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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FIFTH LEGISLATURE

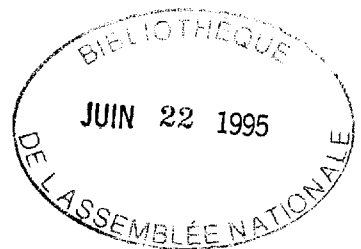
Bill 102

**An Act respecting the Agence  
métropolitaine de transport and  
amending various legislative  
provisions**

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**Introduction**

Introduced by  
**Mr Jacques Léonard**  
Minister of Transport



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#### EXPLANATORY NOTES

*This bill establishes the Agence métropolitaine de transport whose area of jurisdiction is the combined territories of the municipalities in the census area of Montréal.*

*Failing the receipt in proper time of a proposal acceptable to the Government from the committee of wardens and mayors of greater Montréal concerning the organization of the Agency, the bill provides that the Agency will be administered by a board of five directors appointed by the Government. Two directors of the Agency will be appointed to represent the municipalities in the area of jurisdiction of the Agency; one such director will be appointed after consultation with the chairman of the executive committee of the Communauté urbaine de Montréal and the other after consultation with the wardens and certain mayors in the area of jurisdiction of the Agency.*

*The objects of the Agency will be to support, develop, coordinate and promote public transportation, to operate suburban trains and to ensure the development of suburban train services, to foster the integration of the services provided by various modes of transportation and to increase the efficiency of traffic corridors. The Agency will be conferred the powers it needs to fulfill its objects in the areas of transportation by suburban train, metropolitan traffic lanes, notably reserved lanes, and metropolitan bus and subway transportation, and the power to grant financial assistance.*

*The bill contains provisions governing the financial management and the funding of the Agency. In addition, it requires the Agency to produce a strategic development plan and a program of capital expenditures and makes the Agency subject to the directives of the Minister of Transport. As well, the bill provides for the appointment of inspectors and contains penal provisions.*

*In another connection, the bill provides that the Agency will succeed to the Conseil métropolitain de transport en commun and, from 1 January 1996, to the Société de transport de la Communauté*

*urbaine de Montréal in respect of the operation of the suburban train system. The bill also provides that the Minister will report to the National Assembly not later than 1 December 1999 on the implementation of this legislation and on the steps to be taken to entrust the control of the Agency to regional decision-makers.*

*Finally, the bill contains amendments to ensure concordance.*

**LEGISLATION AMENDED BY THIS BILL:**

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32).

**LEGISLATION REPLACED BY THIS BILL:**

- Act respecting the Conseil métropolitain de transport en commun (R.S.Q., chapter C-59.001).



## Bill 102

### **An Act respecting the Agence métropolitaine de transport and amending various legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### ESTABLISHMENT AND ORGANIZATION

**1.** An agency to be known as the “Agence métropolitaine de transport” is hereby established. The Agency is a legal person.

**2.** The Agency is a mandatary of the Government. Its property forms part of the domain of the State, but the performance of its obligations may be levied against its property.

**3.** The area of jurisdiction of the Agency is the combined territories of the municipalities listed in Schedule A.

For the purposes of this Act, the words “municipality”, except in the expression “regional county municipality”, and “municipal territory” mean, respectively, a municipality listed in Schedule A and the territory of such a municipality.

**4.** The Agency shall have its head office at such place as it determines within its area of jurisdiction. Notice of the location of the head office and of any change in its location shall be published in the *Gazette officielle du Québec* and in a newspaper distributed in its area of jurisdiction.

**5.** The affairs of the Agency shall be administered by a board of five directors appointed by the Government for a term not exceeding five years, two of whom shall be appointed to represent the municipalities. At the expiry of their term, the directors shall remain in office until replaced or reappointed.

One of the directors representing the municipalities shall be appointed after consultation with the chairman of the executive committee of the Communauté urbaine de Montréal and the other after consultation with the mayor of Ville de Laval, the mayor of Ville de Mirabel and the wardens of the regional county municipalities situated or partly situated within the area of jurisdiction of the Agency.

**6.** The Government shall designate a chairman and director general from among the directors. It shall determine his remuneration, employment benefits and other conditions of employment.

The other directors shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the discharge of their duties on the conditions and to the extent determined by the Government.

**7.** The removal from office or resignation of a director shall not take effect before the Agency is notified thereof.

**8.** The quorum at meetings of the board of directors of the Agency is three directors.

**9.** The chairman and director general shall call and preside at meetings of the board of directors and ensure that they are properly conducted.

Two directors may require that the chairman and director general call a special meeting. The special meeting must be held within five days after the requisition is received.

**10.** Every director present at a meeting of the board has one vote and is required to vote.

**11.** The directors may, by unanimous agreement, take part in a meeting of the board by means of any device that allows oral communication, in particular the telephone. The participants are, in such a case, deemed to have attended the meeting.

**12.** The board of directors shall designate a secretary and a treasurer from among the employees of the Agency.

**13.** The employees of the Agency shall be appointed according to the staffing plan and the standards established by by-law of the

Agency. The by-law shall also determine the standards and scales of remuneration; employment benefits and other conditions of employment of the employees of the Agency.

The by-law shall be submitted to the Government for approval.

**14.** The chairman and director general is responsible for the administration and direction of the Agency within the scope of its policies and by-laws. He shall exercise his functions on a full-time basis.

**15.** The Agency may make by-laws to regulate the exercise of its powers and the other aspects of its internal management.

**16.** Any director of the Agency, other than the chairman and director general, having a direct or indirect interest in an enterprise causing his personal interest to conflict with that of the Agency must, on pain of forfeiture of office, disclose it in writing to the chairman and director general and abstain from participating in any discussion or decision involving the enterprise in which he has the interest or in any part of a meeting of the board of directors during which his interest is discussed.

Neither the chairman and director general nor any employee of the Agency may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing his personal interest to conflict with that of the Agency. However, forfeiture of office is not incurred where the interest devolves by succession or gift, provided it is renounced or disposed of with dispatch.

