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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FIFTH LEGISLATURE

**Bill 102**

(1995, chapter 65)

**An Act respecting the Agence  
métropolitaine de transport and  
amending various legislative  
provisions**

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**Introduced 15 June 1995****Passage in principle 4 December 1995****Passage 15 December 1995****Assented to 15 December 1995**

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## EXPLANATORY NOTES

*This bill establishes the Agence métropolitaine de transport whose area of jurisdiction is the combined territories of the municipalities in the census area of Montréal whose residents contribute to the fund for the contributions of motorists to public transit.*

*The bill provides that the Agency will be administered by a board of five directors appointed by the Government. Two directors of the Agency will be appointed to represent the municipalities in the area of jurisdiction of the Agency; one such director will be appointed after consultation with the executive committee of the Communauté urbaine de Montréal and the other after consultation with the wardens and certain mayors in the area of jurisdiction of the Agency.*

*The objects of the Agency will be to support, develop, coordinate and promote shared transportation, including special transportation services for the handicapped, to operate suburban trains and to ensure the development of suburban train services, to foster the integration of the services provided by various modes of transportation and to increase the efficiency of traffic corridors. The Agency will be conferred the powers it needs to fulfill its objects in the areas of transportation by suburban train, metropolitan traffic lanes, including reserved lanes, and metropolitan bus, shared taxi and subway transportation, and the power to grant financial assistance.*

*The bill contains provisions governing the financial management and the funding of the Agency. In addition, it requires the Agency to produce a strategic development plan and a program of capital expenditures and makes the Agency subject to the directives of the Minister of Transport. As well, the bill provides for the appointment of inspectors and contains penal provisions.*

*In another connection, the bill provides that the Agency will succeed to the Conseil métropolitain de transport en commun and, from 1 January 1996, to the Société de transport de la Communauté urbaine de Montréal in respect of the operation of the suburban train system. The bill also provides that the Minister will report to the National Assembly not later than 1 December 1999 on the implementation of this legislation and on the steps to be taken to entrust the control of the Agency to regional decision-makers.*

*Finally, the bill contains amendments to ensure concordance.*

**LEGISLATION AMENDED BY THIS BILL:**

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Fuel Tax Act (R.S.Q., chapter T-1);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Transport Act (R.S.Q., chapter T-12);
- 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).

**LEGISLATION REPLACED BY THIS BILL:**

- Act respecting the Conseil métropolitain de transport en commun (R.S.Q., chapter C-59.001).



## Bill 102

### **An Act respecting the Agence métropolitaine de transport and amending various legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### ESTABLISHMENT AND ORGANIZATION

**1.** An agency to be known as the “Agence métropolitaine de transport” is hereby established. The Agency is a legal person.

**2.** The Agency is a mandatary of the Government. The property of the Agency forms part of the domain of the State, but the execution of the obligations of the Agency may be levied against its property.

**3.** The area of jurisdiction of the Agency is the combined territories of the municipalities listed in Schedule A and that of the Indian Reserve of Kahnawake.

For the purposes of this Act, the words “municipality”, except in the expression “regional county municipality”, and “municipal territory” mean, respectively, a municipality listed in Schedule A and the territory of such a municipality.

**4.** The Agency shall have its head office at such place as it determines within its area of jurisdiction. Notice of the location of the head office and of any change in its location shall be published in the *Gazette officielle du Québec* and in a newspaper distributed in its area of jurisdiction.

**5.** The affairs of the Agency shall be administered by a board of five directors appointed by the Government for a term not exceeding five years, two of whom shall be appointed to represent the

municipalities. At the expiry of their term, the directors shall remain in office until replaced or reappointed.

One of the directors representing the municipalities shall be appointed after consultation with the executive committee of the Communauté urbaine de Montréal and the other after consultation with the mayor of Ville de Laval and the wardens of the regional county municipalities situated or partly situated within the area of jurisdiction of the Agency.

**6.** The Government shall designate a chairman and director general from among the directors. It shall determine his remuneration, employment benefits and other conditions of employment.

The other directors shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the discharge of their duties on the conditions and to the extent determined by the Government.

**7.** The removal from office or resignation of a director shall not take effect before the Agency is notified thereof.

**8.** The quorum at meetings of the board of directors of the Agency is three directors.

**9.** The chairman and director general shall call and preside at meetings of the board of directors and ensure that they are properly conducted.

The board of directors shall meet at least once every three months at the head office of the Agency. At such quarterly meetings, only the members who are present may constitute a quorum, even if other members take part in the meeting by other means authorized by this Act.

Two directors may require that the chairman and director general call a special meeting. The special meeting must be held within five days after the requisition is received.

**10.** Every director present at a meeting of the board has one vote and is required to vote.

**11.** The directors may, by unanimous agreement, take part in a meeting of the board by means of any device that allows oral

communication, in particular the telephone. The participants are, in such a case, deemed to have attended the meeting.

**12.** The board of directors shall designate a secretary and a treasurer from among the employees of the Agency.

**13.** The employees of the Agency shall be appointed according to the staffing plan and the standards established by by-law of the Agency. The by-law shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment of the employees of the Agency.

The by-law shall be submitted to the Government for approval.

**14.** The chairman and director general is responsible for the administration and direction of the Agency within the scope of its policies and by-laws. He shall exercise his functions on a full-time basis.

**15.** The Agency may make by-laws to regulate the exercise of its powers and the other aspects of its internal management.

**16.** Any director of the Agency, other than the chairman and director general, having a direct or indirect interest in an enterprise causing his personal interest to conflict with that of the Agency must, on pain of forfeiture of office, disclose it in writing to the chairman and director general and abstain from participating in any discussion or decision involving the enterprise in which he has the interest or in any part of a meeting of the board of directors during which his interest is discussed.

Neither the chairman and director general nor any employee of the Agency may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing his personal interest to conflict with that of the Agency. However, forfeiture of office is not incurred where the interest devolves by succession or gift, provided it is renounced or disposed of with dispatch.

**17.** The minutes of the meetings of the board of directors, approved by the board and signed by the chairman and director general or by the secretary, are authentic, as are any documents or copies emanating from the Agency or forming part of its records where they are certified by the chairman and director general or an authorized person.

**18.** The Agency may set up committees to examine particular matters, including special transportation services for the handicapped, determine their mode of operation and designate their members.

A committee set up by the Agency to examine a matter in which a public transit operating authority has an interest must include at least one representative of that authority as a member.

**19.** For the purposes of this Act, “public transit operating authority” means the Société de transport de la Communauté urbaine de Montréal, the Société de transport de la Ville de Laval, the Société de transport de la rive sud de Montréal and any other legal person established in the public interest that is authorized by its constituting act to operate a public transportation enterprise in the area of jurisdiction of the Agency.

**20.** The public transit operating authorities, the Communauté urbaine de Montréal and the municipalities, including the municipalities not listed in Schedule A, shall have all the powers necessary to enter into contracts or to make an agreement under this Act with the Agency.

