

1990, chapter 41

**AN ACT RESPECTING THE CONSEIL MÉTROPOLITAIN
DE TRANSPORT EN COMMUN AND AMENDING
VARIOUS LEGISLATION**

Bill 67

Introduced by Mr Sam L. Elkas, Minister of Transport

Introduced 15 May 1990

Passage in principle 21 June 1990

Passage 24 October 1990

Assented to 25 October 1990

Coming into force: 25 October 1990, except sections 72, 82, 86 to 97 and 99 which will come into force on the dates fixed by the Government

Acts amended:

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

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)





CHAPTER 41

An Act respecting the Conseil métropolitain de transport en commun and amending various legislation

[Assented to 25 October 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establishment **1.** A council is hereby established under the name of “Conseil métropolitain de transport en commun”.

Corporation The council is a corporation within the meaning of the Civil Code, and exercises all the powers of such a corporation in addition to those conferred on it by this Act.

Jurisdiction **2.** The council has jurisdiction over regional transit provided within its territory. The territory of the council comprises the territories of the transit corporations listed below, as described in each of their constituting Acts.

Regional transit Regional transit is that part of a transit service which allows a person to transfer directly from the network of one transit corporation to that of another or, within the same network, from the territory of one transit corporation to that of another.

Transit corporations The transit corporations referred to above are 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.

Jurisdiction **3.** The council also has jurisdiction to establish the fare structure applicable to suburban train service provided outside the territory of

the Communauté urbaine de Montréal on the Montréal – Rigaud and Montréal – Deux-Montagnes lines.

Head
office

4. The council shall have its head office in its territory, at the place it determines; it shall publish a notice of the location and of any change of location of its head office in a newspaper having general circulation in its territory.

Members

5. The council shall consist of thirteen members, including a chairman and a vice-chairman.

Composition

6. The council shall be composed of the following persons:

(1) the chairman of the executive committee of the Communauté urbaine de Montréal;

(2) six members designated by the city of Montréal;

(3) two members designated by the Communauté urbaine de Montréal from among the members of its Council representing municipalities other than the city of Montréal;

(4) two members designated by the city of Laval;

(5) two members designated by the Société de transport de la rive sud de Montréal.

Municipal
officials

A substitute may also be designated for each member. The members of the council, except the chairman of the executive committee of the Communauté urbaine de Montréal, and their substitutes must be elected municipal officials.

Designations

Notwithstanding sections 52 and 53 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), only the members representing municipalities other than the city of Montréal may vote to designate the persons referred to in subparagraph 3 of the first paragraph; these designations are made by a majority of the votes cast by those members.

Chairman
and vice-
chairman

7. The council shall elect its chairman and vice-chairman from among its members, with the exception of the chairman of the executive committee of the Communauté urbaine de Montréal who shall act as the returning officer, and shall determine their terms of office which may in no case exceed that of their terms as members of the council.

Terms of
office

The terms of office of the chairman and vice-chairman may be renewed.

Term **8.** Each member is appointed for a term not exceeding four years. The term may be renewed.

Effect **9.** The removal or resignation of a member shall not take effect before the council is notified thereof.

Quorum **10.** The quorum at meetings of the council is six members, including

(1) three of the members designated by the city of Montréal;

(2) one of the members designated by the Communauté urbaine de Montréal from among the members of its Council representing municipalities other than the city of Montréal;

(3) one of the members designated by the city of Laval;

(4) one of the members designated by the Société de transport de la rive sud de Montréal.

Absence The council may act in the absence of a member referred to in the first paragraph at any meeting duly called a second time if, after the first calling, the meeting could not take place at the appointed date because of the absence of that member. The council may then vote only on the subjects appearing on the agenda of both notices calling the meeting.

Chairman **11.** The chairman shall call and preside at meetings of the council and ensure that they are properly conducted.

Vice-chairman The vice-chairman shall replace the chairman if he is absent or unable to act; if a vacancy occurs in the office of chairman, the vice-chairman shall replace the chairman until a successor is appointed.

Special meeting Two members of the council may require that the chairman, the vice-chairman or, in their absence, the secretary-treasurer call a special meeting of the council. The special meeting must be held within 10 days after the requisition is received.

Remuneration and expense allowance **12.** The council shall fix the remuneration and expense allowance of its members. It may also fix an additional remuneration and expense allowance for the chairman.

Secretary-treasurer **13.** The council shall appoint a secretary-treasurer and determine his term of office and may hire other employees as it sees fit. The council shall determine their conditions of employment, remuneration and social benefits. It may also appoint a substitute

secretary-treasurer to act when the secretary-treasurer is absent or unable to act.

Term of
office

The term of office of the secretary-treasurer shall not exceed five years and may be renewed. The secretary-treasurer has the right to address meetings of the council.

Duties

Unless he obtains the express authorization of the council, the secretary-treasurer shall discharge the duties of his office on a full time basis and shall not hold any other remunerated employment or occupation.