**17.** The minutes of the meetings of the board of directors, approved by the board and signed by the chairman and director general or by the secretary, are authentic, as are any documents or copies emanating from the Agency or forming part of its records where they are certified by the chairman and director general or an authorized person.

**18.** The Agency may set up committees to examine particular matters, determine their mode of operation and designate their members.

A committee set up by the Agency to examine a matter in which a public transit operating authority has an interest must include at least one representative of that authority as a member.

**19.** For the purposes of this Act, “public transit operating authority” means the Société de transport de la Communauté urbaine de Montréal, the Société de transport de la Ville de Laval, the Société de transport de la rive sud de Montréal and any other legal person established in the public interest that is authorized by its constituting act to operate a public transportation enterprise in the area of jurisdiction of the Agency.

## CHAPTER II

### OBJECTS AND POWERS

**20.** The objects of the Agency are to support, develop, coordinate and promote public transportation, to improve suburban train services and ensure their development, to foster the integration of the services provided by various modes of transportation and to increase the efficiency of traffic corridors.

### DIVISION I

#### SUBURBAN TRAINS

**21.** The Agency has exclusive authority, within its area of jurisdiction, over public transportation by suburban train.

**22.** The Agency may, with the approval of and on the conditions determined by the Government, extend its train system outside its area of jurisdiction. The Government may also allow the Agency to operate any other guided land transport system within the meaning of the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3), except the subway.

**23.** The Agency may, in particular,

(1) operate a public rail transportation enterprise;

(2) enter into contracts with railway companies providing for the procurement of services relating to the operation of a railway undertaking that is within the legislative authority of the Parliament of Canada, or, with the authorization of the Minister of Transport, authorize the directors it designates to file a petition with the federal authorities for the incorporation, by letters patent, of a company for the construction or operation of a railway within the meaning of the Railway Act (Revised Statutes of Canada, 1985, chapter R-3), with the proviso that the Agency be the sole shareholder, that the executives of the company be the same persons as those of the



Agency, and that the activities of the company be limited to operating suburban trains on a railway line within the legislative authority of Parliament;

(3) with the approval of the Government, acquire or lease railway tracks and rights of way to establish its train system;

(4) subject to paragraph 3, acquire, lease or transfer property for the purpose of establishing, operating or developing its train system;

(5) enter into contracts with a public transit operating authority or a municipality providing for the procurement of specific public rail transportation services;

(6) promote public rail transportation.

**24.** The Agency shall fix the fares for its public rail transportation services on the basis of the factors and classes of passengers it determines.

Such factors may include distance, frequency, the time of day or period of the week, and the integration of metropolitan transportation services with the public transportation services of a public transit operating authority or a municipality.

**25.** The Agency may, by by-law approved by the Government, prescribe standards of conduct to be observed by passengers in trains, in train stations, on platforms and in parking areas operated by the Agency.

The by-law shall indicate, among its provisions, those the violation of which is punishable under section 95.

## DIVISION II

### METROPOLITAN TRANSPORTATION

**26.** The Agency has authority over metropolitan transportation by bus and its authority takes precedence over the authority of any public transit operating authority. The Agency also has authority over any extension of the subway outside the territory of the Communauté urbaine de Montréal and, to the extent provided for in this Act, over its financing and operation.

“Metropolitan transportation” means all or part of a public transportation service, determined by the Agency, that allows a

person to travel from one municipal territory to another municipal territory unless both are situated in the territory of the same public transit operating authority, and "bus" means a bus or a minibus within the meaning of the Highway Safety Code (R.S.Q., chapter C-24.2).

**27.** The Agency also has authority over local public bus transportation in the territory of any public transit operating authority or municipality which applies therefor.

The application shall specify the public transportation services to be provided, the manner in which and, where applicable, the time during which such services are to be provided.

**28.** Every determination under the second paragraph of section 26 must be approved by the Government and published in the *Gazette officielle du Québec* and in a newspaper distributed in the area of jurisdiction of the Agency. The determination may include the designation of any equipment or facilities necessary for metropolitan travel.

§ 1. — *Metropolitan transportation by bus*

**29.** The metropolitan bus transit system is established or modified by the Agency with the approval of the Government.

For the purposes of the first paragraph, the Agency shall, in particular,

(1) evaluate public transportation services on the basis of factors such as the appropriateness or necessity of providing a link between municipal territories, the capacity and frequency of existing services, the speed of travel and the financial resources of the Agency;

(2) consult the development plans and planning programmes referred to in sections 5 and 83 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and the plan of transport systems referred to in section 3 of the Transport Act (R.S.Q., chapter T-12).

The Agency shall, according to its implementation schedule, consult the municipalities, public transit operating authorities and regional county municipalities concerned and the Communauté urbaine de Montréal inasmuch as it is concerned, in order to obtain their views.

**30.** The Agency must, in order to obtain government approval for the establishment or modification of the metropolitan system, file an application with the Minister which must mention any disagreement expressed during consultations.

**31.** The Minister shall advise the bodies that were consulted of the date on which he intends to submit the application to the Government for approval.

**32.** The establishment or any modification of the metropolitan bus transit system is approved by the Government, with or without modification and the effective date thereof is determined by the Government.

**33.** If the application of the Agency does not receive government approval, the Minister shall so inform the Agency.

**34.** The Agency may, in particular,

- (1) operate a public bus transportation enterprise;
- (2) develop its metropolitan transit system;
- (3) coordinate the bus services provided by public transit operating authorities and its own bus services;
- (4) establish metropolitan transit tickets for the use of services, which may include suburban train services, provided by two or more public transit operating authorities, and fix the fares;
- (5) establish tickets and fix the fares for the use of metropolitan equipment and facilities;
- (6) approve the types of fare collection equipment that may be used by public transit operating authorities;
- (7) apportion the cost of its metropolitan bus transit system, and of the metropolitan equipment and facilities acquired or managed by it, among the public transit operating authorities and municipalities;
- (8) define the terms and conditions subject to which a non-resident may, pursuant to an agreement among public transit operating authorities, use a special transportation service for the handicapped and, in case of disagreement, determine the cost-sharing formula;

(9) promote all forms of public transportation.

