



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ROADS ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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ROADS ACT

CHAPTER R-15

1. Definitions

(1) In this Act

- (a) **“axle”** means an assembly of two or more wheels whose centers are in one transverse vertical plane and which transmits weight to the road and includes a liftable axle and a self-steering axle;
- (b) repealed by 1991,c.36,s.1;
- (c) **“commercial motor vehicle”** means a vehicle designed or adapted for the carrying of freight, goods, wares, or merchandise and having attached thereto a truck or delivery body, and any other vehicle used for the transportation of goods, but does not include a private passenger car, other than a private passenger car for the use of which compensation is received;
- (d) repealed by 2016,c.44,s.282(2)(a);
- (e) **“controlled access highway”** means a highway or part thereof where access to the right of way thereto from adjacent properties may be prohibited, or permitted only at fixed locations;
- (f) **“floating”** or **“pony”** axle is one which is designed to carry load only under certain conditions;
- (g) **“highway”** means all the area within the boundary lines of every road or street or right-of-way
 - (i) outside the limits of any city or town, or
 - (ii) within the limits of a city or town if designated under section 27 or 29, which is designed or intended for or used by the general public for the passage of vehicles, and includes any bridge over which any such road, or street or right-of-way is laid;
- (g.1) **“line”** includes, in respect of a public utility,
 - (i) any wire, cable or conduit for wire or cable, and
 - (ii) any pipe or channel for conveying water or sewerage,that is owned, operated, maintained or used by the public utility to provide service;
- (h) **“Minister”** means the Minister of Transportation and Infrastructure;
- (i) **“motor vehicle”** means a vehicle which is self-propelled but does not include a motor vehicle running only upon rails;
- (j) **“municipality”** means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (k) **“peace officer”** means a police officer and any inspector appointed for enforcing or carrying out the provisions of this Act, or the regulations made hereunder;

- (l) **“permit”** means a document issued by the Minister under the provisions of this Act or the regulations made hereunder;
- (m) **“pneumatic tire”** means every tire which is designed to support the load by compressed air;
- (m.1) **“public utility”** means any person, and the lessees, trustees, liquidators or receivers of any person, that owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing, using any pole, line, plant or equipment,
 - (i) for the conveyance or transmission of any form of telecommunication, including, computer, radio, telegraph, telephone and television,
 - (ii) for the production, transmission, distribution or furnishing of electrical energy, or
 - (iii) for the provision of water or sewerage or water and sewerage service, either directly or indirectly, to or for the public;
- (n) **“public vehicle”** means a motor vehicle operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation therein of passengers and express freight which might be carried on a passenger vehicle;
- (o) **“semi-trailer”** means a vehicle that is designed to be towed by another vehicle and is so designed and used that a substantial part of its weight and load rests on or is carried by the other vehicle or a trailer converter dolly through a fifth wheel and kingpin combination;
- (p) **“tandem axle”** means two axles, not more than seventy-two inches apart when measured at right angles from axle to axle, so arranged that the load carried by each is approximately equal;
- (q) **“tandem axle weight”** means the combined weight which all the wheels on any tandem axle impose on the road when weighed in the manner prescribed;
- (r) **“tire”** means that part of a wheel, roller or other contrivance for the moving of any object upon a highway, which comes into direct contact with the surface of the highway;
- (s) **“trailer”** means a vehicle without power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle;
- (t) **“truck”** means every motor vehicle, other than a bus, that is either permanently fitted with a special purpose device, or is designed and normally used to carry a load, that may operate as a single unit or may pull a trailer other than a semi-trailer;
- (u) **“truck-tractor”** means a motor vehicle designed and normally used to pull a semi-trailer or a semi-trailer and a full trailer or semi-trailer and a semi-trailer.

Alteration and closure of public road

- (2) For the purposes of this Act, in relation to a public road
 - (a) **“alteration”** means any action whereby the location of the road is altered that requires
 - (i) the acquisition of land, for the new location,
 - (ii) the disposal of land no longer required, or
 - (iii) both (i) and (ii);
 - (b) **“closed”** means closed in accordance with section 32. *R.S.P.E.I. 1974, Cap. R-15, s.1; 1976, c.29, s.1; 1980, c.2, s.3; 1983, c.1, s.6; 1983, c.33, s.66; 1985, c.38, s.1; 1991, c.36, s.1; 1996, c.39, s.1 [eff.] June 13/96; 2001, c.16, s.1; 2004, c.17, s.1; 2006, c.16, s.63(10); 2010, c.43, s.1; 2010, c.31, s.3; 2015, c.28, s.3; 2015, c.36, s.46(2); 2016, c.44, s.282; 2021, c.8, s.3.*

2. Common and public highways defined

All parts of the townships of the province reserved in the grants or patents thereof for public roads, all roads laid out by virtue of any statute and all roads whereon public money has been expended for opening them or for keeping them in repair shall be deemed to be common and public highways unless where the roads have been altered or closed or shall be altered or closed according to law; but farm lanes shall in no circumstances be deemed to be common and public highways. *R.S.P.E.I. 1974, Cap. R-15, s.2.*

3. Highway vested in the Minister

Unless otherwise provided the soil and freehold of any public road or common and public highway are vested in the “Government of Prince Edward Island as represented by the Minister of Transportation and Infrastructure” and shall remain so vested notwithstanding the alteration or closure of the road or highway pursuant to this Act. *1996,c.39,s.21 {eff.} June 13/96; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

4. Width of highways

- (1) Except where the Minister otherwise directs, all highways shall be laid out at a minimum width of sixty-six feet.

Existing highways

- (2) All highways laid out or constructed prior to August 10, 1985, shall be a minimum width of sixty-six feet unless determined otherwise by the chief surveyor for the province. *1985,c.38,s.2; 2010,c.43s.2.*

4.1 Public utility easements

- (1) The Minister may grant to a public utility an easement that authorizes the public utility to have access to any highway or portion of the highway for the purpose of placing, laying or maintaining the poles, lines, plant or equipment of the public utility above, across, in, on or under the highway or the portion of the highway.

Fee

- (2) The Minister may charge a fee in such amount as may be prescribed or negotiated with the public utility, for the grant of an easement under subsection (1).

Liability of utility

- (3) Where a public utility conducts any operations in the exercise of its rights under an easement, the utility is
- (a) responsible for the cost of those operations, including all costs necessary to restore the highway to its condition prior to the commencement of the operations;
 - (b) liable for any damage suffered by a third party as a result of the operations.

