in the form set out below (**note** that the designated signing authority will depend on the particular project; Land Planning will provide the title to be used); and

<p><u>ALBERTA INFRASTRUCTURE</u></p> <hr/> <p>DIRECTOR LAND PLANNING ALBERTA INFRASTRUCTURE</p> <p>Date _____ 200__</p>
--

- a CERTIFICATE OF COMPLIANCE in the form set out in Appendix J, signed by a professional engineer.

Step 9.A.2 INFRAS reviews the plan of survey and CERTIFICATE OF COMPLIANCE

Land Planning reviews the plan of survey and CERTIFICATE OF COMPLIANCE to ensure that the conditions of the MINISTERIAL CONSENT have been met. If either is unacceptable, Land Planning will contact the proponent to remedy deficiencies.

Step 9.A.3 INFRAS signs the plan of survey

If the plan of survey is acceptable, Land Planning will sign it and retain the original for its records (this is a signed, unregistered plan of survey).

Step 9.A.4 INFRAS sends a copy of the signed plan of survey to the proponent.

Scenario B - Steps for SECONDARY USES and temporary PRIMARY USES requiring a LICENCE from INFRAS (see Section 6, Cases 6 and 7)

Step 9.B.1 The proponent submits a plan of survey and a CERTIFICATE OF COMPLIANCE to INFRAS

This step is exactly the same as Step 9.A.1 (see Scenario A).

Step 9.B.2 INFRAS reviews the plan of survey and CERTIFICATE OF COMPLIANCE

This step is exactly the same as Step 9.A.2 (see Scenario A).

Step 9.B.3 INFRAS signs the plan of survey and prepares the LICENCE

If the plan of survey is acceptable, Land Planning, INFRAS (see Appendix F) will sign it and retain the original for its records (this is a signed, unregistered plan of survey). Property Management, INFRAS (see Appendix F) will prepare the LICENCE based on the plan of survey.

Step 9.B.4 INFRAS sends the unsigned LICENCE and a copy of the signed plan of survey to the proponent

Property Management sends to the proponent:

- three copies of the unsigned LICENCE; and
- one copy of the signed plan of survey.

Step 9.B.5 The proponent signs the LICENCE and returns all copies to INFRAS

The proponent has each copy of the LICENCE signed and sealed by the proponent's appropriate signatory, and returns all copies to Property Management.

Step 9.B.6 INFRAS signs both copies of the LICENCE

Property Management signs and seals all copies of the LICENCE, and returns one fully executed copy to the proponent. **Note** that the LICENCE is not registered at the Land Titles Office.

Scenario C - Steps for projects requiring a UTILITY RIGHT OF WAY from INFRAS (see Section 6, Case 8)

Step 9.C.1 The proponent submits a plan of survey and a CERTIFICATE OF COMPLIANCE to INFRAS

By the expiry date set out in the MINISTERIAL CONSENT (see Step 6) or within 90 days of completion of the project, whichever comes first, the proponent must submit to Land Planning, INFRAS (see Appendix F):

- three paper copies of the plan of survey that encompasses the PROJECT AREA and is acceptable for registration at the Land Titles Office; and
- a CERTIFICATE OF COMPLIANCE in the form set out in Appendix J, signed by a professional engineer.

Step 9.C.2 INFRAS reviews the plan of survey and CERTIFICATE OF COMPLIANCE

Land Planning reviews the plan of survey and CERTIFICATE OF COMPLIANCE to ensure that the conditions of the MINISTERIAL CONSENT have been met. If either is unacceptable, Land Planning will contact the proponent to remedy deficiencies.

Step 9.C.3 INFRAS signs and seals a CONSENT TO REGISTER A PLAN and prepares the UTILITY RIGHT OF WAY agreement

If the plan of survey is acceptable, Land Planning will sign and seal the CONSENT TO REGISTER A PLAN (in the form set out in Appendix K). Land Services, INFRAS (see Appendix F) will prepare the UTILITY RIGHT OF WAY agreement based on the plan of survey.

Step 9.C.4 INFRAS sends the UTILITY RIGHT OF WAY agreement and the CONSENT TO REGISTER A PLAN to the proponent

Land Services sends to the proponent:

- three copies of the unsigned UTILITY RIGHT OF WAY agreement;
- the signed and sealed CONSENT TO REGISTER A PLAN; and
- one copy of the approved unregistered plan of survey.

Step 9.C.5 The proponent registers the plan of survey at the Land Titles Office and it is assigned a registration number

The proponent registers the plan of survey at the Land Titles Office by submitting the signed and sealed CONSENT TO REGISTER A PLAN (Appendix K) along with a digital file of the plan of survey. The Land Titles Office will assign the plan of survey a registration number (the plan is now a registered plan of survey).

Step 9.C.6 The proponent signs and seals the UTILITY RIGHT OF WAY agreement; the proponent sends the UTILITY RIGHT OF WAY agreement and digital file of the plan of survey to INFRAS

The proponent enters the registration number of the registered plan of survey onto each of the three copies of the UTILITY RIGHT OF WAY agreement. The proponent has each copy signed and sealed by the proponent's appropriate signatory.

The proponent returns the three copies of the UTILITY RIGHT OF WAY agreement to Land Services along with an appropriately formatted digital file (preferably AutoCAD) of the registered plan of survey.

Step 9.C.7 INFRAS signs and seals the UTILITY RIGHT OF WAY agreement and returns two fully executed copies to the proponent

Land Services signs and seals the three copies of the UTILITY RIGHT OF WAY agreement, retains one fully executed copy for its records, and returns two copies to the proponent (one copy is for the proponent's records; the other for registration at the Land Titles Office).

Step 9.C.8 The proponent registers the UTILITY RIGHT OF WAY agreement at the Land Titles Office

The proponent, at its cost, registers the UTILITY RIGHT OF WAY agreement at the Land Titles Office.

Step 9.C.9 The proponent sends to INFRAS one copy of the Certificate of Title evidencing the registration of the UTILITY RIGHT OF WAY agreement

9. When does INFRAS release the unused portion of the SECURITY?

SECURITY assists INFRAS to ensure that the construction and RECLAMATION activities authorized in a MINISTERIAL CONSENT will be carried out to INFRAS' satisfaction, and that the conditions of any related agreements (LICENCE or UTILITY RIGHT OF WAY) and the RIGHT OF ENTRY will be met to INFRAS' satisfaction. If they are, INFRAS will release the full amount of the SECURITY to the proponent. However, if they are not, and INFRAS must expend funds to bring a project into compliance, those costs will be deducted from the SECURITY. The following are examples of costs that may be deducted: RECLAMATION; maintenance of the lands; alignment adjustments; or obtaining a legal survey, plan of survey, or CERTIFICATE OF COMPLIANCE.

10. When may INFRAS issue an enforcement order?

INFRAS may issue an enforcement order if an individual or organization contravenes section 4 of Schedule 5 of the *Government Organization Act* (the Act) or the RDA regulations under the Act (for enforcement order see section 5 of Schedule 5 of the Act).

An act of contravention includes any operation or activity causing a SURFACE DISTURBANCE of lands within a TUC for which INFRAS has not given MINISTERIAL CONSENT (section 5 of each of the RDA regulations).

An enforcement order may order the individual or organization to:

- cease the contravention;
- stop any operations or shut down or stop the operation of any plant, equipment or structure either permanently or for a specified period; or
- take any other measures necessary to facilitate compliance with the applicable provision or protect or restore the environment.

An individual or organization that contravenes an enforcement order is guilty of an offence and is liable for penalties (section 8 of Schedule 5 of the Act).

Appendix A

Definitions

ACCESS COMPONENT - the designated area within a TUC that provides utility operators with unencumbered access to the TUC to install, operate, and maintain utilities.

ALBERTA INFRASTRUCTURE (abbreviation is INFRAS) - the provincial government department responsible for administering the TUC Program.

BARRIER - a structure consisting of either a LANDSCAPE EARTHWORK (BERM) or a major vertical wall. A BARRIER attenuates noise, or provides VISUAL SCREENING, or both.

BERM - an EARTHWORK consisting of a linear mound.

BUFFER COMPONENT - a designated area within a TUC located next to a RING ROAD COMPONENT, that is held as a contingency in areas where additional RING ROAD rights of way may be required.

CERTIFICATE OF COMPLIANCE - a document signed by a professional engineer certifying that the project was carried out in compliance with the conditions set out in the MINISTERIAL CONSENT.

COMPONENT - a designated area within a TUC where a specific type of use, such as a RING ROAD or power line, takes place.

CONTOURING - altering the surface elevation of a land area by cutting, or filling, or both. It is also referred to as backsloping, recontouring, grading, or regrading. CONTOURING results in an EARTHWORK.

dB A $L_{eq(24)}$ - a mathematical measure formulated to assess traffic noise impacts. In this expression, dB is the abbreviation for decibels and A is a weighting scale for the pitch components of noise. L_{eq} condenses an hour's worth of noise into a single value. To take into account the daily pattern of noise, averaging of L_{eq} 's is done over a 24-hour period.