For the purposes of subparagraph 1 of the first paragraph, all bus transportation services must be provided by a public transit operating authority or carrier bound by a contract with the Agency. Such contract shall take the place of any authorization otherwise necessary to accredit such authority or carrier.

**35.** The Agency shall identify the equipment and facilities that are necessary for the operation of its system.

More specifically, it shall make a survey of the utilization of stations, terminals and parking areas currently operated by a public transit operating authority or a municipality, examining the extent to which they contribute to the efficiency of the metropolitan system.

The Agency shall, according to its implementation schedule, consult the municipalities and public transit operating authorities concerned in order to obtain their views.

**36.** The Agency shall acquire the equipment and facilities it has identified as being necessary for the operation of its system.

The contract shall specify the date and the terms and conditions governing the transfer of the property. Only the amount disbursed by the owner, exclusive of any government subsidy granted to finance the cost of acquisition, may be reimbursed, compensated or otherwise borne by the Agency.

Notwithstanding the second paragraph, the owner shall continue to service any debt relating to the property transferred to the Agency. The owner shall remain responsible for the commitments arising out of the securities it has issued and such securities shall continue to constitute direct and general obligations of the owner. The Agency shall reimburse the owner, in principal and interest, according to the due dates of debt service payments of the owner.

**37.** In case of disagreement, the Government shall determine that equipment or a facility referred to in section 36 is to come under the management of the Agency from the date indicated by the Government.

The Agency may perform all the acts and exercise all the rights of an owner in respect of property which it does not own but which is under its management. For that purpose, the Agency is vested with

the necessary powers and shall assume the obligations related thereto.

**38.** For the purposes of subparagraph 4 of the first paragraph of section 34, the Agency shall fix its fares on the basis of factors such as the number and frequency of trips, the interval between trips, the distance travelled and classes of users.

**39.** The Agency shall transmit to the Minister its tariff of fares as soon as it is established or modified. The Government may disallow the tariff of fares within 60 days of its receipt.

The fares cannot come into force before the expiry of the period during which they may be disallowed, unless the Minister has advised the Agency that the Government will not disallow them.

**40.** Every public transit operating authority shall give access to its local transit system to the bearer of a metropolitan transit ticket in accordance with the indications on the ticket.

The Agency shall share, with the public transit operating authorities, the revenue derived from the sale of metropolitan transit tickets referred to in subparagraph 4 of the first paragraph of section 34, according to the utilization of their respective systems by the users.

**41.** Every public transit operating authority shall, in order to assure the coordination of its transportation services with those of the metropolitan system,

(1) adjust its service schedules in accordance with the directives of the Agency;

(2) provide transfer services at such locations as are specified by the Agency;

(3) modify its routes in accordance with the directives of the Agency.

A public transit operating authority may not claim compensation for the expenses incurred.

**42.** Every public transit operating authority shall, within the time fixed by the Agency, use fare collection equipment of a type approved by the Agency pursuant to subparagraph 6 of the first paragraph of section 34.

**43.** The Agency may, on the basis of factors and in the manner it establishes, grant financial assistance to a public transit operating authority to compensate, in whole or in part, the cost of the authority's contribution to the metropolitan transit system or the cost of servicing a reserved traffic lane. Such financial assistance is deemed to form part of the cost of the metropolitan transit system.

**44.** Where the Agency operates a bus route in the place and stead of a public transit operating authority, the Agency shall assess the benefitting municipalities according to the cost of the services provided, after deducting the revenue generated by the service and every subsidy for which the service is eligible.

The municipalities shall pay the Agency within the time it indicates.

The first two paragraphs do not apply where the Agency considers that such revenue and such expenditure are metropolitan revenue and expenditure.

## §2. — *Subway*

**45.** The Agency shall plan and, with the approval of the Government, shall construct, in cooperation with the Société de transport de la Communauté urbaine de Montréal, any extension of the subway system outside the territory of the Communauté urbaine de Montréal.

The Société shall, within the time fixed by the Agency, prepare the necessary plans and specifications and award contracts for the purchase of the required equipment or facilities or for the carrying out of the work.

**46.** The Government may, after consulting the Agency, establish rules governing the apportionment, among the public transit operating authorities designated by the Government, of the amount of debt service attributable to the subway system, after deduction of all subsidies received to defray that amount in whole or in part and of all interest earned on the investments of a reserve fund established to guarantee debt service payments.

**47.** The Agency may, on the conditions, on the basis of factors and in the manner it establishes, grant financial assistance to the Société de transport de la Communauté urbaine de Montréal to compensate all or part of the cost of providing subway services for

the purposes of metropolitan transportation. Such financial assistance is deemed to form part of the cost of the metropolitan transit system.

**48.** The Société de transport de la Communauté urbaine de Montréal and the Société de transport de la rive sud de Montréal shall, on or before 1 September 1996, come to an agreement concerning the operation of the subway linking their territories and concerning the sharing of capital costs and operating costs. The Société de transport de la rive sud de Montréal shall assume the agreed share of the costs beginning on 1 January 1997.

With respect to an extension of the subway system, an agreement fixing the conditions governing the operation of the extension must be concluded between the Société de transport de la Communauté urbaine de Montréal and the public transit operating authority concerned before the work is begun.

The Government may, after consulting the Agency, fix the conditions governing the operation of the subway system outside the territory of the Communauté urbaine de Montréal failing an agreement between the Société de transport de la Communauté urbaine de Montréal and the other public transit operating authorities the territories of which are served by the subway system.

### DIVISION III

#### METROPOLITAN TRAFFIC LANES

**49.** The Agency shall identify metropolitan traffic corridors among the public highways in its area of jurisdiction and determine those on which reserved lanes must be established.

The Agency shall make a survey of the road network and consult, according to its implementation schedule, the municipalities and public transit operating authorities concerned in order to obtain their views.

