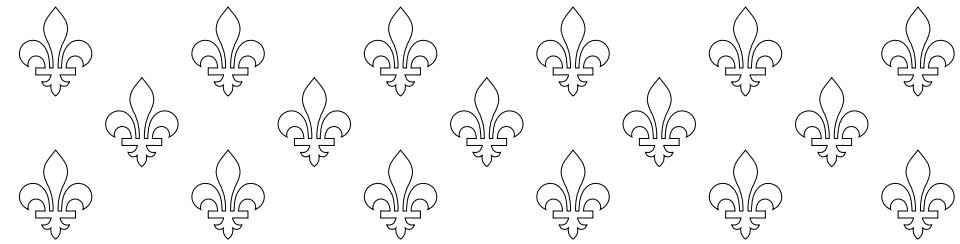

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 137

An Act respecting the Réseau électrique métropolitain

Introduction

Introduced by
Mr. Laurent Lessard
Minister of Transport, Sustainable Mobility and Transport Electrification

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EXPLANATORY NOTES

The purpose of this bill is to facilitate the construction and operation of a new shared transportation infrastructure publicly announced as the "Réseau électrique métropolitain" (REM).

To that end, the bill simplifies several of the immovable-related formalities for acquiring, by agreement or expropriation, the property needed for the creation of the REM.

The Caisse de dépôt et placement du Québec (Fund) and the local municipalities are now authorized to enter into agreements concerning the temporary occupation of municipal public roads, the modification or reconfiguration of some of those roads and the ensuing transfers of ownership. The bill also contains provisions on those matters which are to apply in the absence of such agreements.

The bill provides for the establishment of servitudes in favour of the REM in cases where a road or immovable under the Minister's management is crossed or bordered by the site of the new transportation infrastructure. In addition, access to a municipal public road that has been modified or reconfigured for the purposes of the REM project may be prohibited or limited.

Under the bill, the Autorité régionale de transport métropolitain (Authority) has the power to enter into, with the Fund, an agreement stipulating the Authority's financial contribution to the REM project and the ongoing provision of REM services, and an agreement stipulating the remuneration of the REM's operator.

The Authority also has the power to establish standards for, among other things, transportation tickets and users' conduct and safety, to carry out inspections to ensure compliance with those standards, and to institute penal proceedings for offences against those standards.

The bill also gives the Authority the power to impose, by by-law, dues for shared transportation. Densification work carried out in the territory of the local municipalities served by a shared transportation service is made subject to such dues, which must be collected by the municipalities on behalf of the Authority.

The bill contains various provisions exempting the new shared transportation infrastructure and its operator from municipal taxation and transfer duties.

The Minister of Finance is authorized to take out of the Consolidated Revenue Fund a sum not exceeding $1,283,000,000 for the consideration the Government must provide for the REM project.

The bill provides for the inclusion of 12 lots or parts of lots in the agricultural zone of the municipality of Saint-Stanislas-de-Kostka. It also confers on the Government the power to authorize, on the conditions it determines, the use for purposes other than agriculture, or the subdivision or alienation, of three lots or parts of lots situated in Ville de Brossard.

The Minister is given the power to impose, by by-law, a minimum amount of civil liability insurance for the operation of the REM.

Lastly, the bill contains amending, miscellaneous and transitional provisions required to carry out the REM project.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

– Charter of Ville de Montréal (chapter C-11.4);

– Railway Act (chapter C-14.1);

– Act respecting municipal taxation (chapter F-2.1);

– Act respecting the Ministère des Transports (chapter M-28);

– Act to ensure safety in guided land transport (chapter S-3.3);

– Transport Act (chapter T-12).

Bill 137

AN ACT RESPECTING THE RÉSEAU ÉLECTRIQUE MÉTROPOLITAIN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INTRODUCTORY PROVISIONS

1. The purpose of this Act is to facilitate the carrying out of a shared transportation infrastructure project referred to in Division IX.3 of the Transport Act (chapter T-12) with a view to establishing and operating a shared transportation system publicly announced as the "Réseau électrique métropolitain" (REM).

2. In this Act, "Fund" means the Caisse de dépôt et placement du Québec as well as any subsidiary referred to in section 88.15 of the Transport Act.

3. A limited partnership formed by a single general partner and a single special partner each of which is a subsidiary referred to in section 88.15 of the Transport Act is considered to be a mandatary of the State if the purpose of the activity it carries on is the construction or operation of the REM.

In this Act, such a partnership is called a "limited partnership controlled exclusively by the Fund".

4. A limited partnership may be a party to an agreement entered into under section 88.10 of the Transport Act provided that, at the time the agreement is entered into, it is a limited partnership controlled exclusively by the Fund and the latter is also a party to it.

5. The provisions of this Act take precedence over the provisions of any other Act.

CHAPTER II

ACQUISITION ACTIVITIES

6. The Minister may, for the REM project, make the acquisitions described in the second paragraph of section 11.1 of the Act respecting the Ministère des Transports (chapter M-28) by agreement or expropriation on the conditions determined by the Minister and without the Government deciding the conditions.

From the service of a notice of expropriation relating to property required for the REM project, the assessment of the property and the negotiation to acquire it must be conducted by the Minister.

7. The Fund is solely responsible for acquiring the property required for the REM project where such property is owned by the Government of Canada, any of its departments, agencies or bodies, or an undertaking that is subject to the legislative authority of the Parliament of Canada.

