
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 46

**An Act respecting intermunicipal boards
of transport in the area of Montréal and
amending various legislation**

First reading



Introduced by
Mr Michel Clair
Minister of Transport

EXPLANATORY NOTES

The object of this bill is to reorganize public transport services in the area of Montréal outside the territories of the transit commissions.

It provides that the municipalities listed in Schedule I may make agreements for the purpose of establishing intermunicipal boards of transport. An intermunicipal board will be constituted by order of the Government in approving the agreement, will be able to bring into it, on the application of the municipalities party to the agreement, a municipality that refuses to be party to it.

The objects of an intermunicipal board will be to set up a public transport system in its territory and provide links to points outside its territory. Only a carrier under contract with the board will be authorized to supply the transport service.

The consistent provisions of the Cities and Towns Act respecting intermunicipal boards will apply to the intermunicipal board.

The bill provides for the renewal and expiry of an agreement.

Furthermore, the bill contains provisions to allow carriers to furnish services in the territory of municipalities that have not set a public transport system.

The bill amends provisions of the Municipal Code and the Cities and Towns Act to make them consistent in the matter of public transport service. It also amends the various provisions on special transportation services for handicapped persons to allow municipalities and intermunicipal boards to contract with any person to provide the service.

Other amendments for concordance are made to the constituting Acts of the public transport bodies, particularly in respect of their authority to operate outside their territories. The bill will also enable them to make contracts with a municipality or an intermunicipal board of transport.

Finally, public transport bodies will be allowed to purchase equipment jointly.

ACTS AMENDED BY THIS BILL

1. The Municipal Code
2. The Cities and Towns Act (R.S.Q., chapter C-19)
3. The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)
4. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
5. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
6. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)
7. The Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98)
8. The Charter of the City of Laval (1965, chapter 89)

Bill 46

An Act respecting intermunicipal boards
of transport in the area of Montréal and
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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

1. In this Act, unless the context indicates otherwise,

“board” means an intermunicipal board of transport;

“municipality” means a municipality listed in Schedule I;

“carrier” means a transit commission, a public transit permit holder, a taxi permit holder, a group of taxi permit holders or a school bus carrier.

DIVISION II

INTERMUNICIPAL TRANSPORTATION BOARDS

2. A municipality, by by-law, may authorize the making of an agreement with other municipalities for the establishment of an intermunicipal board of transport.

A board is established by order of the Government approving an agreement made under this section.

3. The objects of a board are to set up a public transport service in the territory of the municipalities party to the agreement, which territory constitutes the territory of the board, and to provide links to points outside its territory.

Only a carrier under contract with the board may supply the service.

4. Where service is supplied by a school bus carrier, the carrier shall supply the service by school bus or school minibus only.

5. An agreement must contain

(1) the names of the municipalities;

(2) a description of its objects;

(3) the name of the board;

(4) the location of the head office of the board, which must be in the territory of a municipality party to the agreement;

(5) the number of members of its council that each municipality party to the agreement may delegate to the board;

(6) the number of votes assigned to each member of the board;

(7) the amount of the financial contribution of each municipality or the mode of allocating the financial contributions;

(8) the term of the agreement;

(9) the mode of dividing the property, debts and other obligations of the board at the end of the agreement.

6. Every agreement is subject to Government approval, and when submitted therefor must be accompanied with its authorizing by-laws.

7. Where a municipality refuses to be party to an agreement with other municipalities and they consider that its refusal puts the setting up of the public transport service in jeopardy or renders it too onerous, they may apply to the Government to bring the municipality into the agreement.

In the case of this section, in addition to the documents required in section 6, the agreement must be accompanied with a resolution of each municipality party to the agreement, setting out the reasons for the application.

8. The Government may approve an agreement and order the establishment of a board, indicating in the order the date and place of its first meeting.

Where the Government approves an agreement, it may bring into it a municipality that refuses to be party thereto, in which case it shall fix the number of members the municipality may delegate to the board

and determine how many votes are assigned to them. It may also fix the amount of the municipality's financial contribution. A municipality brought into an agreement pursuant to this section is bound thereby.

The order is published in the *Gazette officielle du Québec*.

9. The municipalities party to an agreement may amend it. Any amendment requires approval by order of the Government.

10. The following sections apply to the board, *mutatis mutandis*:

(1) sections 71, 72, 322 and 356 to 368, paragraphs 8 and 10 of section 464 and sections 468.12 to 468.47, 473, 477.1, 564 and 565 of the Cities and Towns Act (R.S.Q., chapter C-19);

(2) subsection 1 of section 22 and sections 23 to 27, 85 and 86 of the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(3) sections 1, 2, 4 to 8, 12 to 44, 50 and 51 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7).

11. A board, by by-law, shall establish the public transport service it intends to set up. It shall also, by by-law, fix the various passenger fares according to the classes of users it determines.