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. *1997,c.45,s.1; 2004,c.17,s.2; 2023,c.37,s.1.*

5. Approval of opening to highway

- (1) No person shall
 - (a) open or authorize the opening of any highway; or
 - (b) permit the interconnection of a highway or proposed highway with another highway, without the approval of the Minister.

Prohibition

- (1.1) No municipality shall permit the interconnection of a street or proposed street under its jurisdiction with a highway or proposed highway without the approval of the Minister.

Costs to be paid by beneficiary

- (2) Before giving his approval the Minister shall ensure that all costs associated with such opening or interconnection are or will be paid for by the persons or municipality benefiting therefrom or authorizing the opening or interconnection.

Powers of Minister

- (3) For the purposes of this section the Minister may
 - (a) develop and implement policies upon which to base his decision;
 - (b) enter into agreements with a person or municipality respecting construction and the payment of costs;
 - (c) make his approval subject to such conditions as he sees fit including a condition requiring the conveyance of the road to the Crown. *1985,c.38,s.2; 2013,c.22,s.1.*

6. Minister to control highway

The Minister shall have the supervision and general control over the laying out, opening, altering, building, improving, maintenance, and repair of all bridges and other works pertaining to roads, highways and bridges in the province. *R.S.P.E.I. 1974, Cap. R-15, s.4.*

7. Expenditures under direction of Minister

All money granted by the Legislature for laying out, opening, altering, building, improving, maintenance, repair, and construction of roads, bridges and other works pertaining to roads, highways and bridges shall be expended, subject to any resolution of the Legislative Assembly for the apportionment of the same, under the direction of the Minister. *R.S.P.E.I. 1974, Cap. R-15, s.5.*

8. Report by Minister

The Minister shall annually make a report to the Lieutenant Governor in Council of all the roads, bridges and other works pertaining to roads and bridges upon which any provincial money has been expended; the report shall be laid before the Legislative Assembly with a detailed account of the expenditure for the preceding year, specifying the objects thereof. *R.S.P.E.I. 1974, Cap. R-15, s.6.*

9. Appointment of drivers and machine operators

- (1) The Minister may appoint drivers and operators for the operation and maintenance of motor trucks, tractors, power machines and other equipment owned or operated by the Department of Transportation and Infrastructure, and such drivers and operators, before appointment, are required to pass an examination as to their qualifications.

Assignment of operators

- (2) The Minister may assign to the respective county engineers such drivers and operators or such equipment as he shall consider advisable. *R.S.P.E.I. 1974, Cap. R-15, s.12; 1976,c.29,s.2; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

10. County engineers to direct work of operators

- (1) The county engineer shall direct the employment as to time, place, and road section of all drivers and operators and equipment assigned to him, and may employ additional assistance in men or equipment.

Approval of work

- (2) The county engineer shall pass upon and approve the work of all drivers and operators as a condition precedent to payment therefor. *R.S.P.E.I. 1974, Cap. R-15, s.13.*

11. Daily record of work to be kept by operators

Every driver and operator shall keep a daily record of all work done by him, on forms furnished for the purpose by the Minister, and shall specify therein on what road section and at what time the work has been done, and the amount of work done, and on what road, and the number of days in each section; these daily records shall be delivered to the district highway supervisor or to the county engineer each week. *R.S.P.E.I. 1974, Cap. R-15, s.14.*

12. Minister may call and examine witnesses

- (1) The Minister may require the attendance of any person as a witness and examine him on oath, which oath the Minister is authorized to administer, touching any matter over which he has control or relating to expenditures of any public money expended upon any road, bridge, or any other public work, and require the production of any books, papers, or things relating thereto.

Refusal to comply, offence

- (2) If any person, on being tendered his reasonable expenses, neglects or refuses to attend upon the summons of the Minister, or attending neglects or refuses to produce such books, papers or things, or to answer any questions that may be put to him by the Minister touching any such matter, he is guilty of an offence. *R.S.P.E.I. 1974, Cap. R-15, s.15.*

13. Inspectors, appointment and powers

The Minister may appoint such and so many persons employed in the Department of Transportation and Infrastructure as he may consider advisable as inspectors under this Act; inspectors have all such powers, duties and responsibilities in relation to the enforcement of this Act as are vested in a peace officer under this Act. *1976,c.29,s.3; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

14. Officials not personally liable

Neither the Minister nor any official or employee of the Department of Transportation and Infrastructure is personally liable for any damages occasioned by the performance in good faith of his duty or by his carrying out of orders or instructions received by him from a superior. *R.S.P.E.I. 1974, Cap. R-15, s.16; 1976,c.29,s.4; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

15. Conflict of interest, what constitutes

No provincial civil servant or any employee of the Department of Transportation and Infrastructure shall, directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, have any share or interest whatsoever in any contract let under this Act. *R.S.P.E.I. 1974, Cap. R-15, s.17; 1976,c.29,s.4; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

16. Winter roads, opening of

- (1) Where in the opinion of the county engineer it is considered necessary that winter roads be temporarily opened through fields, they may be opened by him, without becoming liable to any action for so doing, provided that no unnecessary damage is done thereby.

Duration of winter roads

- (2) No winter road shall be opened prior to November 15 in any year or continued to be left open beyond April 15 in the following year. *R.S.P.E.I. 1974, Cap. R-15, s.18.*

17. Removing poles etc., an offence

Any person who wilfully cuts down or removes any poles or other visible marks placed at a gateway or opening in fences or entrances to fields to indicate the course of winter roads is guilty of an offence. *R.S.P.E.I. 1974, Cap. R-15, s.19.*

17.1 Highway development areas

Where the Minister proposes

- (a) to expend public money on the acquisition and development of any area of land for highway purposes; and
- (b) to acquire all or a portion of the lands in that area over a period of time as they become available or are needed for highway purposes,

the Lieutenant Governor in Council may by order declare that area of land to be a highway development area. *1994, c.55, s.1.*

17.2 Acquisition of land

- (1) The Minister may acquire land within a highway development area by purchase or expropriation, when the land is acquired for and in connection with a highway.

Lease back to owner

- (2) Where the Minister is negotiating the purchase of land in a highway development area and the owner indicates that in the event of a sale he wishes to retain possession or the right to possession of the land for any period of time or until it is required for or in connection with a highway, the Minister shall negotiate with that owner in good faith and shall lease that land to that owner until it is required for or in connection with a highway.