## CHAPTER II

### OBJECTS AND POWERS

**21.** The objects of the Agency are to support, develop, coordinate and promote shared transportation, including special transportation services for the handicapped, to improve suburban train services and ensure their development, to foster the integration of the services provided by various modes of transportation and to increase the efficiency of traffic corridors.

### DIVISION I

#### SUBURBAN TRAINS

**22.** The Agency has exclusive authority, within its area of jurisdiction, over public transportation by suburban train.

**23.** The Agency may, with the approval of and on the conditions determined by the Government, extend its train system outside its area of jurisdiction. The Government may also allow the Agency to operate any other guided land transport system within the meaning of the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3), except the subway.



**24.** The Agency may, in particular,

(1) operate a public rail transportation enterprise;

(2) enter into contracts with railway companies providing for the procurement of services relating to the operation of a railway undertaking that is within the legislative authority of the Parliament of Canada, or, with the authorization of the Minister of Transport, authorize the directors it designates to file a petition with the federal authorities for the incorporation, by letters patent, of a company for the construction or operation of a railway within the meaning of the Railway Act (Revised Statutes of Canada, 1985, chapter R-3), with the proviso that the Agency be the sole shareholder, that the executives of the company be the same persons as those of the Agency, and that the activities of the company be limited to operating suburban trains on a railway line within the legislative authority of Parliament;

(3) with the approval of the Government, acquire or lease railway tracks and rights of way to establish its train system;

(4) subject to paragraph 3, acquire, lease or transfer property for the purpose of establishing, operating or developing its train system;

(5) enter into contracts with a public transit operating authority or a municipality providing for the procurement of specific public rail transportation services;

(6) promote public rail transportation.

For the purposes of subparagraph 5 of the first paragraph, the word “municipality” includes any local municipality whose territory is situated outside the area of jurisdiction of the Agency and serviced pursuant to the order referred to in section 23.

**25.** The Agency shall fix the fares for its public rail transportation services on the basis of the factors and classes of passengers it determines.

Such factors may include distance, frequency, the time of day or period of the week, and the integration of metropolitan transportation services with the public transportation services of a public transit operating authority or a municipality.

**26.** The Agency may, by by-law approved by the Government, prescribe standards of conduct to be observed by passengers in trains, in train stations, on platforms and in parking areas operated by the Agency.

The by-law shall indicate, among its provisions, those the violation of which is punishable under section 98.

## DIVISION II

### METROPOLITAN TRANSPORTATION

**27.** The Agency has authority over metropolitan transportation by bus and its authority takes precedence over the authority of any public transit operating authority. The Agency also has authority over any extension of the subway and, to the extent provided for in this Act, over its financing and operation. It may also enter into contracts with taxi permit holders to provide, on its behalf, shared transportation service by taxi on all or part of its area of jurisdiction.

“Metropolitan transportation by bus” means all or part of a public transportation service, determined by the Agency, that allows a person to travel from one municipal territory to another municipal territory unless both are situated in the territory of the same public transit operating authority, and “bus” means a bus or a minibus within the meaning of the Highway Safety Code (R.S.Q., chapter C-24.2).

**28.** The Agency also has authority over local public bus transportation in the territory of any public transit operating authority or municipality which applies therefor.

The application shall specify the public transportation services to be provided, the manner in which and, where applicable, the time during which such services are to be provided, and may pertain to the organization of a shared transportation service by taxi.

The authority or the municipality shall pay to the Agency the cost of the service within the time it indicates, after deducting the revenue generated by the service and every subsidy related thereto.

**29.** Every determination under the second paragraph of section 27 must be approved by the Government and published in the *Gazette officielle du Québec* and in a newspaper distributed in the area of jurisdiction of the Agency. The determination may include the designation of any equipment or facilities necessary for metropolitan travel.

§ 1. — *Metropolitan transportation by bus*

**30.** The metropolitan bus transit system is established or modified by the Agency with the approval of the Government.

For the purposes of the first paragraph, the Agency shall, in particular,

(1) evaluate public transportation services on the basis of factors such as the appropriateness or necessity of providing a link between municipal territories, the capacity and frequency of existing services, the speed of travel and the financial resources of the Agency;

(2) consider the development plans and planning programmes referred to in sections 5 and 83 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and the plan of transport systems referred to in section 3 of the Transport Act (R.S.Q., chapter T-12).

The Agency shall, according to its implementation schedule, consult the municipalities, public transit operating authorities and regional county municipalities concerned and the Communauté urbaine de Montréal inasmuch as it is concerned, in order to obtain their views.

**31.** The Agency must, in order to obtain government approval for the establishment or modification of the metropolitan bus transit system, file an application with the Minister which must mention any disagreement expressed during consultations.

**32.** The Minister shall advise the bodies that were consulted of the date on which he intends to submit the application to the Government for approval.

**33.** The establishment or any modification of the metropolitan bus transit system is approved by the Government, with or without modification, and the effective date thereof is determined by the Government.

**34.** If the application of the Agency does not receive government approval, the Minister shall so inform the Agency.

**35.** The Agency may, in particular,

(1) operate a public bus transportation enterprise;

- (2) develop its metropolitan bus transit system;
- (3) coordinate the bus services provided by public transit operating authorities, the subway service system and its own metropolitan bus transit and suburban train systems;
- (4) establish metropolitan transit tickets for the use of services, which may include suburban train services, provided by two or more public transit operating authorities, and fix the fares;
- (5) establish tickets and fix the fares for the use of metropolitan equipment and facilities;
- (6) approve the types of fare collection equipment that may be used by public transit operating authorities;
- (7) apportion the cost of its metropolitan bus transit system, and of the metropolitan equipment and facilities acquired or managed by it, among the public transit operating authorities and municipalities;
- (8) define the terms and conditions subject to which a non-resident may use a special transportation service for the handicapped and determine the cost-sharing formula;
- (9) take any measure it considers appropriate to promote the organization and operation of public transportation services not operated by the Agency and provide support services to users of such services and to the persons organizing them;
- (10) promote all forms of shared transportation.

For the purposes of subparagraph 1 of the first paragraph, all bus transportation services must be provided by a public transit operating authority or carrier bound by a contract with the Agency. Such contract shall take the place of any authorization otherwise necessary to accredit such authority or carrier.

**36.** The Agency shall identify the equipment and facilities that are necessary for the operation of its metropolitan bus transit system.

More specifically, it shall make a survey of the utilization of stations, terminals and parking areas currently operated by a public transit operating authority or a municipality, examining the extent to which it contributes to the efficiency of the metropolitan system.

The Agency shall, according to its implementation schedule, consult the municipalities and public transit operating authorities concerned in order to obtain their views.

**37.** The Agency shall acquire the equipment and facilities it has identified as being necessary for the operation of its metropolitan bus transit system.

The contract shall specify the date and the terms and conditions governing the transfer of the property. Only the amount disbursed by the owner, exclusive of any government subsidy granted to finance the cost of acquisition, may be reimbursed, compensated or otherwise borne by the Agency.

