

THIRD SESSION

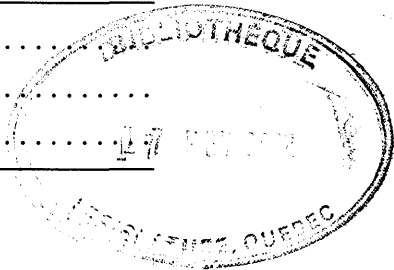
THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 88

An Act to amend the Autoroutes Act and other legislation

First reading
Second reading
Third reading



M. MICHEL CLAIR

Minister of Transport

QUÉBEC OFFICIAL PUBLISHER

1982

EXPLANATORY NOTES

The object of this bill is to integrate the activities of the Office des autoroutes du Québec (“the Authority”) into the Ministère des Transports, leaving no responsibility to the Authority except the repayment of its bonded debt.

To that end, the bill contains financial provisions regarding the sinking fund and the repayment of the bonded debt of the Authority, the disposal of its assets and liabilities and the financing of its liabilities. It transfers the administration and maintenance of the autoroutes to the Ministère des Transports and makes them subject to the Roads Act.

Further, it makes certain amendements of concordance to the Highway Safety Code, in particular a provision enabling the Attorney General to enter into an agreement with any municipality under which he will prosecute any traffic and parking violations in the municipality.

Lastly, this bill contains transitional provisions regarding, among other matters, the transfer of the personnel of the Authority to the Ministère des Transports, the continuance in force of the regulations, the continuing validity of the permits issued by the Authority, and the continuance of expropriation proceedings undertaken by the Authority.

ACTS AMENDED BY THIS BILL

- (1) The Autoroutes Act (R.S.Q., chapter A-34);
- (2) the Roads Act (R.S.Q., chapter V-8);
- (3) the Highway Safety Code (R.S.Q., chapter C-24.1).

Bill 88

An Act to amend the Autoroutes Act and other legislation

HER MAJESTY, with the advice and consent of the National Assembly of Quebec, enacts as follows:

1. Division I and sections 9, 11, 12, 14, 15 and 16 of the Autoroutes Act (R.S.Q., chapter A-34) are repealed.

2. Section 13 of the said Act is replaced by the following section:

“13. The members of the Authority cannot be prosecuted by reason of official acts done in good faith in the exercise of their functions.”

[[3. Divisions III to V of the said Act are replaced by the following divisions:

“DIVISION III

“OBJECT OF THE AUTHORITY

“17. The object of the Authority is the repayment of its bonded debt.”

“DIVISION IV

“FINANCIAL PROVISIONS

“18. The sinking fund for the bonded debt of the Authority is maintained and the Minister of Finance is entrusted with its management.

“19. The Minister of Finance is authorized to sign a note on behalf of the Government and in favour of the Authority, in the amount of the bonded debt of the Authority and of the accrued interest to 1 April 1982, less the accumulated amount of the sinking fund for that bonded debt.

The note must specify the terms, the rate of interest and all the other conditions consistent with the full discharge of the liabilities of the Authority in respect of the repayment of its debt.

The amount of the note shall be posted to the net debt as defined in the public accounts prepared under the Financial Administration Act (R.S.Q., chapter A-6).

“20. The contributions to the sinking fund for the bonded debt shall be paid by the Minister of Finance out of the consolidated revenue fund and shall be allocated to the debt evidenced by the note contemplated in section 19.

“21. The other expenses of the Authority shall be paid out of the consolidated revenue fund, for the fiscal years 1982-1983 and 1983-1984.

For subsequent fiscal years, they shall be paid out of the appropriations granted every year for that purpose by the Legislature.

“22. The amounts derived from the operations of the Authority shall be paid into the consolidated revenue fund and posted as revenue of the Government.

“23. The fiscal year of the Authority ends on 31 March every year.

“24. Every year before 30 June, the Authority must send a report of its operations for the preceding fiscal year to the Minister of Transport.

The report must also contain any information the Minister may require.

The Minister shall table the report of the Authority in the National Assembly of Québec within thirty days after receiving it if it is in session, or, if it is not sitting, within thirty days after the opening of the next session or, as the case may be, resumption.

“25. The accounts of the Authority shall be audited by the Auditor General once a year and whenever ordered by the Government.

“DIVISION V

“FINAL PROVISION

“26. The Minister of Transport is responsible for the application of this Act.”]]

4. Division II of the Roads Act (R.S.Q., chapter V-8) is amended by replacing sections 14 to 18 by the following sections:

“14. In this Act, the word “dump” means a place where scrapped objects are deposited, whether or not such objects are intended to be sold or recycled; it includes in particular an old car dump.

“15. The owner, lessee or occupant of any land who uses it as a dump within a distance of 150 metres of a road maintained by the Minister of Transport is guilty of an offence and liable, in addition to costs, to a fine of 50 to 100 dollars.

However, in the case of an old car dump situated along an autoroute or a connecting highway, the distance is determined by regulation of the Government and may vary from one autoroute to another or from one part of an autoroute or connecting highway to another.

“15.1 Section 15 applies, *mutatis mutandis*, to the owner of a vehicle deposited in a dump.

“15.2 The court which pronounces sentence following an offence under section 15 or section 15.1 shall order the scrapped objects concerned in the offence removed or destroyed by the offender within a period of eight days from the date of sentence.

If the offender fails to comply with the order, the Minister may have it carried out at the expense of the offender.

“16. The owner, lessee or occupant of any land used as a dump and visible from a road maintained by the Minister of Transport must surround it with a fence conforming to standards prescribed by regulation of the Government; such standards may vary from one road to another or from one part to another of the same road.

