

1983, chapter 45

**AN ACT RESPECTING INTERMUNICIPAL BOARDS
OF TRANSPORT IN THE AREA OF MONTRÉAL
AND AMENDING VARIOUS LEGISLATION**

Bill 46

Introduced by Mr Michel Clair, Minister of Transport

First reading: 16 November 1983

Second reading: 8 December 1983

Third reading: 21 December 1983

Assented to: 21 December 1983

Coming into force: 21 December 1983, except sections 41, 43, 49, to 51, 67, 69, 73 to 78 and 94 to 97 which came into force on 1 January 1984

Acts amended:

Municipal Code

Cities and Towns Act (R.S.Q., chapter C-19)

Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)

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

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98)

Charter of the City of Laval (1965, 1st session chapter 89)





CHAPTER 45

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

[Assented to 21 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

- Interpreta-
tion
- “board”
- “municipal-
ity”
- “carrier”
- 1.** In this Act, unless the context indicates otherwise,
“board” means an intermunicipal board of transport;
“municipality” means a municipality listed in Schedule I, or another
municipality brought into an agreement by order of the Government;
“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 BOARD OF TRANSPORT

- Establish-
ment
- Government
order
- Objects
- 2.** A municipality, by by-law, may authorize the making of an
agreement with any other municipality 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 organize 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.

- Contract Only a carrier under contract with the board may supply the service.
- School bus or minibus **4.** Where service is supplied by a school bus carrier, the carrier shall supply the service by school bus or school minibus only.
- Agreement **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.
- Approval **6.** Every agreement is subject to Government approval, and when submitted therefor must be accompanied with its authorizing by-laws.
- Municipalities brought into an agreement **7.** The municipalities party to the agreement may apply to the Government, by resolution of each of them setting out the reasons for the application, to bring into the agreement
- (1) a municipality not listed in Schedule I, where the number of persons residing in the territory of that municipality who are likely to use the proposed public transport service is such that it would be equitable to include the municipality in the agreement;
 - (2) a municipality that refuses to be party to an agreement where its refusal puts the setting up of the public transport service in jeopardy or renders it too onerous.
- Resolutions The municipalities shall transmit the resolutions within 15 days of passage to the municipality they wish brought into the agreement. The latter municipality may apply to the Government, by a resolution setting out the reasons for the application, not to be brought into the agreement. It shall then transmit the resolution within 15 days of passage to the municipalities party to the agreement.

Accompanying document

In the cases contemplated in this section, in addition to the documents required in section 6, the agreement must be accompanied, when it is transmitted to the Government, with proof that the resolutions have been sent.

Government order

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.

Municipality brought into an agreement

Where the Government approves an agreement, it may, in the cases provided in section 7, bring into it a municipality that is not listed in Schedule I or 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 establish the municipality's financial contribution. A municipality brought into an agreement pursuant to this section is bound thereby.

Publication

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

Amendment

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

Provisions applicable

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).

Transport organizing by-law

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

Transmission to the Minister of Transport

A by-law of a board establishing a public transport 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.

Contract

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

Restriction

Notwithstanding the foregoing, no contract to organize a joint public transport service similar to a service operated by the holder of a joint

public transport service under his permit may be made except with the latter's consent.

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

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

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.

Draft by-law **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.

Copy of by-law to the Minister **16.** A copy of a by-law of a board making a change in its service other than a timetable change 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.

Disallowal 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*.

Leasing and acquisition **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.

Agreements **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

Renewal of agreements **19.** An agreement 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.

Municipalities brought into an agreement **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 by resolution of each of them, setting out the reasons for the application, to bring into the agreement

(1) a municipality not listed in Schedule I, where the number of persons residing in the territory of that municipality who are using the public transport service is such that it would be equitable to include the municipality in the agreement;

(2) another municipality if they are of the opinion that its inclusion is required in the interests of improved public transport service or lower operating costs.

Resolutions The municipalities shall transmit the resolutions within 15 days of passage to the municipality they wish brought into the agreement. The latter municipality may apply to the Government, by a resolution setting out the reasons for the application, not to be brought into the agreement. It shall then transmit the resolution, within 15 days of passage, to the municipalities party to the agreement.