Notwithstanding the second paragraph, the owner shall continue to service any debt relating to the property transferred to the Agency. The owner shall remain responsible for the commitments arising out of the securities it has issued and such securities shall continue to constitute direct and general obligations of the owner. The Agency shall reimburse the owner, in principal and interest, according to the due dates of debt service payments of the owner.

**38.** In case of disagreement, the Government shall determine that equipment or a facility referred to in section 37 is to come under the management of the Agency from the date indicated by the Government.

The Agency may perform all the acts and exercise all the rights of an owner in respect of property which it does not own but which is under its management. For that purpose, the Agency is vested with the necessary powers and shall assume the obligations related thereto.

**39.** The Agency may apportion the cost of operating and managing terminals referred to in section 37 or 38 among the public transit operating authorities using them. Where applicable, the public transit operating authorities shall pay, on a quarterly basis, a share of the cost in proportion to the utilization of the terminals, on receipt of an invoice from the Agency.

**40.** For the purposes of subparagraph 4 of the first paragraph of section 35, the Agency shall fix its fares on the basis of factors such as the number and frequency of trips, the interval between trips, the distance travelled and classes of users.

**41.** The Agency shall transmit to the Minister its tariff of fares as soon as it is established or modified. The Government may disallow the tariff of fares within 60 days of its receipt.

The fares cannot come into force before the expiry of the period during which they may be disallowed, unless the Minister has advised the Agency that the Government will not disallow them.

**42.** Every public transit operating authority shall give access to its local transit system to the bearer of a metropolitan transit ticket in accordance with the indications on the ticket.

The Agency shall share, with the public transit operating authorities, the revenue derived from the sale of metropolitan transit tickets referred to in subparagraph 4 of the first paragraph of section 35, according to the utilization of their respective systems by the users.

**43.** Every public transit operating authority shall, in order to assure the coordination of its transportation services with those of the subway system and of its own metropolitan bus transit and suburban train systems,

(1) adjust its service schedules in accordance with the directives of the Agency;

(2) provide transfer services at such locations as are specified by the Agency;

(3) modify its routes in accordance with the directives of the Agency.

A public transit operating authority may not claim compensation for the expenses incurred.

**44.** Every public transit operating authority shall, within the time fixed by the Agency, use fare collection equipment of a type approved by the Agency pursuant to subparagraph 6 of the first paragraph of section 35.

**45.** The Agency may, on the basis of factors and in the manner it establishes, grant financial assistance to a public transit operating authority to compensate, in whole or in part, the cost of the authority's contribution to the metropolitan bus transit system or the cost of servicing a reserved traffic lane. Such financial assistance is deemed to form part of the cost of the metropolitan transit system.

**46.** Where the Agency operates a metropolitan bus route in the place and stead of a public transit operating authority, the Agency shall assess the benefitting municipalities according to the cost of the services provided, after deducting the revenue generated by the service and every subsidy for which the service is eligible.

The municipalities shall pay the Agency within the time it indicates.

§2. — *Subway*

**47.** The Agency shall plan and, with the approval of the Government, shall construct, in cooperation with the Société de transport de la Communauté urbaine de Montréal, any extension of the subway system.

The Société shall, within the time fixed by the Agency, prepare the necessary plans and specifications and award contracts for the purchase of the required equipment or facilities or for the carrying out of the work.

**48.** The Government may, after consulting the Agency, establish rules governing the apportionment, among the public transit operating authorities designated by the Government, of the amount of debt service attributable to the subway system, after deduction of all subsidies received to defray that amount in whole or in part and of all interest earned on the investments of a reserve fund established to guarantee debt service payments.

**49.** The Agency may, on the conditions, on the basis of factors and in the manner it establishes, grant financial assistance to the Société de transport de la Communauté urbaine de Montréal to compensate all or part of the operating cost of the subway. Such financial assistance is deemed to form part of the cost of the metropolitan transit system.

**50.** The Société de transport de la Communauté urbaine de Montréal and the Société de transport de la rive sud de Montréal shall, on or before 1 September 1996, come to an agreement concerning the conditions governing the operation of the subway linking their territories. The Société de transport de la rive sud de Montréal shall assume one third of its share from 1 January 1997, two thirds of its share from 1 January 1998 and its full share from 1 January 1999.

With respect to an extension of the subway system, an agreement fixing the conditions governing the operation of the extension must be concluded between the Société de transport de la Communauté urbaine de Montréal and the public transit operating authority concerned before the work is begun.

The Government may, after consulting the Agency, fix the conditions governing the operation of the subway system outside the territory of the Communauté urbaine de Montréal failing an agreement between the Société de transport de la Communauté urbaine de Montréal and the other public transit operating authorities the territories of which are served by the subway system.

For the purposes of this section, the expression “conditions governing the operation” includes the conditions governing the operation and the apportionment of capital costs and operating costs.

### DIVISION III

#### METROPOLITAN TRAFFIC LANES

**51.** The Agency shall identify metropolitan traffic corridors among the public highways in its area of jurisdiction and determine those on which reserved lanes must be established to promote shared transportation.

The Agency shall make a survey of the road network and consult, according to its implementation schedule, the municipalities and public transit operating authorities concerned in order to obtain their views.

**52.** The Agency may, in particular,

(1) designate lanes reserved for the exclusive use of certain classes of road vehicles or of road vehicles carrying a specified number of passengers;

(2) conclude contracts with the person responsible for the maintenance of a public highway providing for the compensation of all or part of the cost of establishing, maintaining and operating such reserved lanes;

(3) with the approval of the person responsible for the public highway or, failing such approval, with the approval of the Government, signalize the designated reserved lanes and take any other steps to ensure their safe use;



(4) conclude contracts with a municipality providing for the compensation of all or part of the cost of synchronizing traffic lights installed on metropolitan traffic corridors or the cost of establishing the one-way traffic systems it indicates.

All traffic signs and signals installed by the Agency are deemed to have been installed by the person responsible for the maintenance of a public highway within the meaning of paragraph 4 of section 295 of the Highway Safety Code (R.S.Q., chapter C-24.2).

**53.** The Agency must, in order to obtain the approval of the Government pursuant to subparagraph 3 of the first paragraph of section 52, file an application with the Minister establishing that it has informed the person responsible for the maintenance of the public highway of its intention to establish a reserved traffic lane on that highway, that it has proposed to that person the making of a contract under subparagraph 2 of the first paragraph of the said section, and that the person either

(1) contests the designation of a reserved traffic lane on the public highway under his management;

(2) contests the amount of money offered;

(3) contests the classes of road vehicles for which the lane is reserved or the number of passengers required for a road vehicle to be authorized to travel in the reserved lane; or

(4) has failed to reply to the Agency within 90 days of the proposal.

The application must be filed with all the necessary supporting documents.

**54.** The Minister shall transmit the application filed pursuant to section 53 to the municipality concerned, together with the supporting documents, and notify the municipality that it has 15 days to notify the Minister of any reason it may have to oppose the application.

**55.** The establishment and signaling of a reserved traffic lane proposed by the Agency is approved by the Government, with or without modification, and the effective date thereof is indicated by the Government.