DEFINABLE BENEFIT - a significant advantage to existing, or future PRIMARY USES, or both that would be provided by a prospective LANDSCAPE EARTHWORK within a TUC. The following are examples of LANDSCAPE EARTHWORKS that would provide a DEFINABLE BENEFIT:

- A LANDSCAPE EARTHWORK that would reduce or eliminate adverse topography within a portion of the TUC so that the development of the TUC within that portion is facilitated.

- A **LANDSCAPE EARTHWORK** that would consist of a temporary soil stockpile derived from subdivision **CONTOURING** activities, and Alberta Transportation has notified **INFRAS** that these surplus soil materials would benefit its roadway construction.

DRAINAGE SWALE - a low-lying or depressed area constructed to convey surface runoff.

EARTHWORK - is constructed by excavating into or placing earth onto the surface of the land. Construction of an **EARTHWORK** results in a **SURFACE DISTURBANCE**. Typical examples of **EARTHWORKS** within the **TUCs** are:

- roadway and interchange embankments and excavations;
- soil stockpiles;
- geophysical operations;
- **STORMWATER MANAGEMENT FACILITY** excavations needed for ponds, sediment traps, treatment wetlands, storm sewer trenches, and drainage ditches;
- trench excavations for pipelines;
- excavations required for the construction of power lines and telecommunications towers;
- sand and gravel quarry excavations; and
- **LANDSCAPE EARTHWORKS**.

EASEMENT - a right of use acquired by Landowner A for the benefit of Landowner A's lands over Landowner B's lands. The **EASEMENT** provides Landowner A with a limited right to use Landowner B's lands, for example the right to cross Landowner B's lands. Landowner A's lands, which receives the benefit, are called the dominant tenement. Landowner B's lands, over which the right is exercisable, is called the servient tenement. The **EASEMENT** agreement is registered on the certificate of title of both Landowners A and B. A plan of survey showing the lands affected by the **EASEMENT** is registered at Alberta Land Titles. The registered owner of the dominant tenement (Landowner A) can register a caveat on the certificate of title of the servient tenement (Landowner B) and can cancel the caveat. Landowner B can also cancel the caveat if Landowner B can prove that the interest created by the **EASEMENT** has expired through the passage of time in accordance with an explicitly stated provision in the **EASEMENT**.

EUB - the acronym for the Alberta Energy and Utilities Board.

FILL - an **EARTHWORK** consisting of a non-linear mound.

GST - the acronym for the Goods and Services Tax. This tax is on most goods and services in Canada and is currently 7%.

INFRAS - the abbreviation for **ALBERTA INFRASTRUCTURE**.

IRREVOCABLE LETTER OF CREDIT - an assurance of funds issued by a financial institution that cannot be cancelled or changed without the beneficiary's approval.

LANDSCAPE EARTHWORK - a type of EARTHWORK constructed within a TUC that includes:

- subdivision-related CONTOURING (cutting, or filling, or both) that overlaps onto a TUC;
- subdivision-related BERMS that function as NOISE ATTENUATION BARRIERS, and in some cases also provide for VISUAL SCREENING;
- subdivision-related DRAINAGE SWALES;
- temporary soil stockpiles resulting from subdivision-related CONTOURING activities;
- PATHWAYS; and
- any other EARTHWORKS that do not fall under the definition of SPECIFIED LAND in the *Conservation and Reclamation Regulation* under the *Environmental Protection and Enhancement Act*.

LANDSCAPE EARTHWORK RECLAMATION - all those actions taken by a proponent that are essential to ensure that a LANDSCAPE EARTHWORK is a sustainable development and its adverse impact on surrounding lands and water features is avoided or reduced. These actions include filling with suitable materials, CONTOURING the earth, stockpiling and spreading of topsoil (also in some cases subsoil and overburden), and re-establishing vegetation equivalent to the pre-disturbance cover.

LANDSCAPING - includes the following:

- construction of LANDSCAPE EARTHWORKS;
- LANDSCAPE EARTHWORK RECLAMATION; and
- SUPPLEMENTAL LANDSCAPE PLANTING.

LEASE - an agreement that grants exclusive possession of lands owned by one party (the landlord or lessor) to another party (the tenant or lessee) for a period of time in exchange for rent or other compensation.

LICENCE - an agreement that grants one party (the licensee) the privilege to enter onto the lands of the registered owner (the licensor) for a certain purpose, for example to dump topsoil on the lands for a short period of time. However, this privilege by itself does not give the licensee any title, interest, or estate in the lands. The licensor can terminate the LICENCE agreement.

LOW-GROWING VEGETATION - any type of vegetation (usually shrubs) that does not exceed a height of 3 metres (10 feet).

MINISTERIAL CONSENT - INFRAS, as the TUC administrator, may issue MINISTERIAL CONSENTS for all TUC lands. (The Minister of Alberta Infrastructure has delegated the authority to sign MINISTERIAL CONSENTS to certain individuals in INFRAS.) The MINISTERIAL CONSENT sets out conditions that ensure that a proposed operation, activity, or exercise of power is consistent with the TUC Program, and addresses any potential

conflicts with existing and future PRIMARY USES. Under the RDA regulations, INFRAS may issue a MINISTERIAL CONSENT to:

- any individual or organization to undertake any operation or activity that is likely to cause a SURFACE DISTURBANCE within a TUC (for example, utility installations);
- any Minister of the Crown or government official to grant an estate or interest in provincial Crown lands within a TUC under the *Mines and Minerals Act*, the *Public Lands Act*, or any other Act (for example, the granting of a UTILITY RIGHT OF WAY);
- any Minister of the Crown, government official, or government agency to exercise any power under the *Municipal Government Act*, the *Pipeline Act*, the *Water Act*, or any other Act to authorize any operation or activity that is likely to cause a SURFACE DISTURBANCE within a TUC (for example, the EUB granting approval of regulated power lines and pipelines); and
- any Minister of the Crown, government official, or government agency to exercise any power under the *Municipal Government Act* to authorize any townsite plan, subdivision plan, or other plan of survey, or any agreement, transfer, or other instrument affecting any TUC lands (for example, registration of plans by Alberta Land Titles).

MINOR LANDSCAPE EARTHWORK - a LANDSCAPE EARTHWORK that INFRAS accepts does not affect the administration of the TUC, and does not impact current or future uses.

MUNICIPAL SERVICES COMPONENT - an area within a TUC designated for the use of minor power lines (below 69 kV); telecommunications lines; and municipal water, sanitary, and storm sewer lines.

NOISE ATTENUATION BARRIER - a BARRIER that reduces noise impacts on nearby residents. This structure may be built using either a LANDSCAPE EARTHWORK (BERM) or a major vertical wall.

ORIGINAL USES - actual land uses within portions of the TUCs that have remained unchanged since the beginning of the TUC Program. These ORIGINAL USES include agriculture, residences (mainly original farmsteads), and sand and gravel mining. Currently, much of the TUC lands that have retained their ORIGINAL USES are provincial Crown lands and are leased out by INFRAS. Leasing assists with the maintenance of land and generates revenue. As PRIMARY USES and SECONDARY USES are gradually developed, they will displace these ORIGINAL USES.

PATHWAY - a linear area within a TUC used by pedestrians, or cyclists, or both. Within TUC lands a PATHWAY is a SECONDARY USE and a LANDSCAPE EARTHWORK.

PIPELINE COMPONENT - an area within a TUC designated for the use of pipelines. Pipelines are a type of PRIMARY USE.

POWER LINE COMPONENT - an area within a TUC designated for the use of major electrical transmission lines (69 kv and above). Major power lines are a type of PRIMARY USE.

PRIMARY USES - linear transportation and linear utility facilities that the TUCs are planned to accommodate. These uses include RING ROADS and associated interchanges and STORMWATER MANAGEMENT FACILITIES; pipelines; major power lines (69 kV and above); and municipal services (see MUNICIPAL SERVICES COMPONENT). Within the TUCs, there are designated COMPONENTS for each of these PRIMARY USES.

PROJECT AREA - the area that encompasses the completed work (for example, a LANDSCAPE EARTHWORK or UTILITY RIGHT OF WAY) and any temporary working space required beyond the completed work.

RECLAMATION - has the same meaning here as set out in section 1(ddd) of *the Environmental Protection and Enhancement Act*. RECLAMATION means any or all of the following:

- (i) the removal of equipment or buildings or other structures or appurtenances;
- (ii) the decontamination of buildings or other structures or other appurtenances, or land or water;
- (iii) the stabilization, contouring, maintenance, conditioning or reconstruction of the surface of land;
- (iv) any other procedure, operation or requirement specified in the regulations (under the *Environmental Protection and Enhancement Act*).

RECLAMATION PLANTINGS - vegetation that is planted to meet the basic objectives of RECLAMATION.

RESTRICTED DEVELOPMENT AREA (acronym is RDA) - In the mid-1970s, the Government of Alberta established RDAs around the cities of Calgary and Edmonton, and designated them for TUC uses. The three RDA regulations (Calgary, Edmonton, and Sherwood Park West) are made under section 4 of Schedule 5 of the *Government Organization Act*. The Act and these regulations are the underlying legislative authority for the TUC Program.

RDA - the acronym for RESTRICTED DEVELOPMENT AREA.