Lease of expropriated land

- (3) Where land lying within a highway development area is expropriated, the Minister may lease that land until it is required for or in connection with a highway.

Termination of lease

- (4) The Minister may terminate any lease granted under subsection (2) or (3), notwithstanding the term of the lease, by giving the lessee ninety days notice to vacate in writing and by sending that notice by registered mail to the lessee. *1994, c.55, s.1.*

17.3 Request to purchase

- (1) Where land is made subject to a declaration under section 17.1, the owner of the land may, at any time after the declaration is made, request the Minister to purchase that land.

Declaration expires if land not purchased within 2 years

- (2) If the Minister, within two years of the receipt by the Minister of a request to purchase land given under subsection (1), does not purchase the land made subject to that request to purchase, that land ceases to be subject to the declaration made under section 17.1. *1994, c.55, s.1.*

17.4 Development

- (1) No person shall
 - (a) subdivide land;
 - (b) construct an improvement on land;
 - (c) reconstruct or add to an improvement on land; or
 - (d) change the use of any land,

within a highway development area except with the approval in writing of the Minister.

Approval required

- (2) No municipality or department of the Government shall issue any permit or give any other form of authorization or approval to any person for any work or undertaking including the subdivision of land within a highway development area, except with the approval in writing of the Minister.

Valuation

- (3) Where approval in writing has been given by the Minister under subsection (1) or (2), the value of the land shall be determined as of the date of the declaration under section 17.1 and not thereafter. *1994, c.55, s.1.*

17.5 Registration

Where a highway development area is created under section 17.1, the Minister shall

- (a) file a copy of the order and a plan of the highway development area in the registry office of the county in which the land lies and shall cause notice of the filing of the order and plan to be published in the Gazette within thirty days of their being filed in the registry office;
- (b) cause to be registered, in the registry office of the county in which the land lies, a notice to the persons who appear from the records of that registry office to be owners of the land in the highway development area, that the land is so affected; and
- (c) cause a notice to be sent, by registered mail to the persons who appear from the records of the registry office in the county in which the affected land lies to be the owners of the land in the highway development area, that the land is so affected.

1994, c.55, s.1.

17.6 Subdivision

Neither the registration of a notice and plan pursuant to section 17.5 nor the subsequent acquisition of land pursuant to section 17.2 constitutes a subdivision requiring municipal or other governmental approval. *1994, c.55, s.1.*

17.7 Compensation

Where land within a highway development area is expropriated under section 17.2, the owner shall be compensated for that land as though the land were not in a highway development area. *1994, c.55, s.1.*

17.8 Increase in value

Where an owner of land within a highway development area contravenes section 17.4, no compensation shall be paid to the owner for any increase in value resulting therefrom. *1994, c.55, s.1.*

17.9 Act prevails if lands for road purposes

Any person who holds or acquires an interest in land within a highway development area holds or acquires that interest subject to the provisions of this Act. *1994, c.55, s.1.*

18. Expropriation

Where any lands are required for the purpose of opening any new road or for the purpose of altering, widening, raising or diverting any existing public road or for the construction of any road so opened, altered, widened, raised, or diverted or for the purpose of draining any new or existing roads, the Minister or any other person by his order or under his direction, may enter upon the lands and make a survey of the same, and a plan and description of the land shall be filed and registered in the Registry of Deeds for the county in which the lands lie.

R.S.P.E.I. 1974, Cap. R-15, s.20.

19. Vesting of land in Crown

The filing and registration referred to in section 18 shall vest in the Government the lands so required and taken over for a public road or for drainage thereof. *R.S.P.E.I. 1974, Cap. R-15, s.21; 2022, c.62, s.64.*

20. Copy of plan to owners

A copy of the plan and description shall be delivered to the owner or lessee of the lands if known, or if not known shall be posted on the lands. *R.S.P.E.I. 1974, Cap. R-15, s.22.*

21. Agreement on compensation

The Minister may make an agreement in writing with the owner or owners of any lands so expropriated, fixing the compensation to be paid therefor, which agreement shall contain a description of the lands expropriated, a reference to the plan and the amount agreed upon for compensation. *R.S.P.E.I. 1974, Cap. R-15, s.23.*

22. Agreement for removal of materials for construction

The Minister may make an agreement in writing with the owner or owners of any land from which it may be necessary or expedient to procure materials for the construction, repair or maintenance of any roads or bridges, and may, whether with or without agreement, by his servants or agents enter the land with such equipment as may be necessary, and dig up and carry away stone, clay and gravel, or cut and carry away trees, bushes, logs, poles and brush, in a manner least prejudicial to the owner. *R.S.P.E.I. 1974, Cap. R-15, s.24.*

23. Expropriation

Where for any reason, the Minister and the owner of any lands are unable to enter into any agreement as provided for in sections 21 and 22, the Minister has and possesses all rights vested in him under the *Expropriation Act* R.S.P.E.I. 1988, Cap. E-13, and all of the provisions thereof as to valuation and appeal apply, with the necessary changes. *R.S.P.E.I. 1974, Cap. R-15, s.25.*

24. Factors in fixing compensation

The compensation to which an owner is entitled for lands taken for public roads under this Act, shall comprise the value of the land taken, and damages to the land of the owner directly caused by the roads or alterations, after deducting any benefit accruing to the land of the owner by reason of the construction of the new road or alteration. *R.S.P.E.I. 1974, Cap. R-15, s.26.*

25. Apportionment of old roads

In case of an alteration, the Minister may apportion the old road or parts thereof to the owners of the land through which the alteration passes, and put a value thereon as compensation in whole or in part for the land taken for the alteration and it shall be mentioned in the offer in writing made by the Minister, and in case of appeal in the certificate of the judge of the Supreme Court. *R.S.P.E.I. 1974, Cap. R-15, s.27.*

26. Apportionment

- (1) No apportionment pursuant to section 25 shall be made to the owner unless the old road passes through or adjoins his lands.

Saving for right of way and public utility easements

- (2) When an apportionment has been made, the land apportioned becomes the property in fee simple of the owner to whom it is apportioned subject to
- (a) the continuation of the public right of way thereon until the road is closed;
 - (b) any public utility easement for the purpose of maintaining any line, plant or system of public utilities located or partially located above, under or on such apportioned lands existing at the time of apportionment. *1996, c.39, s.1 {eff.} June 13/96.*

27. Controlled access highway

- (1) The Lieutenant Governor in Council may designate any highway or part thereof as a controlled access highway.