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

Renewal of agreement **21.** Within 30 days after receiving a by-law pursuant to the third 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.

Non-renewal **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.

Renewal by order **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 a municipality not listed in Schedule I or another municipality into it.

Renewal The second and third paragraphs of section 8 apply to the renewal of an agreement when the Government brings a municipality not listed in Schedule I or another municipality into it.

Extension of agreement **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, but not beyond 60 days after the end of the agreement.

Dissolution by order **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.

Contract
with carrier

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.

Public trans-
port service

28. A municipality, upon passing 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 86, shall transmit a copy to the Commission des transports du Québec.

Copy of
by-law

In addition, upon making any public transport contract except a contract under section 86, a municipality shall transmit a copy to the Commission.

Copy of
contract

29. From 1 January to 31 March 1984, 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 if the municipality is not served by a public body providing public transport, and may also provide links to points outside the territory of the municipality.

Public trans-
port permit

30. The Commission des transports du Québec may grant a special permit to allow the operation of a public transport service from 1 April to 31 December 1984 in the territory of a municipality that has not passed a by-law to become a member of a board or a by-law or resolution to contract with a carrier and that is not served by a public body providing public transport.

Special
permit

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.

Cessation of
operation

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

Revocation

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.

Conversion
of permit

33. Subject to section 32, the Commission des transports du Québec may issue a public transport permit to serve, from 1 January 1985, the territory of a municipality that is not a member of a board nor under

Municipal-
ity not mem-
ber of a
board

contract with a carrier and that is not served by a public body providing public transport.

DIVISION V

VARIOUS AMENDMENTS

M. C., Title
XV, Chap.
II, Sec. VII
A, VII B,
VII C,
replaced

34. 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

“ORGANIZING A PUBLIC TRANSPORT SERVICE

“**398a.** Any local corporation may, by a by-law approved by the Minister of Transport, organize 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 a public body providing public transport, 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 passing 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 other than a timetable change 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 article, 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 organizing 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 body providing public transport 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.

“SECTION 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 transportation 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 organizing of a special transportation service for handicapped persons.

“**398n.** Articles 398l and 398m 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 organizes a special transportation 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.”

c. C-19, Div. XI, Subdivs. 22, 22.1, 22.2, replaced **35.** 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.—*Organizing a public transport service*

Public transport service “**467.** The council may, by a by-law approved by the Minister of Transport, organize 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.

Authorized carrier “**467.1** No transport service described in section 467 may be supplied by anyone but a carrier that is a public body providing 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.

School bus or minibus “**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.

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

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

Fares “**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.

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.

Draft by-law “**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.

Copy to the Minister “**467.7** A copy of a by-law of the council making a change in the service other than a timetable change 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.

Disallowal 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*.

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

Applicability “**467.9** Section 467 does not apply to a municipality whose territory forms part of the territory of a public body providing public transport, 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.

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

“§ 22.1.—*Transportation of handicapped persons*”

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

Applicability “**467.12** Sections 467.3 to 467.6 apply, *mutatis mutandis*, to the organizing of a special transportation service for handicapped persons.

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

Subsidies “**467.14** The council may also, by by-law approved by the Minister of Transport, grant a subsidy to any non-profit body that organizes a special transportation 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.

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

c. C-37.1, s.
171, am.

36. The Act respecting the Communauté régionale 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 transport system and for that purpose:

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

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

(iii) make any contract deemed expedient to provide for the operation of the whole or part of such a service by taxi;

“(g) to 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.”

c. C-37.1, ss.
172.1, 172.2,
added

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

Acquisition
of equipment

“**172.1** The Transit Commission may entrust a mandate to any other public body providing public transport 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.

Joint
purchase

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.

Service
contract

“**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.”

c. C-37.1, s.
182, am.

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

Fares

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

c. C-37.1, s.
196, am.

