



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 98

**An Act to amend the Act respecting
intermunicipal boards of transport in the
area of Montréal, the Cities and Towns
Act and the Municipal Code of Québec**

Introduction

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**Introduced by
Mr Marc-Yvan Côté
Minister of Transport**

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EXPLANATORY NOTES

The object of this bill is to make amendments to the rules governing the organization of public transport services by municipalities, intermunicipal boards and intermunicipal boards of transport.

The bill fixes a time limit for local authorities organizing transport services to authorize or refuse to authorize the issue of a permit or a change to a permit of a carrier operating in the territory of a local authority. The bill grants to local authorities the same powers as those of transit corporations and commissions as regards the promotion of shared transport services such as car pooling. The bill exempts the organization of shared transportation services by taxi from the normal procedure with respect to the organization of bus transport services.

The bill provides for the revocation by the Commission des transports du Québec of bus transport permits authorizing services that compete with services provided by a local authority. It also requires financial participation by local authorities which organize transport services and it limits the powers of disallowance of the Minister of Transport in respect of by-laws of an intermunicipal board.

Finally, the bill grants to intermunicipal boards of transport the power to make short-term loans.

Bill 98

An Act to amend the Act respecting intermunicipal boards of transport in the area of Montréal, the Cities and Towns Act and the Municipal Code of Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

1. Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing the word and figure “and 564” in the third line by the words and figures “, 564 and subsection 2 of section 567”.

2. Section 11 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“A by-law of a board establishing a public transport service requires to be transmitted to the Minister of Transport. If the by-law prescribes the establishment of a link to any point outside the territory of the board, the Minister may disallow the by-law with respect to such link within 30 days after receiving it; he shall thereafter notify the board and cause his decision to be published in the *Gazette officielle du Québec*.

The Minister may, however, before the expiry of the thirty-day period, inform the board that he does not intend to disallow the by-law.”

3. Section 12.1 of the said Act, enacted by section 35 of chapter 35 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

“**12.1** Where the board organizes for the first time a public transport service, other than a shared transportation service by taxi, which competes with the service supplied by the holder of a bus transport permit of the class determined by regulation of the Government, it shall first deliver its specifications for the proposed public transport service to the holder of the permit.”

4. The said Act is amended by inserting, after section 12.2, the following sections:

“**12.3** Notwithstanding section 40 of the Transport Act (R.S.Q., chapter T-12), the Commission des transports du Québec shall revoke the permit of a holder contemplated in section 12.1 on receiving a copy of the contract made, whether or not the holder is a party to the contract.

“**12.4** The contract must contain a clause requiring the board to make up any insufficiency of receipts from passenger fares in comparison with those projected.”

5. Section 16 of the said Act is replaced by the following section:

“**16.** A copy of a by-law of a board making a change in its service other than a timetable change requires to be transmitted to the Minister of Transport.

If the by-law prescribes the establishment of or a change to a link to any point outside the territory of the board, the Minister may disallow the by-law with respect to such link within 30 days after receiving it; he shall thereafter notify the board and cause his decision to be published in the *Gazette officielle du Québec*. In no case may the part of the by-law that has been disallowed be published or come into force.

The Minister may, however, before the expiry of the thirty-day period, inform the board that he does not intend to disallow the by-law.”

6. The said Act is amended by inserting, after section 18.3, the following section:

“**18.4** The board may take any measure it considers appropriate to promote the organization and operation of public transport services not organized by the board itself and to supply support services to users and to organizers of such transport services.”

7. Section 33.2 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“If the board does not indicate its refusal to the Commission des transports du Québec within 60 days after the Commission’s application for authorization, it is presumed to have given its authorization.”

CITIES AND TOWNS ACT

8. Section 467.2 of the Cities and Towns Act (R.S.Q., chapter C-19), replaced by section 2 of chapter 35 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

“**467.2** Where the municipality organizes for the first time a public transport service, other than a shared transportation service by taxi, and where the holder of a bus transport permit of the class determined by regulation of the Government operates in its territory, the municipality shall first deliver its specifications for the proposed public transport service to the holder of the permit.”

9. The said Act is amended by inserting, after section 467.3, the following section:

“**467.3.1** Notwithstanding section 40 of the Transport Act (R.S.Q., chapter T-12), the Commission des transports du Québec shall revoke the permit of a holder contemplated in section 467.2 on receiving a copy of the contract made, whether or not the holder is a party to the contract.”

10. Section 467.4 of the said Act is amended by adding the following paragraph:

“The contract must contain a clause requiring the municipality to make up any insufficiency of receipts from passenger fares in comparison with those projected.”

11. Section 467.10.2 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“If the municipality or the intermunicipal board does not indicate its refusal to the Commission des transports du Québec within 60 days after the Commission’s application for authorization, it is presumed to have given its authorization.”

12. The said Act is amended by inserting, after section 467.10.3, the following section:

“**467.10.4** The board may take any measure it considers appropriate to promote the organization and operation of public transport

services not organized by the board itself and to supply support services to users and organizers of such transport services.”

MUNICIPAL CODE OF QUÉBEC

13. Article 527 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), replaced by section 25 of chapter 35 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

“**527.** Where the corporation organizes for the first time a public transport service, other than a shared transportation service by taxi, and where the holder of a bus transport permit of the class determined by regulation of the Government operates in its territory, the corporation shall first deliver its specifications for the proposed public transport service to the holder of the permit.”

14. The said Code is amended by inserting, after article 528, the following article:

“**528.1** Notwithstanding section 40 of the Transport Act (R.S.Q., chapter T-12), the Commission des transports du Québec shall revoke the permit of a holder contemplated in article 527 on receiving a copy of the contract made, whether or not the holder is a party to the contract.”

15. Article 529 of the said Code is amended by adding the following paragraph:

“The contract must contain a clause requiring the corporation to make up any insufficiency of receipts from passenger fares in comparison with those projected.”

16. Article 535.2 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“If the corporation or the intermunicipal board does not indicate its refusal to the Commission des transports du Québec within 60 days after the Commission’s application for authorization, it is presumed to have given its authorization.”

17. The said Code is amended by inserting, after article 535.3, the following article:

“**535.4** Every local corporation may take any measure it considers appropriate to promote the organization and operation of public transportation services not organized by the board itself and to provide support services to users and organizers of such transport services.”

18. This Act comes into force on the date fixed by order of the Government, except the provisions excluded by that order, which come into force on any later date to be fixed by order of the Government.