

Traffic Control Device: **Miscellaneous (Warning Sign)**

Division:

Subject: **Use of Highways for Aircraft Operations**

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Purpose

New Highway Traffic Act (HTA) legislation (S.197.1(3)) clarifying that aircraft are prohibited on highways except under exceptional circumstances received royal assent in August 2002. Exceptions are provided for medical or mechanical emergency, life-saving, search and rescue, police, or forest-fire operation. Additionally, regulation 86/2004 was developed to permit the use of provincial and municipal gravel roads for aerial applicator operations subject to certain conditions: daytime operation; liability insurance coverage, presence of flag person, use of highway warning signs and notification of local authorities. This regulation was brought into force on May 31, 2004.

Under this attached regulation, a permitting process (pursuant to HTA S.86) is necessary to authorize the use of paved highways by aircraft.

Policy

- 1. Use of gravel surface Provincial Roads** – Consistent with any applicable Act or regulation, aerial applicators may use any gravelled Provincial Road for aircraft landings and take-offs where no other viable landing site exists.
- 2. Use of paved Provincial Roads and Provincial Trunk Highways** - Consistent with any applicable Act or regulation, and subject to the following conditions, the Department may authorize aerial applicators to use other Department roads under exceptional circumstances but only with specific individual site and incident approvals, and where highway safety is not compromised. Such permits are subject to Sections 4(1) and 4(2) of regulation 86/2004 and to the conditions noted below. (Additional conditions may be imposed as deemed necessary based on local circumstances).

Conditions:

- No viable alternatives exist (developed runways, gravel Provincial Roads, farm fields, Rural Municipality roads).
- The roadway must be suitable for aircraft operations regarding vehicular traffic volumes and characteristics (speed, vehicle types), and the roadway surface must be adequate.
- The use of the highway may only take place during daytime hours.
- Vehicular traffic control must be provided by either the R.C.M.P., local police, Department staff or appropriately attired, qualified flag persons supplied by the permittee.

RECOMMENDED: "ORIGINAL SIGNED BY"
Director, Traffic Engineering

APPROVED: "ORIGINAL SIGNED BY"
Executive Director
Highway Engineering

- Where vehicular traffic control is provided by Department staff, the applicant must agree to pay for the cost of this activity and applicable overheads and expenses.
- Temporary warning signs (**MW129 attached conforming to current Manitoba Regulations**) must be posted at both ends of the roadway used for landing and taking off. The supplemental French Tab must be installed in designated Bilingual Service Areas. Refer to Policy 800-A-3 "Bilingual Signing" for Designated Areas. Note that signs must be covered or removed except during actual landings and take-offs.
- The aircraft operations must comply with all applicable Transport Canada requirements.
- An authorized officer of the company involved in the aircraft operations must indemnify the Department in writing, using a standard Department form, against any responsibility or legal action involving the use of the highway for this purpose. **The company must assume a minimum insurance liability of \$2 million according to the details provided below.**
- The applicant must notify the local government authority (Town, Village, R.M., Reserve, Parks office etc.) and the local R.C.M.P. detachment of the details of the planned operations.
- The planned aircraft operations must consider the provision of passage for emergency services vehicles and other traffic on the highway so as to minimize impacts and delays to road users.
- Approvals must be in writing from one of the following designated senior staff:
 - Assistant Deputy Minister, Engineering and Operations;
 - Executive Director, Construction and Maintenance;
 - Executive Director, Highway Engineering;
 - Director of Regional Operations of the Highways Region in which the highway landing and take-off will take place, or
 - Director of Traffic Engineering.

Liability Insurance

The Applicant shall, prior to or at the time of the execution of the Permit, file with the Province a Certificate of Insurance satisfactory to the Province, as evidence of the insurance required under this Permit. The Applicant shall also provide the Province with updated Certificates of Insurance upon required insurance policy renewal for the duration of this Permit.