A by-law of a board establishing a public transport service requires the approval of the Minister of Transport.

12. Where a transport organizing by-law is in force, the board, by resolution, may contract with a carrier to provide the service.

13. Upon making a contract, a board shall send a copy to the Minister of Transport and to the Commission des transports du Québec.

14. A board may make changes in its fares and service.

A carrier shall collect fares and supply any new service. Every contract must contain clauses for adjusting the contract price to take account of changes in the service.

15. Where a member of a board gives notice of a motion to make a change in a service or fare, he shall at the same time table a draft by-law. A summary of the draft requires to be published in a newspaper circulated in the territory of the board and to be posted up in the vehicles of the carrier not less than 30 days before the adoption of the by-law.

16. A copy of a by-law of a board making a change in its service requires to be transmitted to the Minister of Transport, who may disallow it within 30 days after receiving it. However, before the expiry

of that period, the Minister may inform the board that he does not intend to disallow the by-law. In no case may a by-law that has been disallowed be published or come into force.

Where the Minister disallows a by-law under this section, he shall notify the board and cause his decision to be published in the *Gazette officielle du Québec*.

17. A board may lease or acquire property for the objects for which it is established, and entrust it to the carrier under contract with it. It may also make service contracts.

18. A board, by by-law approved by the Minister of Transport, may make an agreement with another board or a transit commission in order to improve the service offered to users.

DIVISION III

RENEWAL AND EXPIRY

19. A contract is renewed at term for the same period and on the same conditions, provided no application is made to the Government pursuant to sections 20 and 22.

20. Not later than 120 days before the end of an agreement, all the municipalities party to it that wish to renew it may apply to the Government to bring another municipality into the agreement on its renewal if they are of opinion that its inclusion is required in the interests of improved service or lower operating costs. The application is made by resolution of each of the municipalities, setting out its reasons.

Not later than 120 days before the end of an agreement, a municipality party to it may, by resolution, apply to the Government not to renew the agreement, or to be left out of it on its renewal. It shall transmit the resolution within 15 days of passage to the other municipalities party to the agreement, and accompany the application with proof that the resolution has been so transmitted.

21. Within 30 days after receiving a resolution pursuant to the second paragraph of section 20, a municipality may apply to the Government to leave out or not to leave out the municipality in question when renewing the agreement. The application is made by resolution, setting out the reasons therefor.

22. Where, not later than 120 days before the end of an agreement, all the municipalities party to it notify the Government that they intend not to renew the agreement or to be left out of it, it is not renewed.

23. Except in the case of section 19 or 22, the Government, by order, may renew or not renew an agreement, and may, if it renews it, amend it to give effect to an application under section 20 to leave out a municipality or to bring another municipality into it.

The second and third paragraphs of section 8 apply to the renewal of an agreement when the Government brings another municipality into it.

Where in renewing an agreement the Government leaves out a municipality, it may change the amount of the financial contribution of each municipality or the mode of allocating the financial contributions.

24. If, at the term of an agreement, the Government has not decided whether or not to renew it, it is extended until the Government decides.

25. Where an agreement is not renewed, the Government shall dissolve the board by order.

26. A board shall arrange to be under contract with a carrier throughout the life of an agreement.

DIVISION IV

GENERAL PROVISIONS

27. A municipality party to an agreement may, in accordance with section 467 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 398*a* of the Municipal Code, contract with a carrier to provide another public transport service.

28. A municipality, upon adopting a by-law pursuant to section 2, section 467 of the Cities and Towns Act or article 398*a* of the Municipal Code, or a resolution pursuant to section 82, shall transmit a copy to the Commission des transports du Québec.

In addition, upon making any public transport contract except a contract under section 82, a municipality shall transmit a copy to the Commission.

29. From 1 January to 31 March 1984, any public transport body or any holder of a public transport permit may without formality operate a public transport service in the territory of a municipality if neither the municipality nor the board it belongs to is under contract with a carrier, and may also provide links to points outside the territory of the municipality.

30. The Commission des transports du Québec may grant a special permit to allow the operation of the public transport service from 1

April to 31 December 1984 in the territory of a municipality that has not adopted a by-law to become a member of a board or a by-law or resolution to contract with a carrier.

31. The holder of a special public transport permit shall cease to operate the public transport service in a municipality upon being informed by the Commission des transports du Québec that the municipality or the board it belongs to is under contract with a carrier.

The permit is then revoked and the carrier is not entitled to any compensation for that fact.

32. The Commission des transports du Québec may convert a special permit into a regular public transport permit for the territory of a municipality that, on 31 December 1984, is neither a member of a board nor under contract with a carrier.