RIGHT OF ENTRY - the legal right granted by one party (the landowner is the grantor) to another party (the grantee) to physically enter lands to carry out a specified operation or activity.

RING ROAD - a high-speed freeway around the cities of Calgary or Edmonton located within a TUC.

RING ROAD COMPONENT - an area within a TUC designated for the use of a high-speed freeway, crossroads and related interchanges, and their associated rights of way. These are PRIMARY USES.

SECONDARY USES - usually occur within TUCs adjacent to roadways, above underground pipelines, or below power lines. They are compatible with these PRIMARY USES and typically are for re-established agricultural use, parking, outdoor storage, limited recreation activities, and limited commercial activities. In addition, SECONDARY USES include subdivision-related CONTOURING that overlaps onto a TUC; and subdivision-related BARRIERS, PATHWAYS, and SUPPLEMENTAL LANDSCAPE PLANTINGS. SECONDARY USES can be easily altered, reduced, or completely displaced to accommodate PRIMARY USES.

SECURITY - can be in the form of an IRREVOCABLE LETTER OF CREDIT or a cheque with the money held in trust. INFRAS requests SECURITY from a proponent to ensure that development and RECLAMATION activities authorized in a MINISTERIAL CONSENT, and conditions associated with any agreements and the RIGHT OF ENTRY, will be satisfactorily met.

SPECIFIED LAND - has the same meaning here as set out in section 1(t) of the *Conservation and Reclamation Regulation* under the *Environmental Protection and Enhancement Act*. SPECIFIED LAND means land that is being or has been used or held for or in connection with

- (i) the construction, operation or reclamation of a well, oil production site or battery;
- (ii) the construction, operation or reclamation of a pipeline, telecommunication system or transmission line;
- (iii) the construction, operation or reclamation of a mine, pit, borrow excavation, quarry or peat operation;
- (iv) the construction or reclamation of a roadway;
- (v) the conduct or reclamation of an exploration operation for coal or oil sands;
- (vi) the reclamation of a railway;
- (vii) the construction, operation or reclamation of a plant.

Within TUC lands, most PRIMARY USES as well as sand and gravel quarries fall under this definition of SPECIFIED LAND. Alberta Environment, as the administrator of this Act and Regulation, is responsible for the RECLAMATION of these uses.

STORMWATER MANAGEMENT FACILITIES - accommodate the storage and discharge of stormwater runoff from the RING ROAD COMPONENT at specified rates. These facilities are usually confined to the MUNICIPAL SERVICES COMPONENT, and in some cases replace native wetlands that are incompatible with RING ROAD or utility development. These facilities have one or more parts: wet ponds (always contain standing water), dry ponds,

sediment traps, and treatment wetlands. Outflow from these facilities is conveyed out of the TUCs by storm sewers or drainage ditches.

SUBDIVISION BOUNDARY FENCE - is situated on non-TUC lands adjacent to the surveyed TUC/subdivision property line.

SUPPLEMENTAL LANDSCAPE PLANTINGS - planted vegetation that is supplemental to or an enhancement of RECLAMATION PLANTINGS, usually implemented for aesthetics.

SURFACE DISTURBANCE - has the same meaning here as set out in section 2(d) of each of the RDA regulations. SURFACE DISTURBANCE means:

- (i) the disturbance, exposure, covering or erosion of the surface of land in any manner, or
- (ii) the degradation or deterioration in any manner of the physical surface of land.

TALL-GROWING VEGETATION - any type of vegetation (usually trees) that exceeds a height of 3 metres (10 feet).

TRANSPORTATION/UTILITY CORRIDOR (acronym is TUC) - a multi-use transportation and utility corridor around a city. In Alberta there are two TUCs, one around The City of Calgary, the other around The City of Edmonton. The underlying legislation for the TUC Program is the RDA regulations under the *Government Organization Act*. INFRAS administers the TUCs.

TRANSPORTATION NOISE - a complex phenomenon generated by the engine, exhaust, and tires of each vehicle on a roadway. Noise has two components: its intensity measured in decibels (dB) and its pitch (an increase of 10 decibels will be perceived as doubling the loudness; sensitivity to sound varies with pitch). Noise from a roadway fluctuates over short periods and at different times of the day.

TUC - the acronym for TRANSPORTATION/UTILITY CORRIDOR.

TUC ACCESS POINT - a location on the boundary of a TUC providing entry into or exit from the TUC.

TUC ACCESS ROAD - provides access to a TUC by vehicles involved with PRIMARY and SECONDARY USES.

TUC PATHWAY FENCE - a fence located on the TUC side of the PATHWAY right of way.

UTILITY COMPONENT - a COMPONENT within a TUC designated for the use of power lines, pipelines, and municipal services, and their associated rights of way. These are PRIMARY USES within a TUC.

UTILITY RIGHT OF WAY - has the same meaning as set out in section 69(1) of the *Land Titles Act*. The registered owner of land can grant to the Crown or a corporation a right on, over or under the land for:

- (a) carrying, laying, constructing, maintaining or using conduits, cables, wires, poles or transmission lines,
- (b) laying, constructing, maintaining and operating pipelines for the transmission, transportation or conduct of any substance,
- (c) conveying water,
- (d) drainage, irrigation, flooding or erosion,
- (e) disposing of sewage,
- (f) constructing or maintaining a public work,
- (g) constructing, maintaining and operating a railway, street railway or light rail transit, or
- (h) constructing, maintaining and operating a temporary roadway.

The instrument granting the right, called a **UTILITY RIGHT OF WAY**, may be registered under this Act. Section 69(2) to (6) of the *Land Titles Act* further defines the rights associated with a **UTILITY RIGHT OF WAY**:

- (2) The Crown or a corporation as a registered owner may grant to itself a right for any purpose described in subsection (1).
- (3) On registration, the grantee has the right to use the land in accordance with the terms of the grant and that right runs with the land notwithstanding that the benefit of the right is not appurtenant or annexed to any land of the grantee.
- (4) An instrument purporting to transfer, mortgage or encumber any right granted by an instrument registered under subsection (1) and executed by or on behalf of the grantee may be registered under this Act.
- (5) The grantee may at any time, by an instrument to that effect registered under this Act, surrender the right granted by an instrument registered under subsection (1).
- (6) Notwithstanding subsection (5), a right that is subject to a mortgage or encumbrance shall not be surrendered unless the surrender is consented to by the mortgagee or encumbrancee.

VISUAL SCREENING - is associated with a **BARRIER** and reduces the visibility of **PRIMARY** and **SECONDARY USES** from nearby residents. **VISUAL SCREENING** is the responsibility of a developer, not of **INFRAS** or Alberta Transportation.

Appendix B

Legislation

The following acts and regulations are referred to in the TUC Program Policy.

Environmental Protection and Enhancement Act (RSA 2000 cE-12)

Conservation and Reclamation Regulation (AR 115/93)

Activities Designation Regulation (AR 211/96)

Expropriation Act (RSA 2000 cE-13)

Government Organization Act (RSA 2000 cG-10), section 4 of Schedule 5

Calgary Restricted Development Area Regulations (AR 212/76)

Edmonton Restricted Development Area Regulations (AR 287/74)

The Sherwood Park West Restricted Development Area Regulations (AR 45/74)

Land Titles Act (RSA 2000 cL-4)

Mines and Minerals Act (RSA 2000 cM-17)

Municipal Government Act (RSA 2000 cM-26)

Pipeline Act (RSA 2000 cP-15)

Public Lands Act (RSA 2000 cP-40)

Public Utilities Board Act (RSA 2000 cP-45)

Designation Regulation (AR 131/2000)