Publication where controlled access highway designated

- (2) A copy of the minute of the Lieutenant Governor in Council designating a highway or part thereof as a controlled access highway shall be published in not less than two consecutive issues of the Gazette, and shall be filed with the Registrar of Deeds for the registration district in which the highway or part thereof is situated, and notice thereof shall be posted by registered letter to the adjacent landowner or landowners concerned and displayed in a conspicuous place on the lands affected. *R.S.P.E.I. 1974, Cap. R-15, s.29.*

28. Restriction where controlled access highway

Where a highway or portion thereof has been designated as a controlled access highway, no person shall

- (a) construct, use, or allow the use of, any private road, entrance-way or gate which or part of which is connected with or opens upon the controlled access highway; or
- (b) sell, or offer, or expose for sale, any vegetables, fruit, meat, fish, or other food or produce, or any goods, wares, merchandise or services, upon or within one hundred and fifty feet of the limit of the controlled access highway. *R.S.P.E.I. 1974, Cap. R-15, s.30; 1985, c.38, s.4.*

29. Designations

- (1) The Lieutenant Governor in Council may, by notice published in the Gazette, designate and classify any highway or part thereof, not being a controlled access highway, as
- (a) arterial;
 - (b) collector;
 - (c) local;

- (d) seasonal;
- (e) non-essential; or
- (f) scenic heritage,

and may make regulations respecting the construction or use of any private road, entrance-way or gate opening onto the class of highways so designated.

Contravention of regulations

- (2) Notwithstanding any other Act, no person and no municipality shall construct, use or approve the construction or use of any access contrary to the regulations made under this section.

Seasonal highway

- (3) A highway or part thereof designated as seasonal or as scenic heritage shall be deemed to be closed, without further notice, between the dates of October 31 to December 31 of any year and January 1 to May 1 of the next succeeding year and no action shall be brought against the Crown for damages sustained by any person using a seasonal road or a scenic heritage road between those dates.

Non-essential highway, maintenance

- (4) The Minister is not responsible for the maintenance of a non-essential road and no action shall be brought against the Crown for damages sustained by any person using a non-essential road.

Application of ss.(4)

- (5) Subsection (4) applies notwithstanding that the Minister undertakes some maintenance or improvement of the road. *1985,c.38,s.5; 2005,c.52,s.1.*

29.1 Exemption from municipal bylaw

The Lieutenant Governor in Council may by notice published in the Gazette, exempt any highway or portion thereof from the application of any municipal bylaw and any exemption may be made retroactive to a date before the date of the notice. *1994,c.55,s.2.*

30. Costs

- (1) Notwithstanding the absence of any designation or regulation under section 29, where an access has been requested by a person and the costs thereof have been determined and made known to that person before the work is undertaken, the Minister may impose, charge and collect the costs associated with the construction, improvement or intensification of the use of any access to the person benefiting therefrom.

Closure

- (2) Where the costs imposed or charged under this section remain unpaid for a period of thirty days, the Minister may close or remove the access and charge the costs of the closure or removal to the person benefiting from the access.

Recovery

- (3) Any person neglecting or refusing to pay the costs imposed or charged under this section is guilty of an offence and the provincial court, upon summary conviction, shall order that, in addition to any other penalty imposed by this Act, the amount imposed or charged under this section be paid to the Minister.

Filing of order

- (4) An order for payment under subsection (3) may be filed with the Supreme Court and shall be deemed to be a judgment obtained in the Supreme Court for the recovery of a debt in the amount specified in the order. *1985, c.38, s.5.*

31. Closing of private roads etc. by Minister

The Minister or any person acting by or under his authority may at any time close any private road, entrance-way, or gate constructed, opened or used in violation of section 28 or 29, and for that purpose may enter himself, or any person under his authority, if necessary, into and upon any land or part thereof and adjoining the highway. *R.S.P.E.I. 1974, Cap. R-15, s.31; 1985, c.38, s.6.*

32. Road closure

- (1) The Minister may order any road, or part of any road, closed when it has become unnecessary for public use, and may convey the road, or part of the road, so closed to the adjoining land owner or owners in whole or in part.

Procedure for road closure

- (2) Where a road or portion thereof is to be closed under this section
- (a) where a road or portion thereof is conveyed to adjoining land owners, the Minister shall issue a declaration of road closure in the prescribed form to be included in the instrument of conveyance; and
 - (b) where no conveyance is executed, the Minister shall issue a declaration of road closure in the prescribed form which shall be filed under the *Registry Act* R.S.P.E.I. 1988, Cap. R-10 and indexed against the names of the owners in fee simple of the road or portion so closed,

and the Minister shall, where he considers it appropriate to do so, publish the declaration in the Gazette.

Effect of declaration

- (3) A declaration under subsection (2) shall be sufficient public notice that a road is closed and shall have effect from the date of registration or the date of execution of the instrument of conveyance, as the case may be.

Idem, rights of way and public utility easements

- (4) Where a road or portion of a road is closed,
- (a) it ceases to be a common or public highway and any public right of way thereon is extinguished;
 - (b) it shall be subject to a public utility easement for the purpose of maintaining any line, plant or system existing at the time of closure and being located or partially located above, under or on the road or portion thereof.

Removal etc., of public utility infrastructure

- (5) The removal, discontinuance of use or abandonment of any line, plant or system of a public utility terminates any public utility easement provided for under subsection 26(2) or subsection (4).

Transitional

- (6) All roads or portions thereof conveyed to any owner before the date on which this section comes into force shall be deemed to have been closed in accordance with this section.

Idem

- (7) All roads and portions of roads purporting to have been closed under the authority of this or any other Act before the date on which this section comes into force shall be deemed to have been validly closed as if they had been closed in accordance with this section. *1996,c.39,s.4 [eff.] June 13/96.*

33. Private road, marking of

Where a private subdivision road meets a public road the owner of the private road shall erect a sign at the entrance of the private road indicating that it is a private road. *R.S.P.E.I. 1974, Cap. R-15, s.33.*

34. Removal of poles, lines etc.

- (1) Where
- (a) any pole of a public utility or other person, or any line, plant or equipment of a public utility, is located above, across, in, on, or under a highway; and
 - (b) the Minister considers it necessary for the pole, line, plant or equipment to be removed and relocated,

the Minister may cause a notice to remove the pole, line, plant or equipment to be served on the public utility or person owning or using the pole, line, plant or equipment.