DIVISION V

VARIOUS AMENDMENTS

33. Section VII A of Chapter II of Title XV of the Municipal Code, enacted by section 24 of chapter 82 of the statutes of 1975, and Sections VII B and VII C of the same chapter and same title, enacted by section 39 of chapter 26 of the statutes of 1981, are replaced by the following sections:

“SECTION VII A

“SETTING UP A PUBLIC TRANSPORT SERVICE

“398a. Any local corporation may, by a by-law approved by the Minister of Transport, set up a public transport service in the territory of the municipality and provide links to points outside the territory. The proposed service must be described in the by-law.

“398b. No transport service described in article 398a may be supplied by anyone but a carrier that is publicly owned public transport agency, the holder of a public transport permit, a holder of a taxi permit, a group of taxi permit holders or a school bus carrier under contract with the corporation.

“398c. Where the service is supplied by a school bus carrier, the carrier shall supply it by means of school bus or school minibus only.

“398d. A contract may be made without a call for tenders.

“398e. Upon making a contract, a corporation shall send a copy to the Minister of Transport.

“398f. The corporation, by by-law, shall fix the various passenger fares according to the classes of users it determines. It may also make changes in its service.

A carrier shall collect fares and supply any new service. Every contract must contain clauses for adjusting the contract price to take account of changes in the service.

“398g. Where a member of a corporation moves the adoption of a by-law to make a change in a service or fare, he shall table a draft by-law. A summary of the draft requires to be published in a newspaper circulated in the territory of the municipality and to be posted up in the vehicles of the carrier not less than 30 days before the adoption of the by-law.

“398h. A copy of a by-law of a corporation making a change in its service requires to be transmitted to the Minister of Transport, who may disallow it within 30 days after receiving it. However, before the expiry of that period, the Minister may inform the corporation that he does not intend to disallow the by-law. In no case may a by-law that has been disallowed be published or come into force.

Where the Minister disallows a by-law under this section, he shall notify the corporation and cause his decision to be published in the *Gazette officielle du Québec*.

“398i. A corporation may lease or acquire property for the purposes of setting up a public transport service, and entrust the property to the carrier under contract with it. It may also make service contracts.

“398j. Article 398a does not apply to a corporation whose territory forms part of the territory of a public transport body, or to a corporation in whose territory the holder of a public transport permit is supplying a service similar to the proposed service, unless the holder consents thereto.

“398k. Articles 398a to 398j apply, *mutatis mutandis*, to an intermunicipal board exercising powers thereunder.

“DIVISION VII B

“TRANSPORTATION OF HANDICAPPED PERSONS

“398l. Any local corporation, by by-law approved by the Minister of Transport, may contract with any person to provide a special transport service for the handicapped persons of its territory. The proposed service must be described in the by-law.

“398m. Articles 398d to 398g apply, *mutatis mutandis*, to the setting up of a special transport service for handicapped persons.

“**398n.** Articles 398*l* and 398*m* apply, *mutatis mutandis*, to an intermunicipal board exercising powers thereunder.

“**398o.** A corporation may also, by by-law approved by the Minister of Transport, grant a subsidy to any non-profit body that sets up a special transport service for the handicapped persons of its territory. No such subsidy may be granted before the corporation and the body make an agreement on the service to be operated.

Upon making the agreement, the corporation shall send a copy to the Minister of Transport.”

34. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing Subdivisions 22, 22.1 and 22.2 of Division XI by the following subdivisions:

“§ 22.—*Setting up a public transport service*

“**467.** The council may, by a by-law approved by the Minister of Transport, set up a public transport service in the territory of the municipality and provide links to points outside the territory. The proposed service must be described in the by-law.

“**467.1** No transport service described in article 467 may be supplied by anyone but a carrier that is public transport, the holder of a public transport permit, the holder of a taxi permit, a group of taxi permit holders or a school bus carrier under contract with the municipality.

“**467.2** Where the service is supplied by a school bus carrier, the carrier shall supply it by means of school bus or school minibus only.

“**467.3** A contract may be made without a call for tenders.

“**467.4** Upon making a contract, the council shall send a copy to the Minister of Transport.

“**467.5** The council, by by-law, shall fix the various passenger fares according to the classes of users it determines. It may also make changes in its service.

A carrier shall collect fares and supply any new service. Every contract must contain clauses for adjusting the contract price to take account of changes in the service.

“**467.6** Where a member of the council moves the adoption of a by-law to make a change in a service or fare, he shall table a draft by-law. A summary of the draft requires to be published in a newspaper circulated in the territory of the municipality and to be posted up in

the vehicles of the carrier not less than 30 days before the adoption of the by-law.

“467.7 A copy of a by-law of the council making a change in the service requires to be transmitted to the Minister of Transport, who may disallow it within 30 days after receiving it. However, before the expiry of that period, the Minister may inform the council that he does not intend to disallow the by-law. In no case may a by-law that has been disallowed be published or come into force.