39. Section 196 of the said Act is amended by replacing subsection 1 by the following subsection:

Special and
charter trips

“**196.** (1) The Transit Commission may provide special and charter trips in its territory and from its territory to an outside point.”

c. C-37.1, s.
196.1, added

40. The said Act is amended by adding, after section 196, the following section:

Charter trip and sight-seeing service “**196.1** The Transit Commission, with the required authorizations, may also provide special and charter trips and a sightseeing service from a point situated in the province of Ontario.”

c. C-37.2, s. 236, replaced “**41.** 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:

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

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

c. C-37.2, s. 253, am. “**42.** 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 a 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;

(iii) make any contract deemed expedient to provide for the operation of the whole or part of such a service by taxi;

“(g) to 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.”

c. C-37.2, ss. 256, 257, replaced “**43.** The said Act is amended by replacing sections 256 and 257 by the following sections:

Acquisition of equipment “**256.** The Commission may entrust a mandate to any other public body providing public transport 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.

Joint purchase 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.

Service contract

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

c. C-37.2, s. 258, replaced

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

Acquisition of public transport system

“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 or capital stock of any public bus transport system the routes of which are situated in whole or in part within its territory.

Expropriation

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.

Proceedings

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).”

c. C-37.2, s. 265, am.

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

c. C-37.2, s. 266, am.

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

c. C-37.2, s. 267, am.

47. Section 267 of the said Act is amended

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

Fares

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

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

Copy of resolution

“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 newspaper circulated in the territory of the Commission.”

c. C-37.2, s. 268, repealed

48. Section 268 of the said Act is repealed.

c. C-37.2, s. 289, am.

49. Section 289 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

Special and
charter trips

“**289.** (1) The Commission may provide special and charter trips in its territory and from its territory to an outside point.”;

(2) 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”.

c. C-37.2, s.
289.1, added

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

Sightseeing
or seasonal
service

“**289.1** The Commission may operate, outside its territory, any sightseeing service or seasonal service for which it has come to hold a permit through the acquisition of the public transport undertaking that was the permit holder.”

c. C-37.2, ss.
302-306, re-
pealed

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

c. C-37.3, ss.
169, 170,
replaced

52. 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:

Objects

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

Points out-
side the
territory

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

c. C-37.3, s.
188, am.

53. 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 transport system and for that purpose:

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

(iii) make any contract deemed expedient to provide for the operation of the whole or part of such a service by taxi;

“(j) to 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.”

c. C-37.3, s. 189.1, 189.2, added
54. The said Act is amended by adding, after section 189, the following sections:

Acquisition of equipment
“189.1 The Transit Commission may entrust a mandate to any other public body providing public transport 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.

Joint purchase
 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.

Service contract
“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.”

c. C-37.3, s. 190, re-placed
55. Section 190 of the said Act is replaced by the following section:

Acquisition of transport undertaking
“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 or capital stock of any public transport undertaking the routes of which are situated in whole or for the greater part within its territory.

Expropriation
 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.

Proceedings
 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).”

c. C-37.3, s. 199, am.
56. Section 199 of the said Act is amended by replacing the first paragraph by the following paragraph:

Fares
“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.”

c. C-37.3, s. 216, am.
57. Section 216 of the said Act is amended by replacing subsection 1 by the following subsection:

Special and charter trips
“216. (1) The Commission de transport may provide special and charter trips in its territory and from its territory to an outside point.”

c. C-37.3, s. 216.1, added
58. The said Act is amended by adding, after section 216, the following section:

Sightseeing
or seasonal
service

“216.1 The Transit Commission may operate outside its territory any sightseeing service or seasonal service for which it has come to hold a permit through the acquisition of the public transport undertaking that was the permit holder.”

c. C-70, s. 4
am.

59. 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:

Object

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

c. C-70, s.
38, am.

60. 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 transport system and for that purpose

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

(ii) make, with any public transport 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;

(iii) make any contract deemed expedient to provide for the operation of the whole or part of such a service by taxi;

“(g) to 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.”

c. C-70, s.
62, am.

