



---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 115

## **An Act to amend the Roads Act and other legislative provisions**

---

**Introduction**

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



---

Québec Official Publisher  
1997

## **EXPLANATORY NOTES**

*This bill makes various amendments to the Roads Act. It modifies the rules applicable in the event of damage caused by road work, a situation henceforth to be governed by the ordinary law of civil liability. In addition, it hands over to the State the ownership of lookouts, rest areas, service areas, control stations and parking zones situated upon the right of way of a road under the management of the Minister of Transport.*

*The bill puts an end to transport department management of complex structure bridges, maintaining only the possibility for municipalities to obtain technical and administrative support from the department. Also abolished are the special rules applicable to scrapyards and motor vehicle graveyards situated alongside roads under the management of the Minister of Transport.*

*A new provision allows for municipal contributions toward the cost of work carried out on roads under the management of the Minister of Transport. Moreover, the Minister is empowered to make the use of the right of way of a road under his management subject to certain conditions. In addition, a penal provision is introduced for encroaching upon the right of way of a road. It is provided, as well, that the consent of the Minister of Transport will be required before a servitude prohibiting access to a road, acquired by the Minister, may be lifted or modified.*

*Finally, the bill contains measures concerning the disposition of former colonization roads and amendments designed to harmonize the language of the Roads Act with that of the Civil Code of Québec.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Roads Act (R.S.Q., chapter V-9).

# Bill 115

## AN ACT TO AMEND THE ROADS ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 5 of the Roads Act (R.S.Q., chapter V-9) is amended by replacing the word “The” in the first line by the words “Except for section 6, the”.

**2.** Section 12 of the said Act is amended by striking out the word “public” in the second line of the first paragraph.

**3.** The said Act is amended by inserting, after section 22, the following section :

**“22.1.** A servitude prohibiting access to a road, acquired by the Minister, even in respect of a road referred to in the second paragraph of section 2, may not be lifted, reduced or rendered inoperative except with the Minister’s consent and on the conditions determined by the Minister.”

**4.** Section 27 of the said Act is amended by striking out the second paragraph.

**5.** Section 28 of the said Act is amended

(1) in the French text by replacing the words “des dommages causés” in the second line of the first paragraph by the words “du préjudice causé”;

(2) by striking out the second paragraph.

**6.** Section 29 of the said Act is amended in the French text by replacing the words “des dommages” in the first line by the words “du préjudice”.

**7.** Section 30 of the said Act is amended in the French text by replacing the words “des dommages causés” in the first line by the words “du préjudice causé”.

**8.** Section 31 of the said Act is amended in the French text by replacing the words “des dommages causés” in the first line by the words “du préjudice causé”.

**9.** Section 32 of the said Act is amended by adding the following paragraph :

“The Minister may also enter into an agreement with a local municipality providing for the carrying out, by the Minister or the municipality, at the expense of the municipality, of building, rebuilding or maintenance work on a road under the management of the Minister.”

**10.** Section 33 of the said Act is repealed.

**11.** Section 34 of the said Act is amended by replacing the words “sections 32 and 33” in the first and second lines by the words “section 32”.

**12.** Section 37 of the said Act is amended by adding the following paragraph :

“The authorization of the Minister may be made subject to certain conditions, in particular as regards the price payable for the use of the right of way of the road.”

**13.** Section 38 of the said Act is amended by adding the following paragraph :

“The authorization of the Minister may be made subject to certain conditions, in particular as regards the price payable for the use of the right of way of the road.”

**14.** Chapter VI of the said Act is repealed.

**15.** Section 43 of the said Act is amended by striking out paragraphs 3 and 4.

**16.** Section 44 of the said Act is repealed.

**17.** The said Act is amended by inserting, after section 44, the following section :

**“44.1.** Every person who contravenes section 38 by encroaching upon the right of way of a road is liable to a fine of \$300 to \$600.”

**18.** Section 45 of the said Act is repealed.

**19.** Section 47 of the said Act is amended

(1) by replacing the words “immovable property” in the second line of the first paragraph by the word “immovables” ;

(2) by replacing the words “immovable property” in the first line of the second paragraph by the word “immovable”.

**20.** Section 49 of the said Act is repealed.

**21.** Section 50 of the said Act is replaced by the following section :

**“50.** The Minister of Transport may, at the request of a municipality, provide technical and administrative support to the municipality for the purpose of facilitating its management of bridges.”

**22.** Section 52 of the said Act is amended by inserting the words “until they are closed by order of the Minister” after the word “them” in the fourth line of the third paragraph.

**23.** Section 56 of the said Act is amended by striking out the words “order of” in the fourth and fifth lines of the second paragraph.

**24.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the second paragraph of section 604.3.

**25.** The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the second paragraph of article 725.3.

**26.** The immovables referred to in section 5 of the Roads Act which are situated upon the right of way of a road under the management of the Minister on (*insert here the date of coming into force of this section*) become, without indemnity, the property of the State.

**27.** This Act comes into force on (*insert here the date of assent to this Act*), except the provisions of section 4, paragraph 2 of section 5, sections 14 to 16 and section 18 which come into force on the date to be fixed by the Government.