Where the Minister disallows a by-law under this section, he shall notify the council and cause his decision to be published in the *Gazette officielle du Québec*.

“467.8 The council may lease or acquire property for the purposes of setting up a public transport service, and entrust the property to the carrier under contract with it. It may also make service contracts.

“467.9 Section 467 does not apply to a municipality whose territory forms part of the territory of a public transport body, or to a municipality in whose territory the holder of a public transport permit is supplying a service similar to the proposed service, unless the holder consents thereto.

“467.10 Sections 467 to 467.9 apply, *mutatis mutandis*, to an intermunicipal board exercising powers thereunder.

“§ 22.1.—*Transportation of handicapped persons*

“467.11 The council, by by-law approved by the Minister of Transport, may contract with any person to provide a special transport service for the handicapped persons of its territory. The proposed service must be described in the by-law.

“467.12 Sections 467.3 to 467.6 apply, *mutatis mutandis*, to the setting up of a special transport service for handicapped persons.

“467.13 Sections 467.11 and 467.12 apply, *mutatis mutandis*, to an intermunicipal board exercising powers thereunder.

“467.14 The council may also, by by-law approved by the Minister of Transport, grant a subsidy to any non-profit body that sets up a special transport service for the handicapped persons of its territory. No such subsidy may be granted before the municipality and the body make an agreement on the service to be operated.

Upon making the agreement, the council shall send a copy to the Minister of Transport.”

35. The Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing subparagraph *f* of the second paragraph of section 171 by the following subparagraphs:

“(f) to provide, within the limits of its territory, a special transportation service for handicapped persons who are unable to use the public transportation system and for that purpose:

(i) directly possess, organize, develop and administer such service;

(ii) make, with any public transportation undertaking or any non-profit organization, a contract to ensure, in whole or in part, operation of the service;

“(g) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service for the handicapped persons of the municipality.”

36. The said Act is amended by adding after section 172 the following sections:

“**172.1** The Transit Commission may entrust a mandate to any other public transport body to acquire equipment for the Commission. It may also accept such a mandate where it intends to acquire the same kind of equipment for itself.

The Minister of Transport may authorize the Commission, where it accepts a mandate under the first paragraph, to make the joint purchase of equipment without a call for tenders.

“**172.2** The Transit Commission may contract with any municipality from outside its territory or any intermunicipal board to supply public transport services to that municipality or board.”

37. Section 182 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**182.** The Transit Commission shall, by resolution, fix the various passenger fares according to the classes of users it determines.”

38. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing section 236 by the following section:

“**236.** The objects of the Commission are to organize, possess, develop and administer a public transportation system on, above or beneath the surface of the ground in the territory of the municipalities mentioned in Schedule B.

The Commission may also provide links to points outside its territory.”

39. Section 253 of the said Act is amended by replacing subparagraphs *f* and *g* of the second paragraph by the following subparagraphs:

“(f) to provide, within the limits of its territory, a special transportation service for handicapped persons who are unable to use the public transport system and for that purpose

(i) directly possess, organize, develop and administer such service;

(ii) make, with any public transport undertaking or any non-profit organization, a contract to provide for the operation of the whole or part of such a service;

“(g) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service for the handicapped persons of that municipality or board.”

40. The said Act is amended by replacing sections 256 and 257 by the following sections:

“**256.** The Commission may entrust a mandate to any other public transportation organization to acquire equipment for the Commission. It may also accept such a mandate where it intends to acquire the same kind of equipment for itself.

The Minister of Transport may authorize the Commission, where it accepts a mandate under the first paragraph, to make the joint purchase of equipment without a call for tenders.

“**257.** The Commission may contract with any municipality from outside its territory or any intermunicipal board to supply public transportation services to that municipality or board.”

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

“**258.** The Commission, with the authorization of the Community and of the Commission municipale du Québec, may acquire by agreement or expropriation the whole or part of the property and capital stock of any public bus transportation system the routes of which are situated in whole or in part within its territory.

The expropriation is made, in the manner provided in the Expropriation Act (R.S.Q., chapter E-24), *mutatis mutandis*. However,

the notice of expropriation must not indicate any lot number and the amount of the provisional indemnity must be at least 70% of the offer by the expropriating party.

Should the expropriated party refuse to hand over to the expropriating party the share certificates and the expropriated property the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure (R.S.Q., chapter C-25).”

42. Section 265 of the said Act is amended by striking out the second paragraph.

43. Section 266 of the said Act is amended by striking out the second paragraph.

44. Section 267 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**267.** The Commission shall fix by resolution the various passenger fares according to the classes of users it determines.”;

(2) by replacing the third paragraph by the following paragraph:

“The secretary of the Commission shall send forthwith to the Community, and to the municipalities mentioned in Schedule B, a certified copy of the resolution of the Commission setting forth any decision provided for in this section and have it published without delay in a daily newspaper circulated in the territory of the Commission.”

