



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 55

**An Act to amend the Act respecting
public transit authorities and other
legislative provisions**

Introduction

**Introduced by
Mr Guy Chevrette
Minister of Transport**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill makes various technical adjustments to the Act respecting public transit authorities as a result of certain municipal amalgamations effected by Order in Council subsequent to passage of the Act, and harmonizes terminology.

The bill provides that, as is the case for the other transit authorities, the transit authorities of Trois-Rivières, Saguenay and Sherbrooke must designate to their boards of directors two members who represent the users of public transportation services and services adapted for handicapped persons.

The bill provides that for the purposes of the establishment and implementation of a financial framework for public transportation for all regions of Québec, the Minister is to consult the municipalities involved and the main stakeholders in that sector. The bill also authorizes the establishment of regional public transport boards in the Montréal region.

Lastly, the bill makes consequential amendments to various statutes and corrects clerical errors.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Archives Act (R.S.Q., chapter A-21.1);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting public transit authorities (2001, chapter 23).

Bill 55

AN ACT TO AMEND THE ACT RESPECTING PUBLIC TRANSIT AUTHORITIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting public transit authorities (2001, chapter 23) is amended

(1) by replacing “Ville de Hull-Gatineau” in subparagraph 3 of the first paragraph by “Ville de Gatineau”;

(2) by replacing subparagraph 7 of the first paragraph by the following subparagraph :

“(7) the “Société de transport de Trois-Rivières”, whose area of jurisdiction corresponds to that of Ville de Trois-Rivières;”;

(3) by replacing “the following municipalities : Chicoutimi, Jonquière and La Baie” in subparagraph 8 of the first paragraph by “Ville de Saguenay”;

(4) by replacing “the following municipalities: Ascot, Fleurimont, Lennoxville, Rock Forest and Sherbrooke” in subparagraph 9 of the first paragraph by “Ville de Sherbrooke”.

2. Section 7 of the French text of the said Act is amended by replacing “en faisant les” by “compte tenu des”.

3. Section 10 of the said Act is amended by replacing “Ville de Hull-Gatineau” by “Ville de Gatineau”.

4. Section 14 of the said Act is replaced by the following section :

“**14.** Ville de Trois-Rivières shall designate the members of the board of directors of the Société de transport de Trois-Rivières from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.”

5. Section 15 of the said Act is replaced by the following section :

“15. Ville de Saguenay shall designate the members of the board of directors of the Société de transport du Saguenay from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.”

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

“16. Ville de Sherbrooke shall designate the members of the board of directors of the Société de transport de Sherbrooke from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.”

7. Section 17 of the said Act is amended by replacing “appointing” by “designating”.

8. Section 18 of the said Act is amended

(1) by replacing “reappointed” in the second paragraph by “redesignated” ;

(2) by striking out “or the secretary-treasurer of the municipality” in the third paragraph.

9. Section 19 of the said Act is amended

(1) by striking out “or municipality” in the first paragraph ;

(2) by striking out “or the secretary-treasurer of the municipality” in the fifth and sixth lines of the second paragraph.

10. Section 20 of the said Act is amended

(1) by striking out “or the municipality” in the first paragraph ;

(2) by striking out “or, as the case may be, the secretary-treasurer of the municipality concerned” in the first paragraph.

11. Section 21 of the said Act is amended by striking out “or the municipality that designated the member”.

12. Section 22 of the said Act is amended by striking out “or municipalities” in the first paragraph.

13. Section 39 of the said Act is amended

(1) by replacing “850” in the second paragraph by “846” ;

(2) by replacing “writ, order or injunction” in the third paragraph by “judgment, order or injunction”.

14. Section 48 of the said Act is amended by replacing “a member of the transit authority’s personnel” in the first paragraph by “an employee”.

15. Section 61 of the French text of the said Act is amended by replacing “en l’adaptant” in the second paragraph by “compte tenu des adaptations nécessaires”.