8. An expropriation decided by the Minister under the second paragraph of section 11.1 of the Act respecting the Ministère des Transports for the REM project does not require the Government's prior authorization required under the Expropriation Act (chapter E-24).

In such a case, in addition to the particulars required under section 40 of the Expropriation Act, the notice of expropriation must specify the date before which the expropriated party, lessee or occupant in good faith must vacate the premises. The expropriating party's right to expropriate may not be contested and the 30-day period provided for in section 46 of that Act begins on the date of service of the notice of expropriation. The Minister's notice of transfer provided for in section 9 of this Act replaces the notice of transfer of title provided for in paragraph 1 of section 53 and in section 53.1 of the Expropriation Act. The Minister's notice of transfer must be sent to the expropriated party but need not be served. In addition, the provisional indemnity, in the cases referred to in section 53.13 of that Act, is set by the Minister and includes the indemnity the Minister considers reasonable for the injury directly caused by the expropriation, to the extent that the documents justifying the indemnity and required under the notice of expropriation were provided within 30 days after the date of service of that notice. The expropriated party, lessee and occupant in good faith may not request to retain possession of the expropriated property.

Consequently, the first paragraph of section 36, the portion of subparagraph 3 of the first paragraph of section 40 after "Tribunal", sections 44 to 44.3, the first sentence of section 53.2, section 53.3, paragraph 2 of section 53.4 and sections 53.5, 53.7 and 53.14 of the Expropriation Act do not apply to such an expropriation. The other provisions of that Act apply with the necessary modifications.

9. The Minister's notice of transfer must contain

(1) the amount of the offer made on behalf of the Fund;

(2) the date on which the Fund is to take possession of the property; and

(3) the obligation for the expropriated party, lessee and occupant in good faith to vacate the premises before the date on which the Fund takes possession of the property.

The documents establishing that the provisional indemnity has been paid to the expropriated party or filed on that party's behalf with the office of the Superior Court must be attached to the notice.

The Minister may designate any personnel member of the Minister's department to sign the notice.

10. Despite the modifications to the Expropriation Act provided for in section 8, if property includes all or part of a residential building, the Minister may not register the Minister's notice of transfer before the expiry of 12 months following registration of a notice of expropriation in the land register. That period is increased to 18 months if the building is used, even in part, for agricultural, commercial or industrial purposes.

In all cases, the expropriated party may consent to the Minister's notice of transfer being registered within a shorter period.

11. The activities by which the Minister acquires, by agreement or expropriation, any property required for the REM project may be completed before the project is the subject of an agreement entered into under section 88.10 of the Transport Act.

CHAPTER III

ACTIVITIES CONCERNING THE MUNICIPAL DOMAIN

12. For the application of sections 149 to 157 of the Act respecting land use planning and development (chapter A-19.1) to the REM project carried out by the Fund, the 120-day period provided for in section 152 of that Act is reduced to 60 days while the 90-day period provided for in section 155 of that Act is reduced to 45 days.

13. The REM must be free of level crossings and of any other interference with a public road. It is the Fund's responsibility to build a grade separation wherever the REM's guideway is to intersect with a public road, unless the public road is otherwise modified to avoid such an intersection or another interference with the guideway, other works or an installation useful for developing or operating the REM.

A public road that is less than 15 metres above the underground passage of the REM is considered to intersect with the REM.

In this Act,

"grade separation" means works and approaches that are designed to allow a public road to intersect with the guideway of the REM at different elevations;

"public road" means a public road within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1) over which a local municipality has jurisdiction under the first paragraph of that section.

14. For the purposes of the REM project, the Fund and a local municipality may stipulate the following in an agreement:

(1) the temporary occupation of public roads during construction work;

(2) the modification of public roads that intersect with the guideway or that otherwise interfere with the guideway, other works or an installation useful for developing or operating the REM;

(3) the reconfiguration of public roads in the vicinity of the REM due to a modification referred to in paragraph 2;

(4) the transfers of rights of ownership resulting from modifications or reconfigurations referred to in paragraphs 2 and 3, respectively; and

(5) the documents they must send each other.

15. In the case of local municipalities whose territory is included in the territory of the urban agglomeration of Montréal, the making of an agreement under section 14 is a matter that concerns the related municipalities as a whole within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). Such an agreement applies with respect to the public roads under the jurisdiction of a borough council. Ville de Montréal must, without delay, send a copy of the agreement to the councils of the related municipalities and to the borough councils concerned.

16. The Fund must send the local municipality concerned a notice specifying the public roads that will be occupied temporarily, the expected duration of the occupation and any proposed modifications to and reconfigurations of such roads. If dangerous substances are likely to be brought onto the occupied roads, the notice must list those substances.

The Fund must send the following documents not later than the 30th day after the municipality receives the notice:

(1) the survey plans, without a technical description, describing the public roads that will be occupied;

(2) the plan for managing traffic during the work;

(3) the plans for the projected works and improvements, as applicable, and the specifications detailing their design;

(4) the work calendar;

(5) the list of safety measures;

(6) the list of measures to mitigate the inconvenience resulting from the occupation of public roads and, if applicable, from the work that will be carried out on those roads;

(7) a document describing the state of the public roads before their occupation; and

(8) any other document the Fund considers useful.

Making an agreement under section 14 relieves the Fund of the obligation to send the notice required under the first paragraph to the municipality that is a party to that agreement and, if applicable, to the related municipalities.

The Fund must send the Minister, without delay, a copy of the notice or, if applicable, a copy of the agreement entered into between the Fund and the municipality. The Minister may identify the measures the Fund or the municipality is required to implement to foster traffic mobility on the road network under the Minister's management.