45. Section 268 of the said Act is repealed.

46. Section 289 of the said Act is amended by replacing the words “under section 236” at the end of the second paragraph of subsection 3 by the words “under sections 236 and 257”.

47. The said Act is amended by adding after section 289 the following section:

“**289.1** The Commission may operate, outside its territory, any sightseeing service on a seasonal basis or by means of charter trips, for which it has come to hold a permit through the acquisition of the public transportation system that was the permit holder.”

48. Sections 302 to 306 of the said Act are repealed.

49. Sections 169 and 170 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) are replaced by the following section:

169. The objects of the Transit Commission are to organize, possess, develop and administer a public transportation system in the territory of the municipalities mentioned in Schedule B.

The Commission may also provide links to points outside its territory.”

50. Section 188 of the said Act is amended by replacing subparagraphs *i* and *j* of the second paragraph by the following subparagraphs:

“(i) to provide, within the limits of its territory, a special transportation service for handicapped persons who are unable to use the public transportation system and for that purpose:

(i) directly possess, organize, develop and administer such service;

(ii) make, with any public transportation undertaking or any non-profit organization, a contract to provide for the operation of the whole or part of such a service;

“(j) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service for the handicapped persons of that municipality or board.”

51. The said Act is amended by adding after section 189 the following sections:

189.1 The Transit Commission may entrust a mandate to any other public transport body to acquire equipment for the Commission. It may also accept such a mandate where it intends to acquire the same kind of equipment for itself.

The Minister of Transport may authorize the Commission, where it accepts a mandate under the first paragraph, to make the joint purchase of equipment without a call for tenders.

189.2 The Transit Commission may contract with any municipality from outside its territory or any intermunicipal board to supply public transport services to that municipality or board.”

52. Section 190 of the said Act is replaced by the following section:

190. The Commission, with the authorization of the Council and of the Commission municipale du Québec, may acquire by agreement or expropriation the whole or part of the property and capital stock of any public transportation system the routes of which are situated in whole or in part within its territory.

The expropriation is made in the manner provided in the Expropriation Act (R.S.Q., chapter E-24), *mutatis mutandis*. However, the notice of expropriation must not indicate any lot number and the amount of the provisional indemnity must be at least 70% of the offer by the expropriating party.

Should the expropriated party refuse to hand over to the expropriating party the share certificates and the expropriated property, the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure (R.S.Q., chapter C-25)."

53. Section 199 of the said Act is amended by replacing the first paragraph by the following paragraphs:

199. The Transit Commission shall, with the prior approval of the Council, fix by resolution the various passenger fares according to the classes of users it determines."

54. The said Act is amended by adding after section 216 the following section:

216.1 The Transit Commission may operate, outside its territory, any sightseeing service, on a seasonal basis or by means of charter trips, for which it has come to hold a permit through the acquisition of the public transport system that was the permit holder."

55. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by replacing the second paragraph of section 4 by the following paragraph:

"Its objects is the operation of a passenger transit system in its territory. The corporation may also provide links to points outside its territory."

56. The said Act is amended by replacing subparagraph *f* of the first paragraph of section 38 by the following subparagraphs:

"(*f*) to provide, within the limits of its territory, a special transportation service for handicapped persons who are unable to use the public transportation system and for that purpose

(i) directly possess, organize, develop and administer such service;

(ii) make, with any public transportation undertaking or any non-profit organization, without any call for tenders, a contract to provide for the operation of the whole or part of such a service;

“(g) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service for the handicapped persons of that municipality or board.”

57. Section 62 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“**62.** The corporation shall fix by resolution the various passenger fares according to the classes of users it determines.

Any increase in the fares must be approved by the Commission.”;

(2) by striking out the fourth paragraph.

58. Section 63 of the said Act is repealed.

59. Section 67 of the said Act is replaced by the following section:

“**67.** The corporation may make a contract with any municipality from outside its territory or any intermunicipal board to supply such municipality or board with a public transportation service.”

60. Section 67.1 of the said Act is repealed.

61. The said Act is amended by adding, after section 110, the following section:

“**110.1** No permit for the operation of a public transport service on a route formerly serviced by the corporation may be issued by the Commission where the corporation is servicing such route pursuant to a contract made with a municipality under section 67.

In addition, no permit described in the first paragraph may be issued by the Commission where the corporation and a municipality are negotiating such a contract.”

62. Section 116 of the said Act is replaced by the following sections:

“**116.** The corporation may entrust a mandate to any other public transport body to acquire equipment for the corporation. It may also accept such a mandate where it intends to acquire the same kind of equipment for itself.

