

3. The following is substituted for section 32:

“**32.** Damaged signs and tab signs shall be repaired or replaced, as shall those whose retroreflection coefficient is not at least equal to 50 % of the standard to which they must correspond.”

4. Paragraphs 5 and 6 of section 180 are deleted.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1001

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Transportation of Dangerous Substances — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation entitled “Regulation to amend the Transportation of Dangerous Substances Regulation”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to ensure the application of regulations respecting the transportation of dangerous substances with the greatest possible flexibility taking into account the multitude of goods transported and the transportation conditions that prevail in Canada. The harmonization of the provincial Regulation with the federal Regulation will make it possible for Québec carriers and shippers to remain competitive with those of the other provinces. Thus, the amendments contained in Schedules 16 and 18 to 22 of the federal Regulation entitled “Transportation of Dangerous Goods Regulations” made under the Transportation of Dangerous Goods Act, 1992, deal mainly with the safety requirements for infectious substances, identification and classification of dangerous goods, rules concerning the definition of “recyclable material”, indications of danger and safety requirements that apply to highway tanks. In addition, those amendments have been the subject of studies of impact at the time of their publication by the Government of Canada and already several interprovincial road carriers comply with those new standards.

Other amendments are also made to the Transportation of Dangerous Substances Regulation to harmonize that Regulation with the regulations of the Ministère de

l’Environnement et de la Faune of Québec. The transfer of certain responsibilities from the Ministère de l’Environnement to the Ministère des Transports will simplify the rules for carriers while maintaining the safety standards already applicable to the transportation of dangerous waste at a level comparable to the level that exists for the transportation of other dangerous substances. Henceforth, the manifest or the shipping document may accompany dangerous waste provided that it contains the basic information required by the Transportation of Dangerous Substances Regulation.

The transit of substances such as flammables, explosives, oxidizers and accessories with a naked flame will be prohibited in tunnels governed by the provisions of the Transportation of Dangerous Substances Regulation.

The approaches to the Melocheville tunnel will be laid out so as to create a waiting lane intended for vehicles carrying dangerous substances. Traffic will be controlled so that vehicles carrying those substances travel alone and at reduced speed in the tunnel.

The distribution of fines among carriers and shippers of dangerous substances is reviewed to take their respective responsibilities into account.

Those amendments to the regulations will have no economic impact on the public and negligible impact on small and medium-sized businesses affected by those new standards. The Melocheville tunnel will not be closed to the transportation of dangerous substances since traffic will be only controlled, which may however increase the waiting period and delivery time of the substances transported.

Further information may be obtained by contacting

Mrs. Claude Émond
700, boulevard René-Lévesque Est, 23^e étage
Québec (Québec), G1R 5H1
Tel.: (418) 646-9697 - Fax: (418) 646-6196

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period at the address mentioned above.

JACQUES BRASSARD,
Minister of Transport

Regulation to amend the Transportation of Dangerous Substances Regulation

Highway Safety Code

(R.S.Q., c. C-24.2, s. 622, 1st par., subpars. 1, 2, 5, 6 and 8)

1. The Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988 and amended by the Regulations made by Orders in Council 565-90 dated 25 April 1990 and 82-94 dated 10 January 1994, is further amended by substituting the following for section 1:

“**1.** In this Regulation, “Transportation of Dangerous Goods Regulations” means the Regulations respecting the handling, offering for transport and transporting of dangerous goods, made under the Transportation of Dangerous Goods Act (R.S.C., 1985, c. T-19) by Order in Council SOR/85-77 of 18 January 1985 published in the *Canada Gazette*, Part II, on 6 February 1985, as amended by the Regulations made under that Act by Orders in Council SOR/85-585 of 21 June 1985 and SOR/85-609 of 27 June 1985 published in the *Canada Gazette*, Part II, on 10 July 1985, SOR/86-526 of 8 May 1986 published in the *Canada Gazette*, Part II, on 28 May 1986, SOR/87-335 of 11 June 1987 published in the *Canada Gazette*, Part II, on 24 June 1987, SOR/88-635 of 7 December 1988 published in the *Canada Gazette*, Part II, on 21 December 1988, SOR/89-39 of 27 December 1988 published in the *Canada Gazette*, Part II, on 18 January 1989, SOR/89-294 of 1 June 1989 published in the *Canada Gazette*, Part II, on 21 June 1989, SOR/90-847 of 6 December 1990 published in the *Canada Gazette*, Part II, on 19 December 1990, SOR/91-711 and SOR/91-712 of 5 December 1991 published in the *Canada Gazette*, Part II, on 18 December 1991 and by the Regulations made under the Transportation of Dangerous Goods Act, 1992 (1992, 40-41 Elizabeth II, c. 34) by Orders in Council SOR/92-447 of 20 July 1992 published in the *Canada Gazette*, Part II, on 12 August 1992, SOR/92-600 of 9 October 1992 published in the *Canada Gazette*, Part II, on 21 October 1992, SOR/93-203 of 20 April 1993 published in the *Canada Gazette*, Part II, on 5 May 1993, SOR/93-525 of 2 December 1993 published in the *Canada Gazette*, Part II, on 15 December 1993, SOR/94-146 of 3 February 1994 published in the *Canada Gazette*, Part II, on 23 February 1994, SOR/94-264 of 24 March 1994 published in the *Canada Gazette*, Part II, on 6 April 1994, SOR/95-241 of 16 May 1995 published in the *Canada Gazette*, Part II, on 31 May 1995 and SOR/95-547 of 23 November 1995 published in the *Canada Gazette*, Part II, on 13 December 1995.”.