The order in council has precedence over any by-law, resolution or ordinance passed by a municipality.

**56.** If the application of the Agency does not receive government approval, the Minister shall so inform the Agency.

**57.** The Agency shall publish, each year, a road map showing all reserved traffic lanes established or planned within its area of jurisdiction.

**58.** The Agency may apportion the cost of operating and managing the reserved traffic lanes designated in accordance with section 52 among the public transit operating authorities using them. Where applicable, the public transit operating authorities shall pay, on a quarterly basis, a share of the cost in proportion to the utilization of the lanes, on receipt of an invoice from the Agency.

### CHAPTER III

#### FINANCIAL PROVISIONS

**59.** The fiscal year of the Agency ends on 31 December.

**60.** The Agency shall, each year, adopt its budget for the following fiscal year before 31 December, to become effective on 1 January following.

Not later than 10 October each year, the Agency shall transmit, to each public transit operating authority and to each municipality whose territory is outside the territory of a transit authority, a notice setting out the fares that will be effective during the period covered by its next budget.

**61.** In the budget of the Agency, expenditures must not exceed revenues, except with the authorization of the Minister and on the terms and conditions determined by him.

**62.** The Agency shall post as revenue in its budget any surplus anticipated for the current year and any other surplus at its disposal.

In addition, the Agency shall post as expenditure in its budget any deficit for the preceding year and any deficit anticipated for the current year.

**63.** The Agency shall set up a fixed assets fund to finance that part of the acquisition, repair or renovation of immovable property,

equipment or rolling stock that is not subsidized. Once the fund is set up, the Agency may transfer all or part of the operating surplus for a fiscal year thereto, provided each transfer and the amount thereof are authorized by the Minister.

The Government may authorize the Agency to take out of the fixed assets fund sums required for purposes other than those for which the fund was set up.

**64.** The Agency may not, unless authorized by the Government, raise short-term loans which increase its total current short-term loans beyond the amount determined by the Government.

**65.** The Agency may, with the authorization of and subject to the conditions determined by the Government, provide for its financing by means of loans or by any other means and enter into any contract in that respect. It may, among other things, acquire, lease, transfer, alienate or encumber property for such purposes.

**66.** The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment, in whole or in part, of the capital of or interest on any loan raised by the Agency as well as the performance of its obligations;

(2) authorize the Minister of Finance to advance to the Agency any amount considered necessary for the pursuit of its objects.

Sums that the Government may be called upon to pay under the first paragraph shall be taken out of the consolidated revenue fund.

**67.** No decision of the Agency and no report authorizing or recommending an expenditure shall have effect before the production of a certificate of the treasurer attesting that funds are or will be available at the proper time for the purposes for which such expenditure is planned.

**68.** Subject to section 46, where the territory of a municipality is situated in the territory of a public transit operating authority, the Agency shall claim from that authority any sum of money otherwise due by such a municipality.

**69.** As a contribution to the financing of its operations, the Agency shall receive

- (1) the share of the contribution of motorists to public transit determined by a regulation under section 88.6 of the Transport Act (R.S.Q., chapter T-12);
- (2) the amount paid by the Minister of Revenue pursuant to section 55.2 of the Fuel Tax Act (R.S.Q., chapter T-1);
- (3) the proceeds of an annual tax on non-residential off-street parking spaces in the area of jurisdiction of the Agency;
- (4) the amount payable by each municipality under section 70;
- (5) the share of each municipality referred to in section 71;
- (6) the contribution of public transit operating authorities and municipalities to the cost of the metropolitan bus transit system and the cost of the metropolitan facilities and equipment.

**70.** The municipalities shall, for the financing of capital expenditures or the provision of the fixed assets fund, pay to the Agency an amount equal to one cent per \$100 of standardized real estate value, within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as established for the year of reference.

The Government may, by order, determine

- (1) the year of reference;
- (2) the date on which the provisional or definitive data serving to establish the standardized real estate value are to be considered;
- (3) the adjustments that may result from the successive use of provisional and definitive data;
- (4) the terms and conditions of payment of the share.

The amount referred to in the first paragraph may, however, be established according to any other criterion determined by the Government or according to such a criterion and the criterion set out in the first paragraph.

For the year 1996, the amount referred to in the first paragraph is one third of a cent, and for the year 1997, two thirds of a cent.

**71.** The Government shall draw up a list of the municipalities the territory of which is served, for the reference period indicated by the Government, by a suburban train route and which must pay the share determined pursuant to section 73 to the Agency.

The Government shall divide each train route into segments:

(1) the segment in the territory of the Société de transport de la Communauté urbaine de Montréal;

(2) the segment in the territory of another public transit operating authority;

(3) the segment in any other territory.

A municipal territory is deemed to be served by a suburban train route

(1) where a station serving the route is located either in the municipal territory or in the territory of a public transit operating authority that includes the municipal territory; or

(2) where the percentage of users of the suburban train route who reside in the municipal territory, in relation to all users of the segment, is equal to or greater than the percentage determined in the order in council.

**72.** The Agency shall apportion 40 % of the cost of operating and managing each train route, per segment, according to the service proposal established on the basis of one or more of the following factors:

(1) the number of seats available, per kilometre, for each segment;

(2) the number of train departures, from each station, for each segment;

(3) the number of trains, per kilometre, serving each segment.

**73.** The municipalities referred to in section 71 that are served by the same segment shall share the amount determined for that segment in proportion to their standardized real estate value, within the meaning of section 261.1 of the Act respecting municipal taxation, as established for the year of reference.

The second paragraph of section 70 shall apply thereto. The apportionment may, however, be established according to any other criterion determined by the Government or according to such a criterion and the criterion set out in the first paragraph.

**74.** No tariff of user fees established by a municipality under sections 244.1 to 244.10 of the Act respecting municipal taxation in respect of its property, services and activities, may be levied against the Agency.

**75.** The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to transfers made under this Act.

## CHAPTER IV

### INFORMATION

**76.** The Agency shall produce a strategic plan for metropolitan transportation development setting out its objectives and priorities and the expected results.

The plan must provide for the development of metropolitan transportation, including special transportation services for the handicapped, over a period of ten years and cover every mode of transportation and all metropolitan equipment and facilities, including the subway. The plan shall be updated yearly and revised every five years.

**77.** The Agency shall transmit a copy of its strategic plan for metropolitan transportation development and of every updating and revision to the Minister within 30 days after they are produced.

The plan must be approved by the Minister before being implemented.

**78.** The Agency shall, each year, produce a program of capital expenditures for the following three fiscal years.

**79.** The program shall be divided into annual phases. It shall set out, for the period coincident therewith, the object, amount and mode of financing of the capital expenditures that the Agency plans to make or to incur, and for which the financing period exceeds 12 months.

The program shall also mention the capital expenditures the Agency plans to make beyond the period covered by the program, if the expenditures result from commitments made during that period.

**80.** The program shall be transmitted to the Minister, for approval, not later than 31 October preceding the beginning of the first fiscal year covered by the program.