Notice to remove - contents

- (2) The notice referred to in subsection (1) shall
- (a) identify
 - (i) the pole, line, plant or equipment that is to be removed, by a description of it and its current location on the highway or by other means, and
 - (ii) the location on the highway to which it may be moved by the public utility or other person, and
 - (iii) advise the public utility or other person owning or using the pole, line, plant or equipment of the consequences under this Act of a failure to remove and relocate the pole, line, plant or equipment identified in the notice; and
 - (b) set out the date by which the pole, line, plant or equipment shall be removed and relocated.

Service of notice to remove

- (3) A notice referred to in subsection (1) may be served by registered mail to, or personal service on, the public utility or other person, as the case may be..

Relocation of easement

- (4) The Minister may not, under subsection (1), cause a notice to be given to a public utility until the Minister relocates under subsection 4.1(4) any easement the public utility may have in respect of the portion of the highway on which the pole, line, plant or equipment that is to be removed.

Obligation to remove

- (5) A public utility or other person that is served with a notice in accordance with subsections (1), (2) and (3), shall remove, at the expense of the public utility or other person, the pole, line, plant or equipment that is identified in the notice.

Removal of poles, lines, etc. by Department

- (6) Where a public utility or other person
- (a) is served with a notice under this section to remove any pole, line, plant or equipment on a public highway; and
 - (b) fails to remove any such pole, line, plant or equipment by the date specified in the notice,

any official or employee of the Department of Transportation and Infrastructure, or any other person acting by order or direction of the Minister, may without further notice, remove and relocate to such place as the Minister may designate any such pole, line, plant or equipment.

Liability of government and officials

- (7) Notwithstanding anything to the contrary in any agreement or purported agreement between a public utility or other person and the Minister, no public utility or other person has any right of action or claim against the Government, the Minister, any official or employee of the Department of Transportation and Infrastructure or any other person acting under the authority of this Act for or in respect of the removal and relocation of any pole, line, plant or equipment of that public utility or other person.

Costs of removal - liability to pay

- (8) Where any pole, line, plant or equipment of a public utility or other person is moved removed and relocated under subsection (6), the public utility or other person, as the case may be, is liable to pay for all of the costs associated with the removal and relocation, which shall be a debt due to the Government.

When costs payable are due

- (9) Payment of the removal and relocation costs referred to in subsection (8) is due to the Government on the expiration of 10 days from the date on which a registered letter was sent from the Minister to the public utility or other person advising of the amount of the costs payable.

Certificate stating amount of costs due and payable

- (10) Where a public utility or other person fails to pay to the Government any removal or relocation costs before the expiration of 60 days from the date on which payment is due, the Minister may so certify and may issue a certificate stating the amount due and payable including any interest chargeable under the regulations and the name of the public utility or other person by whom it is due and payable.

Effect of filing certificate

- (11) A certificate issued under subsection (10) may be filed with the Registrar of the Supreme Court and, after filing, it shall be entered and recorded in the court, and when so entered and recorded it has the same force and effect, and all proceedings may be taken thereunder, as it were a judgment obtained in the court by the Government against the public utility or person named in the certificate. *R.S.P.E.I. 1974, Cap. R-15,s.34; 1980,c.2,s.3; 1983,c.1,s.6; 1997,c.45,s.2; 2004,c.17,s.3; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3*

35. Snow fences

- (1) The Minister may cause to be erected and maintained, on any property bordering a highway, a snow fence or other structure for the protection of the highway from snow drifts.

Entry to maintain snow fences

- (2) Persons authorized by the Minister may enter any property for the purpose of setting up and maintaining the snow fences or other structures and no property owner may claim damage unless through negligence or neglect of the employees of the Minister.

Duration of maintenance

- (3) Snow fences or other structures may be so maintained from November 15 in any year to April 15 in the following year. *R.S.P.E.I. 1974, Cap. R-15, s.35.*

36. Lowering of field to lessen gathering of snow on roads

Where, in the opinion of the Minister, a field adjoining a road is causing snow to gather upon the road, the Minister may cause the field to be lowered to improve winter conditions if

- (a) the top soil of the field is first removed and respread over the field after the sub-soil is removed;
- (b) the back slope of the lowering is so graded that no part thereof, at any point in excess of twenty-five feet distant from the highway right-of-way, is lower than the level of the centre line elevation of the adjoining highway;
- (c) existing fences are removed and *re*-erected after the job is completed, at department expense;
- (d) the owner of the field is compensated for all sub-soil removed in an amount the rate of which shall be fixed by the Minister from time to time, but the sub-soil must be measured on the site. *R.S.P.E.I. 1974, Cap. R-15, s.36; 1975, c.26, s.1.*

37. Obstruction of highway, offence

- (1) No person shall cause any obstruction or make any encroachment by fencing or otherwise, placing pulpwood, lumber or any other material, upon any of the public roads of this province, or wrongfully open out or close up any drains or ditches or water course upon or leading to, from or across any public road, or place any obstruction upon or in any wise interfere with the public in travelling upon or over any road or winter roads in actual use as such.

Removal of obstruction

- (2) The Minister may order the removal of any obstruction or encroachment by fencing or otherwise, or by the placing of pulpwood, lumber or other material on the roads, the opening out or the closing up of any drains, ditch or water course which has been wrongfully opened out or closed up, or the abating of any nuisance in respect to highways.

Rubbish, etc., on or near highway

- (3) No person shall put, place, cast, throw, or leave upon or in view of any road, street, wharf, sidewalk, ditch, gutter, or public place or upon or in view of any portion of the right-of-way of any road or street aforesaid, any bottles, dirt, filth or rubbish of any nature whatsoever, or any material, object or thing which is offensive to the general appearance of the places set forth above, nor cause obstruction, nuisance, or injury to those places. *R.S.P.E.I. 1974, Cap. R-15, s.37; 1985, c.38, s.7.*

38. Sale of obstruction

In the case of any person violating the provisions of section 37, the Minister shall, if the obstruction is saleable, unless sooner claimed, after three days notice sell it and pay the proceeds to the Minister of Finance; if not saleable he shall cause it to be removed, and the cost of the removal may be collected from the owner of the obstruction. *R.S.P.E.I. 1974, Cap. R-15, s.38; 1983,c.1,s.6; 1985,c.38,s.8; 1986,c.5,s.2; 1993,c.29,s.4; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

39. Obstructing water course

- (1) No person shall obstruct or impede the water course of any drain draining any highway in order to facilitate access from his property to the highway or otherwise.