The Applicant agrees to maintain throughout the term of this Permit commercial general liability insurance against claims for personal injury, death or damage to property. This insurance shall be satisfactory to the Province in form and content, and shall provide for coverage for all activities of the Applicant, its officers, employees or agents under this Permit.

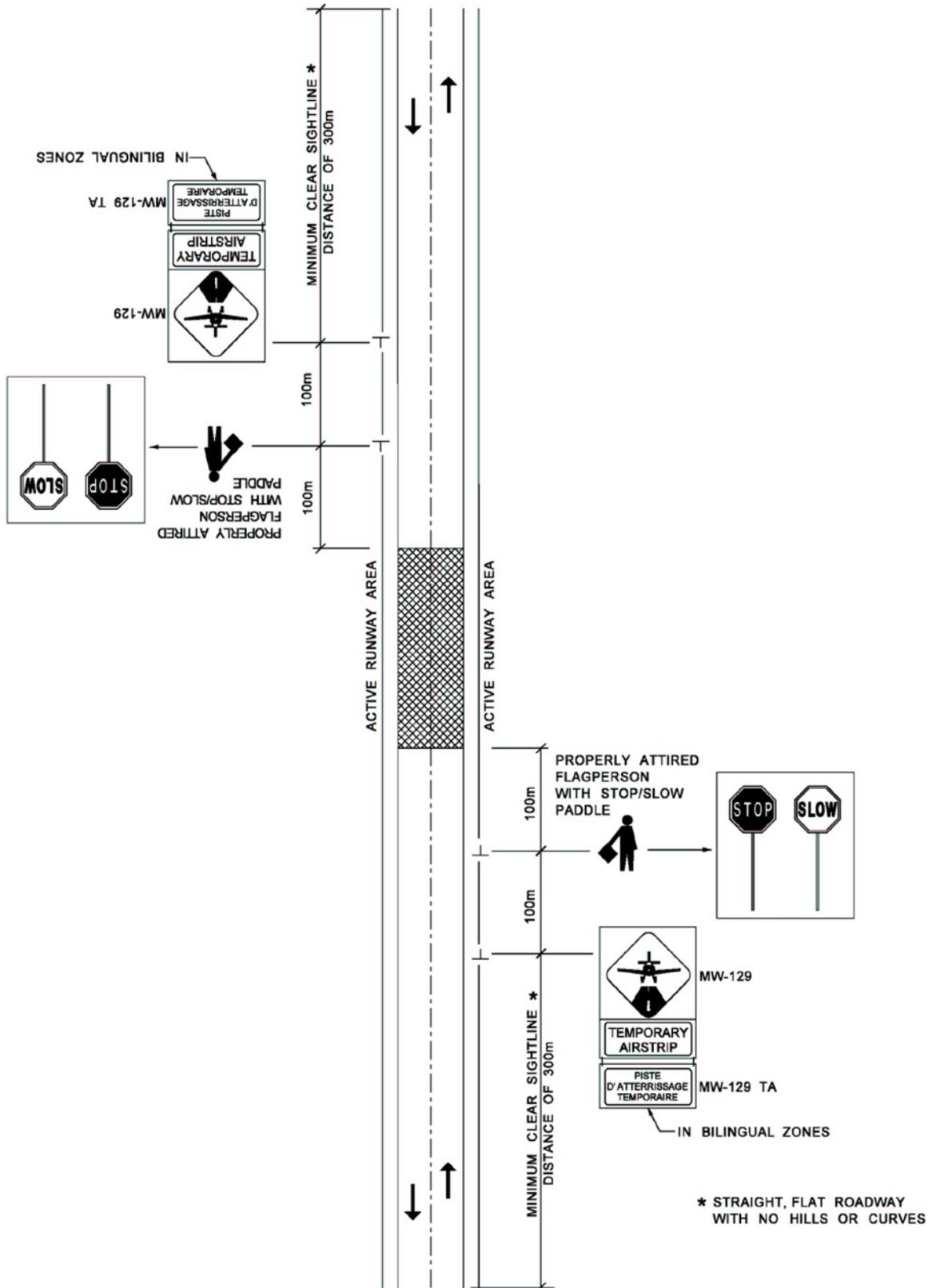
This insurance shall name the Province, its officers, employees and agents as Additional Insureds with respect to this agreement. It shall include a cross-liability clause and provide for coverage for premises and operations, completed operations, blanket contractual, non-owned auto and extended bodily injury. The insurance shall provide \$2 million per occurrence minimum limits of liability.