**50.** The Agency may, in particular,

(1) designate lanes reserved for the exclusive use of certain classes of road vehicles or of road vehicles carrying a specified number of passengers;

(2) conclude contracts with the person responsible for the maintenance of a public highway providing for the compensation of

all or part of the cost of establishing, maintaining and operating such reserved lanes;

(3) with the approval of the person responsible for the public highway or, failing such approval, with the approval of the Government, signalize the designated reserved lanes and take any other steps to ensure their safe use;

(4) conclude contracts with a municipality providing for the compensation of all or part of the cost of synchronizing traffic lights installed on metropolitan traffic corridors or the cost of establishing the one-way traffic systems it indicates.

All traffic signs and signals installed by the Agency are deemed to have been installed by the person responsible for the maintenance of a public highway within the meaning of paragraph 4 of section 295 of the Highway Safety Code (R.S.Q., chapter C-24.2).

**51.** The Agency must, in order to obtain the approval of the Government pursuant to subparagraph 3 of the first paragraph of section 50, file an application with the Minister establishing that it has informed the person responsible for the maintenance of the public highway of its intention to establish a reserved traffic lane on that highway, that it has proposed to that person the making of a contract under subparagraph 2 of the first paragraph of the said section, and that the person either

(1) contests the designation of a reserved traffic lane on the public highway under his management;

(2) contests the amount of money offered;

(3) contests the classes of road vehicles for which the lane is reserved or the number of passengers required for a road vehicle to be authorized to travel in the reserved lane; or

(4) has failed to reply to the Agency within 90 days of the proposal.

The application must be filed with all the necessary supporting documents.

**52.** The Minister shall transmit the application filed pursuant to section 51 to the municipality concerned, together with the supporting documents, and notify the municipality that it has 15 days to notify the Minister of any reason it may have to oppose the application.



**53.** The establishment and signaling of a reserved traffic lane proposed by the Agency is approved by the Government, with or without modification and the effective date thereof is indicated by the Government.

The order in council has precedence over any by-law, resolution or ordinance passed by a municipality.

**54.** If the application of the Agency does not receive government approval, the Minister shall so inform the Agency.

**55.** The Agency shall publish, each year, a road map showing all reserved traffic lanes established or planned within its area of jurisdiction.

**56.** The public transit operating authorities that use a reserved traffic lane designated in accordance with section 50 shall pay, on a quarterly basis, a share of the cost of operating and managing the lane, after being assessed by the Agency, on the date it determines. The Agency shall apportion the cost in proportion to the utilization of the reserved traffic lane.

### CHAPTER III

#### FINANCIAL PROVISIONS

**57.** The fiscal year of the Agency ends on 31 December.

**58.** The Agency shall, each year, adopt its budget for the following fiscal year before 31 December, to become effective on 1 January following.

Not later than 10 October each year, the Agency shall transmit, to each public transit operating authority and to each municipality whose territory is outside the territory of a transit authority, a notice setting out the fares that will be effective during the period covered by its next budget.

**59.** In the budget of the Agency, expenditures must not exceed revenues, except with the authorization of the Minister and on the terms and conditions determined by him.

**60.** The Agency shall post as revenue in its budget any surplus anticipated for the current year and any other surplus at its disposal.

In addition, the Agency shall post as expenditure in its budget any deficit for the preceding year and any deficit anticipated for the current year.

**61.** The Minister may authorize the Agency to set up a reserve fund to finance that part of the acquisition of immovable property or rolling stock not otherwise subsidized. If a reserve fund is set up, the Agency may transfer up to \$10 000 000 per year to the fund, provided each transfer and the amount thereof are authorized by the Minister.

The Government may authorize the Agency to take out of the reserve fund sums required for purposes other than those for which the fund was set up.

**62.** The Agency may not, unless authorized by the Government, raise short-term loans which increase its total current short-term loans beyond the amount determined by the Government.

**63.** The Agency may, with the authorization of and subject to the conditions determined by the Government, provide for its financing by means of loans or by any other means and enter into any contract in that respect. It may, among other things, acquire, lease, transfer, alienate or encumber property for such purposes.

**64.** The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment, in whole or in part, of the capital of or interest on any loan raised by the Agency as well as the performance of its obligations;

(2) authorize the Minister of Finance to advance to the Agency any amount considered necessary for the pursuit of its objects.

Sums that the Government may be called upon to pay under the first paragraph shall be taken out of the consolidated revenue fund.

**65.** No decision of the Agency and no report authorizing or recommending an expenditure shall have effect before the production of a certificate of the treasurer attesting that funds are or will be available at the proper time for the purposes for which such expenditure is planned.

**66.** Subject to section 44, where the territory of a municipality is situated in the territory of a public transit operating authority, the Agency shall claim from that authority any sum of money otherwise due by such a municipality.

**67.** As a contribution to the financing of its operations, the Agency shall receive

(1) the share of the contribution of motorists to public transit determined by a regulation under section 88.6 of the Transport Act (R.S.Q., chapter T-12);

(2) an amount, determined by the Government, taken out of the proceeds of the tax on fuel collected under the Fuel Tax Act (R.S.Q., chapter T-1);

(3) the proceeds of an annual tax on non-residential off-street parking spaces in the area of jurisdiction of the Agency;

(4) the share, determined by the Government under section 68, payable by every municipality;

(5) the share of every municipality and public transit operating authority referred to in section 69.

**68.** The Government shall, for the financing of capital expenditures or the provision of a development fund, determine the share to be paid to the Agency by the municipalities on the basis of a percentage of their standardized real estate value within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as established for the year of reference.

The order in council shall determine

(1) the year of reference;

(2) the date on which the provisional or definitive data serving to establish the standardized real estate value are to be considered;

(3) the adjustments that may result from the successive use of provisional and definitive data;

(4) the terms and conditions of payment of the share.

Such share may, however, be established according to any other criterion determined by the Government or according to such a criterion and the criterion set out in the first paragraph.

**69.** The Government shall draw up a list of the municipalities the territory of which is served, for the reference period indicated by the Government, by a suburban train route and which must pay the share determined pursuant to section 71 to the Agency.

