



# TRANSPORTATION / UTILITY CORRIDOR (TUC) PROGRAM PRESENTATION

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# **TUC Program – Purpose, Processes and Projects**

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# TUC Program Key Points

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- **History and Purpose**
- **Benefits**
- **Land Uses**
- **Approval and Agreement Processes**
- **Land Acquisition**
- **Land Disposition**
- **Recent Projects**
- **Questions and Answers**

# TUC 101

## In the beginning there was disorder

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- 1950s - planning began for the establishment of Ring Road alignments around the Cities of Calgary and Edmonton.
- Effective mechanisms were not available to protect those alignments from expanding urban development.
- 1970's – Rapid economic growth resulted in a rapid increase in land prices, competing and conflicting land uses.
- Urban development eliminated planned transportation and utility alignments between resource areas, processing plants, distribution facilities and markets.

# TUC 101

## And then there was order

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- **Government of Alberta studies ways of protecting rights of way for transportation and utility uses from other incompatible uses.**
- **Conclusion – multiple use transportation and utility corridors offered a solution with significant benefits to corridor users as well as adjacent land users.**
- **1971 – Legislature enacts Department of the Environment Act.**
- **This Act enabled the later establishment of Restricted Development Areas to coordinate and regulate the development and use of all lands within those Areas.**
- **1994 – Government Organization Act replaces Department of the Environment Act.**

# TUC 201

## Who established the TUC Program?

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- The Provincial Cabinet enacted:
- Alberta Regulations 212/76, 287/74 and 45/74 making the Calgary Restricted Development Area Regulations, Edmonton Restricted Development Area Regulations and The Sherwood Park West Restricted Development Area Regulations, respectively.
- These Regulations permit Alberta Infrastructure to:
- control, acquire and manage land uses within these RDAs for TUC purposes, including highways, major pipelines, power lines and municipal utilities.
- These Regulations also define the areas of land governed by this legislation.

# TUC 201

## Who is Alberta Infrastructure?

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- Alberta Infrastructure is a Department or Ministry of the Government of Alberta.
- The Minister of Infrastructure is the head of the department and administers the TUC Program under Schedule 5, Section 4 of the Government Organization Act and the Calgary, Edmonton and The Sherwood Park West Restricted Development Area Regulations.
- The Minister is given powers, duties and functions to approve, acquire and manage land uses within Restricted Development Areas (RDA).
- Certain Ministerial responsibilities have been delegated to senior level staff.

# TUC 201

## What is a TUC?

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- In this context, a “corridor” means a strip of land designated and owned for linear road and utility facilities.
- TUC is a term contained in the RDA Regulations and indicates the kinds of land uses Alberta Infrastructure may permit within the RDAs.
- Administratively and in the public domain, the RDAs are referred to as the TUCs. The RDAs function as TUCs.
- The TUC is a government program that operates to accommodate needed Ring Roads, major power lines and pipeline infrastructure around the Cities of Calgary and Edmonton.