Upon sufficient proof that the Agency is unable to transmit the program on the date fixed, the Minister may grant an extension.

**81.** The Agency may modify its program of capital expenditures. The modification shall be transmitted to the Minister, for approval, within 30 days after it is adopted.

**82.** The Minister may require that the program be transmitted by means of a form and that the Agency provide him with information other than that required under section 79.

**83.** The Agency and the Minister may make an agreement setting out the terms and conditions relating to the exercise of the functions and powers of the Agency and specifying the role of the Agency as a mandatary of the Government.

The agreement may, in particular, pertain to

- (1) the financial results to be achieved by the Agency;
- (2) the human, material and financial resources of the Agency;
- (3) the relations and exchange of information between the Agency and the Minister;
- (4) traffic lanes where the public highway is under the management of the Minister;
- (5) the use of the expertise, administrative services and human resources of the Ministère des Transports.

The term of the agreement shall not exceed five years; the agreement can be renewed or replaced. The agreement must be approved by the Government.

**84.** The Agency may make an agreement with the Communauté urbaine de Montréal, a public transit operating authority, a municipality or any other legal person established in the public interest or for a private interest pertaining to

- (1) human, material or informational resources ;
- (2) the operation or maintenance of metropolitan equipment or facilities or of equipment or facilities that are necessary for the attainment of its objects.

**85.** The Minister may issue directives concerning the aims and objectives of the Agency in the exercise of its powers.

The directives must be approved by the Government and come into force on the day of their approval. Once approved, they are binding on the Agency, which is required to comply therewith.

Every directive shall be laid before the National Assembly within 15 days after it is approved by the Government. If the National Assembly is not sitting, the directive shall be laid before the Assembly within 15 days after resumption.

**86.** The Agency shall consult the Communauté urbaine de Montréal, Ville de Laval and the regional county municipalities situated or partly situated within the area of jurisdiction of the Agency regarding its fares, its projected capital expenditures and its budget.

**87.** The Agency may require that the public transit operating authorities and the Communauté urbaine de Montréal provide it with any information or document it considers useful for the exercise of its functions or powers.

## CHAPTER V

### AUDITING AND REPORTS

**88.** At the end of the fiscal year, the treasurer of the Agency shall draw up and certify a financial report for the fiscal year just ended.

The financial report shall be drawn up using the forms provided by the Minister, where that is the case. It shall contain the financial statements of the Agency and any other information required by the Minister.

**89.** The books and accounts of the Agency shall be audited each year by an auditor designated by the Agency. The auditor's report shall accompany the annual report of the Agency.



**90.** The treasurer shall submit his financial report at a meeting of the board of directors of the Agency, at the same time as the auditor's report.

**91.** The Agency shall, not later than 30 April each year, submit a report upon its operations for the preceding fiscal year to the Minister. The report shall contain all the information required by the Minister.

The Agency shall provide the Minister with any other information he requires concerning its operations.

**92.** The Minister shall lay the annual report and the financial statements of the Agency before the National Assembly within 15 days after they are received or, if the Assembly is not sitting, within 15 days after resumption.

The competent parliamentary committee of the National Assembly may hear, at least once a year, the Minister or the chairman and director general of the Agency in relation to the documents mentioned in the first paragraph.

## CHAPTER VI

### INSPECTION

**93.** The Minister shall appoint persons authorized to act as inspectors for the purposes of this Act and the by-laws under section 26. An inspector may require any transit or parking ticket issued by the Agency to be produced for inspection.

**94.** An inspector shall, on request, show the certificate attesting his capacity.

**95.** No person shall hinder an inspector in the performance of his duties, mislead him through concealment or false statements or refuse to provide him with information.

## CHAPTER VII

### PENAL PROVISIONS

**96.** Every person who falsifies or alters a metropolitan transit ticket, uses a metropolitan transportation service without having a valid transit ticket in his possession or uses such a service while having an expired, falsified or altered transit ticket in his possession is liable to a fine of not less than \$75 and not more than \$500.

**97.** Every person who uses a parking space of the Agency without having a valid parking ticket in his possession or uses such a parking space while having an expired, falsified or altered parking ticket in his possession is liable to a fine of not less than \$75 and not more than \$500.

**98.** Every person who contravenes a provision of a by-law made under the second paragraph of section 26 is liable to a fine of not less than \$75 and not more than \$150.

**99.** Every person who contravenes section 95 is liable to a fine of not less than \$250 and not more than \$500.

## CHAPTER VIII

### AMENDING PROVISIONS

**100.** Section 295 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing paragraph 4 by the following paragraph:

“(4) reserve traffic lanes for certain manoeuvres or for the exclusive use of bicycles, certain classes of road vehicles or road vehicles carrying the number of passengers indicated by proper signs;”.

**101.** Section 20 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing 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 (chapter C-59.001)” in the second, third, fourth and fifth lines of the first paragraph by the words “and from the Société de transport”.

**102.** Section 21 of the said Act is amended by replacing the words “, the Société de transport and the Conseil métropolitain de transport en commun” in the second and third lines by the words “and from the Société de transport”.

**103.** Section 223 of the said Act, amended by section 86 of chapter 41 of the statutes of 1990 and by section 34 of chapter 17 of the statutes of 1994, is again amended

(1) by replacing the words “Conseil métropolitain de transport en commun” in the third paragraph by the words “Agence métropolitaine de transport”;

(2) by replacing the words “Conseil métropolitain de transport en commun” in the fifth paragraph by the words “Agence métropolitaine de transport”.

**104.** Section 287 of the said Act is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the third line.

**105.** Section 287.1 of the said Act is amended

(1) by replacing the words “guided land passenger transport system” in the first and second line of the first paragraph by the word “subway”;

(2) by striking out the second paragraph.

**106.** Section 289 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where such a contract provides links to points outside the territory of the board or of the municipality, the contract must be approved by the Agence métropolitaine de transport.”

**107.** Section 291.1 of the said Act is amended by replacing the words “a railway company” in the second line by the words “the Agence métropolitaine de transport”.

**108.** Section 291.8 of the said Act is amended

(1) by inserting the words “the Agence métropolitaine de transport,” after the word “with” in the first line of the first paragraph;

(2) by adding the words “, except where it pertains to the Agence métropolitaine de transport” at the end of the second paragraph.

**109.** Section 291.17 of the said Act, amended by section 90 of chapter 41 of the statutes of 1990, is again amended by striking out the words “and suburban train” in the third paragraph.

**110.** Section 291.30.2 of the said Act, amended by section 84 of chapter 68 of the statutes of 1993, is repealed.

**111.** Section 294 of the said Act, replaced by section 92 of chapter 41 of the statutes of 1990, is amended

(1) by striking out the words “and suburban train” in the first and second lines of the part preceding subparagraph 1 of the first paragraph;

(2) by striking out the words “or suburban train” in subparagraph 1 of the first paragraph;

(3) by striking out subparagraph 3 of the first paragraph;

(4) by striking out subparagraph 5 of the first paragraph;

(5) by striking out the words “or suburban train” in the second line of subparagraph 6 of the first paragraph;

(6) by striking out the words “or suburban train” in the first line of subparagraph 11 of the first paragraph;

(7) by striking the words “or suburban train” in the third line of subparagraph 12 of the first paragraph.