17. Within 30 days after receiving the notice required under the first paragraph of section 16, the local municipality must send the Fund a copy of the plans of the public roads specified in the notice and of the other documents it holds regarding those roads, in particular with respect to their state.

18. Failing agreement between the local municipality and the Fund, the Fund may, on the expiry of 60 days following the date on which the municipality received the notice required under the first paragraph of section 16, start occupying the roads and, if applicable, commence the work specified in the notice in accordance with the plans and specifications sent to the municipality without having to pay the municipality an amount of money or any other consideration.

19. Failing agreement between the local municipality and the Fund, construction by the Fund of a grade separation, other works or an installation on a portion of a public road entails, on commencement of the work, the transfer of ownership of the part of the immovable on which the public road is located to the Fund.

Except in the cases provided for in the first paragraph, any part of an immovable owned by the Fund on which a new public road is built becomes the municipality's property on completion of the work.

20. The part of an immovable that becomes the Fund's property under the first paragraph of section 19 and keeps its vocation as a public road after completion of the work is and remains appropriated to public utility in whatever hands it may be.

The local municipality retains the management of the public road and remains responsible for the maintenance of the following portions: the drainage facilities and the roadway and its accessory installations, such as guardrails, parapets, sidewalks and street lamps.

21. Transfers of ownership under section 19 are made without formality, by operation of law. The Fund and the local municipality may not be required to pay each other an amount of money or any other consideration for such transfers.

In the year following completion of the work, the Fund must deposit in its archives a copy of the plan showing the transfers and certified by a person it has authorized. Registration in the land register of the respective rights of ownership of the Fund and the municipality concerned is obtained by filing a notice that describes the immovables concerned, states the dates of the transfers of ownership and refers to this section.

22. When the Fund modifies or reconfigures public roads, it must maintain the overall functionality of the network to which those public roads are connected. In addition, the modifications and reconfigurations must be designed and made so as to enable the integration of those roads with that network.

23. On completion of the work carried out by the Fund on a public road, the Fund must

(1) cease the temporary occupation of the public road;

(2) restore the public road, in cases where it was not modified or reconfigured, to a state equivalent to its state before being occupied;

(3) transfer to the local municipality the legal and conventional warranties relating to the work that was carried out and to the immovables whose ownership was transferred to it, and guarantee that the quality of the soils where the new public roads have been built is suitable for the use that will be made of them;

(4) transfer the intellectual property rights related to the plans and specifications to the municipality to allow it to maintain and repair the immovables whose ownership was transferred to it, including the right to modify those plans and specifications as it sees fit; and

(5) send the municipality concerned a notice specifying the date of completion of the work for that public road.

The Fund may not waive a warranty or accept works that will be the municipality's property without first allowing the municipality to inspect them. Such an inspection does not entail, for the municipality, any liability with respect to the acceptance of works and does not reduce the related warranties.

The costs of the work to modify or reconfigure public roads and the costs to restore the public road to a state equivalent to its state before being occupied are borne by the Fund.

24. Within six months following completion of the work on a public road, the Fund must send the local municipality a certified copy of

(1) the plans for the works as built by the Fund;

(2) a certificate issued by an engineer attesting the conformity of the public road and other works which, after completion of the work, are the municipality's property or are under its management;

(3) a plan for managing traffic on the public road once the work has been completed;

(4) the documents relating to the condition of the immovables and to the design and construction of works, such as worksite logs; and

(5) any other document the Fund considers useful.

25. The Fund must indemnify the local municipality for the costs the local municipality could incur to repair poor workmanship and other defects that could affect property that has become the local municipality's property or is under its management under sections 19 and 20, respectively.

The Fund is subrogated to the rights of the municipality against the author of the poor workmanship or the injury, up to the amounts paid by the Fund to the municipality. The Fund may be fully or partly released from its obligation to indemnify the municipality where, owing to an act or omission of the municipality, the Fund cannot be so subrogated.

26. Except where the Fund is subrogated to the rights of a local municipality under the second paragraph of section 25, the Fund must take up a local municipality's defence, as a plaintiff, intervenor, defendant or impleaded party, with respect to any application concerning the work carried out by the Fund in relation to property that has become the municipality's property or is under the municipality's management. The Fund must also indemnify the municipality for the costs, including the professional fees of its advocates and the legal costs, that the municipality could incur with respect to such an application. The same applies to the costs incurred for a settlement reached before such an application.

27. A local municipality must, as soon as it becomes aware of it, notify the Fund of any event that could involve the Fund's obligations under sections 25 and 26. Conversely, if the Fund becomes aware of such an event without having been notified by a municipality, the Fund must inform the latter without delay.

The Fund and the municipality must actively cooperate, without any time limit, to ensure the performance of those obligations. They must also send each other any useful document or information.

28. Any dispute between the Fund and a local municipality or between either of them and a contractor concerning work carried out or works built for the purposes of the REM project must be submitted to arbitration in accordance with the Code of Civil Procedure (chapter C-25.01), unless the parties agree on a different arbitration procedure.

No arbitration costs may be charged to a municipality.

29. Prescription runs against a local municipality, for any right that it may assert with respect to work carried out by the Fund on a public road, only from the date of completion of the work for that road.