# TUC 201

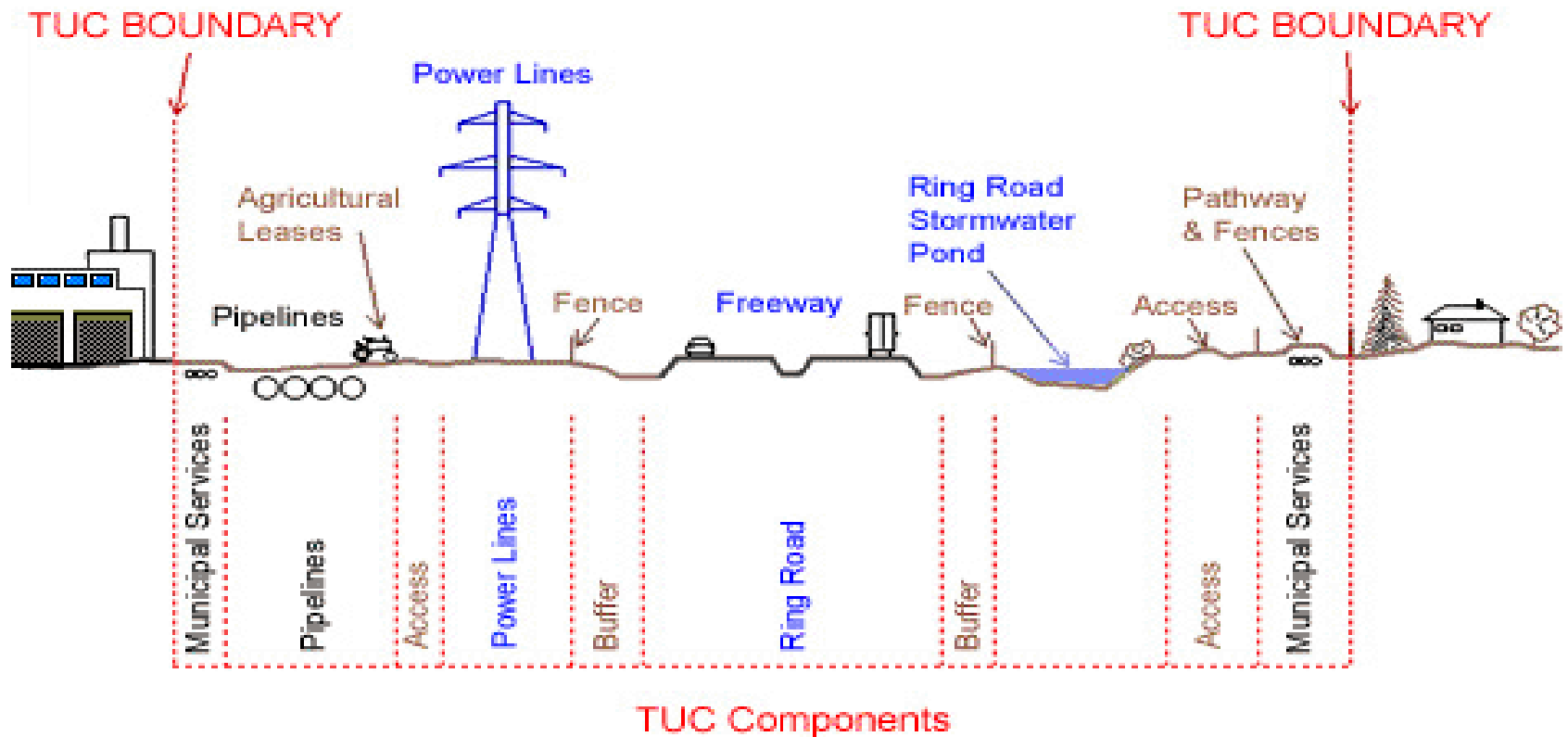
## What is the purpose of the TUCs?

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- The lands within the RDAs are designated for TUC uses such as Anthony Henday Drive, Stoney Trail, major pipelines, power lines and municipal utilities.
- These designated areas are called Components (zones) which confine and separate similar and dissimilar uses, respectively.
- For example, the TUC Ring Road and Buffer Components accommodate the highways, Power Line Component accommodates power lines and Pipeline Component accommodates pipelines.