61. Section 62 of the said Act is amended

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

Fares

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

Increase

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

(2) by striking out the fourth paragraph.

c. C-70, s.
63, repealed

62. Section 63 of the said Act is repealed.

c. C-70, s.
67, replaced

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

Service
contract

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

c. C-70, s.
67.1, re-
pealed

64. Section 67.1 of the said Act is repealed.

c. C-70, s.
110.1, added

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

Prohibition

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

Prohibition

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.”

c. C-70, s.
116, replaced,
s. 116.1, added

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

Acquisition
of equipment

“**116.** The corporation may entrust a mandate to any other public body providing public transport 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.

Joint
purchase

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.

Indemnity

“**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 served by the holder of a public transport permit from which the corporation has acquired the undertaking.”

1971, c. 98,
ss. 19, 20,
replaced

67. 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:

Objects

“**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.

Points out-
side the
territory

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

1971, c. 98,
s. 38, am.

68. 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 a 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;

(iii) make any contract deemed expedient to provide for the operation of the whole or part of such a service by taxi;

“(j) to 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.”

1971, c. 98,
ss. 38a, 38b,
replaced

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

Acquisition
of equipment

“**38.1** The Commission may entrust a mandate to any other public body providing public transport 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.

Joint
purchase

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.

Service
contracts

“**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.”

1971, c. 98,
s. 39, re-
placed

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

Acquisition
of transport
undertaking

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

Expropria-
tion

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.

- Proceedings* 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).”
- 1971, c. 98,
s. 46, am. **71.** 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.
- 1971, c. 98,
s. 48, re-
placed **72.** Section 48 of the said Act, enacted by section 18 of chapter 104 of the statutes of 1978, is replaced by the following section:
- Fares* **“48.** The Commission shall fix the various passenger fares according to the classes of users it determines.
- Copy of the
resolution* 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 newspaper circulated in the territory of the Commission.”
- 1971, c. 98,
s. 70a,
repealed **73.** Section 70a of the said Act, enacted by section 20 of chapter 104 of the statutes of 1978, is repealed.
- 1971, c. 98,
s. 71a,
repealed **74.** Section 71a of the said Act, enacted by section 21 of chapter 104 of the statutes of 1978, is repealed.
- 1971, c. 98,
s. 74, added **75.** The said Act is amended by adding, after section 73, the following section:
- Dissolution* **“74.** The subsidiary through which the Commission operates a public transport system outside its territory is hereby dissolved.
- Devolution* 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 served by the Commission through the subsidiary.
- Indemnity* The Commission is not entitled to any indemnity for the dissolution of a subsidiary.”
- 1971, c. 98,
ss. 74a-74d,
repealed **76.** Section 74a 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, and sections 74b to 74d, enacted by section 22 of chapter 104 of the statutes of 1978, are repealed.
- 1971, c. 98,
s. 76, am. **77.** 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 subsection 1 by the following subsection:

Special and
charter trips

“**76.** (1) The Commission may provide special and charter trips in its territory and from its territory to an outside point.”;

(2) 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”;

(3) by striking out subsection 5.

1971, c. 98,
s. 76.1,
added

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

Sightseeing
or seasonal
service

“**76.1** The Commission may operate, outside its territory, any sightseeing service or seasonal service for which it has come to hold a permit through the acquisition of the public transport undertaking that was the permit holder.”

1971, c. 98,
s. 78, am.

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

1965, 1st
sess., c. 89,
s. 47, am.

80. 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:

Points out-
side the
territory

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

1965, 1st
sess., c. 89,
s. 63, am.

81. 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 a 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;

(iii) make any contract deemed expedient to provide for the operation of the whole or part of such a service by taxi;

“(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.”

1965, 1st
sess., c. 89,
ss. 66a, 66b,
added

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

Acquisition
of equipment

“66a. The Commission may entrust a mandate to any other public body providing public transport 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.

Joint
purchase

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.

Service
contract

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

1965, 1st
sess., c. 89,
s. 67, re-
placed

83. 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:

Acquisition
of transport
undertaking

“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 or capital stock of any public transport undertaking operated within its territory.