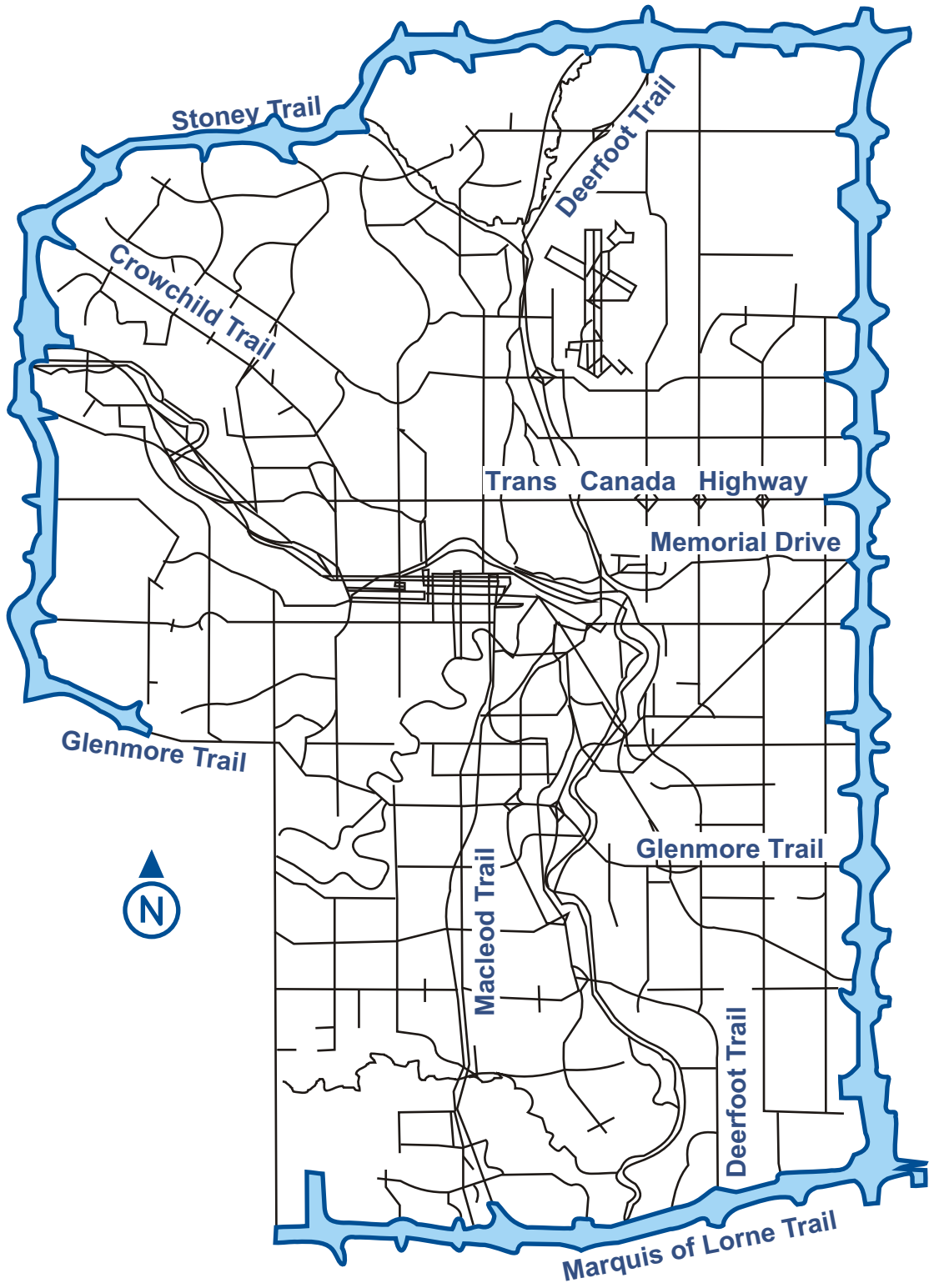
Surface Rights Act (RSA 2000 cS-24)

Water Act (RSA 2000 cW-3)