# TUC 201

## Typical Cross-Section



# TUC 201

## Where are the TUCs located?

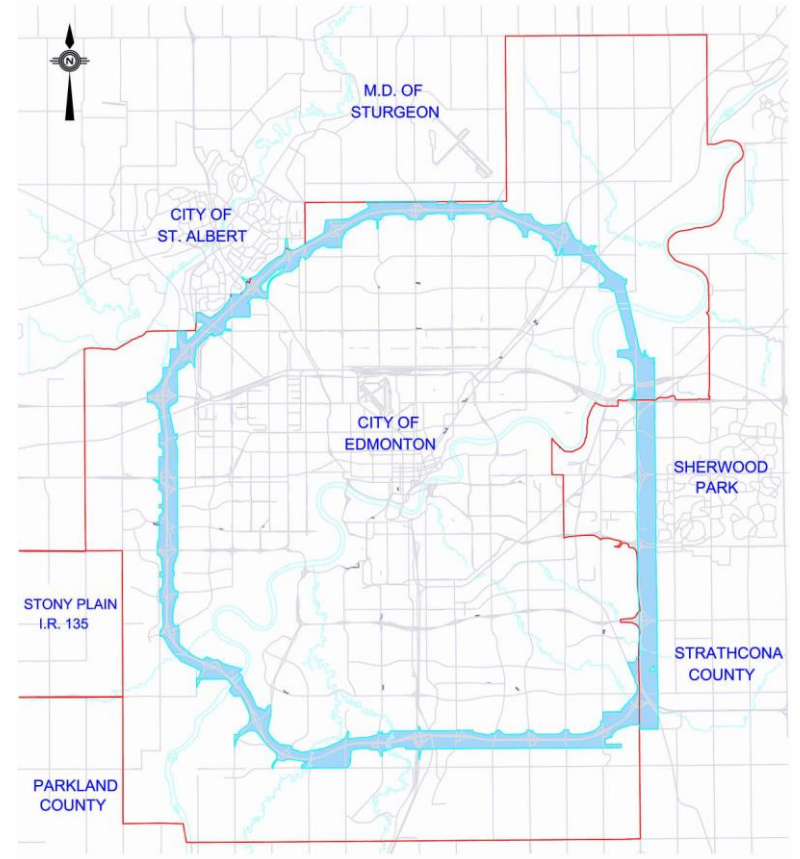
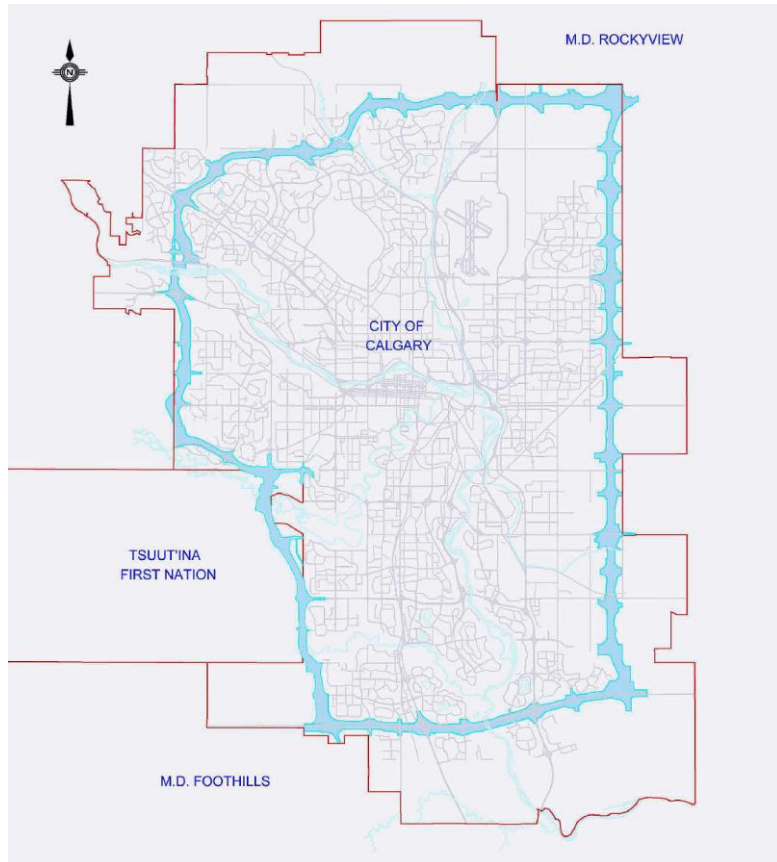
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- The TUCs surround the Cities of Calgary and Edmonton.
- Originally, the boundaries of the TUCs were more extensive in the early years than currently.
- In 1976, Calgary's TUC was 5 miles wide!
- In recent years, planning activities have reduced and “fine-tuned” land requirements for the program.
- The Calgary TUC is 87 km long, while Edmonton is 80 km long.
- The widest part is a half mile, along the east side of Edmonton.
- See next slides...

# TUC 201

13,500 acres +/-

13,800 acres +/-



# TUC 201

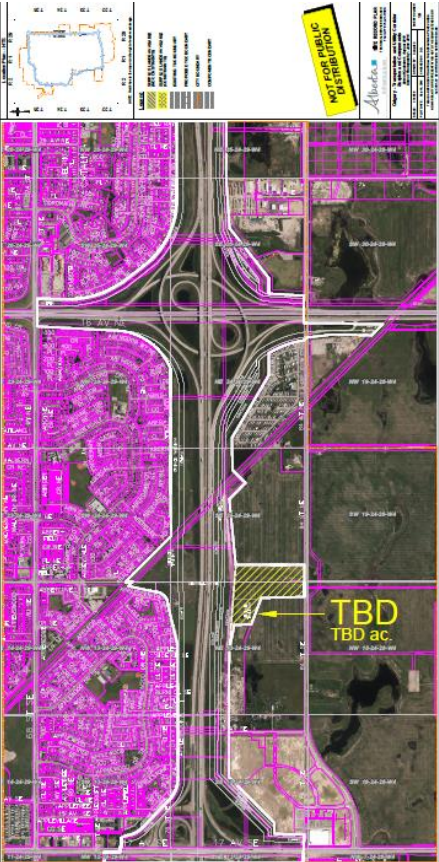
## When were the TUCs established?

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- 1974 - along the west side of Sherwood Park
- 1974 – around the City of Edmonton
- 1976 - around the City of Calgary

# TUC 301

## TUC Component Plans



# TUC 301

## Why was the TUC Program established?

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- **Goal** - orderly, effectively and efficiently accommodate needed Ring Road and utility infrastructure within a designated corridor owned by the Government of Alberta.
- **Principle** – long-term planning for facilities within a corridor can maximize the use of that corridor and also provide open space in areas that will be surrounded by urban development.
- **Solution** – corridors solve other land use problems associated with major linear facilities in the urban context.