**112.** Section 294.3 of the said Act, enacted by section 92 of chapter 41 of the statutes of 1990, is repealed.

**113.** The said Act is amended by inserting, after section 294.5, the following section:

**“294.6** The Agence métropolitaine de transport is, in case of default, liable for the reimbursement of the amount of debt service of the corporation with respect to the property of the suburban train system transferred under the first paragraph of section 152 of the Act respecting the Agence métropolitaine de transport.

The treasurer of the corporation shall include, in the financial statements referred to in section 306.41, a note indicating the Agency’s obligation with respect to the liabilities related to such property.”

**114.** Section 303 of the said Act is amended by replacing the words “secretary-treasurer of the Conseil métropolitain de transport en commun” in the third and fourth lines by the words “treasurer of the Agence métropolitaine de transport”.

**115.** Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by adding the following paragraph:

“In addition to the adaptations provided for in the first paragraph, the date on which the budget of a board must be submitted for adoption is 1 November each year for the purposes of section 468.34 of the Cities and Towns Act (R.S.Q., chapter C-19). A board must also send a copy of its budget and of its supplementary budget, if any, to the Agence métropolitaine de transport within the same time as the time within which it is required to send such copies to the municipalities party to the agreement constituting the board.”

**116.** Section 11 of the said Act is amended

(1) by replacing the words “Minister of Transport” in the second line of the second paragraph by the words “Agence métropolitaine de transport”;

(2) by replacing the word “Minister” in the fourth line of the second paragraph by the word “Agency”;

(3) by replacing the word “he” in the fifth line of the second paragraph by the word “it” and the word “his” in the sixth line of the same paragraph by the word “its”;

(4) by replacing the word “Minister” in the first line of the third paragraph by the word “Agency” and the word “he” in the second line of the same paragraph by the word “it”.

**117.** Section 16 of the said Act is amended

(1) by replacing the words “Minister of Transport” in the second line of the first paragraph by the words “Agence métropolitaine de transport”;

(2) by replacing the word “Minister” in the second line of the second paragraph by the word “Agency”;

(3) by replacing the words “he” and “his” in the fourth line of the second paragraph by the words “it” and “its”, respectively;

(4) by replacing the word “Minister” in the first line of the third paragraph by the word “Agency” and the word “he” in the second line of the same paragraph by the word “it”.

**118.** Section 18 of the said Act is amended

(1) by replacing the words “Minister of Transport” in the first line of the first paragraph by the words “Agence métropolitaine de transport”;

(2) by striking out the second paragraph.

**119.** Section 18.3 of the said Act, amended by section 114 of chapter 67 of the statutes of 1993, is again amended by replacing the words “Minister of Transport” in the second line by the words “Agence métropolitaine de transport”.

**120.** Section 27 of the said Act is amended by inserting the words “Agence métropolitaine de transport and of the” after the words “authorization of the” in the third line of the second paragraph.

**121.** Section 27.4 of the said Act is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the first line.

**122.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 117 of chapter 67 of the statutes of 1993, by section 75 of chapter 2 of the statutes of 1994, by section 33 of chapter 15 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994, by section 59 of chapter 30 of the statutes of 1994 and by section 1 of chapter 7 of the statutes of 1995, is again amended by inserting, after paragraph 2.1, the following paragraph:

“(2.2) an immovable belonging to the Agence métropolitaine de transport;”.

**123.** Section 236 of the said Act, amended by section 119 of chapter 67 of the statutes of 1993, by section 76 of chapter 2 of the statutes of 1994, by section 33 of chapter 15 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994, by section 69 of chapter 30 of the statutes of 1994 and by section 3 of chapter 7 of the statutes of 1995, is again amended by inserting the words “the Agence métropolitaine de transport,” after the words “Régie des installations olympiques,” in the third and fourth lines of subparagraph *a* of paragraph 1.

**124.** Section 11 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by replacing the words “a public transit body, an intermunicipal board of transport or a municipality” in the fifth and sixth lines of the second paragraph by the words “the Agence métropolitaine de transport”.

**125.** Section 1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by inserting, after paragraph *r*, the following paragraph:

“(r.1) “area of jurisdiction of the Agence métropolitaine de transport” means the area of jurisdiction defined by section 3 of the Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65);”.

**126.** Section 2 of the said Act, amended by section 350 of chapter 1 of the statutes of 1995 and by section 514 of chapter 63 of the statutes of 1995, is again amended by inserting, after the second paragraph, the following paragraph:

“Furthermore, the tax provided for in subparagraph *a* of the first paragraph is increased by \$0.015 per litre when the gasoline is delivered in the area of jurisdiction of the Agence métropolitaine de transport.”

**127.** Section 10.1 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“In computing the reimbursement, the amount determined under the third paragraph of section 2 and paid in the year by the public carrier on gasoline that was used to supply the engine of each bus referred to in the first paragraph shall be added to the amount determined under the first paragraph of this section.”

**128.** Section 10.3 of the said Act, enacted by section 517 of chapter 63 of the statutes of 1995, is amended by replacing that part preceding subparagraph *b* of the first paragraph by the following:

“**10.3** A holder of a collection officer’s permit or a retail dealer is entitled, provided he applies therefor on the prescribed form within the time, on the conditions and according to the modalities prescribed by regulation, to the reimbursement of part of the amount paid by him pursuant to section 51.1 in respect of a quantity of fuel acquired by him from a person holding a collection officer’s permit if

(*a*) that part of the amount is equal to the amount by which the amount he paid to that person pursuant to section 51.1 exceeds the amount he collected under that section or the first paragraph of section 12, as the case may be, in respect of that quantity of fuel; and”.

**129.** The said Act is amended by inserting, after section 10.3, enacted by section 517 of chapter 63 of the statutes of 1995, the following sections:

**“10.4** A person is entitled, provided he applies therefor on the prescribed form within the time, on the conditions and according to the modalities prescribed by regulation, to the reimbursement of the tax increase provided for in the third paragraph of section 2 and paid by him in respect of gasoline if

(a) at the time of the delivery, the gasoline was put in a receptacle having a capacity of over 200 litres, other than a tank installed as standard equipment for supplying the engine of a vehicle; and

(b) the person has brought the gasoline outside the area of jurisdiction of the Agence métropolitaine de transport, or has caused the gasoline to be so brought, in a receptacle having a capacity of over 200 litres, other than a tank installed as standard equipment for supplying the engine of a vehicle.

**“10.5** A person is entitled, provided he applies therefor on the prescribed form within the time, on the conditions and according to the modalities prescribed by regulation, to the reimbursement of the amount paid by him under section 51.1 in respect of fuel acquired by him if the amount exceeds the amount he collected under that section or the first paragraph of section 12, as the case may be, in respect of that fuel.”