The Government shall divide each train route into segments is:

- (1) the segment in the territory of the Société de transport de la Communauté urbaine de Montréal;
- (2) the segment in the territory of another public transit operating authority;
- (3) the segment in any other territory.

A municipal territory is deemed to be served by a suburban train route

- (1) where a station serving the route is located either in the municipal territory or in the territory of a public transit operating authority that includes the municipal territory; or
- (2) where the percentage of users of the suburban train route who reside in the municipal territory, in relation to all users of the segment, is equal to or greater than the percentage determined in the order in council.

**70.** The Agency shall apportion 40 % of the cost of operating and managing each train route, per segment, according to the service proposal established on the basis of one or more of the following factors:

- (1) the number of seats available, per kilometre, for each segment;
- (2) the number of train departures, from each station, for each segment;
- (3) the number of trains, per kilometre, serving each segment.

**71.** The municipalities referred to in section 69 that are served by the same segment shall share the amount determined for that segment in proportion to their standardized real estate value, within the meaning of section 261.1 of the Act respecting municipal taxation, as established for the year of reference.

The second paragraph of section 68 shall apply thereto. The apportionment may, however, be established according to any other criterion determined by the Government or according to such a criterion and the criterion set out in the first paragraph.

**72.** No tariff of user fees established by a municipality under sections 244.1 to 244.10 of the Act respecting municipal taxation in respect of its property, services and activities, may be levied against the Agency.

**73.** The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to transfers made under this Act.

## CHAPTER IV

### INFORMATION

**74.** The Agency shall produce a strategic plan for metropolitan transportation development setting out its objectives and priorities and the expected results.

The plan must provide for the development of metropolitan transportation over a period of ten years and cover every mode of transportation and all metropolitan equipment and facilities, including the subway. The plan shall be updated yearly and revised every five years.

**75.** The Agency shall transmit a copy of its strategic plan for metropolitan transportation development and of every updating and revision to the Minister within 30 days after they are produced.

The plan must be approved by the Minister before being implemented.

**76.** The Agency shall, each year, produce a program of capital expenditures for the following three fiscal years.

**77.** The program shall be divided into annual phases. It shall set out, for the period coincident therewith, the object, amount and mode of financing of the capital expenditures that the Agency plans to make or to incur, and for which the financing period exceeds 12 months.

The program shall also mention the capital expenditures the Agency plans to make beyond the period covered by the program, if the expenditures result from commitments made during that period.

**78.** The program shall be transmitted to the Minister, for approval, not later than 31 October preceding the beginning of the first fiscal year covered by the program.

Upon sufficient proof that the Agency is unable to transmit the program on the date fixed, the Minister may grant an extension.

**79.** The Agency may modify its program of capital expenditures. The modification shall be transmitted to the Minister, for approval, within 30 days after it is adopted.

**80.** The Minister may require that the program be transmitted by means of a form and that the Agency provide him with information other than that required under section 77.

**81.** The Agency and the Minister may make an agreement setting out the terms and conditions relating to the exercise of the functions and powers of the Agency and specifying the role of the Agency as a mandatary of the Government.

The agreement may, in particular, pertain to

- (1) the financial results to be achieved by the Agency;
- (2) the human, material and financial resources of the Agency;
- (3) the relations and exchange of information between the Agency and the Minister;
- (4) the use of the expertise, administrative services and human resources of the Ministère des Transports.

The term of the agreement shall not exceed five years; the agreement can be renewed or replaced. The agreement must be approved by the Government.

**82.** The Minister may issue directives concerning the aims and objectives of the Agency in the exercise of its powers.

The directives must be approved by the Government and come into force on the day of their approval. Once approved, they are binding on the Agency, which is required to comply therewith.

Every directive shall be laid before the National Assembly within 15 days after it is approved by the Government. If the National Assembly is not sitting, the directive shall be laid before the Assembly within 15 days after resumption.

**83.** The Agency shall consult the Communauté urbaine de Montréal, Ville de Laval, Ville de Mirabel and the regional county

municipalities situated or partly situated within the area of jurisdiction of the Agency regarding its fares, its projected capital expenditures and its budget.

**84.** The Agency may require that the public transit operating authorities and the Communauté urbaine de Montréal provide it with any information or document it considers useful for the exercise of its functions or powers.

## CHAPTER V

### AUDITING AND REPORTS

**85.** At the end of the fiscal year, the treasurer of the Agency shall draw up and certify a financial report for the fiscal year just ended.

The financial report shall be drawn up using the forms provided by the Minister, where that is the case. It shall contain the financial statements of the Agency and any other information required by the Minister.

**86.** The books and accounts of the Agency shall be audited each year by an auditor designated by the Agency. The auditor's report shall accompany the annual report of the Agency.

**87.** The treasurer shall submit his financial report at a meeting of the board of directors of the Agency, at the same time as the auditor's report.

**88.** The Agency shall, not later than 30 April each year, submit a report upon its operations for the preceding fiscal year to the Minister. The report shall contain all the information required by the Minister.

The Agency shall provide the Minister with any other information he requires concerning its operations.

**89.** The Minister shall lay the annual report and the financial statements of the Agency before the National Assembly within 15 days after they are received or, if the Assembly is not sitting, within 15 days after resumption.

## CHAPTER VI

## INSPECTION

**90.** The Minister shall appoint persons authorized to act as inspectors for the purposes of this Act and the by-laws under section 25. An inspector may require any transit or parking ticket issued by the Agency to be produced for inspection.

**91.** An inspector shall, on request, show the certificate attesting his capacity.

**92.** No person shall hinder an inspector in the performance of his duties, mislead him through concealment or false statements or refuse to provide him with information.

## CHAPTER VII

## PENAL PROVISIONS

**93.** Every person who falsifies or alters a metropolitan transit ticket, uses a metropolitan transportation service without having a valid transit ticket in his possession or uses such a service while having an expired, falsified or altered transit ticket in his possession is liable to a fine of not less than \$75 and not more than \$500.

**94.** Every person who uses a parking space of the Agency without having a valid parking ticket in his possession or uses such a parking space while having an expired, falsified or altered parking ticket in his possession is liable to a fine of not less than \$75 and not more than \$500.