Duties

14. The duties of the secretary-treasurer include

(1) attending all meetings of the council and drawing up the minutes;

(2) keeping the books, registers and other documents of the council;

(3) following up the decisions of the council;

(4) assisting the council in the preparation of its budget;

(5) administering the budget adopted by the council;

(6) acting as a liaison officer between the council and the committees it sets up;

(7) exercising authority over the other employees, if any, as manager of the human, material and financial resources of the council.

Minutes

15. The minutes of the meetings of the council and any other document, book or register, signed by the secretary-treasurer, the chairman or a person designated by the latter for that purpose are authentic. Copies certified by one of them are also authentic.

Votes

16. Every member of the council present at a meeting, except the chairman of the executive committee of the Communauté urbaine de Montréal, has one vote and is required to vote, unless, pursuant to the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), he is prevented from voting by reason of an interest he has in the matter concerned.

Conflict
of interest

17. Where the secretary-treasurer of the council has a direct or indirect interest in an undertaking which places his personal interest

in conflict with the interest of the council, he shall disclose it to the council and abstain from taking part in deliberations on any matter pertaining to the undertaking in which he has an interest.

Decisions **18.** Subject to section 29, every decision of the council requires both the majority of the votes of the members designated by the city of Montréal and the majority of the votes of the other members.

Tie vote In the case of a tie vote, the proposal submitted to the vote is held to be rejected.

Meetings **19.** The council may hold its meetings anywhere in its territory.

Meetings The council shall hold a meeting at least four times a year.

Meetings The meetings of the council are public.

Question period **20.** The council shall schedule a question period at each meeting to allow the persons present to put oral questions to the members of the council.

Internal management **21.** The council may establish rules for its internal management.

Committees **22.** The council may set up committees to study specific questions, determine their mode of operation, appoint their members and chairmen and require them to report their findings and recommendations at the time it determines. A representative of the Minister of Transport and a representative of the Minister of Municipal Affairs may *ex officio* take part in the work of any technical committee.

Technical committee Any technical committee set up by the council to examine a matter in which a transit corporation has an interest shall have among its members at least one representative of such transit corporation.

CHAPTER II

FUNCTIONS AND POWERS

Functions **23.** The functions of the council are

(1) to promote regional transit by ensuring coordination of the services and by making decisions as to the planning and realization of the infrastructure and equipment of the regional transit system;

(2) to distribute among the transit corporations the revenue from the sale of regional transit tickets and any other revenue collected, including subsidies;

(3) to apportion among the transit corporations the expenses incurred for the sale of regional transit tickets and certain other outlays related to the transit networks of the transit corporations.

Fares **24.** The council may establish, according to the various factors and various categories of persons it determines, the fares for regional transit provided by

(1) bus and the subway;

(2) minibus or taxi in the case of transportation for the handicapped.

Fares The council may, in the same manner, establish the fares for suburban train service provided outside the territory of the Communauté urbaine de Montréal.

Powers **25.** The council, by by-law, may establish

(1) rules governing the distribution, among the transit corporations, of any subsidy received by the council and the revenue from the sale of regional transit tickets;

(2) rules governing the financial contribution of the transit corporations toward the operating expenses of the council and the terms and conditions of payment of their contribution;

(3) rules governing the apportionment, among the transit corporations, of their operating deficits and the expenses relating to the sale of regional transit tickets;

(4) rules governing the apportionment, among the transit corporations, of the direct and indirect capital and operating costs relating to elements of infrastructure and equipment of the regional transit system purchased, realized, renovated, restored or improved after 1 January 1990;

(5) rules governing the apportionment, among the transit corporations, of the amount needed to service the debt contracted to pay the costs of the subway and suburban train networks in operation on 1 January 1990, after deducting any subsidy received to cover all or part of that amount.

Agreement The transit corporations shall come to an agreement, within the period fixed by the council, as to the rules governing the apportionment among themselves of the direct and indirect capital and operating costs relating to elements of infrastructure and equipment

of the regional transit system purchased, realized, renovated, restored or improved after 1 January 1990; failing such an agreement, the council shall apply the rules established under subparagraph 4 of the first paragraph.

Agreement **26.** The transit corporations shall also come to an agreement, within the period fixed by the council, as to the terms and conditions applicable to the operation by the Société de transport de la Communauté urbaine de Montréal of the subway network outside its territory; failing such an agreement, the council shall determine such terms and conditions.

Applicability This section does not apply to that part of the subway network situated in the territory of the city of Longueuil and in operation on 25 October 1990.

Revenue **27.** For the purposes of the rules established pursuant to subparagraph 1 of the first paragraph of section 25, the council may, in distributing the revenue, take into account the place of residence of the purchasers of regional transit tickets and any other criterion it determines.

Apportionment **28.** For the purposes of the rules established pursuant to section 25, the council shall apportion the expenses, operating deficits and direct and indirect capital and operating costs according to the fiscal potential, within the meaning of the third paragraph of section 220 of the Act respecting the Communauté urbaine de Montréal, of the municipalities in the territory of the transit corporations. However, the values entered on the roll of a municipality shall be standardized using the annual comparative factor approved by the Minister of Municipal Affairs in accordance with section 264 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Apportionment Notwithstanding the foregoing, the apportionment can be made according to another criterion determined by by-law of the council or according to a criterion determined by by-law and the criterion set out in the first paragraph.

