



CHAPTER 32

An Act to amend the Roads' Act

[Assented to, the 30th of May, 1940]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 21 of the Roads' Act (Revised Statutes, R.S., c. 91, 1925, chapter 91) is amended by replacing sub-paragraph 5 thereof by the following sub-paragraphs:

"5. Establish parking zones, terraces, pavilions and any other protection, safety or embellishment works;

"6. Acquire, by mutual agreement or by expropriation, any immoveable deemed necessary for such purposes or to give access to properties isolated from the road, to reestablish the situation of divided land, to allow of the removal of constructions or to reduce the cost of effecting the acquisition of the site;

"7. Transfer, lease, exchange any land or construction so acquired or otherwise dispose thereof whenever it be not required for the road."

2. The said act is amended by adding thereto, after section 21 thereof, the following sections:

"**21a.** The Minister may, if need be, exercise all the powers mentioned in the preceding section for any road which he maintains. Powers of Minister.

"**21b.** The Minister may acquire all the perpetual or temporary servitudes which to him appear to be desirable for any built or projected road, and especially: Servitudes acquired by Minister.

Right of way;	<i>a.</i> The servitude of right of way: for transportation of materials, access to a quarry or a gravel-pit, or changing the direction of traffic during the construction or repair of a road;
Drainage;	<i>b.</i> The servitude of drainage, to establish or change the course of any stream or ditch for the draining of a road;
Non-access;	<i>c.</i> The servitude of non-access to the public road, with prohibition to make any opening in the fence along the road;
Non-building.	<i>d.</i> The servitude of non-building, prohibiting the erection or rebuilding of any construction on the strip of land specified.
Acquisition of servitudes, by agreement, etc.	"21c. The Minister shall acquire such servitudes by agreement with the proprietor or by depositing a plan and description according to the expropriation procedure, without having to attach thereto a valuation and a certificate from the Provincial Treasurer. A single plan and a common description affecting several immoveables in the same registration division may be deposited.
One plan sufficient, etc.	
No indemnity in certain case.	"21d. No indemnity is due for the acquisition of the servitudes of non-access and of non-building, when they do not render the immoveable subject thereto practically non-utilizable for the purposes for which it is then utilized. Whenever the Minister deems that no indemnity is due, he shall give to the proprietor, instead of the expropriation notice, a notice by registered mail that any claim must be laid before the Provincial Transportation and Communication Board, within the year. On a petition by the proprietor, the Board may determine the indemnity to be paid, if there be occasion therefor.
Notice by registered mail.	
Petition by proprietor.	
Fences.	"21e. The Minister may, when taking possession of part of an immoveable, order the proprietor of the other part, to move or erect, within the delay fixed by him, the fences along the line of the expropriated property on each side of the road. When such delay has expired, the Minister shall not be responsible for damages resulting from the absence of fences. As soon as such moving or erection of fences has been finished, the Minister shall indemnify the proprietor for this work."
Damages resulting from absence of fences.	
Indemnity for fences.	
R.S., c. 91, s. 46, am.	3. Section 46 of the said act is amended by adding thereto, at the end thereof, the following paragraphs:

"The presence on the road of a stone, of a piece of wood, or of any other object fallen from a vehicle in movement or detached from the shoulders of such road shall not be imputable to any fault in the maintenance or repair of the road, except, however, in the case of fault or negligence on the part of the employees of the Roads' Department charged with the maintenance of the said road.

Damages caused by a stone or other object hurled by the tires of a vehicle in movement shall not be imputable to any fault in the maintenance or repair of the road."

4. Section 55 of the said act, as amended by the act 17 George V, chapter 31, section 12, is again amended by replacing the words: "Quebec Public Service Commission", in the third line thereof, by the words: "Provincial Transportation and Communication Board".

5. Section 57 of the said act, as amended by the act 17 George V, chapter 31, section 14, is again amended by replacing the words: "Quebec Public Service Commission", in the sixth and seventh lines of the first paragraph thereof, by the words: "Provincial Transportation and Communication Board".

6. Section 72*b* of the said act, as added by the act 2 George VI, chapter 60, section 1, is amended by adding thereto, the following paragraph:

"The Minister of Roads may delegate such powers to the municipal corporations or other persons, so maintaining the road."

7. Section 107 of the said act, as amended by the act 19 George V, chapter 32, section 4, is again amended by replacing the words: "Quebec Public Service Commission", in the seventh and eighth lines thereof, by the words: "Provincial Transportation and Communication Board".

8. The said act is amended, by adding thereto, after section 107 thereof, the following section:

"**107*a*.** The Minister of Roads shall not be liable for the following damages:

Damage
caused by
contractor,
etc.;

a. Any damage caused by a builder or contractor of a road during the execution of the construction or improvement work entrusted by the Minister of Roads to such builder or contractor;

Depreciation
in value of
property, etc.

b. Any loss or lessening of trade, any depreciation in value of a property and any other inconvenience occasioned by changing the course or the level of a road or by the elimination of a level-crossing''.

Coming into
force.

9. This act shall come into force on the day of its sanction.