# TUC 301

## Benefits

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- **Conservation of Land – higher intensity and less fragmenting.**
- **Limited Environmental Disruption – limited to TUCs.**
- **Administrative Efficiency – one agency plans and approves.**
- **Efficiency of Land Acquisition – one land owner agreement.**
- **Safety – compatible land uses together. Synergy of monitoring.**
- **Land Use Certainty – for land owners and municipal planning.**
- **Assured Alignments for Future Users – long-term budgeting.**
- **Open Space Use – affordable for other compatible uses.**



# TUC 301

## Factors to Consider

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- **Pillars - People, Prosperity, Preservation and Posterity.**
- **Prepare well and in advance.**
- **Public consultation.**
- **Notify directly affected landowners.**
- **Budgets.**
- **What are the adjacent land uses now and in the future?**
- **Access to/from the TUCs?**
- **What are the contingencies if project does not fulfill expectations?**

# TUC 301

## Case Law

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- The road from there to here had some “bumps.”
- **Heppner vs. Crown – challenge to purpose of Regulations**
- **Trelenberg vs. Crown – challenge to purpose of Regulations.**
- **Nilsson vs. Crown – duty to acquire.**
  
- **RETA vs. Crown – challenge to Ministerial Consent.**
  - Heartland Transmission Line project.
  - March 2013 verdict.
  - TUC decision-making process and Ministerial Consent upheld.

# TUC 401

## How does the TUC Program operate?

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- Strong regulatory controls over land use maintain integrity of plans for each kind of TUC use.
- Notice of Regulations registered against property titles.
- RDA legislation prevails over all other applicable provincial legislation.
- Surface Rights Act and Expropriation Act do not apply to Crown “government owned” lands within the RDAs.
- Other Provincial authorities approvals are coordinated and consistent with Alberta Infrastructure’s decision-making.
- This protects Alberta Infrastructure’s substantial financial investment in land acquisitions.

# TUC 401

## Land Uses of the TUCs

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- **TUC Program Policy**
  - **Primary Uses**
  - **Secondary Uses**
  - **Original Uses**
  
- **TUC Component Plans**
  - **Ring Roads take priority over utilities.**
  - **Sequence uses from outside to inside of Components.**

# TUC 401

## Approval Process – Ministerial Consent

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- Any person or corporation causing a surface disturbance on the lands.
- Any government bodies granting an estate or interest in Crown lands.
  - Ownership or encumbrance against title
- Any government bodies authorizing a surface disturbance.
  - AUC and AER
- Any government bodies authorizing a plan of survey, agreement, transfer or other instrument.

# TUC 401

## Fees, Security and Compliance

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- **Administration Fee - \$1,500 + GST.**
- **Financial Security (refundable) – scope dependent.**
- **Market Value (mostly appraised).**
  
- **As-built drawings certified by professional engineer.**
- **Certificate of Compliance form signed by professional engineer.**
- **Plan of Survey registered by land surveyor.**
  
- **Proponent given opportunity to remedy non-compliance before use of financial security or Enforcement Order.**

# TUC 401

## Rights of Entry, Permits and Agreements

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- **Right of Entry (after Ministerial Consent) issued by Alberta Infrastructure as “land owner.”**
- **Permit (after Ministerial Consent) issued by Alberta Transportation near or within Highway Rights of Way.**
- **Utility Right of Way (market or nominal consideration).**
- **Easement (same).**
- **License – non-exclusive property management tool (same).**
- **Lease – exclusive property management tool (same).**
- **Market value compensation enables acquisition cost-recovery.**

# TUC 401

## Land Acquisition

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- **Capital Budget for acquisition or expropriation of lands.**
- **Legal obligation to acquire properties from declared willing sellers.**
- **Currently, 99% of the lands government owned.**
- **Market value, based on appraisal reports.**
- **Expropriation Act – Section 8 or 30 procedures for unwilling sellers. Must acquire lands immediately before constructing public highways.**
  - **Section 8 – land owner outright refuses to sell**
  - **Section 30 – land owner agrees sell, but rejects compensation**
- **Expropriations are a last resort and infrequent.**