16. Section 64 of the said Act is amended by striking out “, municipality”.

17. Section 77 of the said Act is amended by adding “of Municipal Affairs and Greater Montréal” at the end of the third paragraph.

18. Section 91 of the said Act is amended

(1) by replacing “abandoned” in the first and second paragraphs by “found”;

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

“A transit authority is exempt from liability towards the owners of things found in its immovables or in its rolling stock.”

19. Section 92 of the said Act is amended by replacing “, as the case may be, of the city or the municipalities which adopt” by “of the city which adopts”.

20. Section 93 of the said Act is amended

(1) by replacing the part before subparagraph 1 of the first paragraph by the following:

“**93.** A transit authority may award the following contracts only in accordance with sections 94, 95 and 101 if they involve an expenditure of \$25,000 or more.”;

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) contracts for the providing of services;”;

(3) by striking out “, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information” in the fourth, fifth and sixth lines of subparagraph 3 of the second paragraph;

(4) by replacing subparagraph 4 of the second paragraph by the following subparagraphs:

“(4) whose object is the supply of property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes ;

“(4.1) whose object is the supply of the professional services necessary within the framework of proceedings brought before a court or a body or person exercising judicial or adjudicative functions ;”;

(5) by striking out the third paragraph.

21. Section 94 of the said Act is amended by striking out “or the object of which is mentioned in section 101” in the third line.

22. Section 95 of the said Act is amended

(1) by inserting “and that is not covered by section 101,” after “applies” in the second line of the first paragraph ;

(2) by striking out “, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions” in the third, fourth and fifth lines of subparagraph 2 of the third paragraph ;

(3) by replacing subparagraph 3 of the third paragraph by the following subparagraph :

“(3) “services contract” means a contract for supplying services that may include the supply of parts or materials required to supply the services.” ;

(4) by striking out the last paragraph.

23. The said Act is amended by inserting the following section after section 95 :

“95.1. Subject to sections 96 and 101, a transit authority may not, without the prior authorization of the Minister of Municipal Affairs and Greater Montréal, award any contract referred to in sections 94 and 95 to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, a transit authority may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time and fulfils the conditions for the grant.”

24. Section 105 of the said Act is amended by inserting “, seriously disrupt public transportation services” after “population” in the third line of the first paragraph.

25. Section 109 of the said Act is amended by inserting “of Transport” after “Minister” in the third line.

26. Section 114 of the said Act is amended by striking out “and municipalities”.

27. Section 116 of the said Act is amended by striking out “or municipalities in its area of jurisdiction” in the second and third lines of the first paragraph and “or municipalities” in the third and fourth lines of the first paragraph.

28. Section 117 of the said Act is amended

(1) by striking out “or the municipalities concerned” in the fifth and sixth lines of the second paragraph;

(2) by striking out “or the secretary-treasurer of the municipality” in the seventh and eighth lines of the second paragraph;

(3) by striking out “or of the municipality” in the ninth line of the second paragraph.

29. Section 119 of the said Act is amended

(1) by adding the following at the end of the first paragraph: “on the form provided, if any, by the latter”;

(2) by striking out “or of the municipalities concerned” in the second and third lines of the second paragraph.

30. Section 120 of the said Act is amended by inserting “anticipated” after “surplus” in the second line of the first paragraph.

31. Section 122 of the said Act is amended by striking out “or of the municipality” in the third line.

32. Section 123 of the said Act is amended by striking out “or of the municipality” in the first paragraph.

33. Section 126 of the said Act is amended by striking out “or municipalities concerned” in paragraph 2.

34. Section 131 of the said Act is amended

(1) by striking out “or municipalities concerned” in the first paragraph;

(2) by striking out “or the municipalities concerned” in the second paragraph.

35. Section 134 of the said Act is amended

(1) by replacing “or municipalities concerned for approval, not later than 31 October” in the first paragraph by “for approval not later than 31 May”;

(2) by striking out “or municipality concerned” in the second paragraph.