Expropria-
tion

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.

Proceedings

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).”

1965, 1st
sess., c. 89,
s. 76, am.

84. 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:

Fares

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

1965, 1st
sess., c. 89,
s. 102, am.

85. 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

(1) by replacing subsection 1 by the following subsection:

Special and charter trips “**102.** (1) The Commission may provide special and charter trips in its territory and from its territory to an outside point.”;

(2) 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 66b”.

DIVISION VI

TRANSITIONAL AND FINAL PROVISIONS

Contract with carrier **86.** Any municipality may, by resolution and without approval or any other formality, for a period ending not later than 31 December 1984, sign with a carrier a contract to organize a public transport service in its territory and to provide links to points outside its territory. The contract must provide for the financial contribution of the municipality to the service, and may be made without a call for tenders.

Prohibition **87.** Notwithstanding section 86, no contract may be made to organize a public transport service similar to the service already operated by the holder of a public transport permit under the permit.

School bus or minibus **88.** Where service is supplied by a school bus carrier, the carrier shall supply such service by means of school bus or school minibus only.

Contract **89.** A transit commission is authorized, without any formality, to sign a contract described in section 86.

Fares **90.** A municipality shall, by resolution, fix the various passenger fares according to the classes of users it determines.

Delegation **91.** A municipality may, by resolution and without approval or any other formality, delegate to another municipality the powers assigned to it in sections 86 and 90.

Delegation It may also, in the same manner, after availing itself of section 86, entrust to another municipality the responsibility of administering for it the public transport service and exercising for it its powers under section 90.

Acceptance Any municipality may, by resolution and without approval or any other formality, accept the delegation.

Copy to the Minister A municipality shall cause a copy of any resolution passed under this section to be sent to the Minister of Transport.

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

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

94. The Commission de transport de la Communauté urbaine de Montréal, the Commission de transport de la Communauté urbaine de Québec and the Commission de transport de la Rive Sud de Montréal 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.

95. Notwithstanding the dissolution of the subsidiary of the Commission de transport de la Rive Sud de Montréal and the repeal of the second paragraph of section 19 and sections 74*a* to 74*d* of its incorporating Act and notwithstanding the repeal of the second paragraph of section 236 and sections 302 to 306 of the Act respecting the Communauté urbaine de Montréal, the Commission de transport de la Rive Sud de Montréal and the Commission de transport de la Communauté urbaine de Montréal may continue, until 31 March 1984, to exercise all the rights, powers, privileges and obligations that were conferred by those sections.

96. Section 86 does not apply to a municipality whose territory is served, under section 95, by the Commission de transport de la Rive Sud de Montréal or by the Commission de transport de la Communauté urbaine de Montréal. However, where such a municipality has signed a contract under section 86 with such a transit commission, section 95 does not apply.

97. Notwithstanding sections 51 and 76, sections 302 to 306 of the Act respecting the Communauté urbaine de Montréal and sections 74*a* to 74*d* of the Act to incorporate the Montreal South Shore Transit Commission continue to have effect as to the aliquot shares due to a transit commission before the repeal of those sections and as to the aliquot shares that may be exigible under section 95 of this Act.

The first paragraph ceases to have effect from the date fixed by proclamation of the Government.

98. 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.

- Effect **99.** Sections 86, 87, 89 and 91 have effect from 16 November 1983.
- Presumption The resolutions and contracts relating to matters contemplated in those sections, passed and made before the coming into force of this section, are deemed to have been passed and made under those sections.
- Exception **100.** 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).
- Coming into force **101.** This Act comes into force on the day of its sanction, except sections 41, 43, 49 to 51, 67, 69, 73 to 78 and 94 to 97, 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)
Beloeil (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)
McMasterville (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)
Stanbridge-Station (NN)
Terrasse-Vaudreuil (NN)
Terrebonne (T)
Tracy (T)
Très-Saint-Sacrement (P)
Varennes (T)
Vaudreuil (T)
Venise-en-Québec (NN)
Verchères (NN)