



HOUSE USE ONLY

CHAIR:

WITH / WITHOUT

1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
1 CHARLES III, 2023

(Bill No. 10)

An Act to Amend the Roads Act

Hon. Ernie Hudson
Minister of Transportation and Infrastructure

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
Charlottetown, Prince Edward Island



AN ACT TO AMEND THE ROADS ACT

BILL NO. 10

2023

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

- 1. Subsection 4.1(4) of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, is repealed and the following substituted:**

Relocation of easement - temporary

- (4) Where the Minister grants an easement to a public utility pursuant to subsection (1), and the easement interferes with highway construction or highway maintenance, and the temporary relocation of the easement or a portion of it is required, the public utility shall
- (a) relocate the easement or a portion of the easement, as the case may be, to the satisfaction of the Minister until the highway construction or highway maintenance is completed;
 - (b) restore the easement or the portion of the easement, as the case may be, to its condition prior to the commencement of the highway construction or highway maintenance when the construction or maintenance is completed; and
 - (c) pay the costs and expenses incurred by the public utility in the relocation and restoration of the easement or the portion of the easement, as the case may be.

Relocation of easement - permanent

- (5) Notwithstanding subsection (4), where the Minister grants an easement to a public utility pursuant to subsection (1), and the easement interferes with highway construction or highway maintenance, and the permanent relocation of the easement or a portion of it is required, the public utility shall
- (a) relocate the easement or a portion of the easement, as the case may be, to the satisfaction of the Minister; and
 - (b) pay the costs and expenses incurred by the public utility in the relocation of the easement or the portion of the easement, as the case may be.

Exception - municipality

- (6) Notwithstanding subsections (4) and (5), where the public utility provides water or sewerage services or water and sewerage services for the public in a municipality and the easement granted to the public utility is required to be relocated either temporarily or permanently due to the easement's interference with highway construction or highway maintenance, the Minister shall pay the costs and expenses that, in the opinion of the Minister, have been reasonably

incurred by the public utility in the temporary relocation and restoration of the easement or permanent relocation of the easement, as the case may be.

EXPLANATORY NOTES

SECTION 1 repeals subsection 4.1(4) of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, and substitutes a new subsection 4.1(4) to the Act. Two new subsections are added to the provision, subsections 4.1(5) and (6). These provisions require a public utility that has been granted an easement under the Act to pay the costs and expenses associated with a relocation where it is necessary to relocate the easement or a portion of it due to its interference with highway construction or highway maintenance. Subsection 4.1(6) provides an exemption to the requirement for a public utility to pay easement relocation expenses and requires the Minister to pay these expenses where the public utility provides water or sewerage services or water and sewerage services for the public in a municipality and the relocation expenses were reasonably incurred, in the opinion of the Minister.

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An Act to Amend the Roads Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	May 16, 2023
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Ernie Hudson
Minister of Transportation and Infrastructure

GOVERNMENT BILL

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