Duty of occupier to keep drains open

- (2) It is the duty of every owner or occupier of land fronting on the highway to see that such drains are kept open at the point of approach to any gateway, lane or other way from the property owned or occupied by him on the highway.

Construction of bridge without approval

- (3) No owner or occupier of land fronting on a highway shall construct any bridge to the approach of any gateway, lane, or other private property, over any drain, without the approval of the county engineer.

Removal of obstructions

- (4) The Minister may cause to be removed any obstructions so placed as referred to in subsections (1) to (3), in any watercourse or drain on any highway at the expense of the person causing or being responsible for the obstruction. *R.S.P.E.I. 1974, Cap. R-15, s.39; 1985,c.38,s.9.*

40. Damage to bridge

No person shall cause damage to any bridge within the province by driving a vehicle in a careless manner or by driving a vehicle loaded beyond its legally licensed limit or by taking across the bridge loads greater than the posted safe load of the bridge. *R.S.P.E.I. 1974, Cap. R-15, s.40.*

40.1 Offence

- (1) No person shall
- (a) damage any highway;
 - (b) create any unsafe conditions or hazard that may injure or affect users of a highway;
or
 - (c) interfere with the lawful use of a highway by any other person.

Penalty

- (2) Where any person has been convicted of an offence under subsection (1), the Minister may recover from that person, as a debt due to the Crown, the expenses incurred by the Minister in removing the hazard or material, or repairing the highway. *1997,c.45,s.3.*

41. Restriction on building near highway

- (1) No person shall, without a written permit from the Minister, erect any building at a distance of less than one hundred feet from the centre line of any highway or road, nor shall any building be erected at a distance of less than fifty feet from those of the next adjoining owner.

Buildings, etc., near intersection

- (2) No person shall, without a written permit from the Minister, erect any building, structure, sign or billboard, at a distance of less than two hundred feet from the point of intersection of any intersecting roads or highways or at a point less than two hundred feet from the point of intersection of a road or highway with a railroad.

Point of intersection defined

- (3) For the purpose of this section the point of intersection of roads or highways is the point at which the centre lines of such roads or highways intersect, and in the case of a road or highway intersecting with a railroad the point of intersection is the point at which the centre line of the road intersects with the centre line of the railroad.

Billboards or signs near curves

- (4) No person shall, without a written permit from the Minister, erect at or near a curve or bend in a road or highway any building, structure, sign or billboard which may obstruct or interfere in any manner with a clear view of traffic on the road or highway or which would result in a reduction of the actual sight of traffic on the said road or highway to less than one thousand feet.

Minister's decision final

- (5) The Minister upon receiving application for a permit may grant or refuse the permit and his decision to grant or refuse the permit is final and conclusive.

Application of section

- (6) This section does not apply to any municipality or to any area in which the regulations of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 apply. *R.S.P.E.I. 1974, Cap. R-15, s.41; 1983,c.33,s.66; 2016,c.44,s.282.*

42. Cutting down of trees

- (1) When and so often as it may become necessary in the opinion of the Minister to cut down trees or to remove fences, signs or billboards at the intersection of roads, intersection of road and railway, dangerous curves in the highway or where trees, fences, signs, or billboards are considered by the Minister as dangerous or interfering with the maintenance of the highway, the Minister may authorize any person to enter upon the lands and to cut down the trees and to remove the trees, fences, signs, or billboards, as may be designated by him.

Removal of land near highway

- (2) When and so often as it may become necessary in the opinion of the Minister to remove any land in or adjacent to any highway which obstructs the vision of motorists or otherwise, or buildings or other structure at the intersection of roads, intersection of road and railroad, dangerous curves in the highway or where buildings or other structures are considered by the Minister as dangerous or interfering with the maintenance of the highway, the Lieutenant Governor in Council may authorize the removal of the land, buildings or other structures by Order in Council.

Expropriation applies

- (3) In the event any buildings or other structures are ordered to be removed by the Lieutenant Governor in Council the provisions of this Act relating to expropriation apply. *R.S.P.E.I. 1974, Cap. R-15, s.42.*

43. Blinding lights near highway

- (1) No person shall place, station, or operate lights near a highway of such kind or intensity or in such a position that the light blinds the vision of a motor vehicle operator or in any way renders a highway unsafe for night travelling.

Removal of dangerous lights

- (2) Where, in the opinion of the Minister, a light is dangerous to travelling safety, the light must be moved or shielded to the satisfaction of the Minister.

Correction at expense of owner

- (3) If the light is not corrected immediately following written notification from the Minister, the Minister may cause the correction to be made at the expense of the owner. *R.S.P.E.I. 1974, Cap. R-15, s.43.*

44. Piling, etc., of snow on highways

- (1) No person shall remove any substance from any private lane, road, or other property, or from any part of the public right-of-way which the private lane, road, or property adjoins, and put, place, or pile any substance on any part of a public road, or right-of-way.

Idem

- (2) No person shall put, place or pile snow or ice on any part of a public road which impedes traffic movement or road maintenance, or creates a safety hazard. *R.S.P.E.I. 1974, Cap. R-15, s.44; 1975, c.26, s.2.*

45. Parking of vehicles on highway

No person shall park or leave standing any vehicle, whether attended or unattended on any part of the public right-of-way at any time or in any manner which in any way obstructs or otherwise interferes with the operation of any vehicle or equipment on the highway. *R.S.P.E.I. 1974, Cap. R-15, s.45.*

46. Moving of buildings on highways

- (1) No person shall move any building or any load which is over legal weight, length, width, or height, on any highway, unless he has first procured a permit from the Minister authorizing him to move the building or load.

Permit to move, conditions of

- (2) In granting a permit under this section, the Minister may require that the building or load be moved under such conditions as he may impose, and every permit shall be carried by the person engaged in moving the building or load and shall be open to inspection by any peace officer.

Overweight vehicle, permit

- (2.1) Without prejudice to subsection (1), no person shall operate an overweight vehicle on a highway unless he has first procured a permit from the Minister authorizing him to do so.