The Minister of Transport may authorize the corporation, where it accepts a mandate under the first paragraph, to make the joint purchase of equipment without a call for tenders.

“116.1 The corporation is not entitled to any indemnity for the loss of its right to supply a public transport service outside the territory under its jurisdiction on a route formerly serviced by the holder of a public transport permit from which the corporation has acquired the undertaking.”

63. Section 19 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98), amended by section 12 of chapter 104 of the statutes of 1978, and section 20 of the said Act are replaced by the following section:

“19. The objects of the Commission are to organize, possess, develop and administer a public transport system in the territory of the municipalities mentioned in section 3.

The Commission may also provide links to points outside its territory.”

64. Section 38 of the said Act, amended by section 104 of chapter 7 and by section 14 of chapter 104 of the statutes of 1978, is again amended by replacing subparagraphs *i* and *j* of the first paragraph by the following paragraphs:

“(i) to provide, within the limits of its territory, a special transportation service for handicapped persons who are unable to use the public transport system and for that purpose

(i) directly possess, organize, develop and administer such service;

(ii) make, with any public transport undertaking or any non-profit organization, a contract to provide for the operation of the whole or part of such a service;

“(j) make, with any municipality from outside its territory or any intermunicipal board, a contract to supply a special transportation service for the handicapped persons of that municipality or board.”

65. Sections 38*a* and 38*b* of the said Act, enacted by section 15 of chapter 104 of the statutes of 1978, are replaced by the following sections:

“38.1 The Commission may entrust a mandate to any other public transport body to acquire equipment for the Commission. It may also accept such a mandate where it intends to acquire the same kind of equipment for itself.

The Minister of Transport may authorize the Commission, where it accepts a mandate under the first paragraph, to make the joint purchase of equipment without a call for tenders.

“38.2 The Commission may contract with any municipality from outside its territory or any intermunicipal transport board to supply public transport services to that municipality or board.”

66. Section 39 of the said Act is replaced by the following section:

“39. The Commission, with the authorization of the Council, may acquire by agreement or expropriation the whole or part of the property and capital stock of any public transport undertaking operated, in whole or in part, within the limits of its territory.

The expropriation is made in the manner provided for by the Expropriation Act (R.S.Q., chapter E-24), *mutatis mutandis*. However, the notice of expropriation must not indicate any lot number and the amount of the provisional indemnity must be at least 70% of the offer by the expropriating party.

Should the expropriated party refuse to hand over to the expropriating party the share certificates and the expropriated property, the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure (R.S.Q., chapter C-25).”

67. Section 46 of the said Act, amended by section 8 of chapter 91 of the statutes of 1973 and by section 17 of chapter 104 of the statutes of 1978, is again amended by striking out the last paragraph.

68. Section 48 of the said Act, enacted by section 18 of chapter 104 of the statutes of 1978, is replaced by the following section:

“48. The Commission shall fix the various passenger fares according to the classes of users it determines.

The secretary of the Commission shall send forthwith to the municipalities in the territory of the Commission a certified copy of the resolution and have it published without delay in a daily newspaper circulated in the territory of the Commission.”

69. Section 70*a* of the said Act, enacted by section 20 of chapter 104 of the statutes of 1978, is repealed.

70. Section 71*a* of the said Act, enacted by section 21 of chapter 104 of the statutes of 1978, is repealed.

71. Section 74*a* of the said Act, enacted by section 22 of chapter 104 of the statutes of 1978 and amended by section 444 of chapter 72 of the statutes of 1979, is replaced by the following section:

“74. The subsidiary through which the Commission operates of a public transport system outside its territory is dissolved.

The property of the subsidiary devolves to the Commission, together with liability for its obligations. However, the payment, in capital and interest, of the bonds issued by the Commission upon borrowing for the benefit of its subsidiary continues to be secured by the general fund of the municipalities then serviced by the Commission through the subsidiary.

The Commission is not entitled to any indemnity for the dissolution of a subsidiary.”

72. Sections 74*b* to 74*d* of the said Act, enacted by section 22 of chapter 104 of the statutes of 1978, are repealed.

73. Section 76 of the said Act, amended by section 155 of chapter 55 of the statutes of 1972, by section 14 of chapter 91 of the statutes of 1973 and by section 24 of chapter 26 of the statutes of 1981, is again amended:

(1) by replacing the words “under sections 19 and 20” at the end of the second paragraph of subsection 3 by the words “under sections 19 and 38.2”;

(2) by striking out subsection 5.

74. The said Act is amended by adding after section 76 the following section:

“76.1 The Commission may operate, outside its territory, any sightseeing service on a seasonal basis or by means of charter trips, for which it has come to hold a permit through the acquisition of the public transport system that was the permit holder.”

75. Section 78 of the said Act is amended by striking out the words “or the peripheral territory” in the first paragraph.