**130.** Section 12 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Whether the price is stipulated to be payable in cash, with a term, in instalments or in any other manner, the tax provided for in section 2 shall be collected by the retail dealer at the time of the sale and on the total quantity that is the object of the contract, taking into account any amount of tax payable by reason of the place of delivery.”

**131.** Section 13 of the said Act, amended by section 518 of chapter 63 of the statutes of 1995, is again amended

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

“Notwithstanding the foregoing, the retail dealer is not required to render an account to the Minister, unless the latter so requires, nor to remit the tax collected in respect of sold fuel he acquired from a holder of a collection officer’s permit where he has paid an amount to that officer under section 51.1 equal to the tax collected in respect of that fuel.”;



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

“Furthermore, if in respect of a quantity of fuel, the amount collected by the retail dealer under the first paragraph is greater than the amount paid by him pursuant to section 51.1 to a person holding a collection officer’s permit and the difference results from the use by the retail dealer, in accordance with section 2.1, of a mode of computation of the tax that is different from the mode used by the person holding a collection officer’s permit to compute the amount provided for in section 51.1, the retail dealer shall remit the difference to the Minister on the terms and conditions provided in the first paragraph.”

**132.** Section 15 of the said Act, amended by section 520 of chapter 63 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph :

“Every consumer who produces gasoline in Québec shall have the same obligation.”

**133.** The said Act is amended by inserting, after section 15, the following sections :

“**15.1** Subject to section 17.1, every consumer shall, in respect of gasoline stored in the area of jurisdiction of the Agence métropolitaine de transport, other than gasoline to be used for supplying an aircraft engine, not later than the last day of each month, render an account to the Minister, on the prescribed form, on the tax provided for in the third paragraph of section 2 that he owes for gasoline acquired during the preceding month, if he has not paid such tax on its acquisition, and shall, at the same time, remit the amount of that tax to the Minister.

Every consumer who produces fuel in Québec shall have the same obligation.

“**15.2** The tax that is required to be paid under sections 15 and 15.1 shall be computed per litre of fuel measured at ambient temperature. However, the tax shall be computed per litre of fuel corrected to the reference temperature of 15 degrees Celsius if, before being consumed or used, the fuel was measured by the consumer in litres corrected to the reference temperature of 15 degrees Celsius by means of a dispensing pump or other metering assembly designed or equipped to effect such correction in accordance with the specifications established under the Weights and Measures Act (Revised Statutes of Canada, 1985, chapter W-6).”

**134.** Section 17 of the said Act, amended by section 521 of chapter 63 of the statutes of 1995, is again amended by striking out the second paragraph.

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

**“17.1** In addition to the tax that is required to be paid under section 2 or section 17, every person who brings or causes to be brought in the area of jurisdiction of the Agence métropolitaine de transport gasoline, other than gasoline to be used for suppling an aircraft engine, for use or consumption by such person or, at his expense, by another person, except gasoline contained in the fuel tank installed as standard equipment to supply the engine of a motor vehicle or vessel, shall

(a) not later than the last day of each month, render an account to the Minister, using the prescribed form, of the quantity of gasoline so brought during the preceding month;

(b) pay at the same time to the Minister the tax provided for in the third paragraph of section 2.

**“17.2** The tax that is required to be paid under sections 17 and 17.1 shall be computed per litre of fuel measured at ambient temperature. However, the tax shall be computed per litre of fuel corrected to the reference temperature of 15 degrees Celsius where the fuel acquired by the person referred to in section 17 or 17.1 was measured and invoiced by the dealer in litres corrected to the reference temperature of 15 degrees Celsius.”

**136.** Section 41 of the said Act, amended by section 523 of chapter 63 of the statutes of 1995, is again amended by replacing paragraph *a* by the following paragraph:

“(a) does not furnish a report or other document or any information provided for by this Act or the regulations thereunder, in the manner and at the time provided in sections 13 to 17.1, 26, 27.6, 34, 50.05, 51.2 and 52, or”.

**137.** Section 51.1 of the said Act, amended by section 527 of chapter 63 of the statutes of 1995, is replaced by the following section:

**“51.1** The holder of a collection officer’s permit shall collect, as a mandatary of the Minister, an amount equal to the tax established

in the first or fourth paragraph of section 2 from every person to whom he sells, delivers or causes to be delivered fuel in Québec. This requirement does not apply in respect of fuel delivered outside Québec.

However, where the fuel is delivered to the purchaser in a region referred to in the second paragraph of section 2, the amount equal to the tax referred to in the first paragraph shall be reduced by the percentage or the amount of the reduction determined under the fifth paragraph of that section in respect of that region, on the conditions and according to the modalities of application prescribed by regulation.

Where the holder of a collection officer's permit delivers or causes to be delivered gasoline, other than gasoline to be used for supplying an aircraft engine, in the area of jurisdiction of the Agence métropolitaine de transport, the amount referred to in the first paragraph shall be increased by the amount provided for in the third paragraph of section 2.

However, where the holder of a collection officer's permit sells, delivers or causes to be delivered fuel to a person who has made an agreement with the Minister under section 51, the amount equal to the tax shall be collected on the conditions and according to the modalities specified in the agreement.

Whether the price is stipulated to be payable in cash, with a term, in instalments or in any other manner, the amount equal to the tax shall be collected at the time of the sale on the total quantity that is the object of the contract, taking into account of any amount equal to the tax payable by reason of the place of delivery.

The amount equal to the tax shall, for each type of fuel, be indicated separately from the sale price on any document recording the sale, on any invoice and in the accounting books of the collection officer. However, where gasoline is delivered in the area of jurisdiction of the Agence métropolitaine de transport, there may be indicated the total amount consisting of the amounts provided for in the first and third paragraphs.

The documents and books referred to in the sixth paragraph shall also indicate the mode used, in accordance with section 2.1, to compute the amount equal to the tax. Furthermore, those documents and any delivery slip shall indicate whether the quantity of fuel sold or delivered is measured at ambient temperature or at the reference

temperature of 15 degrees Celsius. In the latter case, they shall also indicate, for each type of fuel, the quantity measured at ambient temperature.”

**138.** Section 51.2 of the said Act, amended by section 528 of chapter 63 of the statutes of 1995, is again amended

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

“Notwithstanding the foregoing, the holder of a collection officer’s permit is not required to remit the amount collected in respect of sold fuel he has acquired from another person holding a collection officer’s permit where he has paid an amount to that other person pursuant to section 51.1 equal to the amount collected in respect of that fuel.”;

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

“Furthermore, if in respect of a quantity of fuel, the amount collected by the holder of a collection officer’s permit under section 51.1 is greater than the amount he paid under that section to another person holding a collection officer’s permit (in this paragraph referred to as the “dealer”) and the difference results from the use by the holder of a collection officer’s permit, in accordance with section 2.1, of a mode of computation of the amount provided for in section 51.1 that is different from the mode used by the dealer to compute that amount, the holder of a collection officer’s permit shall remit the difference to the Minister on the terms and conditions provided in the first paragraph.”