**95.** Every person who contravenes a provision of a by-law made under the second paragraph of section 25 is liable to a fine of not less than \$75 and not more than \$150.

**96.** Every person who contravenes section 92 is liable to a fine of not less than \$250 and not more than \$500.

## CHAPTER VIII

## AMENDING PROVISIONS

**97.** Section 295 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing paragraph 4 by the following paragraph:



“(4) reserve traffic lanes for certain manoeuvres or for the exclusive use of bicycles, certain classes of road vehicles or road vehicles carrying the number of passengers indicated by proper signs;”.

**98.** Section 20 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words “, the Société de transport and the Conseil métropolitain de transport en commun established by the Act respecting the Conseil métropolitain de transport en commun (chapter C-59.001)” in the second, third, fourth and fifth lines of the first paragraph by the words “and from the Société de transport”.

**99.** Section 21 of the said Act is amended by replacing the words “, the Société de transport and the Conseil métropolitain de transport en commun” in the second and third lines by the words “and from the Société de transport”.

**100.** Section 223 of the said Act, amended by section 86 of chapter 41 of the statutes of 1990 and by section 34 of chapter 17 of the statutes of 1994, is again amended

(1) by replacing the words “Conseil métropolitain de transport en commun” in the third paragraph by the words “Agence métropolitaine de transport”;

(2) by replacing the words “Conseil métropolitain de transport en commun” in the fifth paragraph by the words “Agence métropolitaine de transport”.

**101.** Section 287 of the said Act is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the third line.

**102.** Section 287.1 of the said Act is amended

(1) by replacing the words “guided land passenger transport system” in the first and second line of the first paragraph by the word “subway”;

(2) by striking out the second paragraph.

**103.** Section 289 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where such a contract provides links to points outside the territory of the board or of the municipality, the contract must be approved by the Agence métropolitaine de transport.”

**104.** Section 291.17 of the said Act, amended by section 90 of chapter 41 of the statutes of 1990, is again amended by striking out the words “and suburban train” in the third paragraph.

**105.** Section 291.30.2 of the said Act, amended by section 84 of chapter 68 of the statutes of 1993, is repealed.

**106.** Section 294 of the said Act, replaced by section 92 of chapter 41 of the statutes of 1990, is amended

(1) by striking out the words “and suburban train” in the first and second lines of the part preceding subparagraph 1 of the first paragraph;

(2) by striking out the words “or suburban train” in subparagraph 1 of the first paragraph;

(3) by striking out subparagraph 3 of the first paragraph;

(4) by striking out subparagraph 5 of the first paragraph;

(5) by striking out the words “or suburban train” in the second line of subparagraph 6 of the first paragraph;

(6) by striking out the words “or suburban train” in the first line of subparagraph 11 of the first paragraph;

(7) by striking the words “or suburban train” in the third line of subparagraph 12 of the first paragraph.

**107.** Section 294.3 of the said Act, enacted by section 92 of chapter 41 of the statutes of 1990, is repealed.

**108.** Section 303 of the said Act is amended by replacing the words “secretary-treasurer of the Conseil métropolitain de transport en commun” in the third and fourth lines by the words “treasurer of the Agence métropolitaine de transport”.

**109.** 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 adding the following paragraph:

“In addition to the adaptations provided for in the first paragraph, the date on which the budget of a board must be submitted for adoption is 1 November each year for the purposes of section 468.34 of the Cities and Towns Act (R.S.Q., chapter C-19). A board must also send a copy of its budget and of its supplementary budget, if any, to the Agence métropolitaine de transport within the same time as the time within which it is required to send such copies to the municipalities party to the agreement constituting the board.”

**110.** Section 11 of the said Act is amended

(1) by replacing the words “Minister of Transport” in the second line of the second paragraph by the words “Agence métropolitaine de transport”;

(2) by replacing the word “Minister” in the fourth line of the second paragraph by the word “Agency”;

(3) by replacing the word “he” in the fifth line of the second paragraph by the word “it” and the word “his” in the sixth line of the same paragraph by the word “its”;

(4) by replacing the word “Minister” in the first line of the third paragraph by the word “Agency” and the word “he” in the second line of the same paragraph by the word “it”.

**111.** Section 16 of the said Act is amended

(1) by replacing the words “Minister of Transport” in the second line of the first paragraph by the words “Agence métropolitaine de transport”;

(2) by replacing the word “Minister” in the second line of the second paragraph by the word “Agency”;

(3) by replacing the words “he” and “his” in the fourth line of the second paragraph by the words “it” and “its”, respectively;

(4) by replacing the word “Minister” in the first line of the third paragraph by the word “Agency” and the word “he” in the second line of the same paragraph by the word “it”.

**112.** Section 18 of the said Act, amended by section 113 of chapter 67 of the statutes of 1993, is again amended by replacing the words “Minister of Transport” in the first line of the first paragraph by the words “Agence métropolitaine de transport”.

**113.** Section 18.3 of the said Act, amended by section 114 of chapter 67 of the statutes of 1993, is again amended by replacing the words “Minister of Transport” in the second line by the words “Agence métropolitaine de transport”.

**114.** Section 27 of the said Act is amended by inserting the words “Agence métropolitaine de transport and of the” after the words “authorization of the” in the third line of the second paragraph.

**115.** Section 27.4 of the said Act is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the first line.

**116.** Section 33.2 of the said Act is amended

(1) by inserting the words “, or in the area of jurisdiction of the Agence métropolitaine de transport without the authorization of the Agency” at the end of the first paragraph;

(2) by inserting, after the second paragraph, the following paragraph:

“If the Agency does not indicate its refusal to the Commission within 90 days after the Commission’s application for authorization, it is presumed to have given its authorization.”

**117.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 117 of chapter 67 of the statutes of 1993, by section 75 of chapter 2 of the statutes of 1994, by section 33 of chapter 15 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994, by section 59 of chapter 30 of the statutes of 1994 and by section 1 of chapter 7 of the statutes of 1995, is again amended by inserting, after paragraph 2.1, the following paragraph:

“(2.2) an immovable belonging to the Agence métropolitaine de transport;”.