Definition

- (2.2) For the purposes of subsection (2.1) an “overweight vehicle” means a vehicle that has a steering axle or any combination of single axle, tandem axle group, triaxle group, tridem axle group or any other combination that exceeds the maximum allowable weight authorized by the regulations under section 55 governing vehicle weights.

Regulations

- (3) The Minister may make regulations prescribing
- (a) the form of a permit which may be different for a single trip permit or an annual permit;
 - (b) the conditions that may be imposed on the issue of a permit;
 - (c) the fee for the issue of a permit;
 - (d) penalties for violation of this section or the conditions of a permit. *R.S.P.E.I. 1974, Cap. R-15, s.46; 1982, c.27, s.1; 1997, c.44, s.1.*

47. Penalties

- (1) Any person who violates or attempts to violate this Act or the regulations made hereunder in respect of which no specific penalty is provided is guilty of an offence, and upon summary conviction is liable
- (a) in the case of a first offence, to a fine not exceeding \$50;
 - (b) in the case of a second offence or subsequent offences to a fine not exceeding \$200.

Injunction

- (2) Any act done or commenced contrary to this Act or the regulations made may be restrained by injunction in the Supreme Court in any action at the suit of the Minister.

Impounding of vehicles

- (3) A peace officer may impound any vehicle operated by any person in contravention of section 40, 46, or 49 or any regulations restricting the weight of vehicles and of loads thereon and may detain the vehicle until the weight of the load carried thereon is reduced to within that permitted by the regulations. *R.S.P.E.I. 1974, Cap. R-15, s.47; 1982, c.27, s.2; 1994, c.58, s.6.*

48. Evidence of public road

- (1) In any suit, information or proceeding of any nature instituted under this Act, against any person for any offence against this Act, it is sufficient for the prosecutor or plaintiff to give evidence that the road or highway was generally known as a public road or highway and that public money has been expended on the road or highway and no further evidence is necessary to establish the fact that the road or highway was a public road or highway within the meaning of this Act, and the onus of proving that the encroachment, obstruction or offence complained of was not upon a part of a public road or highway is upon the defendant, and every road or highway shall be presumed to be a width of sixty-six feet, unless where proof is given of its legal establishment of some other width.

Proof of appointment

- (2) In any action or proceeding under this Act, no proof is required of the appointment of any highway foreman other than the order in council appointing the highway foreman. *R.S.P.E.I. 1974, Cap. R-15, s.48.*

49. Weighing of vehicles

- (1) A peace officer may weigh a commercial motor vehicle or cause it to be weighed on an approved weighing device and for the purpose of weighing the vehicle the peace officer may
- (a) stop the vehicle by
 - (i) placing on or as near as possible to the roadway a sign on which are the words, symbols, letters or colours conveying the order to all vehicles or all vehicles of a certain class to stop for weighing, or
 - (ii) signalling manually or by the use of flashing red lights to the driver of the vehicle to stop;
 - (b) order the driver of the vehicle to drive and the driver shall drive the vehicle to the approved weighing device located at the site where the vehicle was detained;
 - (c) order the driver of the vehicle to assist, and the driver shall assist in and facilitate the weighing of the vehicle by driving the vehicle upon an approved weighing device and performing such other acts, if any, as the peace officer requires or considers necessary for the purpose of weighing the vehicle and its load; and
 - (d) if the driver of the vehicle does not obey the order given under clause (b) or (c), drive or authorize some other person to drive the vehicle to and upon the approved weighing device and perform such other acts, if any, as the peace officer requires or considers necessary for the purpose of weighing the vehicle and its load.

Removal of excess load

- (2) Where a vehicle is weighed under subsection (1) and it is found that the gross weight or the axle weight of the vehicle exceeds that permitted by the regulations or by a sign applicable to that portion of the highway on which the vehicle was stopped, the peace officer may, subject to any direction given by the Minister,
- (a) order the driver of the vehicle to drive and the driver shall drive the vehicle to a location specified by the peace officer and leave the vehicle standing at that location until such portion of the load is removed as may be necessary to reduce the weight of the vehicle or the axle to within the limit permitted by this Act or the regulations; or
 - (b) order the driver of the vehicle to remove and the driver shall remove from the vehicle such portion of the load as may be necessary to reduce the weight of the vehicle or the axle weight to within the limit permitted by this Act or the regulations.

Material removed

- (3) Where a portion of a load is removed from a vehicle pursuant to an order under subsection (2) it is the responsibility of the owner of the vehicle to make arrangements for the custody and care of the material removed.

Limitation of action against Minister

- (4) No action lies against a peace officer or the Minister or any other person in respect of any damage done to a vehicle or its load or any loss sustained by any person as a consequence of anything done or ordered to be done under this section where the action is not based on malfeasance or misfeasance.

Offences

- (5) A person who
- (a) does not obey a sign placed or a signal given under clause (1)(a);
 - (b) does not obey an order given under clause (1)(b) or (c) or clause (2)(a) or (b);
 - (c) refuses to have weighed a vehicle which he is driving or which is under his control or direction; or
 - (d) does not remove such portion of the load of a vehicle as a peace officer orders under subsection (4),

is guilty of an offence and liable on summary conviction for a first offence to a fine of not less than \$1,000 and for any subsequent offence to a fine of not less than \$2,000.

Damage to vehicle no defence

- (6) An allegation that compliance with an order under this section would or might damage the tires, wheels, axles or any other part of the vehicles or load in respect of which the order is made is no defence in a prosecution for failure to comply with that order. *R.S.P.E.I. 1974, Cap. R-15, s.49; 1982, c.27, s.3; 1990, c.57, s.1; 1991, c.36, s.2; 1992, c.61, s.1; 1994, c.58, s.6; 1996, c.39, s.5 [eff.] June 13/96.*

50. Production of driver's license and registration

- (1) Where a peace officer has reasonable cause to believe that a person has committed a violation of this Act or of any provision of the regulations restricting the weight of vehicles or of loads thereon, he may demand that the person deliver to him his driver's license and the registration permit for the vehicle for examination by the peace officer.

Offence

- (2) Any person who fails to comply with a demand made under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100. *1985, c.38, s.10.*

51. Cash bail bond acceptable from non-residents

- (1) Where a person is alleged by a peace officer to have committed a violation of this Act or of any provision of the regulations restricting the weight of vehicles and of loads thereon, the peace officer may accept from that person the sum prescribed by the regulations for that violation as a cash bail bond conditioned for his appearance before a provincial court judge at the place and on the date determined by the peace officer.