30. Sections 14 to 29 apply, with the necessary modifications, to waterworks, sewer systems or networks of underground conduits, other works that may be located under the surface of public roads, and overhead networks, where those waterworks, systems, networks and other works are a local municipality's property. Despite section 19, such waterworks, systems, networks and other works remain the municipality's property after the work has been completed.

For the purposes of the REM project, the Fund may exercise all the servitudes established in favour of the municipality which allow the latter to maintain those waterworks, systems, networks and other works or have access to them in cases where they are located under the surface of the immovables in the vicinity of the municipality's immovables.

31. This chapter does not allow the Fund to alter equipment belonging to a public utility, other than a municipal utility, without obtaining the utility's consent.

32. The Fund may entrust the exercise of the functions and powers conferred on it by this chapter to a limited partnership controlled exclusively by the Fund.

In such a case, transfers of ownership under section 19 are nevertheless made to the Fund rather than to the limited partnership.

CHAPTER IV

SERVITUDES

33. Any road under the Minister's management that is crossed or bordered by the REM, and any immovable under the Minister's authority and deemed necessary by the Minister for his or her purposes, are subject, without indemnity, to a servitude affecting the site required for the REM from the making of an agreement between the Fund and the Minister that specifies the terms and conditions of the servitude.

Once the agreement has been entered into, the Fund may publish the servitude in the land register. The Fund is required to publish it if

(1) the management of the road devolves to a municipality under section 3 of the Act respecting roads (chapter V-9);

(2) the road is permanently closed; or

(3) the servient land is disposed of without having been included in a road's right of way.

The Minister must inform the Fund without delay of a devolution, closure or disposition referred to in the second paragraph.

Registration of the servitude is obtained by filing a notice that describes the site of the servitude, states its terms and conditions and refers to this section.

In all cases, the servitude is extinguished with the dismantling of the REM.

34. The Minister may acquire, on behalf of the Fund and by agreement or expropriation, a no-access servitude in order to prohibit or limit access to a public road that is modified or reconfigured under Chapter III, even if the road is not the Fund's property. In such a case, expropriation is governed by the provisions of Chapter II.

Where the Minister acquires a servitude in favour of the REM as dominant land, its description for the purposes of its registration in the land register need not comply with articles 3032, 3033, 3036 and 3037 of the Civil Code.

CHAPTER V

METROPOLITAN INTEGRATION

35. In the pursuit of its mission and to increase shared transportation services in the Montréal metropolitan area, the Autorité régionale de transport métropolitain (Authority) must promote the construction of the REM and the ongoing provision of REM services, while ensuring the integration of the various shared transportation services that serve its area of jurisdiction.

36. The Fund must, without delay, send the Authority a certified copy of the agreement concerning the REM entered into with the Government under section 88.10 of the Transport Act, which outlines, among other things, the needs of REM users, the REM's public interest objectives and the rate schedule for the REM, including the indexation mechanisms.

37. The Fund and the Authority may enter into an agreement that stipulates the Authority's financial contribution to the REM project and to the ongoing provision of REM services.

The following sums constitute the Authority's contribution:

(1) $512,000,000 in lieu of land value capture;

(2) the other sums paid at the intervals determined by the Fund and the Authority until the financing target they set is reached.

A payment referred to in subparagraph 2 of the second paragraph for a given period may not, for the same period, exceed the proceeds of the dues established under Chapter V.1 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) and collected with respect to the REM.

An agreement entered into under the first paragraph ends if the Fund transfers all or part of its rights, titles and interests in the land constituting the site of the REM. Such an agreement is not binding unless it is approved, with or without amendment, by the Minister.

Failing agreement between the Authority and the Fund within the time specified by the Minister, the Minister may determine the terms and conditions of such an agreement, which agreement is then deemed to have been entered into between the Authority and the Fund.

38. The REM operator and the Authority may enter into an agreement stipulating the remuneration for the shared transportation services provided by the operator in the Authority's area of jurisdiction. Such an agreement may, without departing from the terms and conditions stipulated in the agreement entered into under section 88.10 of the Transport Act or making them more onerous, stipulate

(1) remuneration determined on the basis of, among other factors, the number of users transported and the distance travelled by each user or, otherwise, fare revenue sharing;

(2) mutual cooperation obligations;

(3) the terms governing the rate schedule for REM users;

(4) use of the Authority's ticketing services and single window for simplified access to the REM; and

(5) the information and documents the Authority and the operator must send each other, in particular the information and documents needed by the Authority to set its fares.

39. Each of the agreements provided for in sections 37 and 38 is deemed to be an agreement entered into under subparagraph 3 of the third paragraph of section 8 of the Act respecting the Autorité régionale de transport métropolitain.

The terms governing the contracting out of services between the parties to those agreements that are set out in the Authority's financing policy provided for in section 72 of that Act need not be approved by the Communauté métropolitaine de Montréal. Any proposed modification of those terms has no effect between the parties unless they consent to it.

40. Except to the extent stipulated by an agreement entered into under section 38, only the Fund, the limited partnership controlled exclusively by the Fund and the operator have jurisdiction with respect to the construction and operation of the REM.

41. The rate schedule established by the Authority under section 25 of the Act respecting the Autorité régionale de transport métropolitain may only include the REM's shared transportation services if an agreement entered into under section 88.10 of the Transport Act or under section 38 so allows.

42. The zones identified by the Authority, in accordance with section 97.1 of the Act respecting the Autorité régionale de transport métropolitain, as lending themselves to the coordination of urbanization and the shared transportation services provided by the REM must be located within a radius not exceeding 1.5 km from each REM station.