Applicability The last paragraph of section 220 of the Act respecting the Communauté urbaine de Montréal does not apply in respect of the fiscal potential of municipalities which is used to effect an apportionment under the first paragraph.

By-laws **29.** Every by-law made pursuant to section 25, 27 or 28 must be adopted by a unanimous vote of the members of the council and approved by the Minister of Transport.

Apportionment **30.** The council may, by virtue of section 25, apportion the revenues and costs relating to a special transportation service for the handicapped.

Resolution **31.** The secretary-treasurer shall see that a copy of every resolution establishing or changing the regional transit fare structure is published in a newspaper having general circulation in the territory of the council.

Coming into force A resolution establishing or changing the fare structure comes into force 30 days after its publication or on any later date fixed in the by-law.

Regional transit tickets **32.** Any transit corporation which receives a mandate to do so shall issue regional transit tickets according to the directives of the council and according to the fare structure fixed by the council.

Separate accounts The transit corporation shall keep separate accounts concerning the revenue and expenses from the sale of such tickets.

Surveys **33.** The council may give to a transit corporation a mandate to conduct any study, analysis or survey it determines.

Mandate A transit corporation which receives such a mandate must fulfil it within the period fixed by the council and report to the council as soon as its work is completed.

Contracts **34.** The council and the Communauté urbaine de Montréal or the council and a transit corporation may, without being required to call for tenders, enter into any contract with one another.

Professional services contracts The council may also, without being required to call for tenders, enter into any professional services contract of whatever amount for the conduct of studies, analyses or surveys, and any other contract involving an expenditure of \$5 000 or less.

Restrictions The council shall not enter into any contract involving an expenditure of more than \$5 000 and less than \$50 000 unless at least two persons have been invited in writing to tender. In the case of a contract involving an expenditure of \$50 000 or more, the council must make a call for public tenders in a newspaper having general circulation in its territory. The time allowed for the receipt of tenders must not be less than eight days.

Public tenders All tenders submitted under the third paragraph must be opened publicly in the presence of at least two witnesses, on the day and at

the time and place mentioned in the call for tenders. The tenderers may be present at the opening of the tenders. The names of the tenderers and their respective prices must be stated aloud as the tenders are opened.

Powers
of the
council

35. The council may order a transit corporation to purchase, realize, renovate, restore or improve any element of the infrastructure or equipment of the regional transit system. However, only the Société de transport de la Communauté urbaine de Montréal may be ordered by the council to purchase, realize, renovate, restore or improve

(1) any element of infrastructure or equipment related to the suburban train network;

(2) any element of infrastructure or equipment related to the subway network in the territory of that transit corporation;

(3) the tunnel, tracks, platforms or any equipment related to the subway network outside the territory of that transit corporation.

Plans and
specifications

A transit corporation which is so ordered must, within the period fixed by the council, prepare the necessary plans and specifications and award contracts for the purchase of the required equipment or element of infrastructure or for the execution of the work, as the case may be.

Information

36. The council may require of the transit corporations and the Communauté urbaine de Montréal any information or document it considers useful in the exercise of its functions and powers.

CHAPTER III

FINANCIAL PROVISIONS

Fiscal
year

37. The fiscal year of the council ends on 31 December each year.

Budget
estimates

38. On or before 1 October every year, the treasurer of every transit corporation, after receipt of a notice from the secretary-treasurer of the council containing the fare structure the council proposes to adopt, shall transmit to the council, on the form prescribed by the council, if any, the budget estimates prepared by the board of directors or the executive committee of the transit corporation as well as any other information required by the council.

Statement The treasurer of the Communauté urbaine de Montréal shall transmit, on or before the same date, a statement of the estimated amount required to repay the cost of the purchases and work referred to in subparagraphs 4 and 5 of the first paragraph of section 25, as well as any other information required by the council.

Regional transit fares **39.** On or before 10 October every year, the council shall transmit to the transit corporations and to the Communauté urbaine de Montréal a notice indicating the regional transit fares that are to be effective during the next budget period and the amounts it expects to pay or claim pursuant to section 46 for that period.

Adoption of the budget **40.** The council shall adopt its budget for the following fiscal year before 31 December each year and shall transmit a copy to the transit corporations, to the Communauté urbaine de Montréal, to the Minister of Municipal Affairs and to the Minister of Transport within 30 days after its adoption.

Effective date **41.** The budget of the council becomes effective on 1 January each year.

Temporary loans **42.** The council may order temporary loans for the payment of current administration expenses and contract them on the conditions and for the term it determines.

Expenses **43.** The expenses of the council shall be borne by the transit corporations whose territory is included in the territory of the council.

Cheques **44.** The cheques, notes and other instruments of the council shall be signed by the chairman and the secretary-treasurer.