# TUC 401

## Land Dispositions

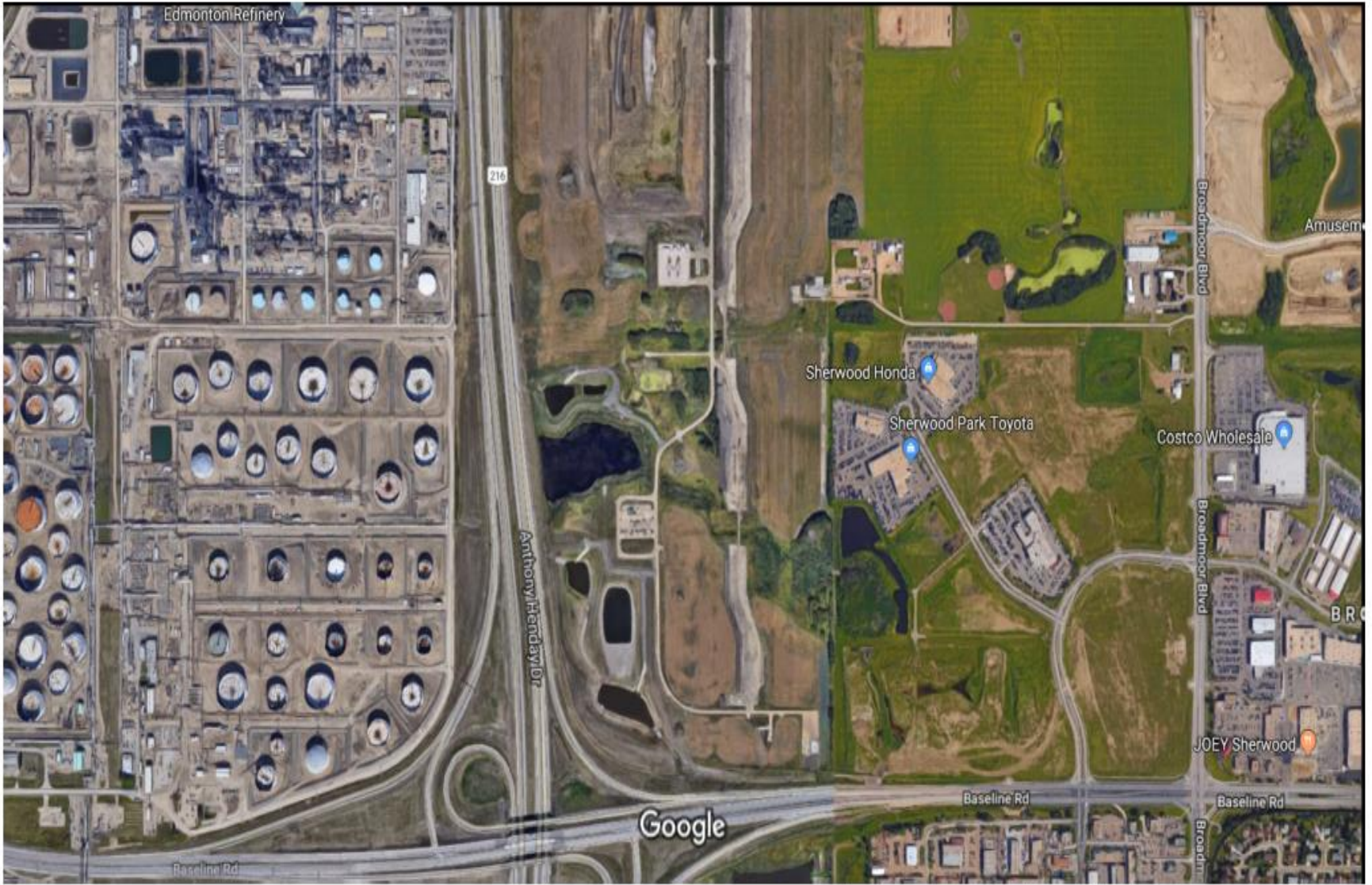
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- **Order in Council – Cabinet remove lands from RDA.**
- **Disposition Approval – Minister approves decision to sell.**
- **Market value basis offering for sale.**
- **Appraisals.**
- **Open, public listing for sale.**
- **Include surplus properties in adjacent City planning.**
- **Avoid land-locking and devaluation.**
- **Sales enable land acquisition cost-recovery.**

# TUC 401 Projects

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- Recent projects:
- Calgary TUC
  - ATCO Pipelines Urban Pipeline Replacement.
  - Alberta Products Pipeline Ltd. (Trans-Northern).
  - Southwest Stoney Trail and Tsuut 'ina Trail (2017-2021).
- Edmonton TUC
  - ATCO Pipelines Urban Pipeline Replacement.
  - Alberta Products Pipeline Ltd. (Trans-Northern).
  - Northeast Anthony Henday Drive (2012-2016).





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**Thank You!**

**Questions and Answers...**