An owner, lessee or occupant who contravenes this section is guilty of an offence and liable, in addition to costs, to a fine of 50 to 100 dollars.

“17. No poster, signboard or luminous sign may be placed along an autoroute or a connecting highway within a distance determined by regulation of the Government; that distance may vary from one autoroute to another or from one part of an autoroute or connecting highway to another.

“17.1 Notwithstanding section 17, the owner, lessee or occupant of an establishment where he carries on a profession or occupation may, within the prescribed distance, erect thereon a poster or luminous sign bearing only his name if he holds a permit granted for that purpose by the Minister.

The dimensions and particulars of the poster or luminous sign and the place where it may be placed shall be determined in the permit.

“17.2 Any representative authorized in writing by the Minister of Transport may at any time enter upon private property to examine any poster, signboard or luminous sign located there.

“17.3 Every person who contravenes section 17 or section 17.1 is guilty of an offence and liable, in addition to costs, to a fine of 50 to 100 dollars.

“17.4 The court which pronounces sentence following an offence under section 17 or section 17.1 shall order the poster or signboard concerned in the offence removed or destroyed by the offender within a period of eight days from the date of sentence.

If the offender fails to comply with the order, the Minister may have it carried out at the expense of the offender.

“18. Any proceedings for an offence under section 15, 15.1, 16, 17 or 17.1 are brought under the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by any person generally or specially authorized by him for that purpose.

“18.1 Any regulation made under section 15, 16 or 17 comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date determined therein.”

5. The said Act is amended by adding, after section 90, the following sections:

“90.1 Section 90 does not apply

(1) to autoroutes administered by the Office des autoroutes du Québec before (*insert here the date of the coming into force of this section*) and which remain the property of the Government;

(2) to a road declared to be an “autoroute” by order of the Government.

“90.2 The Government may, by order, declare that a road is an autoroute.

The road then becomes, without indemnity, the property of the Government from the publication of the order in the *Gazette officielle du Québec*.

“90.3 For the purposes of sections 90.1 and 90.2, the word “autoroute” includes not only the works necessary for an autoroute but also other works and bridges.”

6. The said Act is amended by adding, after section 102, the following divisions and sections:

“DIVISION XV

“TOLLS

“103. The Minister of Transport may establish tollgates on any autoroute within the meaning of section 90.1.

For that purpose, he may acquire, by agreement or expropriation, the immoveables and the real rights situated outside the right of way of the autoroute.

“104. The amounts collected at the tollgates are paid into the consolidated revenue fund.

“105. The Government may, by regulation,

(1) fix the tolls for the use of an autoroute, according to the categories of vehicles that it determines;

(2) exempt a category of vehicles or certain vehicles of a category from the application of the tolls.

“106. A regulation made under section 105 comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date determined therein.

"DIVISION XVI

"FINAL PROVISIONS

"**107.** The provisions of this Act applicable to a highway or a road apply, *mutatis mutandis*, to an autoroute.

"**108.** Roadside rest areas and tollgates are accessory works of a road or highway and they are subject to this Act."

7. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended by striking out the words ", or an autoroute within the meaning of the Autoroutes Act (R.S.Q., chapter A-34)" in the definition of the word "autoroute".

8. Section 291 of the said Code is replaced by the following section:

"**291.** No person may pass through a tollgate without depositing the sum prescribed by regulation of the Government made under section 105 of the Roads Act (R.S.Q., chapter V-8)."

9. Section 508 of the said Code is amended by replacing the second paragraph by the following paragraph:

"On publication in the *Gazette officielle du Québec* of an agreement contemplated in the first paragraph, the Attorney General has the necessary authority to prosecute infractions there referred to, and sections 480 to 497 apply to such prosecutions; the Minister of Finance may then pay to the municipality concerned its share of the proceeds of the fines out of the consolidated revenue fund, to such extent as they have been paid into it."

10. The civil servants and employees of the Office des autoroutes du Québec become, without any further formality, civil servants and employees of the Ministère des Transports.

[[**11.** The assets in the hands of the Office des autoroutes du Québec, except the sinking fund for its bonded debt, shall be accounted for as assets of the Government.]]

[[**12.** The liabilities of the Office des autoroutes du Québec, except the principal of and the interest on its bonded debt, shall be accounted for as liabilities of the Government and are payable at maturity out of the consolidated revenue fund.]]

13. The amount of the difference between the assets and liabilities accounted for under sections 11 and 12 shall be included in the net debt, in accordance with the accounting conventions established pursuant to the Financial Administration Act (R.S.Q., chapter A-6).]

14. The expropriations undertaken by the Office des autoroutes du Québec shall be continued without further formality by the Minister of Transport.

15. That part of an immovable acquired by the Office des autoroutes du Québec which is in excess of its requirements is subject to the Roads Act.

16. Every regulation, order in council or decree made under any provision replaced by section 3 of this Act remains in force.

A regulation referred to in the first paragraph is deemed to have been made by the Government under the Roads Act.

17. Every permit issued by the Office des autoroutes du Québec to authorize the placing of posters or luminous signs is deemed to be a permit issued by the Minister of Transport in conformity with section 17.1 of the Roads Act.

18. This Act does not change the juridical status of the Office des autoroutes du Québec as the entity responsible for its bonded debt nor change the obligations of the Authority and the Government in regard to that debt.

19. Every exemption from payment for the use of an autoroute granted before (*insert here the date of the coming into force of section 6 of Bill 88*) by the Office des autoroutes du Québec to certain categories of vehicles is valid.

20. Sections 18 to 22 of the Autoroutes Act, enacted by section 3 of this Act, and sections 11, 12 and 13 of this Act are effective from 1 April 1982.

21. 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).

22. This Act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government.