36. Section 135 of the said Act is amended by striking out “or municipalities concerned”.

37. Section 136 of the said Act is amended

(1) by inserting “of Municipal Affairs and Greater Montréal” after “Minister” in the first line of the second paragraph;

(2) by replacing, in the French text, “le” in the third line of the second paragraph by “ce”.

38. Section 139 of the said Act is amended

(1) by inserting “, the Minister of Municipal Affairs and Greater Montréal” after “Minister” in the first line of the first paragraph;

(2) by striking out “or the secretary-treasurer of the municipality concerned” in the first paragraph.

39. Section 140 of the said Act is amended

(1) by striking out “or municipality” in the first line of the first paragraph;

(2) by striking out “or a municipality” in the third line of the second paragraph.

40. Section 144 of the said Act is amended by striking out “or municipalities” in the first line of the first paragraph.

41. Section 149 of the said Act is amended

(1) by replacing “municipality” in the second line of the second paragraph by “city”;

(2) by replacing “municipality” in the fifth line of the second paragraph by “city”.

42. Section 150 of the said Act is amended

(1) by striking out “or municipalities” in the fourth line of subparagraph 6 of the first paragraph;

(2) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) notwithstanding the second paragraph of section 48, identifying the documents referred to in subparagraph 6 on which a facsimile of a signature has the same force as the signature of the chair of a transit authority and need not be countersigned by an authorized person;”.

43. Section 151 of the French text of the said Act is amended by replacing “Montréal” in the third paragraph by “transport”.

44. Section 162 of the said Act is amended by replacing “subparagraph 1 of the first paragraph” in the first line by “paragraph 1”.

45. Section 165 of the said Act is amended by replacing “Hull-Gatineau” in the second paragraph by “Gatineau”.

46. Section 167 of the said Act, included in Chapter III of Title II, is removed and inserted immediately after the heading of Chapter IV of Title II.

47. Section 169 of the said Act is amended by replacing “subparagraph 1 of the first paragraph” in the first line by “paragraph 1”.

48. Section 175 of the said Act, included in Chapter V of Title II, is removed and inserted immediately after the heading of Chapter VI of Title II.

49. Section 177 of the said Act is amended by replacing “subparagraph 1 of the first paragraph” in the first line by “paragraph 1”.

50. Chapter VII of Title II of the said Act, comprising sections 179 to 187, is repealed.

51. Chapter VIII of Title II of the said Act, comprising sections 188 to 196, is repealed.

52. Chapter IX of Title II of the said Act, comprising sections 197 to 206, is repealed.

53. Section 230 of the said Act is repealed.

54. The said Act is amended by inserting the following section after section 253:

“253.1. For the purposes of section 258 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) and for the establishment and implementation of a financial framework for public transportation for all regions of Québec, the Minister shall consult every municipality involved in the financing of public transportation services in Québec and the main stakeholders in that sector, determined by the Minister, in order to obtain the consensus necessary for the development of a policy on the financing of such services.”

55. Section 256 of the said Act is amended by replacing “Société de transport des Forges” in the fifth line by “Société de transport de Trois-Rivières”.

56. Section 258 of the said Act is replaced by the following section :

“258. The persons elected at the election held on 4 November 2001 in Ville de Montréal, Ville de Québec, Ville de Gatineau, Ville de Longueuil, Ville de Lévis, Ville de Laval, Ville de Trois-Rivières and Ville de Sherbrooke may, during the year 2001, designate the members of the board of directors and appoint the chair and the vice-chair of the transit authorities referred to in sections 8 to 14 and 16.

The persons elected at the election held on 25 November 2001 in Ville de Saguenay may, during the year 2001, designate the members of the board of directors and appoint the chair and the vice-chair of the Société de transport du Saguenay.”

57. Section 5 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02), amended by section 208 of chapter 23 of the statutes of 2001, is again amended, in the French text, by replacing “Conseil” in the second line of the seventh paragraph by “conseil”.

58. Section 35.2 of the said Act, enacted by section 219 of chapter 23 of the statutes of 2001, is amended by inserting “having a value of \$10,000 or more” after “property” in the second line.