2. Section 2 is amended

(1) by inserting the words “or in the Transportation of Dangerous Goods Act, 1992,” in the first paragraph, in the part preceding the definition of “handling” and after the words “in those Regulations”;

(2) by substituting the following for the third paragraph:

“The words “Director General” occurring in paragraph *b* of section 5.41 of the Transportation of Dangerous Goods Regulations and in sections 7.16, 7.19 and 9.14 of those Regulations shall be taken to mean the Director of intermodal transportation of the Ministère des Transports du Québec.”;

(3) by substituting the following for the fourth paragraph:

“For the purposes of section 4.10 of the Transportation of Dangerous Goods Regulations, “CANUTEC (613) 996-6666” is preceded by the words “local police and”.

3. Section 4 is amended by substituting “2.1.2 and 2.3 to 2.4.2” for “2.3, 2.4, 2.4.1 and 2.4.2”.

4. Section 6 is amended by inserting the word “radioactive” before the word “substances” in Class 7.

5. The following is substituted for section 7:

“**7.** Dangerous substances shall be documented in accordance with PART IV of the Transportation of Dangerous Goods Regulations, in accordance with the provisions of those Regulations.

Notwithstanding the foregoing, the shipping documents may validly be kept in the weatherproof container fixed to the transport unit. In addition, the shipping document referred to in section 4.4 of those Regulations may replace the prescribed manifest and, in that case, paragraph *b* of section 4.18 of those Regulations shall not apply.”.

6. Section 9 is amended by substituting “7.1 to 7.8” for “7.1 to 7.11”.

7. The following is substituted for section 10.3:

“**10.3** The first paragraph of section 6 and sections 7 and 8 of this Regulation apply to a person who requests the transportation of a dangerous substance.”.

8. The following is substituted for section 11:

11. It is prohibited to travel in the Louis-Hippolyte-Lafontaine tunnel, in the tunnel sections of the Ville-Marie autoroute, in the bridge-tunnel Joseph-Samson or in the part of the approach to Melocheville tunnel that is parallel to the lane reserved for vehicles carrying dangerous substances:

(1) with a road vehicle on which placards must be displayed in accordance with PART V of the Transportation of Dangerous Goods Regulations, unless it transports only dangerous substances of Class 9;

(2) with a road vehicle referred to in paragraph *a* of section 2.28 of the Transportation of Dangerous Goods Regulations or used pursuant to an equivalent safety permit issued under section 31 of the Transportation of Dangerous Goods Act and exempting the application of the placards referred to in subparagraph 1, unless it transports only dangerous substances of Class 9;

(3) with a road vehicle transporting a dangerous substance of Class 3 unless the quantity of dangerous substances transported does not exceed 25 litres and is transported in containers that meet the safety standards prescribed by section 9 of this Regulation and whose overall capacity does not exceed 25 litres;

(4) with a road vehicle transporting a substance of class 2 with a primary classification 2.1 or a subsidiary classification 5.1 unless the dangerous substance is kept in a cylinder with a water capacity of not more than 53 litres and no more than 3 cylinders are transported by the vehicle;

(5) with a road vehicle equipped with a functioning accessory that produces a naked flame.

This section does not apply where dangerous substances intended for the operation of the vehicle transporting them or for its air-conditioning are contained in the tank provided exclusively for that purpose by the manufacturer of the vehicle or accessory. It does not apply either to emergency vehicles in the situations referred to in section 378 of the Highway Safety Code.”.

9. The following is substituted for sections 12.1 to 12.4:

“**12.1** Any violation of any of the provisions of sections 7 to 10, 10.3 and 10.4 of this Regulation, concerning the application of sections 4.6 and 4.7, of paragraphs *a*, *b*, *c* and *m* of subsection 1 of section 4.8, of sections 4.12, 4.19 and 4.24, of subsection 1 of section 5.5, of sections 5.6, 5.8, 5.25, 5.29, 7.1, 8.1 and 9.2 of the Transportation of Dangerous Goods Regulations, constitutes an offence punishable by a fine of \$200 to \$300.

12.2 Any violation of any of the provisions of section 7 of this Regulation, concerning the application of paragraph *o* of subsection 1 of section 4.8 of the Transportation of Dangerous Goods Regulations, constitutes an offence punishable by a fine of \$300 to \$600.

12.3 Any violation of any of the provisions of sections 2, 4, 7 to 10 and 10.2 to 10.5 of this Regulation, concerning the application of sections 2.33 to 2.35, 3.1.1, 4.1, 4.4, of paragraphs *e* and *h* to *l* of subsection 1 of section 4.8, of sections 4.15, 4.20 and 4.23, of paragraph 1 of section 5.5, of sections 5.7, 5.16, 5.23, 5.24, 5.32, 5.37, 7.16, 7.21, 7.34 to 7.39, 8.7, 9.11, 9.13 or the prohibitions referred to in Schedules II and III of the Transportation of Dangerous Goods Regulations, constitutes an offence punishable by a fine of \$600 to \$6 000.

12.4 Any violation of any of the provisions of section 11 of this Regulation constitutes an offence punishable by a fine of \$600 to \$6 000.”.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1012