Revenue **45.** The treasurer of a transit corporation having received a mandate under section 32 shall pay to the council, on the dates it fixes, the revenue from the sale of regional transit tickets and inform the council of the expenses relating to the sale of the tickets.

Exigible amount **46.** On the dates fixed by the council, the secretary-treasurer shall pay or claim, as the case may be, any amount due or exigible following the application of the rules established pursuant to subparagraphs 1 to 5 of the first paragraph of section 25.

Amount to be paid or claimed **47.** On or before 30 June, the secretary-treasurer shall pay or claim, as the case may be, the amount representing the difference, for the fiscal year, between the estimated amounts paid to or claimed from a transit corporation and the actual amount that should be paid to or claimed from the corporation, as the case may be.

Effect **48.** No by-law, resolution or report of the council authorizing or recommending an expenditure shall have effect before the production of a certificate of the secretary-treasurer attesting that appropriations are available or will be available at the proper time for the purposes for which such expenditure is proposed.

Interest on amount due **49.** The council may determine the time from which an amount is due by a transit corporation and bears interest at the rate it determines.

CHAPTER IV

AUDITING AND REPORTS

Auditor **50.** Between 1 December and 1 May, the council shall appoint an auditor for the fiscal year beginning during that period. If on 1 May no appointment has been made, the auditor appointed for the preceding fiscal year shall remain in office.

Auditor **51.** The secretary-treasurer of the council shall inform the Minister of Municipal Affairs of the name of the auditor as soon as he is appointed.

Restrictions **52.** In no case may the following persons act as auditor of the council:

- (1) a member of the council;
- (2) an employee of the council;
- (3) an associate of a member of the council;

(4) a person who, during the fiscal year for which the audit is carried out, has any direct or indirect interest in a contract with the council or who derives any benefit from such a contract, unless his connection with the contract arises from the practice of his profession;

(5) an auditor of the Communauté urbaine de Montréal, the Société de transport de la Communauté urbaine de Montréal, the Société de transport de la Ville de Laval or the Société de transport de la rive sud de Montréal.

Appointment by the Minister **53.** The Minister of Municipal Affairs, if he considers it necessary, may appoint another auditor than the auditor appointed under section 50 and require a report from him.

Financial statements **54.** Each transit corporation and the Communauté urbaine de Montréal shall transmit a copy of their audited financial statements to the council on or before 30 April every year.

Duties **55.** The auditor of the council shall

(1) audit the financial statements and any other document determined by the Minister of Municipal Affairs by a regulation published in the *Gazette officielle du Québec*;

(2) carry out any other audit considered necessary by the council;

(3) transmit his report to the secretary-treasurer on or before 31 May following the end of the fiscal year for which he was appointed.

Auditor's report **56.** The auditor's report shall state, in particular, whether the financial statements of the council faithfully reflect its financial position on 31 December and shall show the results of the operations of the council for the fiscal year ending on that date.

Financial report **57.** At the end of the fiscal year, the secretary-treasurer shall draw up and certify a financial report for the fiscal year just ended.

Content The financial report shall be drawn up on the forms provided by the Minister of Municipal Affairs, if any. It shall contain the financial statements of the council and any other information required by the Minister of Municipal Affairs and the Minister of Transport.

Financial report **58.** The secretary-treasurer shall submit his financial report at a meeting of the council, at the same time as the auditor's report.

Reports The secretary-treasurer shall transmit his financial report and the auditor's report to the Minister of Municipal Affairs and the Minister of Transport on or before 30 June every year.

CHAPTER V

PENAL PROVISIONS

Offence and penalty **59.** Every person who falsifies or alters a regional transit ticket, uses a regional transit service without having a regional transit ticket in his possession or uses such a service while having a falsified or altered regional transit ticket in his possession, is liable to a fine of \$100 to \$500.

Proceedings **60.** Proceedings for an offence under section 59 may be instituted by the transit corporation which operates the public transit

network in which the offence was ascertained or by a person generally or specially authorized in writing for that purpose by the transit corporation. Proceedings are instituted in the territory of the transit corporation where the offence was ascertained.

Proceedings Proceedings under the first paragraph must be instituted within six months after the day the offence was committed.

Municipal Court **61.** Penal proceedings may be instituted before the municipal court having jurisdiction in the territory where the offence was ascertained.

Fines and costs **62.** Fines belong to the prosecutor and the costs belong to the municipality whose municipal court heard the case.

CHAPTER VI

MISCELLANEOUS PROVISIONS

Rights and obligations **63.** For the purposes of sections 25, 46 and 47, the Société de transport de la Communauté urbaine de Montréal represents the Communauté urbaine de Montréal in the exercise of its rights as the owner of any equipment and element of the infrastructure or other immovable property related to the subway network if the relevant title has not been transferred to the transit corporation on 25 October 1990, and shall assume the rights and obligations of the urban community in respect of the apportionment of the direct and indirect costs relating to that property.