**118.** Section 236 of the said Act, amended by section 119 of chapter 67 of the statutes of 1993, by section 76 of chapter 2 of the statutes of 1994, by section 33 of chapter 15 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994, by section 69 of chapter 30 of the statutes of 1994 and by section 3 of chapter 7 of the statutes of 1995, is again amended by inserting the words “the Agence métropolitaine de transport,” after the words “Régie des installations olympiques,” in the third and fourth lines of subparagraph *a* of paragraph 1.

**119.** Section 11 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by replacing the words “a public transit body, an intermunicipal board of transport or a municipality” in the fifth and sixth lines of the second paragraph by the words “the Agence métropolitaine de transport”.

**120.** Section 12.24 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The fund is also constituted of the sum referred to in paragraph 2 of section 67 of the Act respecting the Agence métropolitaine de transport (*insert here the year of assent to and chapter number of this Act*).”

**121.** Section 12.26 of the said Act is amended by adding the words “in the case of the contribution of motorists, and to the Agence métropolitaine de transport in every other case” after the word “Act” in the fourth line.

**122.** Section 88.1 of the Transport Act (R.S.Q., chapter T-12), amended by section 121 of chapter 67 of the statutes of 1993, is again amended by replacing the definition of “public transit authorities” by the following definition:

“ “**public transit authorities**” means the Agence métropolitaine de transport, the Société de transport de la Communauté urbaine de Québec, the Société de transport de l’Outaouais and the corporations constituted under the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70).”

**123.** Section 88.6 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“Every public transit authority shall receive the whole part attributable to its region except the authorities whose territories are situated within the region of Québec which shall share the part attributable to that region.

The Government shall determine, by regulation, the criterion of apportionment, among the transit authorities whose territories are situated within the region of Québec, of the part attributable to that region. Before submitting a draft regulation, the Minister shall consult the interested municipalities and transit authorities.”

**124.** Section 47 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the second paragraph.

**125.** Section 48 of the said Act is amended by adding the following paragraph:

“Where such a contract provides links to points outside the territory of the corporation or of the municipality, the contract must be approved by the Agence métropolitaine de transport.”

**126.** Section 77 of the said Act, amended by section 100 of chapter 41 of the statutes of 1990, is again amended by replacing the words “secretary-treasurer of the Conseil métropolitain de transport en commun established under the Act respecting the Conseil métropolitain de transport en commun and amending various legislation (1990, chapter 41)” in the third, fourth, fifth and sixth lines of the first paragraph by the words “treasurer of the Agence métropolitaine de transport”.

**127.** Section 60 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the second paragraph.

**128.** Section 61 of the said Act is amended by adding the following paragraph:

“Where such a contract provides links to points outside the territory of the corporation or of the municipality, the contract must be approved by the Agence métropolitaine de transport.”

**129.** Section 103 of the said Act, amended by section 102 of chapter 41 of the statutes of 1990 and by section 269 of chapter 32 of the statutes of 1991, is again amended by replacing the words “secretary-treasurer of the Conseil métropolitain de transport en commun established under the Act respecting the Conseil métropolitain de transport en commun and amending various legislation (1990, chapter 41)” in the fourth, fifth, sixth and seventh lines by the words “treasurer of the Agence métropolitaine de transport”.

## CHAPTER IX

## TRANSITIONAL AND FINAL PROVISIONS

**130.** From 1 January 1996, the Agency succeeds to the rights and obligations of the Société de transport de la Communauté urbaine de Montréal with respect to all or part of the contracts concerning the suburban train system operated on that date.

The terms and conditions of transfer shall be determined by agreement between the Agency and the Société de transport de la Communauté urbaine de Montréal. The agreement must be approved by the Minister.

Notwithstanding the second paragraph, the absence of agreement or the withholding of approval by the Minister shall not operate to prevent the Agency from providing suburban train services from 1 January 1996.

**131.** The railway rolling stock and any other assets related to the operation of the suburban train system which are owned by the Société de transport de la Communauté urbaine de Montréal and which were paid for by the Government of Québec or for which the Société has received or is receiving a subsidy from the Government of Québec become the property of the Agency from the date on which the Minister approves the agreement determining the terms and conditions of transfer. The absence of agreement or the withholding of approval by the Minister shall not operate to prevent the Agency from taking possession of the railway rolling stock and assets necessary for the operation of the suburban train system from 1 January 1996.

Notwithstanding the first paragraph, the Société de transport de la Communauté urbaine de Montréal shall continue to service any debt pertaining to property transferred to the Agency under this section. The Société shall remain responsible for the commitments arising out of the securities it has issued and such securities shall continue to constitute direct and general obligations of the Société. The Agency shall reimburse the Société de transport de la Communauté urbaine de Montréal, in principal and interest, according to the due dates of debt service payments of the Société.

**132.** The railway rolling stock acquired on behalf of the Government by the Minister on 30 March 1994 becomes the property of the Agency from the date on which the deed evidencing the transfer is served on the Agency by the Minister.

**133.** For the purposes of section 29, the Agency shall, not later than *(insert here the date of the day occurring 30 days after the date of coming into force of this section)*, undertake a survey of metropolitan bus services. If the Agency fails to propose a metropolitan bus system by 15 December 1995, the Government may, by order in council, establish the Agency's initial bus system.

**134.** For the purposes of section 35, the Agency shall, not later than *(insert here the date of the day occurring 30 days after the date of coming into force of this section)*, undertake a survey of the utilization of stations, terminals and parking areas operated by a public transit operating authority. If the Agency fails to identify the metropolitan equipment and facilities by 15 December 1995, the Government may designate them in the order in council referred to in section 32 or 133, as the case may be.

**135.** For the purposes of the second paragraph of section 40, the Agency shall apportion revenues according to

(1) the residence of users, for the year 1996;

(2) the residence of users and the utilization of services, for the year 1997;

(3) the utilization of services, from the year 1998.