43. A public transit authority within the meaning of section 5 of the Act respecting the Autorité régionale de transport métropolitain must, at the Authority's request, propose a new transport plan for its area of jurisdiction to foster the integration of its services with those of the REM.

44. The Authority may, with respect to the REM, exercise the powers conferred on it by Chapters VII and VIII of the Act respecting the Autorité régionale de transport métropolitain as if the REM were under the responsibility of a public transit authority governed by that Act, unless the agreement entered into between the REM operator and the Authority provides otherwise.

The Authority may delegate the exercise of the powers referred to in the first paragraph, except the power to institute penal proceedings, to a person or partnership jointly designated by the Authority and the Fund or a limited partnership, where the Fund holds 10% or more of the instruments of the partnership's common stock and the general partner is a business corporation with respect to which the Fund may exercise 10% or more of the voting rights conferred by shares issued by that corporation.

CHAPTER VI

EXEMPTIONS

45. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply where the transferee of an immovable that is or will be part of

the REM or the transferee of a right in a contract of lease concerning such an immovable is

(1) the Fund; or

(2) a limited partnership, where the Fund holds 10% or more of the instruments of the partnership's common stock and the general partner is a business corporation with respect to which the Fund may exercise 10% or more of the voting rights conferred by the shares issued by that corporation.

The first paragraph does not apply if the purpose of the transfer is to exclude an immovable from the REM.

46. The Fund and the limited partnership referred to in subparagraph 2 of the first paragraph of section 45 are, in their activities relating to the construction or management of the REM, exempted from

(1) any mode of tariffing established by a local municipality under sections 244.1 to 244.10 of the Act respecting municipal taxation (chapter F-2.1) for its property, services or other activities;

(2) any prerequisite condition imposed under sections 117.1 to 117.6 of the Act respecting land use planning and development;

(3) any tariff of fees for the issue of permits or certificates under the Act respecting land use planning and development;

(4) the application of sections 145.21 to 145.30 of the Act respecting land use planning and development to the issue of permits or certificates;

(5) the imposition of any tax under sections 151.8 to 151.12 of the Charter of Ville de Montréal (chapter C-11.4); and

(6) any dues under sections 151.13 to 151.18 of the Charter of Ville de Montréal.

CHAPTER VII

AMENDING PROVISIONS

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

47. Section 6 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by inserting the following paragraph after paragraph 8:

"(8.1) foster the coordination of shared transportation services and urbanization in its area of jurisdiction; and".

48. Section 8 of the Act is amended by adding the following subparagraph at the end of the third paragraph:

"(3) with any other operator of a shared transportation system in its area of jurisdiction."

49. Section 72 of the Act is amended, in the first paragraph,

(1) by replacing "the contracting out of its shared transportation services" in subparagraph 2 by "contracting for the shared transportation services provided by the public transit authorities and the other shared transportation system operators";

(2) by adding the following subparagraph at the end:

"(10) if applicable, terms governing the transportation dues provided for in Chapter V.1."

50. Section 79 of the Act is amended by adding the following paragraph at the end:

"(10) the transportation dues referred to in section 84.1."

51. Section 82 of the Act is amended by replacing "and 7" in the first paragraph by ", 7 and 10".

52. The Act is amended by inserting the following section after section 84:

"**84.1.** The Authority may finance the cost of a new shared transportation services resulting from agreements entered into under section 8 through transportation dues provided for in Chapter V.1, which dues are specific to each agreement.

The contributions required under sections 81, 83 and 84 may not be used to finance the cost of an agreement entered into under section 37 of the Act respecting the Réseau électrique métropolitain (*insert the year and chapter number of that Act*)."

53. The Act is amended by inserting the following chapter after section 97:

"**CHAPTER V.1**

"TRANSPORTATION DUES

"**97.1.** The Authority must identify the zones in its area of jurisdiction that lend themselves to the coordination of urbanization and the shared transportation services it finances, even in part, in particular through densification. It must take into account the metropolitan land use and development plan of the Communauté métropolitaine de Montréal (Community) and the land use

planning and development plan of Municipalité régionale de comté de la Rivière-du-Nord with respect to the territory of Ville de Saint-Jérôme.

Before identifying those zones, the Authority must consult the Community and the municipality.

"**97.2.** The Authority may, by by-law, make subject to the payment of transportation dues the densification work carried out on immovables situated, even in part, in zones of its area of jurisdiction which are determined by the by-law and served by a shared transportation service that it finances, even in part.

The dues correspond to the product obtained by multiplying the rate prescribed by the by-law by the floor area covered by the work and delimited according to the method prescribed by the by-law. The terms governing the dues must be consistent with those set out in the Authority's financing policy.

Dues specific to an agreement entered into under the second paragraph of section 8 cannot apply to a zone situated outside the public transit authority's area of jurisdiction.

A zone served by shared transportation services under two or more agreements entered into under section 8 may be subject to more than one set of dues.

For the purposes of this Act, densification work consists in work to increase the population occupying the same space, whether for residential purposes or to carry on an activity or use.

"**97.3.** The by-law made under the first paragraph of section 97.2 prescribes

(1) the zones within which densification work is subject to dues, which zones must correspond to those identified in accordance with section 97.1;

(2) the rate of the dues, which may vary according to the distance between the work or buildings subject to the dues and a shared transportation service; and

(3) the method for determining the floor area covered by the work.

The rate prescribed under subparagraph 2 of the first paragraph and the method prescribed under subparagraph 3 of that paragraph may vary according to the classes of work and buildings prescribed by the by-law.