Financing by C.U.M. **64.** Where the Société de transport de la Communauté urbaine de Montréal receives an order from the council under subparagraph 2 of the first paragraph of section 35, the Communauté urbaine de Montréal shall include the proposed acquisitions and work in its program of capital expenditures and assume the financing thereof.

Financing by C.U.M. Where the said transit corporation receives an order from the council pursuant to subparagraph 3 of the first paragraph of section 35, the said urban community shall include in its program of capital expenditures only the tunnel, tracks, platforms and equipment of the subway network and assume the financing thereof.

Financing by transit corporation **65.** Subject to section 64, a transit corporation which, pursuant to an order of the council, purchases, realizes, repairs, renovates, restores or improves an element of the infrastructure or equipment shall include the acquisitions or work in its program of capital expenditures and assume the financing thereof.

- Extension** **66.** Any period of time granted to the council by this Act to perform any act or make any decision may be extended at the request of the council by the Minister of Municipal Affairs or the Minister of Transport, as the case may be.
- Decision made by Government** **67.** If the council fails to perform an act or make a decision within the time fixed by this Act or granted by the Minister of Municipal Affairs or the Minister of Transport under section 66, the Government may perform the act or make the decision.
- Decision binding** Every act so performed or decision so made by the Government is binding on the council as though it had been performed or made by the council.
- Validity** No act so performed or decision so made by the Government may be cancelled, repealed or varied by the council except with the approval of the Government.
- Time limit** The council may perform an act or make a decision after the end of the period fixed by this Act provided it does so before the act is performed or the decision is made by the Government.
- Measure taken by Government** **68.** If a transit corporation or the Communauté urbaine de Montréal fails to comply with any requirement of section 32, 33, 35, 64 or 65, the Government may act in its place and take any expedient measure to comply with the requirements.
- Arbitration** **69.** The Commission municipale du Québec is competent to arbitrate, at the request of the council or a transit corporation, any question in dispute between them concerning the application of a by-law of the council.
- Municipal body** For the purposes of this section, the council is held to be a municipal body within the meaning of section 24.4 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) and Division IV of the said Act applies, adapted as required.
- Effect** **70.** Any provision of the charter or by-laws of the city of Montréal, the charter or by-laws of the city of Laval, the Act respecting the Communauté urbaine de Montréal, the Act respecting the Société de transport de la Ville de Laval or the Act respecting the Société de transport de la rive sud de Montréal which is inconsistent with this Act is without effect.

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

Subsidy **71.** The Government shall grant to the council, for the period extending from 1 January 1990 to 31 December 1994, a subsidy not in excess of \$144 400 000 paid in yearly instalments on the dates and on the conditions fixed by the Government.

Instalments The amount of each yearly instalment shall be determined by the Government, except that for the year 1990, which shall be \$26 492 760.

Rights and obligations **72.** The Société de transport de la Communauté urbaine de Montréal succeeds to the rights and obligations of the Communauté urbaine de Montréal with respect to the employees of the Metropolitan Transit Office, the property and assets allocated to the operation of the said Office and the contracts concerning the extension of the subway network. The said employees, property and assets become, without further formality, the employees, property and assets of the Société de transport de la Communauté urbaine de Montréal.

Applicable provisions Sections 45 and 46 of the Labour Code (R.S.Q., chapter C-27) apply as in the case of the alienation of an enterprise.

Terms and conditions of transfer Notwithstanding section 330 of the Act respecting the Communauté urbaine de Montréal, the terms and conditions governing the transfer of the employees of the Metropolitan Transit Office shall be determined by agreement between the Communauté urbaine de Montréal and the Société de transport de la Communauté urbaine de Montréal; the agreement may provide that an employee of the Metropolitan Transit Office will become an employee of the Société de transport de la Communauté urbaine de Montréal at a date later than (*insert here the date of coming into force of this section*).

First meeting **73.** The Minister of Transport shall call the first meeting of the council which will be held on the date and at the place he determines.

Agenda **74.** The agenda of the first meeting of the council shall include, without being limited to, the following items:

- (1) the election of the chairman;
- (2) the appointment of the secretary-treasurer;
- (3) the fixing of the dates of the meetings of the council for the year 1990;

(4) the adoption of the budget of the council for the year 1990;

(5) the adoption of by-laws under section 25;

(6) the appointment of an auditor for the fiscal year ending on 31 December 1990.

Transit
tickets

75. All regional transit tickets issued by a transit corporation to permit the use of regional transit services from 1 January 1990 are deemed to be tickets issued under section 32.

Revenue
and
expenses

All revenue and expenses from the sale of such tickets shall respectively be distributed and apportioned in accordance with subparagraphs 1 and 3 of the first paragraph of section 25 and with section 45.

Budget

76. The budget adopted by the council for the year 1990 is deemed to have been adopted in accordance with section 40.

Effect

77. The first by-law of the council adopted under section 25 has effect from 1 January 1990.

Agreement

78. Notwithstanding any inconsistent provision of this Act, no by-law, order or decision of the council may, except with the approval of the Minister of Transport, prevent the carrying out of an agreement made before 15 May 1990 concerning the suburban train network or the extension of the subway network in the territory of the Communauté urbaine de Montréal and the territory of the city of Laval.

