

2000

CHAPTER 47

An Act to amend *The Highways and Transportation Act, 1997*

(Assented to June 27, 2000)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Highways and Transportation Amendment Act, 2000*.

S.S. 1997, c.H-3.01 amended

2 *The Highways and Transportation Act, 1997* is amended in the manner set forth in this Act.

Section 2 amended

3 **Clause 2(v) is amended by adding** “but does not include a designated trail within the meaning of *The Snowmobile Act* or any other trail or path for which a permit is required” **after** “vehicles”.

Section 4 amended

4(1) The following clause is added after clause 4(1)(g):

“(g.1) enter into agreements on behalf of the Government of Saskatchewan with a municipality or an Indian band to transfer to the municipality or Indian band one or more of the responsibilities respecting the maintenance, direction, management and control of a provincial highway that are assigned to the minister by this Act”.

(2) Clause 4(1)(h) is repealed and the following substituted:

“(h) enter into transportation partnership agreements, which may include loans, grants or other financial assistance, with any person, including a person who applies for a permit pursuant to section 13 or 36, for the purposes of:

- (i) purchasing, constructing, operating or maintaining public improvements;
- (ii) ensuring compliance with transport law; or
- (iii) researching and investigating matters relating to transportation systems”.

New section 8

5 Section 8 is repealed and the following substituted:**“Transportation Partnerships Fund**

8(1) The Transportation Partnerships Fund is continued.

(2) The minister shall administer the Transportation Partnerships Fund subject to any terms and conditions that Treasury Board may impose.

(3) The Transportation Partnerships Fund consists of all amounts:

(a) received by the minister pursuant to transportation partnership agreements;

(b) charged by the minister pursuant to subsection (5);

(c) paid by the Minister of Finance, on the request of the minister, to the Transportation Partnerships Fund out of money appropriated by the Legislature for the purposes of the Transportation Partnerships Fund;

(d) authorized by the regulations or the Lieutenant Governor in Council to be paid to the Transportation Partnerships Fund;

(e) originating from a source other than the general revenue fund payable to the Transportation Partnerships Fund pursuant to an agreement between the minister and a person that received a loan pursuant to *The Short Line Railway Financial Assistance Regulations*; and

(f) earned on investments of the Transportation Partnerships Fund.

(4) Subject to any terms and conditions that Treasury Board may impose, the minister may use the Transportation Partnerships Fund to do any or all of the following:

(a) perform the obligations of the minister pursuant to a transportation partnership agreement;

(b) develop, promote, market and provide transportation technology, expertise, goods and services inside and outside Saskatchewan;

(c) construct or assist with the construction of public improvements;

(d) pay the costs incurred by or for any purpose related to the advisory committee appointed pursuant to subsection (12);

(e) pay the costs of administering the Transportation Partnerships Fund;

(f) pay the costs of negotiating and administering transportation partnership agreements;

(g) reimburse the general revenue fund for any costs incurred by the general revenue fund relating to activities undertaken by the minister pursuant to clause (a), (b) or (c);

- (h) compensate the Highways Revolving Fund for the provision of goods and services through the Highways Revolving Fund for the purpose of activities undertaken by the minister pursuant to clause (a), (b) or (c);
 - (i) do any thing authorized by the regulations or by the Lieutenant Governor in Council.
- (5) Subject to any terms and conditions that Treasury Board may impose, the minister may charge any amount the minister considers appropriate for transportation technology, expertise, goods or services developed, promoted, marketed or provided through the Transportation Partnerships Fund.
- (6) The minister shall pay to the general revenue fund all or any part of any surplus received pursuant to subsection (5) by the Transportation Partnerships Fund that Treasury Board may direct.
- (7) The Minister of Finance may:
- (a) invest any money in the Transportation Partnerships Fund in any investment authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of the investments on any terms and conditions and in any manner that the minister considers appropriate.
- (8) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister financial statements showing the business of the Transportation Partnerships Fund for the preceding fiscal year.
- (9) The financial statements mentioned in subsection (8) are to be in the form required by Treasury Board.
- (10) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (8).
- (11) Treasury Board may make orders and issue directives respecting the administration and operation of the Transportation Partnerships Fund.
- (12) The minister shall appoint an advisory committee for the Transportation Partnerships Fund that is to consist of not more than six persons, of whom not more than three may be employees of the Crown in right of Saskatchewan”.

Section 9 amended

6(1) Subsection 9(2) is amended by striking out “(11)” and substituting “(15) and section 34 of *The Snowmobile Act*”.

(2) The following subsections are added after subsection 9(11):

“(12) Subject to subsection (15), any person using any part of a provincial highway, other than the roadway, does so at his or her own risk and has no right to recover damages from the minister, the Crown in right of Saskatchewan or any of its agents or employees.

“(13) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of damages mentioned in subsection (12).

“(14) Subsections (12) and (13) apply notwithstanding that the person sustaining the damages was on a provincial highway, other than the roadway, pursuant to a permit or with the knowledge or consent of the minister, the Crown in right of Saskatchewan or any of its agents or employees.

“(15) The Crown in right of Saskatchewan is liable for damages sustained by a person using any part of a provincial highway, other than the roadway, if it:

- (a) creates or has created a danger with the deliberate intent of doing harm or damage to the person or the person’s property; or
- (b) does or has done a wilful act with reckless disregard of the presence of the person or the person’s property”.

Section 16 amended

7 Clause 16(1)(a) is amended by adding “take possession of,” after “enter on,”.

Section 36 amended

8 The following subsection is added after subsection 36(6):

“(7) Any permit issued pursuant to this section for a load that exceeds the maximum height or maximum width authorized in the regulations:

- (a) is subject to the condition that the vehicle, building, object or contrivance is able to clear any obstruction over or beside the highway; and
- (b) is deemed to allow the operator of the vehicle to use any reasonable alternative route that is necessary to avoid an obstruction”.

Section 37 amended

9 Subsection 37(13) is amended by striking out “unless the consignor or the carrier, as the case may be, demonstrates to the court that the contravention occurred without his or her express or implied consent”.

Section 38 amended

10(1) Subsection 38(1) is amended:

- (a) by striking out “or” after clause (d);
- (b) by adding “or” after clause (e); and
- (c) by adding the following clause after clause (e):

“(f) contravene an order issued pursuant to clause 206(2)(f) of *The Rural Municipality Act, 1989*”.

(2) Subclause 38(4)(a)(ii) is repealed and the following substituted:

“(ii) the lesser of 5% of the prescribed maximum gross weight and 1,000 kilograms”.

(3) Clause 38(9)(a) is repealed and the following substituted:

“(a) occurred on a public highway maintained by the rural municipality”.

Section 55 amended

11 Section 55 is amended by adding “or in the public interest” after “expedient”.

Section 68 repealed

12 Section 68 is repealed.

Section 69 amended

13 Clauses 69(1)(pp) to (vv) are repealed.

Coming into force

14 This Act comes into force on assent.