59. Section 46 of the said Act is amended by inserting “, in the absence of any cost-sharing agreement to the contrary,” after “municipalities” in the third line of the first paragraph.

60. Section 80 of the said Act is amended by replacing “31 October” in the first paragraph by “31 May”.

61. Section 87 of the said Act is amended by striking out “and the Communauté urbaine de Montréal”.

62. Section 93 of the said Act is amended by replacing “section 26” by “sections 26 and 35.1”.

63. The schedule to the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing paragraph 5 by the following paragraph :

“(5) Public transit authorities established by the Act respecting public transit authorities (2001, chapter 23);”.

64. The Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by inserting the following

sections after section 18.12, enacted by section 237 of chapter 23 of the statutes of 2001 :

“18.13. The Government may order the establishment of a regional public transport board having the powers of a legal person and having a territory that corresponds, in whole or in part, to the territory of the regional county municipalities specified in the order. The Government may bring into such a regional board any regional county municipality that refuses to be part thereof.

“18.14. A regional public transport board shall exercise, in relation to public transport, the powers assigned by the order to it from among those assigned by the Act to intermunicipal boards of transport operating in its territory, in addition to any other power the Government considers necessary for the organization and operation of public transport services in its territory.

“18.15. The order shall provide for the composition of the regional board, its rules of operation and the apportioning of costs as well as the terms and conditions on which its property, debts and other obligations are to be shared in the case of dissolution.

The order shall also determine, where necessary, the rules that apply to the succession of the rights and obligations of the intermunicipal boards of transport in its territory and make any other provision to supply any deficiency in the law.”

65. Schedule I to the said Act, enacted by section 238 of chapter 23 of the statutes of 2001, is again amended by striking out “Ville de La Plaine”, “Ville de Lachenaie”, “Ville de Lafontaine” and “Ville de Saint-Antoine”.

66. Section 4 of the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3) is amended by replacing “Act respecting the Communauté urbaine de Montréal (chapter C-37.2)” by “Act respecting public transit authorities (2001, chapter 23)”.

67. Section 63 of the said Act is amended by replacing “Act respecting the Communauté urbaine de Montréal (chapter C-37.2)” in the first paragraph by “Act respecting public transit authorities (2001, chapter 23)”.

68. Section 88.1 of the Transport Act (R.S.Q., chapter T-12), amended by section 240 of chapter 23 of the statutes of 2001, is again amended by replacing “Société de transport des Forges” in the fourth and fifth lines of the definition of “public transit authorities” by “Société de transport de Trois-Rivières”.

69. Schedule A to the said Act, replaced by section 242 of chapter 23 of the statutes of 2001, is amended

(1) by replacing subdivision 3, entitled “Hull-Gatineau region”, by the following :

“3. Gatineau region :

Ville de Gatineau
Municipalité de Cantley
Municipalité de Chelsea”;

(2) by replacing subdivision 4, entitled “Trois-Rivières region”, by the following :

“4. Trois-Rivières region :

Ville de Trois-Rivières
Paroisse de Saint-Maurice
Wolinak Indian Reserve”;

(3) by replacing subdivision 5, entitled “Chicoutimi region”, by the following :

“5. Saguenay region :

Ville de Saguenay
Municipalité de Saint-Fulgence
Municipalité de Saint-Honoré
Canton de Tremblay”;

(4) by replacing subdivision 6, entitled “Sherbrooke region”, by the following :

“6. Sherbrooke region :

Ville de Sherbrooke
Municipalité d’Ascot Corner
Canton de Hatley
Paroisse de Saint-Denis-de-Brompton
Municipalité de Stoke”.

70. Section 56 takes effect on 5 November 2001.

71. This Act comes into force on 31 December 2001, except section 56, which comes into force on (*insert here the date of assent to this Act*), and paragraph 3 of section 1, sections 5, 8 to 12, 16, 19, 26 to 29, 31 to 36, the second paragraph of section 38, sections 39 to 42, 51 and paragraph 3 of section 69, which will come into force on 18 February 2002.