"**97.4.** The by-law made under the first paragraph of section 97.2 must be posted on the Authority's website. It must also be published in a newspaper circulated in the Authority's area of jurisdiction. It comes into force on the 15th day following its publication or on any later date specified by the by-law.

The Authority must, without delay, notify the local municipalities concerned of when the densification work becomes subject to the payment of the transportation dues.

The Authority must also send those municipalities a copy of the by-law.

"**97.5.** A by-law made under the first paragraph of section 97.2 may not be posted or published in accordance with section 97.4 or come into force unless it has been approved, with or without amendment, by the Minister.

The Minister may enact a by-law referred to in the first paragraph of section 97.2 if the Authority fails to make such a by-law within the time specified by the Minister.

"**97.6.** A local municipality must, on the Authority's behalf, collect the transportation dues applicable to the densification work carried out in its territory.

If the purpose of a project requiring a permit prescribed by a by-law adopted under section 119 of the Act respecting land use planning and development (chapter A-19.1) is to carry out densification work, the issue of the permit is conditional on the payment of the dues, as estimated by the issuing municipality on the basis of the information provided with the permit application.

The municipality sets the definitive dues once the work has been completed.

The dues collected are reimbursed if the permit to which they are related is cancelled.

"**97.7.** The Authority must make a by-law to require a permit for densification work that is subject to the transportation dues if that work may, in a given territory, be carried out without such a permit prescribed by a by-law adopted by the local municipality having jurisdiction in that territory. That municipality is then responsible for issuing the permit.

The by-law ceases to apply with respect to a territory if the municipality having jurisdiction in the territory adopts a by-law requiring a permit for the densification work in that territory that is covered by the Authority's by-law.

"**97.8.** A local municipality that, under section 97.6, collects the dues provided for in section 97.2 may establish a tariff of fees for the issue of a permit relating to the densification work that is subject to those dues, whether the permit is required under a by-law of the municipality or a by-law of the Authority.

In addition, the municipality may prescribe which plans and documents must be submitted in support of the permit application in order to assess whether the work covered by the application is to be made subject to the dues, regardless of whether the permit is required under a by-law of the municipality or a by-law of the Authority.

"**97.9.** The transportation dues collected by a local municipality are deemed to be held in trust for the Authority until they are remitted to it.

Such dues must be considered as forming a fund that is separate from the municipality's patrimony and own property, whether or not they have actually been held separately from the municipality's own funds and assets.

"**97.10.** A local municipality must remit the transportation dues it collects to the Authority on the following dates:

(1) 1 June, in the case of dues collected from 1 January to 30 April;

(2) 1 November, in the case of dues collected from 1 May to 30 September; and

(3) 1 February, in the case of dues collected from 1 October to 31 December.

On the same dates and for the same periods, the municipality must send the Authority a report stating

(1) the total number of permits issued with respect to immovables situated, even in part, in a zone prescribed by by-law and within which densification work is subject to the transportation dues;

(2) for each permit,

(*a*) the address of the immovable concerned;

(*b*) the type of work concerned; and

(*c*) whether it is subject to dues; and

(3) for each permit whose issue is conditional on the payment of the dues,

(*a*) the floor area considered in determining the dues; and

(*b*) the amount of dues collected.

"**97.11.** The Authority keeps separate accounts for each specific set of dues it establishes.

"**97.12.** No transportation dues are payable by

(1) a public body within the meaning of the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(2) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(3) a mandatary of the State that is not referred to in subparagraph 1 or 2.

However, a public body or a mandatary of the State is not, in that capacity, exempted from paying the dues if it carries on a commercial activity other than building and operating a shared transportation system."

54. The Act is amended by inserting the following sections after section 108:

"**108.1.** Anyone who refuses or fails to pay the transportation dues is guilty of an offence and liable to a fine prescribed by a by-law of the Authority.

"**108.2.** The by-law made under the first paragraph of section 97.2 must prescribe the amount of the fine referred to in section 108.1, which amount must, in all cases, include the transportation dues and an additional amount that may vary according to those dues. For a first offence, the set or maximum additional amount may not exceed $5,000 in the case of a natural person and $10,000 in all other cases. The additional amounts are doubled for a subsequent offence. The minimum additional amount may not be less than $250."

CHARTER OF VILLE DE MONTRÉAL

55. Section 194 of Schedule C to the Charter of Ville de Montréal (chapter C-11.4) is amended by inserting the following paragraph after the fifth paragraph:

"The fifth paragraph applies subject to any agreement entered into between the city and any person entrusted with the management or carrying out of a project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12)."

RAILWAY ACT

56. Section 1 of the Railway Act (chapter C-14.1) is amended by inserting "or to the Réseau électrique métropolitain referred to in section 1 of the Act respecting the Réseau électrique métropolitain (*insert the year and chapter number of that Act*)" at the end of the second paragraph.

ACT RESPECTING MUNICIPAL TAXATION

57. Section 47 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting "or of a shared transportation infrastructure that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12)" after "company" in the first paragraph.

58. Section 65 of the Act is amended by inserting the following subparagraph after subparagraph 6 of the first paragraph:

"(6.1) a railway, bridge, tunnel, fence or other works forming part of a shared transportation infrastructure that is the subject of an agreement under section 88.10 of the Transport Act (chapter T-12) and intended for the operation of that infrastructure, except the land forming the bed of such an immovable and a structure intended to lodge persons, shelter animals or store things;".