Date of hearing

- (2) In determining the date referred to in subsection (1) the peace officer shall be guided by the sittings of the provincial court judge and the wishes of the person, but shall in any event set a date for the hearing of the alleged violation within one month thereof.

Peace officer agent of non-resident

- (3) Where a person gives any sum to a peace officer pursuant to subsection (1) he thereby appoints the peace officer his agent to appear in the event of his absence at the place and time provided and plead guilty to the alleged violation and pay over to the provincial court judge the sum of money deposited with him. *R.S.P.E.I. 1974, Cap. R-15, s.50; 1982, c.27, s.4.*

52. Approved weighing device

- (1) The Lieutenant Governor in Council may designate a device of a kind that is designed to measure weight as an approved weighing device for the purpose of weighing vehicles and the loads thereon, and, upon such designation being published in the Gazette, such device shall be deemed to be an approved weighing device.

Approved test weights

- (2) The Lieutenant Governor in Council may designate the weight of various test weights and upon such designation being published in the Gazette each weight shall be deemed to be an approved test weight having the weight as published in the Gazette.

Accuracy of devices, test by designated person

- (3) The Lieutenant Governor in Council may designate a person as being qualified to test an approved weighing device and certify the accuracy thereof and, upon such designation being published in the Gazette, a person so designated shall be deemed to be a person qualified to test an approved weighing device and certify the accuracy thereof.

Certificate as evidence

- (4) A certificate of a person designated under subsection (3) stating that he has tested an approved weighing device using approved test weights and stating the accuracy of such approved weighing device within the period of, but not exceeding, sixty days prior to the time a vehicle was weighed is proof of the accuracy of the approved weighing device, in the absence of any proof of the contrary, without proof of the signature or official character of the person appearing to have signed the certificate.

Notice

- (5) No certificate referred to in subsection (4) shall be received in evidence unless the party intending to produce it has, before the trial, given to the accused reasonable notice of his intention together with a copy of the certificate.

Attendance of signatory

- (6) Any person against whom a certificate referred to in subsection (4) is produced may, on giving at least seven days notice to the prosecution, require the attendance of the person signing such certificate for the purposes of cross-examination.

Designation of operator of device

- (7) The Lieutenant Governor in Council may designate a person as being qualified to operate an approved weighing device and, upon such designation being published in the Gazette, a person so designated shall be deemed to be a person qualified to operate an approved weighing device.

Evidence of weight

- (8) The weight recorded by a person designated under subsection (7) as the result of the weighing of a vehicle, axle or group of axles on an approved weighing device is, in the absence of any evidence to the contrary, proof of the weight of the vehicle, axle or group of axles being weighed. *R.S.P.E.I. 1974, Cap. R-15, s.52; 1982, c.27, s.4.*

53. Regulation by city or town

Notwithstanding the provisions of this Act, the council of a city or town may make regulations limiting the weight of vehicles which may be driven on a highway over which such city or town has jurisdiction. *R.S.P.E.I. 1974, Cap. R-15, s.53; 2015, c.36, s.46(3).*

REGULATIONS

54. Ministerial power regarding weight limits

- (1) Notwithstanding anything in this Act or the regulations, the Minister may
- (a) set
 - (i) maximum allowable weight limits that may be carried over any bridge or section of highway,
 - (ii) spring weight restrictions over all highways, and
 - (iii) a weight tolerance for each axle on a truck; and
 - (b) approve plans describing the routes travelled by vehicles transporting a commodity prescribed in the regulations.

Notice

- (2) The Minister may erect and maintain signs giving notice of the limit or restriction referred to in subsection (1), and may publish notice thereof.

Offence

- (3) It is an offence for any person to operate or cause to be operated any vehicle, whether loaded or not,
- (a) over a bridge or section of highway having a weight in excess of the maximum allowable weight limit; or
 - (b) over any highways,
- contrary to the limit or restriction stated on the sign or published notice referred to in subsection (2). *2001, c.16, s.2; 2015, c.36, s.46(4).*

55. Regulation by Lieutenant Governor in Council

The Lieutenant Governor in Council may make regulations governing

- (a) the weight of a vehicle which may be driven on a highway or bridge, the weight of the load which may be carried by the vehicle and the gross weight thereof, and the ascertaining of the weight;
- (b) the axle weight of the vehicle which may be driven on a highway, the method of ascertaining the weight, and prescribing the penalties for the violation of the regulations, which penalties may be in addition to any other penalty prescribed by this Act;
- (c) the use of a vehicle on a highway or any part thereof and on any bridge;
- (d) the classification of highways with respect to the use that may be made thereof;
- (d.1) scenic heritage highways, with respect to
 - (i) the designation of highways as scenic heritage highways, and
 - (ii) the regulation of scenic heritage highways, including prohibiting the cutting or removing of trees, shrubbery or plant life from any scenic heritage highway, or the alteration of the landscape of a scenic heritage highway;
- (e) the hauling or moving of any dwelling, building, erection, or other object over, upon, or along a highway or any part thereof or any bridge;
- (f) the application and enforcement of the weight limits, restrictions and tolerances set by the Minister under section 54;
- (g) the relationship between mass in kilograms and weight in kilograms;

- (h) the relationship between weight in kilograms and weight in pounds;
- (i) the allowable dimensions for vehicles or components thereof including height, width, length, box length, axle and interaxle spacings, rear overhangs, kingpin setbacks, wheelbase, track width, drawbar length and fifth wheel offsets;
- (j) prescribing the form of returns to be made, the particulars to be set forth therein and the persons by whom and the time when or within which the returns shall be made, and all other documents, forms, and returns as may be considered necessary to give effect to this Act;
- (k) regulating the closing of any road or bridge to heavy traffic or such closing to all traffic;
- (l) for any purpose whether general or to meet particular cases that may be desirable in order to carry out the objects and purposes of this Act, or to give effect to anything for which regulations are contemplated or required by this Act;
- (m) regarding the conditions under which buildings may be moved across or along any road or highway;
- (n) extending or shortening the time for making any report or return required under this Act. *R.S.P.E.I. 1974, Cap. R-15, s.55; 1982,c.27,s.6; 2001,c.51,s.1; 2001,c.16,s.3; 2005,c.52,s.2.7; 2015,c.36,s.46(5)*