

**MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE  
MINISTER OF TRANSPORTATION  
AND THE  
ALBERTA TRANSPORTATION SAFETY BOARD**

This Memorandum of Understanding between the Minister of Transportation for the Province of Alberta and the Alberta Transportation Safety Board (the Board) as represented by the Board Chair is in effect from the date of execution noted in section 10 of this Memorandum of Understanding. It is intended to detail and clarify the Government of Alberta's expectations about the accountability, roles, responsibilities, duties, functions, standards, policy direction and performance of the Board.

**1. Role of the Board**

- 1.1 Alberta Transportation contributes to Alberta's economic prosperity and quality of life through the provision of a safe and efficient transportation network.
- 1.2 One of the Ministry's core businesses is managing provincial transportation safety. The Ministry protects the safety of Albertans by ensuring effective driver education and licensing standards; managing driver records and high-risk drivers; and implementing impaired driving programs. Administering driver education and training programs, monitoring motor transport compliance and the on-road transport of dangerous goods, also contribute to the safe operation of Alberta's transportation system.

Albertans want to know that the province's roads and railways are among the safest in Canada to use, and that drivers and operators practise high standards of safety. Therefore, the Ministry will continue to take a wide range of legislative, public awareness, education, enforcement and engineering initiatives to promote traffic safety in Alberta, including driver, commercial operator and vehicle safety as well as the safe operation of provincial railways. In addition, the Alberta Transportation Safety Board will continue to act in the interest of public safety to remove or keep unsafe drivers off the road.

- 1.3 The Board's mission is to foster transportation safety by conducting fair, timely and independent appeals of driver, vehicle and railway safety decisions, in accordance with the principles of natural justice.
- 1.4 The Board is responsible for increasing the safety of those traveling on Alberta's roadways through safety education and awareness programs.
- 1.5 To implement the Ministry's mandate and help achieve the objective of the Ministry goal of a safe transportation system that protects Albertans, it is necessary to restrict or suspend driving privileges of those individuals who place other Albertans at risk due to their high-risk driving behaviour.

## 2. **Membership**

- 2.1 The Board Chair and other community members are appointed by Order in Council, pursuant to Section 22 of the *Traffic Safety Act*.
- 2.2 The Board is comprised of a cross-section of Albertans who are selected through a public recruitment process. This process includes assessing knowledge and expertise relating to administrative law; relevant legislation; views on enforcement; common sense; analytical thinking; and communication skills (Addendum 1).
- 2.3 The Ministry's Human Resources Branch will coordinate the recruitment process for new Board members.
- 2.4 The Chair's and the Board's role and function are separate from the Department of Transportation.
- 2.5 Board members are paid pursuant to Order in Council and in accordance with Board policy.

## 3. **Scope and Accountability of the Board**

- 3.1 The Board has a responsibility and obligation to fulfill its mandate as legislated by the *Traffic Safety Act*.
- 3.2 The Board through its Chair, reports directly to the Minister of Transportation.
- 3.3 The Board is both quasi-judicial and administrative.
- 3.4 The Board provides an independent adjudication on high-risk drivers who have contravened provincial road safety regulations and related Criminal Code offences. In addition, the Board provides independent adjudication on appeals relative to commercial carriers who have been found to have contravened provincial road or short line railway safety legislation or regulations.
- 3.5 Traffic safety is a core element of the Ministry. By controlling, restricting or suspending the driving licence privilege of high-risk drivers the Board is increasing the safety of all Albertans using the province's roadways.

## 4. **Duties of the Board**

- 4.1 The Board deals with high-risk drivers who are a threat to public safety with the objective of reducing injury and death on Alberta roadways.
- 4.2 The Board determines whether or not an individual's driving privileges should be retained or reinstated, or are in jeopardy of being suspended, or have been suspended.

- 4.3 The Board hears appeals arising from decisions of the Registrar of Motor Vehicle Services (Transportation), relating to the operation of driver training schools, driver instructors, driver examiners, issuance/revocation of a safety fitness certificate, imposing of terms or conditions of a safety fitness certificate, suspension or cancellation of a safety fitness certificate, an order changing the safety rating of a carrier, suspension or cancellation of an inspection station licence, or inspection technician's licence.
- 4.4 The Board hears appeals on actions taken by the Registrar of Motor Vehicle Services (Transportation), against commercial carriers and their drivers.
- 4.5 The Board hears appeals arising from actions taken by the Railway Administrator or the Director of the Dangerous Goods and Rail Safety Branch of Alberta Transportation, under the *Railway (Alberta) Act*.

## 5. **Conduct of the Board Chair, Board Members and Board Staff**

- 5.1 The Board Chair, Board members and Board staff adhere to and exemplify the government's core values of respect, integrity, accountability and excellence.
- 5.2 Board members are expected to follow principles and guidelines established by administrative law, natural justice, the *Provincial Offences Procedure Act*, the *Administrative Procedures and Jurisdiction Act*, other applicable legislation and Board rules and policy.
- 5.3 The Board Chair and Board staff must adhere to the Code of Conduct and Ethics for the Public Service of Alberta (the Code). Administration of the Code for the Board Chair and staff is stated in the Code and associated regulation.
- 5.4 Board members, including the Board Chair, must adhere to the Board Member Code of Conduct which guides Board Members of the Alberta Transportation Safety Board (Addendum 2).

## 6. **Performance**

- 6.1 The Board Chair and the Secretary of the Board are responsible for communication between the government and the Board members. The Board Chair gives direction on the government mandate and goals. The Secretary of the Board communicates with the department on Board activities and results achieved.
- 6.2 The Secretary of the Board is responsible for updating the Board members on relevant policies/issues and proper Board procedures.
- 6.3 The Board Chair and Secretary of the Board are responsible for the training of Board members. Board members are provided with applicable training through the Alberta Foundation of Administrative Justice, in-service workshops, and coaching by more experienced members of the Board, the Board Chair and Secretary of the Board.

6.4 The Board Chair evaluates Board member and prospective Board member qualifications and performance, and then provides a recommendation to the Minister of Transportation concerning re-appointment of existing members and the appointment of new members.

6.5 The Board Chair reports on Board annually in the Alberta Transportation Safety Board Annual Report .

## 7. **Administration**

7.1 As the Board is an accountable organization under the *Fiscal Management Act*, the Board Chair is responsible for submitting the Alberta Transportation Safety Board business plan and the annual report of the Board to the Minister of Transportation for review and acceptance for each fiscal year. These documents are made publicly available on the Board's website following final acceptance.

7.2 While the Board functions independently from the Department of Transportation, the Board draws its finance, administration, systems and human resources support from the department, and is accountable to the Deputy Minister of Transportation for these resources.

7.3 The Board Chair and staff of the Board are members of the Public Service of Alberta.

## 8. **Statutory Power**

8.1 Nothing in this MOU is intended to or shall interfere with the Board's independent exercise of any of its statutory powers of decision.

## 9. **Amendment and Repeal of Existing MOUs**

9.1 Amendment of this MOU and any accompanying addenda must be agreed to and signed by the Minister of Transportation and the Chair of the Board.

9.2 This MOU replaces the MOU dated November 23, 2013 between the Minister of Transportation and the Alberta Transportation Safety Board.

## 10. **Effective Date**

10.1 This agreement is in effect as of the  8th  day of  November , 2017.

By signing below the parties agree to this Memorandum of Understanding.

**Minister of Transportation**

**Alberta Transportation Safety Board**

As represented by the Chair

Original signed by

Original signed by

\_\_\_\_\_  
Honourable Brian Mason

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Doreen Poon Phillips