76. Section 47 of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 25 of chapter 99 of the statutes of 1971, is amended by inserting after the first paragraph the following paragraph:

“The Commission may also provide links to points outside its territory.”

77. Section 63 of the said Act, enacted by section 25 of chapter 99 of the statutes of 1971 and amended by section 96 of chapter 7 of the statutes of 1978, is again amended by replacing paragraph *j* by the following paragraphs:

“(j) to provide, within the limits of its territory, a special transportation service for handicapped persons who are unable to use the public transport system and for that purpose

(i) directly possess, organize, develop and administer such service;

(ii) make, with any public transport undertaking or any non-profit organization, a contract to provide for the operation of the whole or part of the service;

“(k) make, with any municipality or any intermunicipal board, a contract to supply a special transportation service for the handicapped persons of that municipality or board.”

78. The said Act is amended by adding after section 66 the following sections:

“**66a.** The Commission may entrust a mandate to any other public transport body to acquire equipment for the Commission. It may also accept such a mandate where it intends to acquire the same kind of equipment for itself.

The Minister of Transport may authorize the Commission, where it accepts a mandate under the first paragraph, to make the joint purchase of equipment without a call for tenders.

“**66b.** The Commission may contract with any municipality or any intermunicipal transport board to supply public transport services to that municipality or board.”

79. Section 67 of the said Act, enacted by section 25 of chapter 99 of the statutes of 1971 and amended by section 8 of chapter 39 of the statutes of 1973, is replaced by the following section:

“**67.** The Commission, with the authorization of the City of Laval and the Commission municipale du Québec, may acquire by agreement or expropriation the whole or part of the property and capital stock of any public transport undertaking operated within its territory.

The expropriation is made in the manner provided in the Expropriation Act (R.S.Q., chapter E-24), *mutatis mutandis*. However, the notice of expropriation must not indicate any lot number and the amount of the provisional indemnity must be at least 70% of the offer by the expropriating party.

Should the expropriated party refuse to hand over to the expropriating party the share certificates and expropriated property, the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure (R.S.Q., chapter C-25).”

80. Section 76 of the said Act, enacted by section 25 of chapter 99 of the statutes of 1971, is amended by replacing the first paragraph by the following paragraph:

“**76.** The Commission shall fix by resolution the various passenger fares according to the classes of users it determines.”

81. Section 102 of the said Act, enacted by section 25 of chapter 99 of the statutes of 1971 and amended by section 151 of chapter 55 and section 1 of chapter 77 of the statutes of 1972, by section 6 of chapter 37 of the statutes of 1973 and by section 22 of chapter 26 of the statutes of 1981, is again amended by replacing the words “under sections 47 and 48” at the end of the second paragraph of subsection 3 by the words “under sections 47, 48 and 66*b*.”

DIVISION VI

TRANSITIONAL AND FINAL PROVISIONS

82. Any municipality may, by resolution and without any other formality, for a period ending not later than 31 December 1984, sign with a carrier a contract to set up a public transport service in its territory and to provide links to points outside its territory. The contract must provide for the contribution of the municipality the service, and may be made without any call for tenders.

83. Notwithstanding section 82, no contract may be made to set up a public transport service similar to the service already operated by the holder of a public transport permit under the permit.

84. Where service is supplied by a school bus carrier, the carrier shall supply such service by means of school bus or school minibus only.

85. A transit commission is authorized, without any formality, to sign a contract.

86. A municipality shall fix by resolution the various passenger fares according to the classes of users it determines.

87. No agreement in the matter of public transport may be made except in accordance with this Act where only municipalities are involved.

88. Every document intended for the Government under this Act shall be sent to the Minister of Transport, who shall acknowledge receipt thereof.

89. The Transit Commission of the Communauté urbaine de Montréal, the Commission de transport de la Communauté urbaine de

Québec and the Montreal South Shore Transit Commission are not entitled to any indemnity for the loss of their right to continue to operate, outside their territories, any public transport system which included or owned a public transport undertaking from which they have acquired property or capital stock.

90. The Minister of Transport is responsible for the administration of this Act, except section 10, which is under the responsibility of the Minister of Municipal Affairs.

91. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

92. This Act comes into force on the day of its sanction, except sections 38, 40, 46 to 48, 63, 69 to 74 and 89, which will come into force on 1 January 1984.

SCHEDULE I

MUNICIPALITIES WITHIN THE MEANING OF THIS ACT

The letter or letters opposite the name of each municipality indicate whether the municipality has no name (NN), is a parish (P), a township (TS), a town (T), a city (C) or a village (V).