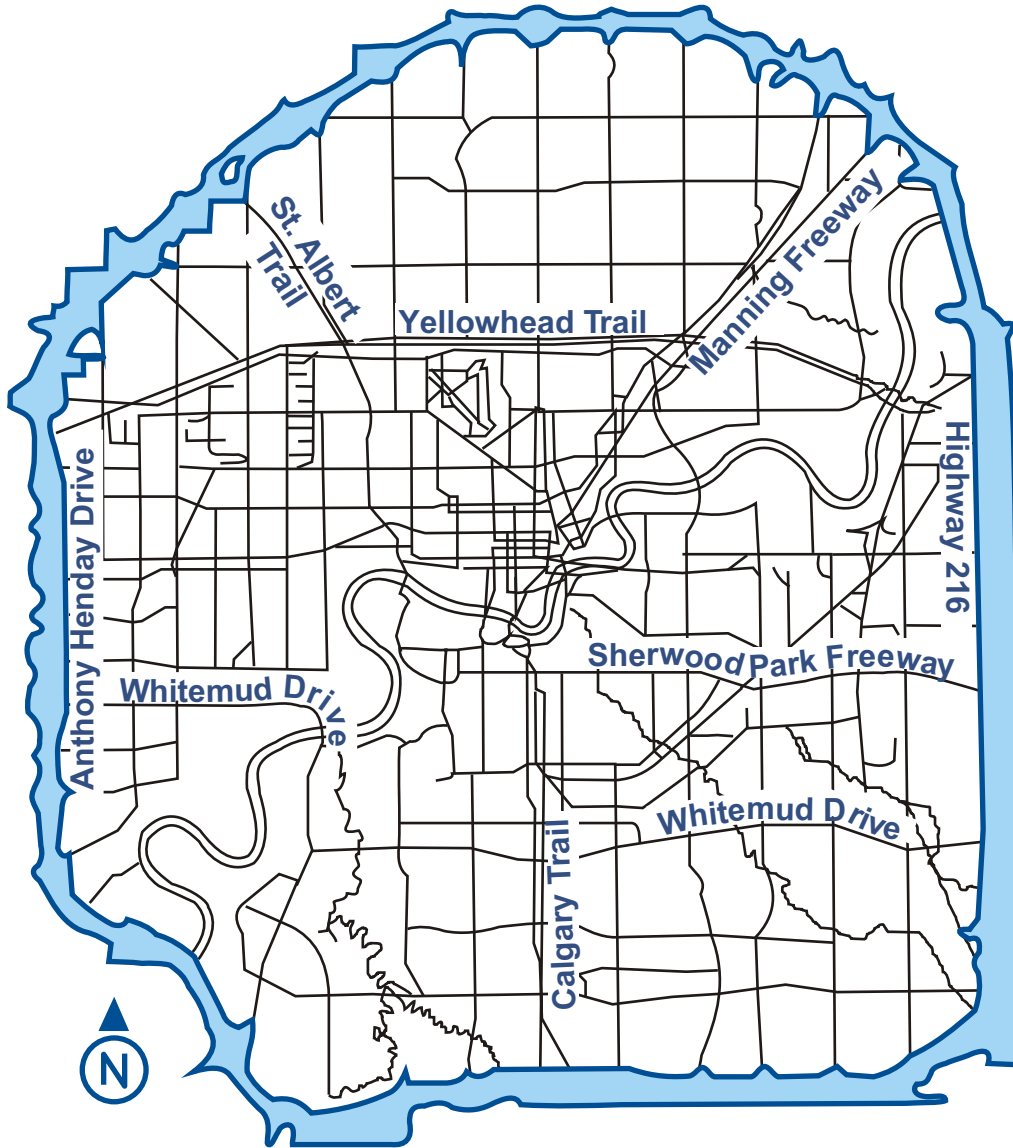
Appendix C

Maps of TUCs

Appendix C Calgary TUC



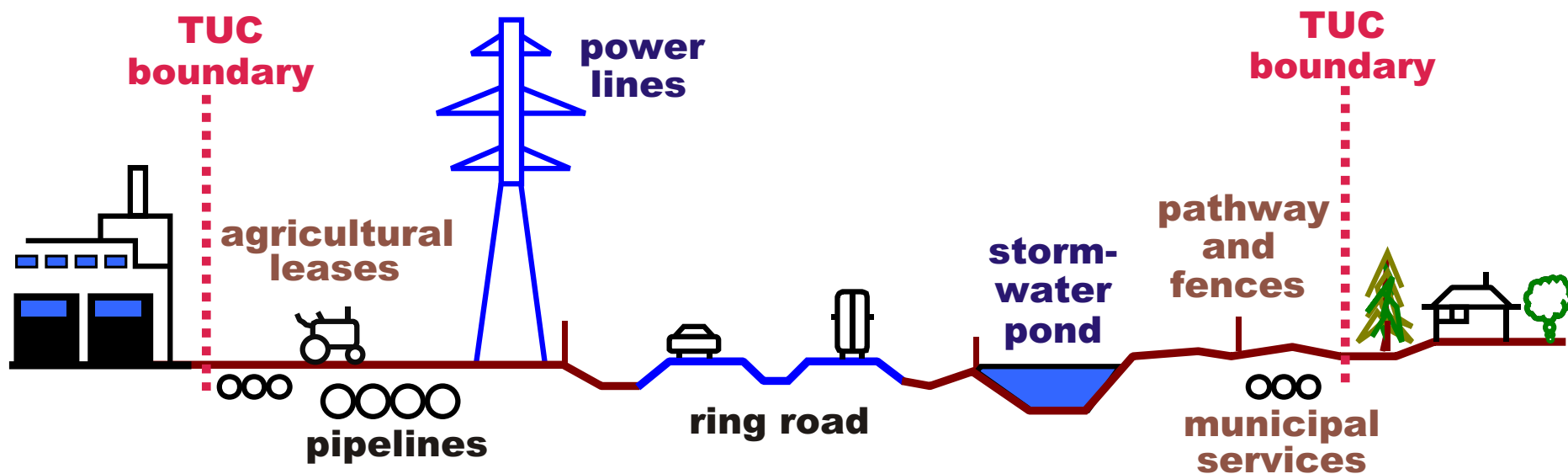
Appendix C Edmonton TUC



Appendix D

Representative Cross-section of a TUC

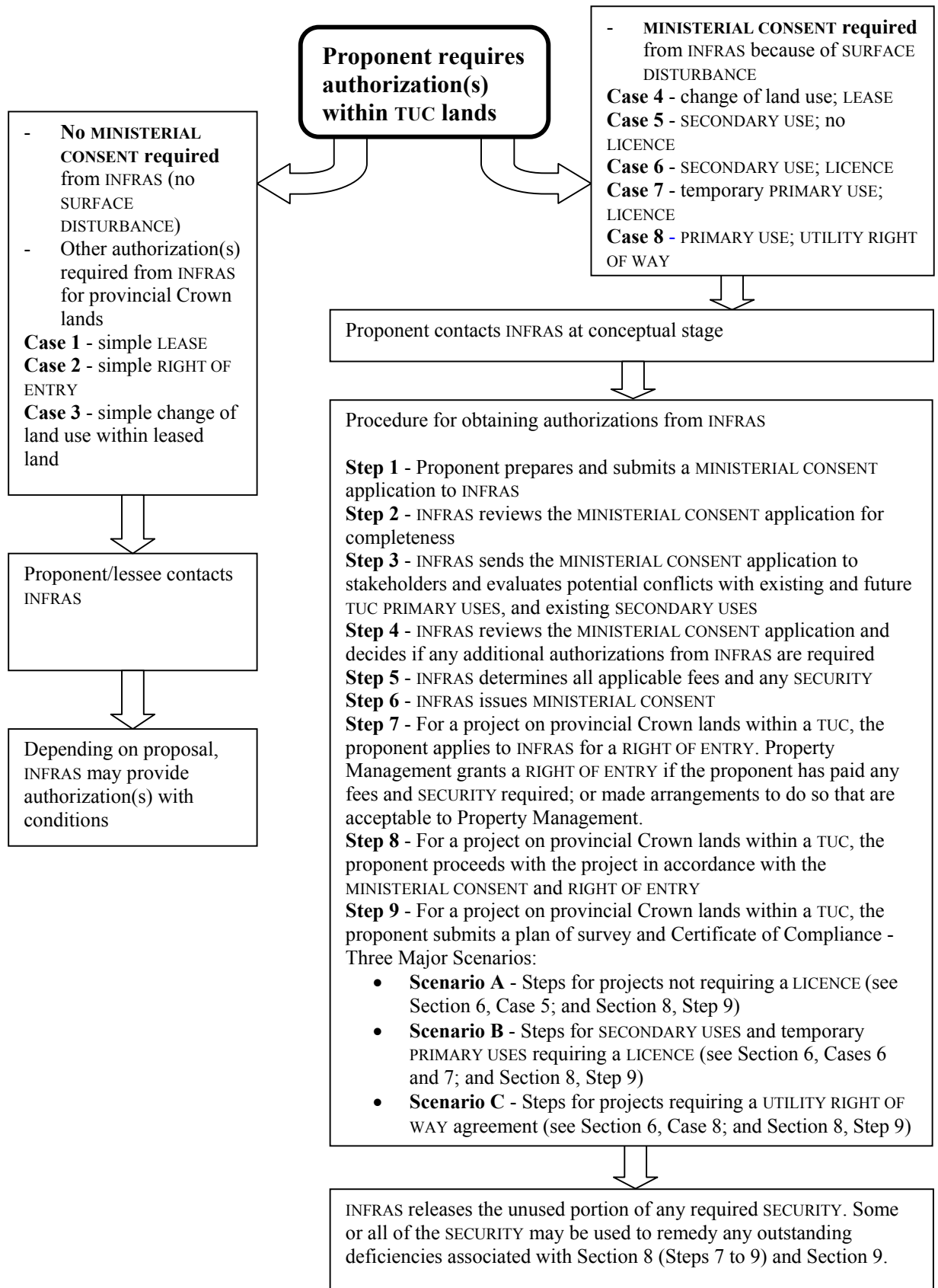
Appendix D
Representative Cross-section of a TUC



Appendix E

Flow Chart Showing the Authorization Procedure for Eight Major Cases

Appendix E - Flow Chart Showing the Authorization Procedure for Eight Major Cases



Appendix F

TUC Contacts at INFRAS

Land Planning, INFRAS:

- Ron Ui, Regional Supervisor, Land Planning, South Region (Calgary TUC), (780) 422-1136, e-mail: ron.ui@gov.ab.ca
- Lyle Markovich, Regional Supervisor, Land Planning, North Region (Edmonton TUC), (780) 644-1288, e-mail: lyle.markovich@gov.ab.ca

Land Services, INFRAS:

- Karen Johnson, Manager, TUC Acquisitions/Easements, (780) 422-1401, e-mail: karen.johnson@gov.ab.ca

Property Management, INFRAS:

- Don Gerlinsky, Calgary TUC Manager, (403) 297-6215, e-mail: don.gerlinsky@gov.ab.ca
- Rod Dushnicky, Edmonton TUC Manager, (780) 422-1135, e-mail: rod.dushnicky@gov.ab.ca

Appendix G

Alberta Infrastructure Licences, Easements, and Utility Rights of Way Policy

1. Background

The Crown in right of Alberta as represented by Alberta Infrastructure (INFRAS) owns a number of properties in the province. Many of these properties are lands associated with urban centres and have provincially-owned buildings on them. Also, around the cities of Calgary and Edmonton, INFRAS now owns almost all the properties within the Transportation/Utility Corridors (TUCs).

Various entities frequently request INFRAS for rights to use these lands. Section 10(2) of Schedule 11 of the *Government Organization Act* states that the Minister of INFRAS may grant a lease, licence, easement, or right of way with respect to lands held by the Crown and under the Minister's administration.

2. Agreements

For the lands referred to above in Section 1, INFRAS may enter into:

- a licence agreement with a licensee if the work is temporary; the licensee will have non-exclusive rights to the lands; and the licensee does not acquire any title, interest, or estate in the lands;
- an easement agreement with an adjacent landowner if the landowner requests INFRAS for a right to cross the lands; or
- a utility right of way agreement with a utility company or municipality seeking a permanent interest in the lands for a utility such as a petroleum pipeline.

3. Compensation fees

For each of the agreements referred to above in Section 2, INFRAS will charge the other party a compensation fee, unless the other party is exempt.

- a) Entities exempt from compensation fees
 - i) A provincial government department.
 - ii) An entity that is a designated public utility listed in sections 1 and 2 of the *Designation Regulation* made under the *Public Utilities Board Act*.
 - iii) An entity described in section 3(3) of Schedule 11 of the *Government Organization Act*.

- iv) An entity to which the exemption provisions for entry fees and compensation for land not owned by the Crown apply as specified in section 21 of the *Surface Rights Act*.
- v) An entity that must cross a TUC from one side to the other side with a utility such a petroleum pipeline. Typically, the entity is a utility company, municipality, or subdivision developer. In the case of a developer, INFRAS will not charge a compensation fee for the utility right of way if:
 - the municipality confirms in writing that the developer is transferring the services and right of way to the municipality at no cost; and
 - INFRAS accepts that the path of the utility across the TUC is the shortest one feasible.

b) Entities not exempt from compensation fees

i) Fees of less than \$5,000

The compensation fee charged by INFRAS will reflect the current market value of the property. If the other entity is not exempt, and if INFRAS estimates the compensation fee to be less than \$5,000, INFRAS may negotiate a compensation fee with the applicant based on an evaluation of the lands completed by INFRAS.

ii) Fees of \$5,000 or more

The compensation fee charged by INFRAS will reflect the current market value of the property. If the other entity is not exempt, and if INFRAS estimates the compensation fee to be \$5,000 or more, INFRAS will charge a compensation fee based on the market value of the lands as determined by a current appraisal submitted by the other entity and acceptable to INFRAS.

Any appraiser must be an accredited member of the Appraisal Institute of Canada and hold the AACI designation. An appraisal must comply with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP).

If the lands are within a TUC, an appraiser must have experience in appraising lands in the peripheral areas of The City of Calgary or The City of Edmonton (depending on where the lands are located). An appraisal within a TUC must:

- o be based on the sales of lands that are comparable to the development capability and zoning of non-TUC properties that are in the immediate vicinity of the proposed project; and

- o ignore the Restricted Development Area caveats registered on TUC land titles.

4. Administration of Lands outside the TUCs

Before INFRAS enters into a licence, easement, or utility right of way for lands outside the TUCs, INFRAS will consult with the appropriate program department, to determine if the proposed work and right of way would be in conflict with program delivery objectives.

Approved by:

Original signed by

April 16, 2004

Eric J. McGhan
Deputy Minister

(date)

Appendix H

LANDSCAPE EARTHWORKS

Introduction

The TUCs contain a large number and wide variety of EARTHWORKS and LANDSCAPE EARTHWORKS. This Appendix sets out INFRAS' requirements for LANDSCAPE EARTHWORKS.

- **EARTHWORKS and RECLAMATION in the TUCs**

Many uses within the TUCs necessitate the development of EARTHWORKS. For example, pipelines require trench excavations, and roadways have embankments. If an EARTHWORK is not properly reclaimed, it may:

- o be susceptible to water and wind erosion, flooding, and slope movements;
- o interfere with natural drainage;
- o cause flooding and erosion;
- o increase sedimentation and contamination within downstream watercourses and water bodies; and
- o needlessly take agricultural land out of production.

Most TUC EARTHWORKS are associated with PRIMARY USES such as RING ROADS and utilities. Most PRIMARY USES, as well as sand and gravel quarries, fall under the definition of SPECIFIED LAND in the *Conservation and Reclamation Regulation* under the *Environmental Protection and Enhancement Act*. As the administrator of this Act and Regulation, Alberta Environment is responsible for ensuring that the proponent reclaims these uses.