Bus lane

Similarly, no by-law, order or decision of the council may, except with the approval of the Minister, prevent the realization of the proposed exclusive bus lane on the jetty along the Champlain bridge, linking the territory of the Société de transport de la rive sud de Montréal and that of the Société de transport de la Communauté urbaine de Montréal, or prevent the realization of any element of infrastructure required to complete the proposed link between the Centre-Ville terminal in Montréal and the Brossard terminal which belongs to the Société de transport de la rive sud de Montréal.

Bus
terminal

79. No by-law, order or decision of the council may be made to prohibit the use of a bus terminal, located in its territory, by an intermunicipal board of transport established under the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) or by a municipality which organizes a public transport service pursuant to section 467 of the Cities and Towns Act

(R.S.Q., chapter C-19) or article 525 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

c. C-37.2,
s. 20, am.

80. Section 20 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words “and the Société de transport” in the second line of the first paragraph by 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 and amending various legislation (1990, chapter 41)”.

c. C-37.2,
s. 21, am.

81. Section 21 of the said Act is amended by replacing the words “and the Société de transport” in the second line by the words “, the Société de transport and the Conseil métropolitain de transport en commun”.

c. C-37.2,
s. 104, am.

82. Section 104 of the said Act is amended by striking out the second paragraph.

c. C-37.2,
s. 115, am.

83. Section 115 of the said Act is amended by replacing the second paragraph by the following paragraph:

Power
of the
Community

“Notwithstanding any provision to the contrary, the Community may dig a tunnel under any land for its sewer conduits, at a depth of more than fifteen metres. As soon as work begins, the Community becomes, without formality or indemnity, but subject to recourse in damages,

(1) the owner of the volume occupied by the tunnel;

(2) the owner of a thickness of two metres surrounding the interior concrete wall of the tunnel.”

c. C-37.2,
s. 209, am.

84. Section 209 of the said Act is amended

(1) by replacing the date “15 October” in the eighth line of the first paragraph by the date “1 November”;

(2) by replacing the figure “15” in the first line of the second paragraph by the figure “30”.

c. C-37.2,
s. 210.1,
am.

85. Section 210.1 of the said Act is amended by replacing the date “15 October” in the second line of the first paragraph by the date “1 November”.

c. C-37.2,
s. 223, am.

86. Section 223 of the said Act is amended

(1) by replacing the words “adopt a program of capital expenditures for the next three years” in the first and second lines of the first paragraph by the following words: “, for the next three fiscal years, adopt a program of capital expenditures, of capital expenditures intended for the extension of the subway network in its territory and of capital expenditures relating to the tunnel, tracks, platforms and subway network equipment outside its territory.”;

(2) by inserting, after the first sentence of the third paragraph, the following sentence: “Where the program includes capital expenditures relating to the subway network, the provisions pertaining thereto shall be transmitted to the Conseil métropolitain de transport en commun.”;

(3) by adding the words “and a writing of the Conseil métropolitain de transport en commun certifying that the program is in conformity with its decisions relating to the extension of the subway network” after the word “expenditures” in the fifth line of the fifth paragraph.

c. C-37.2,
s. 224, am.

87. Section 224 of the said Act is amended by adding, at the end of the first sentence of the first paragraph, the words “or for the financing of the construction of the subway network and the acquisition of the rolling-stock needed to operate it”.

c. C-37.2,
s. 287.1,
added

88. The said Act is amended by inserting, after section 287, the following section:

Guided
land
transport
system

“287.1 The corporation may operate, in and outside its territory, a guided land passenger transport system, on the surface, underground or above the ground.

Restriction

However, the corporation may not operate, outside its territory, a guided land transport system other than the subway unless the system directly links its territory to the territory of a municipality not forming part of its territory.”

c. C-37.2,
s. 291.2,
repealed

89. Section 291.2 of the said Act is repealed.

c. C-37.2,
s. 291.17,
am.

90. Section 291.17 of the said Act is amended

(1) by replacing the word “of” in the second line of the second paragraph by the words “served by”;

(2) by adding, at the end of the third paragraph, the following sentence: “They shall apply to that part of the subway and suburban train network operated by the corporation outside its territory.”

c. C-37.2,
s. 293, am.