59. Section 68.0.1 of the Act is repealed.

60. Section 204 of the Act is amended by inserting the following paragraph after paragraph 2.2:

"(2.3) an immovable that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12) and that is included in a unit of assessment entered on the roll in the name of the Caisse de dépôt et placement du Québec or of one of its subsidiaries referred to in section 88.15 of that Act;".

61. Section 208 of the Act is amended

(1) by inserting the following paragraphs after the second paragraph:

"The exemptions provided for in the first and second paragraphs apply where the Caisse de dépôt et placement du Québec or its subsidiary referred to in section 88.15 of the Transport Act (chapter T-12) is the lessee or occupant of an immovable referred to in those paragraphs but only if the Caisse de dépôt et placement du Québec or the subsidiary carries on an activity related to the construction or management of the shared transportation infrastructure that is the subject of an agreement entered into under section 88.10 of that Act.

The taxation rules set out in the first and second paragraphs do not apply where the lessee or occupant of an immovable that is the subject of an agreement entered into under section 88.10 of the Transport Act is

(1) a limited partnership, where the Caisse de dépôt et placement du Québec or one of its subsidiaries referred to in section 88.15 of that Act holds 10% or more of the instruments of the partnership's common stock and the general partner is a business corporation with respect to which the Caisse de dépôt et placement du Québec or such a subsidiary may exercise 10% or more of the voting rights conferred by the shares issued by that corporation, which limited partnership leases or occupies the immovable to carry on an activity related to the construction or management of the shared transportation infrastructure that is the subject of an agreement entered into under section 88.10 of that Act; or

(2) a contracting party of the Caisse de dépôt et placement du Québec, of one of its subsidiaries referred to in section 88.15 of that Act or of a person referred to in subparagraph 1, which contracting party leases or occupies the immovable to carry on, on behalf of the person, an activity related to the

construction or management of the shared transportation infrastructure that is the subject of an agreement entered into under section 88.10 of that Act.";

(2) by replacing "three" in the sixth paragraph by "five";

(3) by replacing "the first or second paragraph" in the last paragraph by "the first four paragraphs".

62. Section 236 of the Act is amended by inserting the following paragraph after paragraph 2:

"(2.1) an activity related to the construction or management of a shared transportation infrastructure that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12), if that activity is carried on by

(*a*) the Caisse de dépôt et placement du Québec;

(*b*) a subsidiary of the Caisse de dépôt et placement du Québec referred to in section 88.15 of that Act;

(*c*) a limited partnership, where the Caisse de dépôt et placement du Québec or a subsidiary referred to in subparagraph *b* holds 10% or more of the instruments of the partnership's common stock and the general partner is a business corporation with respect to which the Caisse de dépôt et placement du Québec or such a subsidiary may exercise 10% or more of the voting rights conferred by the shares issued by that corporation; or

(*d*) a contracting party of a person referred to in subparagraphs *a* to *c,* where that person entrusts the carrying on of the activity to that contracting party;".

63. Section 262 of the Act is amended by striking out subparagraph 12.1 of the first paragraph.

64. The Act is amended by replacing any reference to the third, fourth, fifth, sixth or seventh paragraph of its section 208 by a reference to the fifth, sixth, seventh, eighth or ninth paragraph, respectively, of that section.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

65. Section 11.1 of the Act respecting the Ministère des Transports (chapter M-28) is amended

(1) by replacing "described in the third paragraph of section 32 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2)" in the second paragraph by "within the meaning of the fifth paragraph of section 4 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) and described in subparagraph *a*.1 of the first paragraph of section 31 or referred to in the third paragraph of section 32 of that Act";

(2) by adding the following paragraph at the end:

"Any person requesting the Minister to acquire property must identify the property in accordance with the terms determined by the Minister."

66. Section 11.1.2 of the Act, enacted by section 75 of chapter 8 of the statutes of 2016, is amended by adding the following paragraph at the end:

"This section does not apply to property in the domain of the State."

67. Section 11.4 of the Act is replaced by the following sections:

"**11.4.** All property acquired by the Minister forms part of the domain of the State.

However, property acquired on the Minister's own behalf or under the second paragraph of section 11.1 on behalf of the Caisse de dépôt et placement du Québec or one of its subsidiaries is deemed not to be land in the domain of the State.

"**11.4.1.** The Minister may, subject to section 11.5, dispose of property he has acquired as he sees fit when the property is no longer needed.

The Minister may also dispose of immovables acquired by other departments or agencies which they themselves are unable to dispose of when the immovables are no longer needed."

68. Section 11.5 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to the Minister's disposition, in favour of the Caisse de dépôt et placement du Québec or a subsidiary of the latter referred to in the second paragraph of section 11.1, of property required for the carrying out of a shared transportation infrastructure project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12)."

ACT TO ENSURE SAFETY IN GUIDED LAND TRANSPORT

69. Section 54 of the Act to ensure safety in guided land transport (chapter S-3.3) is amended by inserting the following subparagraph after subparagraph 11 of the first paragraph:

"(11.1) determine the minimum amount of civil liability insurance and the maximum deductible amount that are required for the operation of a guided land transport system; and".

70. Section 58 of the Act is amended by adding the following paragraph at the end:

"The Minister is required to consult the Autorité régionale de transport métropolitain (Authority) where the operator of the guided land transport system carries on its activities in the Authority's area of jurisdiction."