- **LANDSCAPE EARTHWORKS**

A LANDSCAPE EARTHWORK is a SECONDARY USE and does not fall under the definition of SPECIFIED LAND. INFRAS uses the following four-part set of requirements when evaluating an application for MINISTERIAL CONSENT for a proposed LANDSCAPE EARTHWORK:

- o Part 1 - Requirements for All LANDSCAPE EARTHWORKS;
- o Part 2 - Requirements for PATHWAYS, SUBDIVISION BOUNDARY FENCES, and TUC PATHWAY FENCES;
- o Part 3 - Requirements for TUC BARRIERS for NOISE ATTENUATION and VISUAL SCREENING; and
- o Part 4 - Requirements for Additional Technical Information for the Evaluation of LANDSCAPE EARTHWORKS.

Part 1 - Requirements for All LANDSCAPE EARTHWORKS

INFRAS will consider permitting LANDSCAPE EARTHWORKS within the TUCs if INFRAS determines that their development, RECLAMATION (if applicable), and maintenance are consistent with the following.

1. MINISTERIAL CONSENT

- Before undertaking a LANDSCAPE EARTHWORK, the proponent must obtain a letter of MINISTERIAL CONSENT from INFRAS (see Section 8 of the TUC Program Policy).

2. Conflicts with Existing or Future TUC Uses

- A proposed LANDSCAPE EARTHWORK must not conflict with existing or future PRIMARY USES. As part of its review of a proposed LANDSCAPE EARTHWORK, INFRAS will consult with:
 - a utility company if a proposed LANDSCAPE EARTHWORK may affect the utility company's right of way; and
 - Alberta Transportation if a proposed LANDSCAPE EARTHWORK may affect the RING ROAD COMPONENT, or BUFFER COMPONENT, or both.
- INFRAS will consider the potential conflicts of a proposed LANDSCAPE EARTHWORK with existing SECONDARY USES.

3. Provision of Additional Technical Information

- Where a proponent proposes a LANDSCAPE EARTHWORK, the proponent must provide INFRAS with technical information according to Part 4 of this Appendix. **Note** that this technical information is in addition to the requirements set out in Section 8, Step 1 of the TUC Program Policy.

4. Location of BERMS and PATHWAYS within a TUC

- In general, a LANDSCAPE EARTHWORK should be located as close as possible to the TUC/subdivision property line. Specifically:
 - INFRAS will determine the location of a subdivision-related BERM on an individual basis;
 - a PATHWAY and its right of way within a TUC may be placed on subdivision-related contouring or a BERM; and
 - where a combination of LANDSCAPE EARTHWORKS is proposed within a TUC, a PATHWAY right of way does not necessarily have to be located adjacent to the TUC/subdivision property line.

5. Slopes of Proposed LANDSCAPE EARTHWORKS

- The slopes of a proposed LANDSCAPE EARTHWORK within a TUC PIPELINE, POWER LINE, MUNICIPAL SERVICES, or ACCESS COMPONENT must not be steeper than 6:1 (horizontal:vertical). In some circumstances, INFRAS may permit a proposed LANDSCAPE EARTHWORK located elsewhere in a TUC to have slopes as steep as 3:1 (horizontal:vertical).

6. Compensation Fee

- INFRAS may charge the proponent a one-time compensation fee for the construction of a LANDSCAPE EARTHWORK on provincial Crown lands within a TUC (see Section 7 of the TUC Program Policy).

7. Reclamation and Maintenance of LANDSCAPE EARTHWORKS

- The proponent is responsible for all LANDSCAPE EARTHWORK RECLAMATION.
- INFRAS may enter into an agreement with the local municipality for the maintenance of a proposed LANDSCAPE EARTHWORK, for example a PATHWAY and its right of way.
- For a LANDSCAPE EARTHWORK, the minimum requirements for overhead power line vertical clearance and underground utility burial depth must be met.
- A LANDSCAPE EARTHWORK must not cause surface water ponding within the TUCs or adversely affect drainage characteristics along the TUC boundary.
- The core (portion beneath the topsoil layer) of the LANDSCAPE EARTHWORK must be compacted to 95% Standard Proctor density and free of deleterious materials such as organics and other contaminants.
- SUPPLEMENTAL LANDSCAPE PLANTINGS
 - o will be reviewed by INFRAS on an individual basis taking into account their compatibility with existing and future PRIMARY USES, and existing SECONDARY USES;
 - o must consist of only LOW-GROWING VEGETATION within a TUC PIPELINE, POWER LINE, MUNICIPAL SERVICES, or ACCESS COMPONENT (grass only in the ACCESS COMPONENT);
 - o may consist of TALL-GROWING VEGETATION elsewhere within TUC lands (INFRAS will review proposals on an individual basis);
 - o must not be used as advertising;

- o must be maintained by the local municipality (based on an agreement with INFRAS); and
- o will be owned by INFRAS.

8. RECLAMATION and LANDSCAPING of TUC PRIMARY USES

- If the lands to be used for a project fall under the definition of SPECIFIED LAND in the *Conservation and Reclamation Regulation* under the *Environmental Protection and Enhancement Act*, the proponent is responsible for the project's RECLAMATION and must satisfy Alberta Environment's RECLAMATION requirements.
- Where a STORMWATER MANAGEMENT FACILITY overlaps a UTILITY COMPONENT, RECLAMATION-based plantings, or SUPPLEMENTAL LANDSCAPE PLANTINGS, or both within the facility and in neighbouring disturbed areas are restricted to LOW-GROWING VEGETATION. This vegetation must not conflict with future utility installations; however, it may assist with water quality enhancement and erosion control.
- Trees, shrubs, and other vegetation removed because of construction of PRIMARY USES may be relocated to another site within the TUC if, in INFRAS' opinion, this is feasible and consistent with the TUC Program.

Part 2 - Requirements for PATHWAYS, SUBDIVISION BOUNDARY FENCES, and TUC PATHWAY FENCES

Within the TUCs, INFRAS views a PATHWAY and an associated TUC PATHWAY FENCE as a LANDSCAPE EARTHWORK and a SECONDARY USE. INFRAS will consider permitting the construction of a PATHWAY and TUC PATHWAY FENCE if their development, maintenance, and use are consistent with the following.

1. General

- The proposed PATHWAY and its right of way must be consistent with Part 1 of this Appendix.

2. Role of the Local Municipality

- The local municipality, in its role as subdivision authority, is responsible for making the construction of a SUBDIVISION BOUNDARY FENCE a condition of subdivision approval. The subdivision developer must construct this SUBDIVISION BOUNDARY FENCE on non-TUC land adjacent to the surveyed TUC/subdivision property line. The municipality should require the developer to construct the SUBDIVISION BOUNDARY FENCE at the developer's expense.

The developer may build the SUBDIVISION BOUNDARY FENCE in such a manner as to have NOISE ATTENUATION, or VISUAL SCREENING functions, or both.

- If the local municipality decides to prepare a TUC PATHWAY Master Plan (Master Plan), the municipality must involve Land Planning, INFRAS (see Appendix F) from the outset to ensure that it is consistent with TUC planning. This Master Plan should provide a broad framework for future TUC PATHWAY development and address a number of major PATHWAY-related issues:
 - o The Master Plan should show how individual PATHWAY segments either crossing the TUC or paralleling it are connected to others to form one or more PATHWAY networks.
 - o The Master Plan should identify any obstacles to PATHWAY development and suggest methods for overcoming them. An example of an obstacle is a PATHWAY road crossing. Depending on the circumstances, Alberta Transportation may require the local municipality to construct a grade-separated structure (for example, a bridge or tunnel) for the PATHWAY.
 - o A PATHWAY bordering the TUC does not necessarily have to be within the TUC. Reserve land within an adjacent subdivision area could be used for this purpose. The Master Plan should address the specifics of PATHWAY location in the vicinity of the TUC boundary.
 - o The Master Plan should show where existing and potential TUC ACCESS POINTS from subdivisions cross the PATHWAYS.
- The local municipality must apply to INFRAS for MINISTERIAL CONSENT before constructing a TUC PATHWAY (see Section 8 of the TUC Program Policy, and Part 1 of this Appendix).
- Where development of a PATHWAY within a TUC is a condition of a municipal subdivision or development approval, the local municipality must also require that the developer obtain a MINISTERIAL CONSENT for the PATHWAY from INFRAS before the municipal approval is finalized.
- The local municipality or developer is responsible for constructing the PATHWAY, grade-separated structures, and the TUC PATHWAY FENCE. The local municipality must agree to be responsible for maintaining these structures and the right of way.
- INFRAS and the local municipality will enter into a LICENCE agreement that establishes responsibilities for PATHWAY maintenance and liability. This agreement will permit INFRAS to disrupt the PATHWAY, if necessary, for PRIMARY USES that may cross the PATHWAY, or parallel it.

- The local municipality is responsible for restoring the PATHWAY to its original condition if it is disturbed by a utility installation.