Beauharnois (C)
Bedford (TS)
Bedford (T)
Beloil (T)
Berthierville (T)
Blainville (T)
Boisbriand (T)
Bois-des-Filion (T)
Brownsburg (V)
Candiac (T)
Carignan (T)
Chambly (C)
Charlemagne (T)
Châteauguay (T)
Chertsey (TS)
Contrecoeur (NN)
Crabtree (V)
Delson (T)
Deux-Montagnes (C)
Dorion (T)
Entrelacs (NN)
Farham (T)
Franklin (NN)
Godmanchester (TS)
Henryville (V)
Henryville (NN)
Howick (V)
Hudson (T)
Huntingdon (T)
Iberville (T)
Île-Perrot (T)
Joliette (C)
L'Acadie (NN)
Lachenaie (T)
Lachute (C)
Lac-Paré (P)
Lafontaine (V)
Lanoraie-d'Autray (NN)
La Plaine (P)

La Prairie (T)
 L'Assomption (P)
 L'Assomption (T)
 Lavaltrie (V)
 Le Gardeur (T)
 L'Épiphanie (P)
 L'Épiphanie (T)
 Léry (T)
 Lorraine (T)
 Maple Grove (T)
 Marieville (T)
 Mascouche (T)
 Mc Masterville (V)
 Melocheville (V)
 Mercier (T)
 Mirabel (T)
 Mont-Saint-Grégoire (V)
 Mont-Saint-Hilaire (T)
 Notre-Dame-de-Bonsecours (P)
 Notre-Dame-de-la-Merci (NN)
 Notre-Dame-de-la-Paix (P)
 Oka (P)
 Oka (NN)
 Ormstown (V)
 Otterburn-Park (T)
 Philipsburg (V)
 Pincourt (T)
 Pointe-Calumet (V)
 Rainville (NN)
 Rawdon (TS)
 Rawdon (V)
 Repentigny (T)
 Richelieu (T)
 Rigaud (T)
 Rosemère (T)
 Sacré-Coeur-de-Jésus (P)
 Saint-Alexis (P)
 Saint-Alexis (V)
 Saint-Amable (P)
 Saint-Anicet (P)
 Saint-Antoine (T)
 Saint-Antoine-de-Lavaltrie (P)
 Saint-Armand-Ouest (P)
 Saint-Athanase (P)
 Saint-Basile-le-Grand (T)
 Saint-Bruno-de-Montarville (T)
 Saint-Chrysostome (V)
 Saint-Constant (T)

Saint-Donat (NN)
Saint-Esprit (P)
Saint-Étienne-de-Beauharnois (NN)
Saint-Eustache (T)
Saint-Gérard-Magella (P)
Saint-Grégoire-le-Grand (P)
Saint-Hippolyte (P)
Saint-Hyacinthe (T)
Saint-Isidore (P) (Laprairie)
Saint-Jacques (P)
Saint-Jacques (V)
Saint-Jean-Chrysostome (P)
Saint-Jean-sur-Richelieu (T)
Saint-Jérôme (C)
Saint-Joseph-de-Lanoraie (P)
Saint-Joseph-du-Lac (P)
Saint-Joseph-de-Sorel (T)
Saint-Lazare (P)
Saint-Louis-de-Gonzague (P)
Saint-Louis-de-Terrebonne (P)
Saint-Luc (T)
Saint-Malachie-d'Ormstown (P)
Saint-Mathias (P)
Saint-Paul (NN)
Saint-Paul-de-Châteauguay (NN)
Saint-Pierre-de-Véronne-à-Pike-River (NN)
Saint-Rémi (V)
Saint-Roch-de-l'Achigan (P)
Saint-Roch-Ouest (NN)
Saint-Sébastien (P)
Saint-Stanislas-de-Kostka (P)
Saint-Sulpice (P)
Saint-Thomas-d'Aquin (P)
Saint-Timothée (P) (Beauharnois)
Saint-Timothée (V)
Saint-Urbain-Premier (P)
Sainte-Angèle-de-Monnoir (P)
Sainte-Anne-de-Sabrevois (P)
Sainte-Barbe (P)
Sainte-Brigide-d'Iberville (NN)
Sainte-Catherine (T)
Sainte-Clothilde (P)
Sainte-Geneviève-de-Berthier (P)
Sainte-Julie (T)
Sainte-Julienne (P)
Sainte-Madeleine (V)
Sainte-Madeleine-de-Rigaud (P)
Sainte-Marie-de-Monnoir (P)

Sainte-Marie-Madeleine (P)
Sainte-Marie-Salomée (P)
Sainte-Marthe-sur-le-Lac (T)
Sainte-Martine (P)
Sainte-Thérèse (T)
Salaberry-de-Valleyfield (C)
Sorel (C)
Standbridge-Station (NN)
Terrasse-Vaudreuil (NN)
Terrebonne (T)
Tracy (T)
Très-Saint-Sacrement (P)
Varenes (T)
Vaudreuil (T)
Venise-en-Québec (NN)
Verchères (NN)