TRANSPORT ACT

71. Section 88.11 of the Transport Act (chapter T-12) is amended by adding the following paragraph at the end:

"Despite the fourth paragraph of section 36 of the Expropriation Act (chapter E-24), a municipality, metropolitan community, intermunicipal board or school board may not, without the Government's authorization, acquire that shared transportation infrastructure by expropriation."

72. The Act is amended by inserting the following section after section 88.11:

"**88.11.1.** For the purposes of the construction of a shared transportation infrastructure, the Caisse de dépôt et placement du Québec or any person it designates may exercise the powers provided for in section 9 of the Act respecting the Ministère des Transports (chapter M-28)."

73. Section 88.14 of the Act is amended by replacing "The" by "Unless otherwise provided, the".

74. Section 88.15 of the Act is amended by inserting "in subparagraph *a*.1 of the first paragraph of section 31 or" after "described".

CHAPTER VIII

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

75. [[The Minister of Finance is authorized to take out of the Consolidated Revenue Fund a sum not exceeding $1,283,000,000 for the consideration that the Minister must provide for the subscription for shares issued by a wholly-owned subsidiary within the meaning of the fifth paragraph of section 4 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) and described in subparagraph *a*.1 of the first paragraph of section 31 or referred to in the third paragraph of section 32 of that Act.]]

Such an authorization ceases to have effect on 1 April 2020.

76. For the purposes of the REM project, the Government may, despite the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), authorize, on the conditions it determines, the use for purposes other than agriculture, or the subdivision or alienation, of lot 2 702 207 or a part of it and of additional surface areas of lots 2 702 212 and 3 349 833,

identified in Order in Council 456-2017 dated 3 May 2017 (2017, G.O. 2, *insert the number of the page of the Gazette officielle du Québec where Order in Council 456-2017 is published*), all of the cadastre of Québec, registration division of La Prairie, which are situated in Ville de Brossard, or of the parts of those lots described in the Order in Council.

That Order in Council is deemed, from the day on which it was made, to have been made under this section.

The Government may revoke all or part of an authorization given under this section.

The authorization or revocation must be notified to the Commission de protection du territoire agricole du Québec.

77. Lots 5 126 417, 5 583 376, 5 583 377, 5 583 378, 5 583 379, 5 583 380, 5 583 381, 5 583 382 and 5 583 383 and the parts of lots 5 583 385, 5 583 389 and 5 583 392 that are not already part of the agricultural zone of the municipality of Saint-Stanislas-de-Kostka, all of the cadastre of Québec, registration division of Beauharnois, are included in that zone.

78. The planned development of the Deux-Montagnes REM line for the REM project in the territory of the Communauté métropolitaine de Montréal is not and has never been subject to the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act (chapter Q-2).

As regards the construction of the Sainte-Anne-de-Bellevue, Aéroport and Rive-Sud REM lines in the territory of the Communauté métropolitaine de Montréal, the certificate of authorization issued under Order in Council 458-2017 dated 3 May 2017 (2017, G.O. 2, *insert the number of the page of the Gazette officielle du Québec where Order in Council 458-2017 is published*) and the environmental impact assessment and review procedure preceding the making of the Order in Council, including all decisions rendered and all other acts performed by the minister responsible for the administration of the Environment Quality Act and by the Bureau d'audiences publiques sur l'environnement, are deemed to be in compliance with the Act.

79. This Act transfers, in favour of a subsidiary of the Fund referred to in section 88.15 of the Transport Act (chapter T-12), the benefit of any reserve established under section 75 of the Expropriation Act (chapter E-24) and held by the Fund on (*insert the date preceding the date of assent to this Act*).

The Fund or its subsidiary identified in the notice of expropriation, if applicable, is deemed to be mentioned in the notice of establishment of the reserve.

The rights need not be published in the land register. The Fund may, however, with respect to an immovable and if it considers it advisable, publish a notice of the transfer referring to this section and containing the description of the immovable.

80. Until the coming into force of the first regulation made by the Minister under subparagraph 11.1 of the first paragraph of section 54 of the Act to ensure safety in guided land transport (chapter S-3.3), enacted by section 69, the minimum amount of civil liability insurance the REM operator must purchase is $100,000,000 and the amount of the deductible may not exceed $5,000,000.

81. The Fund and the Authority must enter into the first agreement provided for in section 37 not later than (*insert the date that is 60 days after the date of assent to this Act*).

Failing that, the Minister must, without delay, determine the terms and conditions of the agreement referred to in that section, which agreement is then deemed to have been entered into between the Fund and the Authority.

82. The Authority must, not later than (*insert the date that is 90 days after the date of assent to this Act*), make the first by-law provided for in section 97.2 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3), enacted by section 53, concerning the transportation dues intended to finance the costs of the agreements entered into under sections 37 and 38. In such a case, the terms governing the dues need not be consistent with those set out in the Authority's financing policy.

Failing that, the Minister may enact the by-law.

83. Any lease affecting the immovable of the Fund situated on lots 1 179 344, 1 284 732, 5 777 987 and 5 777 989 of the cadastre of Québec, registration division of Montréal, is resiliated by operation of law on (*insert the date that is 18 months after the date of assent to this Act*). The same applies to any sublease affecting that immovable.

Chapter II applies, with the necessary modifications, to such a resiliation as if it were an expropriation decided by the Minister and, in such a case, the Fund replaces the Minister.

84. The Minister of Transport is responsible for the administration of this Act.

85. Section 11 has effect from 19 April 2016.

86. This Act comes into force on (*insert the date of assent to this Act*).