3. PATHWAYS and TUC PATHWAY FENCES Paralleling a TUC

- The attributes of a PATHWAY, its right of way, and the TUC PATHWAY FENCE, set out below, are consistent with the following three principles.
 - o A PATHWAY and its right of way paralleling a TUC must be confined to the MUNICIPAL SERVICES COMPONENT.
 - o The capital improvements associated with the PATHWAY and its right of way must be minimized since MUNICIPAL SERVICES COMPONENT utilities (PRIMARY USES) typically are located directly below. Over time it is possible that the PATHWAY and its right of way will be disrupted by utility maintenance and installation of new utilities.
 - o Users of the PATHWAY must not interfere with adjacent TUC leased land.
- Based on these principles, INFRAS may permit the development of a PATHWAY, its right of way, and a TUC PATHWAY FENCE if they have the following attributes:
 - o The PATHWAY right of way:
 - is located within the TUC and is contiguous with the TUC boundary;
 - is a maximum of 10 metres (33 feet) in width;
 - contains a PATHWAY, and a strip on either side of the PATHWAY covered in grass (no other vegetation or street furniture such as benches is permitted within the right of way); and
 - may be shifted if there are other LANDSCAPE EARTHWORKS involved.
 - o The PATHWAY is:
 - a maximum of 3 metres (10 feet) in width;
 - centred within the PATHWAY right of way;
 - constructed of granular materials that can be easily removed and replaced (for example gravel or crushed shale);
 - suitable for activities such as walking, cycling, or cross-country skiing (motorized vehicles should not travel within the PATHWAY right of way unless they are involved in the construction or maintenance of the PATHWAY, right of way, or underlying utilities); and

- connected to other PATHWAYS associated with contiguous developments.
- o The TUC PATHWAY FENCE:
 - is made of page wire or chain link (barbwire fence is unacceptable);
 - has a minimum height of 1.2 metres (4 feet);
 - demarcates the TUC side of the PATHWAY right of way;
 - provides a formal, clearly visible, separation between the PATHWAY system and the rest of the TUC;
 - helps to control trespassing by the public onto TUC leased land; and
 - helps to ensure the safety of the public travelling the PATHWAY.
- o There must be no at-grade PATHWAY crossings of major RING ROAD penetrators except at signalized intersections.
- o TUC ACCESS ROADS must be constructed across the PATHWAYS at specific locations agreed to by INFRAS. While some of these TUC ACCESS ROADS will be off arterial road interchanges, others will be through subdivisions bordering the TUC. Provision for these roads in the form of public utility lots must be made at the time of subdivision.
- Where INFRAS and the local municipality have jointly adopted a Master Plan, the provisions of the Master Plan take precedence over the above PATHWAY attributes.
- INFRAS will consider the request of a local municipality to augment PATHWAY development beyond the level described above, for instance paving the PATHWAY. If INFRAS accepts the PATHWAY upgrade, the municipality will be liable for the cost of reconstruction of the PATHWAY if it is disrupted by the installation of PRIMARY USES such as utilities.

4. PATHWAYS Crossing the TUCs

- INFRAS may permit sidewalks adjacent to arterial roadways crossing the TUCs subject to a review by INFRAS of safety and impacts on the TUC.
- INFRAS may permit PATHWAYS in prominent valleys crossing the TUCs (for example, valleys associated with the North Saskatchewan River, Wedgewood Creek, Whitemud Creek, Blackmud Creek, Bow River, West and North Branch of Nose Creek, Twelve Mile Coulee, and Beddington Creek).
- INFRAS may permit PATHWAYS to cross RING ROADS at the midpoint between interchanges as long as there is a grade separation, and the PATHWAY

alignment is perpendicular to the road. The attributes of a PATHWAY right of way, PATHWAY, and TUC PATHWAY FENCE crossing a TUC would be similar to those set out above in Section 3 for PATHWAYS paralleling a TUC. Differences arise because a PATHWAY crossing a TUC is not contiguous with the TUC boundary and the TUC PATHWAY FENCE would be on both sides of the PATHWAY right of way. **Note** that gates would have to be installed to permit the movement of vehicles across the PATHWAYS.

Part 3 - Requirements for TUC BARRIERS for NOISE ATTENUATION and VISUAL SCREENING

Within the TUCs, INFRAS views a NOISE ATTENUATION BARRIER as a SECONDARY USE. This BARRIER, with or without enhancement beyond what is required for noise attenuation, may also have a VISUAL SCREENING function. INFRAS will consider permitting the development of a BARRIER within a TUC if its construction and maintenance are consistent with the following.

1. General

- The proposed BARRIER must be consistent with Part 1 of this Appendix.
- Within a TUC, any proposed BARRIER must consist solely of a LANDSCAPE EARTHWORK.
- A SUBDIVISION BOUNDARY FENCE may be composed of a major vertical BARRIER (wall) and provide a NOISE ATTENUATION function, or a VISUAL SCREENING function, or both (see Part 2 of this Appendix).
- INFRAS may charge the developer a compensation fee to install a LANDSCAPE EARTHWORK BARRIER within TUC lands (see Section 7 of the TUC Program Policy). The amount of the compensation fee is based on the area covered by the BARRIER.
- Neither INFRAS nor Alberta Transportation is responsible for providing VISUAL SCREENING of the TUCs from adjacent residential development.

2. NOISE ATTENUATION BARRIERS Constructed by Alberta Transportation to Mitigate TUC-related Noise

- Alberta Transportation has developed guidelines for construction of, or improvements to, high-speed freeways through cities and other urban areas. The document, Draft Guidelines for Landscaping, Pathways and Noise Attenuation for Primary Highways under Provincial Jurisdiction within Cities

and Urban Areas, October 25, 2000 (Alberta Transportation's Draft Guidelines) is available from the Transportation and Civil Engineering Division (780) 427-6720. Alberta Transportation's Draft Guidelines indicate that noise mitigation measures will be considered if the noise level measured 2 metres (6.6 feet) inside the property line is 65 dBA $L_{eq(24)}$ or higher. These measures could include constructing noise walls or BERMS. Alberta Transportation will consider whether the noise mitigation is cost-effective, technically practical, broadly supported by the affected residents, and fits into overall provincial priorities.

- Alberta Transportation will be responsible for noise attenuation, in accordance with Alberta Transportation's Draft Guidelines, in areas where Alberta Transportation is undertaking major road reconstruction of an existing road, or constructing a new road adjacent to an existing residential development (major road reconstruction is defined as road widening, or realignments, or both).

3. NOISE ATTENUATION BARRIERS Constructed by Developers to Mitigate TUC-related Noise

- Before constructing any proposed NOISE ATTENUATION BARRIER within a TUC, a developer must apply for and receive authorizations from INFRAS, including a MINISTERIAL CONSENT and a RIGHT OF ENTRY (see Section 8 of the TUC Program Policy and Part 1 of this Appendix).
- A developer must use the same threshold for considering noise measures as that set out in Alberta Transportation's Draft Guidelines.
- Where a developer proposes to construct a NOISE ATTENUATION BARRIER within a TUC to attenuate TUC-related noise, the developer must undertake a study. This study must:
 - o be prepared at the developer's expense;
 - o be submitted to both INFRAS and the local municipality;
 - o focus on the effectiveness of the proposed BARRIER to mitigate current and future noise impacts;
 - o involve consultation with the local municipality and affected residents if required by INFRAS; and
 - o address the effectiveness of the proposed enhancement for VISUAL SCREENING, if INFRAS determines that there are special circumstances under which it would be willing to consider an enhancement to the NOISE ATTENUATION BARRIER for VISUAL SCREENING.

- All costs for the construction of a NOISE ATTENUATION BARRIER are the responsibility of the developer.
- The local municipality must agree to be responsible for the maintenance of a NOISE ATTENUATION BARRIER if there is no DEFINABLE BENEFIT.

Part 4 - Requirements for Additional Technical Information for the Evaluation of LANDSCAPE EARTHWORKS

Before issuing a MINISTERIAL CONSENT for a LANDSCAPE EARTHWORK, INFRAS will require the proponent to submit technical information in support of the application. **Note** that this information is in addition to the requirements set out in Section 8, Step 1 of the TUC Program Policy.

INFRAS requires, at a minimum, the information set out in Sections 1 and 2 below. In addition, INFRAS may require the more detailed information set out in Section 3 below.

1. Minimum Written Description of the Proposed LANDSCAPE EARTHWORK

At a minimum, the written description of the proposed LANDSCAPE EARTHWORK must:

- describe the location and overall attributes of the proposed LANDSCAPE EARTHWORK;
- provide the rationale for locating the proposed LANDSCAPE EARTHWORK within the TUC;
- state whether the related subdivision application has been submitted to the local municipality;
- describe the source, type, and quantity of all earth materials intended to be imported and placed within the TUC (if applicable);
- estimate the quantity of earth material to be excavated within the TUC and either incorporated into part of a LANDSCAPE EARTHWORK or exported from the TUC (if applicable);
- provide a construction schedule and vehicle haulage routes;
- identify changes to drainage;
- provide a soil conservation and RECLAMATION plan (specifying that the LANDSCAPE EARTHWORK will be revegetated with grass); and
- provide a fencing plan (if applicable).

2. Minimum Drawings Showing the Characteristics of the Proposed LANDSCAPE EARTHWORK

At a minimum, the drawings submitted must show the characteristics of the proposed LANDSCAPE EARTHWORK as follows.