**136.** For the purposes of section 49, the Agency shall, not later than *(insert here the date of the day occurring 60 days after the date of coming into force of this section)*, undertake a survey of the road network.

**137.** The Agency shall, not later than 1 January 1997, produce the strategic development plan referred to in section 74.

**138.** Notwithstanding sections 43 and 47, the Government shall establish, for the year 1996, the amount of the financial assistance provided for therein according to the terms, conditions and factors it indicates.

**139.** This Act replaces the Act respecting the Conseil métropolitain de transport en commun (R.S.Q., chapter C-59.001).

**140.** The Agency succeeds to the rights and obligations of the Conseil métropolitain de transport en commun.



The transit tickets issued by the Conseil métropolitain de transport en commun before (*insert here the date of coming into force of this section*) remain valid after that date and may continue to be validly issued by the Agency until 31 December 1995. The revenue from the sale of such tickets is deemed to form part of the assets of the Conseil to be apportioned pursuant to any by-law passed under section 25 of the Act respecting the Conseil métropolitain de transport en commun before (*insert here the date of introduction of this bill*).

The Société de transport de la Communauté urbaine de Montréal shall continue to print transit tickets according to the directives of the Agency. The Société de transport de la Communauté urbaine de Montréal, the Société de transport de la Ville de Laval and the Société de transport de la rive sud de Montréal shall continue to sell regional transit tickets of the Conseil and to honour them within their local transit systems.

**141.** The minutes, records and documents of the Conseil métropolitain de transport en commun become the minutes, records and documents of the Agency.

**142.** The Government may decide any matter concerning the liquidation of the Conseil métropolitain de transport en commun that is referred to it by the Agency.

**143.** For the purposes of this Act, the Minister may acquire by expropriation in favour of the domain of the State any property that the Agency cannot otherwise acquire.

The Minister shall deliver the property to the Agency as soon as the transfer of ownership takes effect in accordance with the provisions of section 53 of the Expropriation Act (R.S.Q., chapter E-24).

**144.** On or before 1 January 1999, the Minister shall make an assessment of the application of this Act and shall, for that purpose, consult with the public transit operating authorities and the municipalities in order to conclude an agreement whereby control over the Agency would be entrusted to regional decision-makers.

The Minister shall make a report to the National Assembly on or before 1 December 1999 or, if the Assembly is not sitting, within 15 days of resumption. The Minister shall also lay before the Assembly any agreement concluded during the consultation, indicating the legislative amendments that will be required to give effect to such an agreement.

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

**146.** The provisions of this Act come into force on the date or dates to be fixed by the Government.

## SCHEDULE A

### MUNICIPALITIES THE TERRITORIES OF WHICH ARE IN THE AREA OF JURISDICTION OF AGENCE MÉTROPOLITAINE DE TRANSPORT

*(Section 3)*

Ville d'Anjou	Ville de L'Île-Bizard
Ville de Baie-d'Urfé	Ville de L'Île-Cadieux
Ville de Beaconsfield	Ville de L'Île-Dorval
Ville de Beauharnois	Ville de L'Île-Perrot
Ville de Beloeil	Ville de Longueuil
Ville de Blainville	Ville de Lorraine
Ville de Boisbriand	Ville de Maple Grove
Ville de Bois-des-Filion	Ville de Mascouche
Ville de Boucherville	Municipalité de McMasterville
Ville de Brossard	Village de Melocheville
Ville de Candiac	Ville de Mercier
Ville de Carignan	Ville de Mirabel
Ville de Chambly	Ville de Montréal
Ville de Charlemagne	Ville de Montréal-Est
Ville de Châteauguay	Ville de Montréal-Nord
Cité de Côte-Saint-Luc	Ville de Montréal-Ouest
Ville de Delson	Ville de Mont-Royal
Ville de Deux-Montagnes	Ville de Mont-Saint-Hilaire
Ville de Dollard-des-Ormeaux	Municipalité de Notre-Dame-de-Bon-Secours
Cité de Dorval	Paroisse de Notre-Dame-de-l'Île-Perrot
Ville de Greenfield Park	Municipalité d'Oka
Ville de Hampstead	Paroisse d'Oka
Ville de Hudson	Ville d'Otterburn Park
Ville de Kirkland	Ville d'Outremont
Ville de Lachenaie	Ville de Pierrefonds
Ville de Lachine	Ville de Pincourt
Ville de La Plaine	Village de Pointe-Calumet
Ville de La Prairie	Ville de Pointe-Claire
Ville de LaSalle	Village de Pointe-des-Cascades
Ville de Laval	Ville de Repentigny
Ville de Le Gardeur	Ville de Richelieu
Ville de LeMoyne	
Ville de Léry	

Ville de Rosemère	Paroisse de Saint-Lazare
Ville de Roxboro	Ville de Saint-Léonard
Municipalité de Saint-Amable	Municipalité de Saint-Mathias-sur-Richelieu
Ville de Saint-Basile-le-Grand	Municipalité de Saint-Mathieu
Ville de Saint-Bruno-de-Montarville	Municipalité de Saint-Mathieu-de-Beloeil
Ville de Saint-Constant	Paroisse de Saint-Philippe
Ville de Sainte-Anne-de-Bellevue	Ville de Saint-Pierre
Ville de Sainte-Anne-des-Plaines	Municipalité de Saint-Placide
Ville de Sainte-Catherine	Paroisse de Saint-Sulpice
Ville de Sainte-Geneviève	Village de Senneville
Ville de Sainte-Julie	Municipalité de Terrasse-Vaudreuil
Ville de Sainte-Marthe-sur-le-Lac	Ville de Terrebonne
Ville de Sainte-Thérèse	Ville de Varennes
Ville de Saint-Eustache	Ville de Vaudreuil-Dorion
Ville de Saint-Hubert	Village de Vaudreuil-sur-le-Lac
Paroisse de Saint-Isidore	Ville de Verdun
Paroisse de Saint-Joseph-du-Lac	Ville de Westmount
Ville de Saint-Lambert	
Ville de Saint-Laurent	