91. Section 293 of the said Act is amended

(1) by replacing the words “the Minister and the Minister of Transport” in the fifth and sixth lines of the second paragraph by the words “the Minister of Municipal Affairs and the Minister of Transport”;

(2) by striking out the fourth paragraph.

c. C-37.2,
s. 294,
replaced

92. Section 294 of the said Act is replaced by the following sections:

Extension
of the
subway

“294. The corporation has jurisdiction to extend the subway and suburban train network in the territory described in Schedule A. It may

(1) dig a tunnel under any land for the subway or suburban train network;

(2) construct underground lines and their accessories, as well as surface, depressed or elevated lines and branches, and their accessories;

(3) with the approval of the Government, enter into an agreement with any railway company to purchase, take on lease or use in any manner the railway tracks or land of the company for the establishment of a suburban train network;

(4) construct underground or surface stations, platforms and any facilities required for the operation of the subway network;

(5) purchase, take on lease or construct stations, platforms and any facilities required for the operation of the suburban train network;

(6) purchase, take on lease or use any servitudes, rights of way or immovables required for the operation of the subway or suburban train network and, to facilitate the establishment or construction of the network or reduce the costs attached thereto, purchase or transfer any servitudes, rights of way or immovables;

(7) purchase, take on lease or use any servitudes and temporary rights on immovables during the period required for construction;

(8) order the expropriation of the property and rights mentioned in subparagraphs 6 and 7 for the purposes for which the corporation may otherwise acquire them;

(9) regulate the use of space in, above and near the subway tracks to ensure the safety of the works;

(10) construct passageways leading to the subway network inside commercial or other establishments and on private land and, for that purpose, acquire servitudes and rights of way by agreement or expropriation;

(11) for the functioning and operation of the subway or suburban train network, establish, construct, lay out, possess and operate, itself or through another person, parking lots, taxi stands, bus terminals and other facilities required therefor;

(12) acquire, by agreement or expropriation, any immovable or servitude situated near a construction, space or facility necessary for the operation of the subway or suburban train network, for the purpose of improving the layout of those immovables and providing passageways to the network. However, the prior approval of the municipality where the immovable or servitude is located is required;

(13) subdivide, resubdivide, exchange or sell, in whole or in part, any immovable, part of an immovable or immovable right acquired under subparagraph 12.

Expropria-
tions

The corporation has, with respect to an expropriation to be made for the purposes of this section, the powers described in paragraphs *a* and *c* of article 956 of the charter of the city of Montréal, adapted as required.

Expropria-
tions

Where the corporation proposes to expropriate for a purpose provided for in this section, except where the expropriation concerns a servitude or a right that affects only the subsoil of an immovable or where a municipality has already indicated its intention not to expropriate, the corporation shall offer the municipality in whose territory an immovable or immovable right affected by the proposed expropriation is situated to proceed with the expropriation, at its own expense. Subject to subparagraph 12 of the first paragraph, the corporation may proceed with the expropriation only if the municipality fails to accept, by resolution, the offer of the corporation within 90 days of receiving it.

Acquisi-
tion by
municipality

Every municipality having acquired an immovable or immovable right pursuant to subparagraph 12 of the first paragraph has the power provided for in subparagraph 13 of the first paragraph, adapted as required.

Ownership
of expro-
priated
immovables

If a municipality accepts the offer made by the corporation, it retains ownership of the expropriated immovables, subject to the obligation to transfer, free of charge, to the corporation the immovable property, rights and titles required for the construction and operation of the extensions of the subway network.

Powers For the purposes of this section, the corporation has the powers provided for in section 292.

Application This section applies, adapted as required, to any guided land passenger transport network or system.

Ownership of tunnel **“294.1** For the purposes of subparagraph 1 of the first paragraph of section 294, the corporation, from the time the works begin and without formality or indemnity, but subject to recourse in damages, becomes the owner of the volume occupied by the tunnel together with a thickness of five metres surrounding the interior concrete wall of the tunnel. In addition, the corporation holds a legal servitude established in favour of the volume occupied by the tunnel and limiting the stress applied to the upper surface of the volume to 250 kilopascals.

Applicable provisions The third paragraph of section 115 and sections 116 to 118 apply to the corporation, adapted as required.

Jurisdiction **“294.2** The corporation has jurisdiction to extend the subway network in the territory of the city of Laval and the municipalities in the territory of the Société de transport de la rive sud de Montréal.

Applicability The first and second paragraphs of section 294 and section 294.1 apply, adapted as required, to any such extension. However, in the case of surface installations or underground installations other than the tunnel, tracks and platforms, the corporation shall offer the municipality in whose territory the extension is to be made to exercise itself the powers necessary to construct such installations. If the municipality fails to accept, by resolution, the offer of the corporation within 90 days of receiving it, an identical offer shall be made to the municipal transit corporation in whose territory the extension is to be made. If the municipal transit corporation also fails to accept the offer within 90 days of receiving it, the corporation may proceed with the construction of all the installations.

Offer The municipality or municipal transit corporation may accept all or part of an offer made pursuant to the second paragraph, and shall possess the powers referred to in the first and second paragraphs of section 294.

Power Notwithstanding the second paragraph, the corporation may exercise the power conferred under subparagraph 9 of the first paragraph of section 294 only if no municipal by-laws exist in that respect.

Network extension **“294.3** The corporation has jurisdiction to extend its suburban train network outside its territory.

Applicable provisions The first paragraph of section 294 applies, adapted as required, to any such extension.