- The proponent must submit one or more plan view drawings of the proposed LANDSCAPE EARTHWORK drawn to scale and using 3-TM NAD83 coordinates. Where there are multiple plan view drawings, a base/key plan must be included. The area (in hectares or acres) of each part of the LANDSCAPE EARTHWORK must be identified.
- Each plan view drawing must:
 - o cover sufficient area to clearly show the context of the proposed LANDSCAPE EARTHWORK. The drawing must delineate the TUC boundary nearest to the LANDSCAPE EARTHWORK, and include non-TUC lands within 20 metres (66 feet) horizontal of the boundary. On the RING ROAD COMPONENT side of the LANDSCAPE EARTHWORK, the drawing must extend at least 20 metres (66 feet) horizontal beyond the LANDSCAPE EARTHWORK. If the LANDSCAPE EARTHWORK is contiguous with, or overlaps onto, the BUFFER COMPONENT, or RING ROAD COMPONENT, or both, the drawing must extend to the existing or planned RING ROAD centre line median.
 - o clearly show all the TUC COMPONENTS, and any registered UTILITY RIGHTS OF WAY, or road plans, or both;
 - o delineate both the pre-disturbance and post-disturbance drainage patterns, including both natural and artificial drainage courses; and
 - o show the location of a longitudinal profile of the proposed LANDSCAPE EARTHWORK and at least three cross-sections. Generally these cross-sections should be at intervals of 50 metres (164 feet); however, INFRAS may request a closer spacing in critical areas. The profile and cross-section drawings must delineate the pre-disturbance and post-disturbance surfaces. On the cross-section drawings, the slopes (3:1, 6:1, and so on) of the pre-disturbance and post-disturbance surfaces must be shown.

3. Submission of Additional Detailed Technical Information

In addition to the minimum information requirements for LANDSCAPE EARTHWORKS set out in Sections 1 and 2 above, INFRAS may require the proponent to submit the following detailed technical information:

- where the proponent proposes to import and place materials within a TUC, a complete soil classification report certified by a registered professional engineer that must identify the source, type, and quantity of all materials. This report must also contain laboratory soil analyses that demonstrate that the soils to be imported to the site do not contain any substances that exceed:
 - o the Canadian Environmental Quality Guidelines for Agricultural Land Use (CCME 1999) or the Alberta Tier I Criteria for Contaminated Soil Assessment and Remediation (1994), whichever is more restrictive; and
 - o the Canada-wide Standard for Petroleum Hydrocarbons in Soil (CCME 2001);
- a pre-disturbance assessment of the soil types and profiles that will be disturbed by LANDSCAPE EARTHWORK construction activities;
- compaction tests verifying that the compaction requirements have been met (the core of the LANDSCAPE EARTHWORK must be compacted to 95% Standard Proctor density); and
- soil tests verifying that the LANDSCAPE EARTHWORK is free of deleterious materials such as organics and other contaminants.

Appendix I

Roles and Responsibilities of TUC Stakeholders

The TUC Program is complex and its administration requires collaboration among a number of participants with a wide range of interests.

Realty Services Branch, Properties Division, INFRAS

INFRAS is responsible for overall TUC planning, uses of TUC lands (PRIMARY, SECONDARY, and ORIGINAL USES), and management of TUC lands.

- **Land Planning** is responsible for implementing the TUC Program and ensuring that PRIMARY USES, which are important elements of the provincial infrastructure, can be developed within the TUCs. Land Planning manages a referral and co-ordination process to make program decisions that are consistent both with the TUC Program and PRIMARY USES already in place, as well as anticipated future uses. This may involve liaising with:
 - o Alberta Transportation about the provincial interest in the transportation component of the TUCs;
 - o Property Management, INFRAS about property management activities, including acquisitions, sales, leasing, access, and land use changes;
 - o EUB about regulated pipelines and power lines;
 - o municipalities whose corporate boundaries include TUC lands;
 - o current and anticipated users of the TUCs about their proposals;
 - o users of lands adjacent to the TUCs about mutually beneficial or conflicting interests; and
 - o Alberta Transportation, municipalities, adjacent landowners, and other TUC users for the purpose of co-ordinating authorized SECONDARY USE activities within the TUCs.

In accordance with the legislative authority for the TUC Program, Land Planning:

- o issues MINISTERIAL CONSENTS; and
- o facilitates the changing of RDA boundaries (evaluates proposals to change RDA boundaries, co-ordinates stakeholder reviews, and prepares material in support of Recommendations for Orders-in-Council to amend the RDA regulations).

Land Planning provides support for the TUC Program by:

- o identifying TUC lands that are surplus to the requirements of the TUC Program;
- o determining whether proposed SECONDARY USES will conflict with existing or future PRIMARY USES, and existing SECONDARY USES; and
- o reviewing proposed developments adjacent to the TUCs and resolving access, grade differences, stormwater management, drainage, and other issues.

- **Land Services** provides support for the TUC Program by:
 - o acquiring privately owned land within the TUCs;
 - o disposing of provincial Crown lands that are surplus to the requirements of the TUC Program and ensuring that fair market value is realized from the disposition of these lands; and
 - o granting registerable interests, such as UTILITY RIGHTS OF WAY, for PRIMARY USES of provincial Crown lands within the TUCs.

- **Property Management** provides support for the TUC Program by:
 - o managing TUC lands and LEASES;
 - o amending or terminating LEASES to accommodate TUC PRIMARY and SECONDARY USES;
 - o granting LICENCES for temporary PRIMARY USES and SECONDARY USES of provincial Crown lands within the TUCs;
 - o issuing RIGHTS OF ENTRY for access or use, or both, of TUC lands; and
 - o liaising with:
 - Land Planning about property management activities including acquisitions, sales, leasing, access, and land use changes;
 - current and anticipated users of the TUCs about their proposals;
 - users of lands adjacent to the TUCs about mutually beneficial or conflicting interests; and
 - Alberta Transportation, municipalities, adjacent landowners, and other TUC users for the purpose of co-ordinating authorized SECONDARY USE activities within the TUCs.

Alberta Transportation

Alberta Transportation works with INFRAS and municipalities to ensure that the RING ROAD COMPONENT of the TUCs meets provincial and regional requirements. This involves:

- identifying long-term transportation planning and staging requirements;
- staged construction of RING ROADS;
- operation and maintenance of constructed RING ROADS;
- providing input from the RING ROAD perspective about land purchase, and land use issues within and adjacent to the TUCs; and
- reviewing utility installation proposals and providing input to INFRAS to ensure that the future integrity of the RING ROADS is maintained.

Municipalities

Municipalities participate in the implementation of the TUCs, primarily through:

- urban planning and development processes that use the TUCs to accommodate related requirements for transportation, PATHWAYS, and municipal services;
- reviewing plans and authorizing subdivision for lands adjacent to the TUCs in a manner that avoids or mitigates conflict with the TUCs; and
- when applicable, providing municipal approvals for TUC operations and activities.

INFRAS and Alberta Transportation work as a team with municipalities.

Utility Companies

Pipeline and power line companies plan their long-term use of the TUCs and construct utilities within the TUCs (after EUB approval, if required). They work with:

- INFRAS and Alberta Transportation in planning rights of way to resolve actual and potential conflicts with current and future uses of the TUCs; and
- INFRAS to secure UTILITY RIGHTS OF WAY and RIGHTS OF ENTRY.

Developers

Developers of lands adjacent to the TUCs work with INFRAS, Alberta Transportation, and municipalities to:

- use the TUCs to install regional municipal services;
- obtain approvals to have utility services cross the TUCs;
- resolve problems arising from access, grade differences, stormwater management, drainage, and other issues before undertaking any SURFACE DISTURBANCE; and
- mitigate noise generated by TUC RING ROAD traffic.

Appendix J

Ministerial Consent Certificate of Compliance Form

Submitted to: Land Planning
Realty Services Branch
Properties Division
Alberta Infrastructure
3rd Floor, Infrastructure Building
6950 - 113 Street
Edmonton AB T6H 5V7

Project Description:

Alberta Infrastructure File No.: _____

Date of Ministerial Consent (m d y): _____

Project Description (refer to Ministerial Consent):

Legal Description: _____

Transportation/Utility Corridor (Calgary or Edmonton TUC): _____

Professional Engineer Information:

Name of Professional Engineer (Print): _____

Name of Business: _____

Date (m d y): _____

This certifies that the project described above was carried out in compliance with the conditions set out in the Ministerial Consent (Signature of Professional Engineer):

Registered Professional
Engineer stamp or seal

Appendix K

Consent to Register a Plan Form

I / we, **Her Majesty the Queen in right of Alberta as represented by the Minister of Alberta Infrastructure**

being the registered owner

hereby consents to the registration of the plan of survey prepared by **Surveyor Name, A.L.S., (Survey Company Name and Company File No.)**, in respect of the following lands:

ENTER LEGAL DESCRIPTION FROM PLAN OF SURVEY IN BOLD

Dated this _____ day of _____, 200__.

Signed by the Minister of Alberta Infrastructure of the Province of Alberta, or his duly authorized representative, and sealed with his Seal of Office

Larry Duchesne
Director, Land Planning
Properties Division