The insurance policy shall contain a clause, which states that the insurers will not cancel, or materially alter the policy without giving 30 days prior written notice to the Province.

All aircraft and licensed vehicles owned by the Applicant and used to perform work relating to the use of Department roadways for aircraft operations shall be insured for a minimum limit of \$2 million per occurrence third party liability.

attachments

1. Sign Details
2. Department Senior Staff Contact List
3. Standard Letter of Indemnification
4. Regulation 86/2004





Infrastructure and Transportation

Traffic Engineering
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**STANDARD LETTER OF INDEMNIFICATION REGARDING THE USE OF
HIGHWAYS FOR AIRCRAFT OPERATIONS**

Applicant: _____

Company: _____

Address: _____

Nature of Applicant's Operations: _____

We/I agree to indemnify and save harmless the Province, its officers, employees, and agents from and against all claims, activities, demands, liabilities, damages, loss, expense, suits, actions or causes of action ("Claims") of any nature whatsoever and however arising or caused resulting from the use of Department Roads for Aircraft Operations, or any risks assumed by the Applicant except to the extent that such claims arise or result from the negligence or willful act or omission of the Province, its employees or agents, and do not relate, directly or indirectly to the risks of the Applicant pursuant to its operations.

Notwithstanding any other provision hereof, I agree that the Province shall not be liable to the Applicant for any direct or indirect loss of revenue or consequential damages arising from the use of Department roads and further agree that I will not permit any such claims against the Province or its employees or agents.

This indemnification agreed to on behalf of the Applicant by:

Name

Date

Title

Witness: _____

Department Senior Staff Contact List

(800-G-1)

Asst. Deputy Minister Engineering and Operations Manitoba Infrastructure and Transportation 16 th floor – 215 Garry Street Winnipeg MB R3C 3Z1	Phone: 945-3733 Fax: 945-3841
Executive Director Construction & Maintenance Manitoba Infrastructure and Transportation 16 th floor – 215 Garry Street Winnipeg MB R3C 3Z1	Phone: 945-3775 Fax: 945-3841
Executive Director Highway Engineering Manitoba Infrastructure and Transportation 16 th floor – 215 Garry Street Winnipeg MB R3C 3Z1	Phone: 945-3772 Fax: 945-3841
Director of Regional Operations Manitoba Infrastructure and Transportation Eastern Region 316 – 323 Main Street Steinbach MB R0A 2A0	Phone: 346-6266 Fax: 326-4852
Director of Regional Operations Manitoba Infrastructure and Transportation South Central Region 25 Tupper Street N Portage la Prairie MB R1N 3K1	Phone: 239-3360 Fax: 239-3301
Director of Regional Operations Manitoba Infrastructure and Transportation South Western Region 1525 – 1 st Street N Brandon MB R7A 5Z8	Phone: 726-6807 Fax: 726-6836
Director of Regional Operations Manitoba Infrastructure and Transportation West Central Region 257 Industrial Road Dauphin MB R7N 3B3	Phone: 622-2261 Fax: 638-6696
Director of Regional Operations Manitoba Infrastructure and Transportation Northern Region 11 Nelson Road Thompson MB R8N 0B3	Phone: 677-6549 Fax: 677-6354
Director, Traffic Engineering Manitoba Infrastructure and Transportation 1510 – 215 Garry Street Winnipeg MB R3C 3Z1	Phone: 945-3781 Fax: 948-2554