Ownership of subway installations **“294.4** The corporation is the sole owner of the subway network works and immovables situated in its territory. The Community shall transfer to the corporation, free of charge, all immovable rights along with the titles thereto, movable property and other rights it may hold with respect to the subway network. The debt service affecting the property of the corporation shall be apportioned as a deficit of the corporation, and the debt service affecting the other property and rights originally acquired by the Community shall be apportioned as an expense of the Community.

Obligations Notwithstanding the apportionment of the debt service provided for in this section, the financial commitments deriving from the securities issued by the Community and the contracts made by it or by the corporation for the purpose of extending the subway network in the territory of the municipalities listed in Schedule A, constitute direct and general obligations of the Community and of the municipalities listed in Schedules A and B. The Community and the said municipalities are jointly and severally liable for the obligations contracted by the Community towards the holders of the securities issued by it or towards the persons holding claims under the contracts.

Ownership of tunnel, tracks and platforms **“294.5** Where the subway network is extended in the territory of the Société de transport de la Ville de Laval or of the municipalities situated in the territory of the Société de transport de la rive sud de Montréal, the transit corporation owns the tunnel, tracks and platforms. It shall transfer to the municipality all property, rights and titles it may have acquired as a result of the failure by the municipality or municipal transit corporation to accept the offer made in accordance with section 294.2, with the exception of the legal servitudes referred to in section 294.1 and other servitudes and rights acquired to ensure the safety and sanitation of the tunnel.

Obligations The financial commitments deriving from the securities issued by the Community and the contracts made by the corporation for the purpose of constructing and laying out the subway tunnel, tracks and platforms in the territory of the Société de transport de la Ville de Laval or in the territory of the municipalities in the territory of the Société de transport de la rive sud de Montréal, constitute direct and general obligations of the Community. The Community is solely liable for the obligations contracted towards the holders of the securities issued by it or towards the persons holding claims under the contracts.

Obligations All contracts made by the corporation, except those mentioned in the second paragraph, and all contracts made by a municipality or

a municipal transit corporation under section 294.2 for the purpose of constructing or laying out underground or surface infrastructures relating to the subway network, constitute direct and general obligations of the municipality or the municipal transit corporation in whose territory the extension has been made. The municipality or transit corporation is solely liable for the obligations contracted towards the holders of the securities issued by it or towards the persons holding claims under the contracts.”

c. C-37.2,
s. 295, am.

93. Section 295 of the said Act is amended

(1) by replacing the word “Community” in the second and fifth lines by the word “corporation”;

(2) by replacing the word and figure “section 294” in the fourth line by the words and figures “sections 294 to 294.5”.

c. C-37.2,
s. 296, am.

94. Section 296 of the said Act is amended by replacing the word “Community” in the first line of the first paragraph by the word “corporation”.

c. C-37.2,
s. 297, am.

95. Section 297 of the said Act is amended

(1) by striking out the words “acting as mandatory of the Community” in the third and fourth lines of the first paragraph;

(2) by replacing the word “Community” in the first line of the second paragraph by the word “corporation”;

(3) by striking out the third and fourth paragraphs.

c. C-37.2,
s. 298, am.

96. Section 298 of the said Act is amended by striking out the words “acting as mandatory of the Community” in the sixth line of the first paragraph.

c. C-37.2,
s. 301,
replaced

97. Section 301 of the said Act is replaced by the following section:

Property
of corpora-
tion

“301. In the event of the dissolution of the corporation, the property of the corporation shall, after payment of the debts, devolve upon the Community in the manner prescribed by the Government.”

c. C-37.2,
s. 303,
replaced

98. Section 303 of the said Act is replaced by the following section:

Budget

“303. Every year the corporation shall prepare its budget for the ensuing fiscal year and transmit it to the secretary of the

Community and to the secretary-treasurer of the Conseil métropolitain de transport en commun not later than 15 October."

c. C-37.2,
s. 306.14,
am.

99. Section 306.14 of the said Act is amended by adding, at the end of the first sentence of the first paragraph, the words ", except as regards the financing of the construction of the subway network and the acquisition of the rolling-stock needed to operate it".

1984, c. 42,
s. 77, am.

100. Section 77 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by replacing the first paragraph by the following paragraph:

Budget

"77. Every year the corporation shall prepare its budget for the ensuing fiscal year and transmit it, before 1 November, to the council of the city of Laval and to the 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)."

1984, c. 42,
s. 78, am.

101. Section 78 of the said Act is amended by replacing the figure "1" in the first line of the first paragraph by the figure "15".

1985, c. 32,
s. 103, am.

102. Section 103 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by replacing the first paragraph by the following paragraph:

Budget

"103. Every year the executive committee shall prepare its budget for the ensuing fiscal year and transmit it, not later than 1 November, to the secretary of the corporation and to the 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)."

Minister
responsible

103. The Minister of Transport is responsible for the administration of this Act, except sections 37 to 58 the administration of which is entrusted to the Minister of Municipal Affairs.

Effect

104. Sections 24 and 76 have effect from 1 January 1990.

Coming into
force

105. This Act comes into force on 25 October 1990, except sections 72, 82, 86 to 97 and 99 which will come into force on the dates fixed by the Government.