**139.** The said Act is amended by inserting, before section 56, the following section:

**“55.2** The Minister shall pay to the Agence métropolitaine de transport, established by the Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65), the proceeds from the tax increase provided for in the third paragraph of section 2, which tax is collected under this Act.

The payments shall be made on the dates and on the terms and conditions agreed on, after deducting the refunds and collection fees.”

**140.** Section 56 of the said Act, amended by section 530 of chapter 63 of the statutes of 1995, is again amended

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

“Notwithstanding the first paragraph, regulations made in the year 1996 under this Act in respect of the reduction of tax in regions referred to in the second paragraph of section 2, the mode of computing tax or the amount provided for in section 51.1 in accordance with section 2.1, the reimbursement of tax that a public carrier may receive in accordance with section 10.1 or the reimbursement of part of the amount paid pursuant to section 51.1 that the holder of a collection officer’s permit or a retail dealer may receive in accordance with section 10.3 may, after publication and if they so provide, apply from 10 May 1995.”;

(2) by adding, after the sixth paragraph, the following paragraph:

“Notwithstanding the first paragraph, regulations made under this Act in respect of the reimbursement of the tax increase that a person may receive in accordance with section 10.4, the reimbursement of the amount paid pursuant to section 51.1 that a person may receive in accordance with section 10.5 or the reduction of the amount provided for in the second paragraph of section 51.1 in regions referred to in the second paragraph of section 2 may, after publication and if they so provide, apply from 1 January 1996.”

**141.** Section 9 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by inserting the words “the Agence métropolitaine de transport,” after the word “by” in the first line of subparagraph 1 of the first paragraph.

**142.** Section 14 of the said Act is amended by inserting the words “the Agence métropolitaine de transport,” after the word “by” in the first line of the third paragraph.

**143.** Section 88.1 of the Transport Act (R.S.Q., chapter T-12), amended by section 121 of chapter 67 of the statutes of 1993, is again amended by replacing the definition of “public transit authorities” by the following definition:

“ **“public transit authorities”** means the Agence métropolitaine de transport, the Société de transport de la Communauté urbaine de Québec, the Société de transport de

l'Outaouais and the corporations constituted under the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70).”

**144.** Section 88.6 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“Every public transit authority shall receive the whole part attributable to its region except the authorities whose territories are situated within the region of Québec which shall share the part attributable to that region.

The Government shall determine, by regulation, the criterion of apportionment, among the transit authorities whose territories are situated within the region of Québec, of the part attributable to that region. Before submitting a draft regulation, the Minister shall consult the interested municipalities and transit authorities.”

**145.** Section 47 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the second paragraph.

**146.** Section 48 of the said Act is amended by adding the following paragraph:

“Where such a contract provides links to points outside the territory of the corporation or of the municipality, the contract must be approved by the Agence métropolitaine de transport.”

**147.** Section 77 of the said Act, amended by section 100 of chapter 41 of the statutes of 1990, is again amended by replacing the words “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)” in the third, fourth, fifth and sixth lines of the first paragraph by the words “treasurer of the Agence métropolitaine de transport”.

**148.** Section 60 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting the words “, with the authorization of the Agence métropolitaine de transport,” after the word “also” in the second paragraph.

**149.** Section 61 of the said Act is amended by adding the following paragraph:

“Where such a contract provides links to points outside the territory of the corporation or of the municipality, the contract must be approved by the Agence métropolitaine de transport.”

**150.** Section 103 of the said Act, amended by section 102 of chapter 41 of the statutes of 1990 and by section 269 of chapter 32 of the statutes of 1991, is again amended by replacing the words “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)” in the fourth, fifth, sixth and seventh lines by the words “treasurer of the Agence métropolitaine de transport”.

## CHAPTER IX

### TRANSITIONAL AND FINAL PROVISIONS

**151.** From 1 January 1996, the Agency succeeds to the rights and obligations of the Société de transport de la Communauté urbaine de Montréal with respect to all or part of the contracts concerning the suburban train system operated on that date.

The terms and conditions of transfer shall be determined by agreement between the Agency and the Société de transport de la Communauté urbaine de Montréal. The agreement must be approved by the Minister.

Notwithstanding the second paragraph, the absence of agreement or the withholding of approval by the Minister shall not operate to prevent the Agency from providing suburban train services from 1 January 1996.

**152.** The railway rolling stock and any other assets related to the operation of the suburban train system which are owned by the Société de transport de la Communauté urbaine de Montréal and which were paid for by the Government of Québec or for which the Société has received or is receiving a subsidy from the Government of Québec become the property of the Agency from the date on which the Minister approves the agreement determining the terms and conditions of transfer. The absence of agreement or the withholding of approval by the Minister shall not operate to prevent the Agency from taking possession of the railway rolling stock and assets necessary for the operation of the suburban train system from 1 January 1996.

Notwithstanding the first paragraph, the Société de transport de la Communauté urbaine de Montréal shall continue to service any debt pertaining to property transferred to the Agency under this section. The Société shall remain responsible for the commitments arising out of the securities it has issued and such securities shall continue to constitute direct and general obligations of the Société. The Agency shall reimburse the Société de transport de la Communauté urbaine de Montréal, in principal and interest, according to the due dates of debt service payments of the Société.

**153.** The railway rolling stock acquired on behalf of the Government by the Minister on 30 March 1994 and any other assets pertaining to the operation of the suburban train system or the metropolitan bus transit system become the property of the Agency from the dates on which the deed evidencing the transfer is served on the Agency by the Minister.

**154.** From 1 January 1996, the Société de transport de la Communauté urbaine de Montréal is the mandatary of the Agence métropolitaine de transport for the operation of the suburban train system. The mandate is valid until it is revoked by the Agency.

The Société shall refer to the Minister every question pertaining to the carrying out of its mandate and obligations. The decisions of the Minister are binding upon the Agency.

The Société is entitled to the reimbursement of the actual costs agreed upon with the Minister and incurred in the performance of its mandate.

**155.** Every by-law of the Société de transport de la Communauté urbaine de Montréal concerning the standards of conduct to be observed by persons in trains, in train stations, on platforms and in parking lots that is in force on 31 December 1995 remains in force until it is replaced by by-law of the Agency and shall apply to the suburban train system of the Agency as if it had been adopted under section 26.

**156.** The Government may, by order, establish the Agency's first metropolitan bus transit system. The order has retroactive effect to 1 January 1996.

**157.** The Government may designate the equipment and facilities that are metropolitan equipment and facilities referred to in section 36 in the order in council referred to in section 33 or 156, as the case may be.



**158.** For the purposes of the second paragraph of section 42, the Agency shall apportion revenues according to

- (1) the residence of users, for the year 1996;
- (2) the residence of users and the utilization of services, for the year 1997;
- (3) the utilization of services, from the year 1998.

**159.** For the purposes of section 51, the Agency shall, not later than (*insert here the date of the day occurring 60 days after the date of coming into force of this section*), undertake a survey of the road network.

**160.** Notwithstanding sections 71 to 73, the segment of the train route between Ville de Vaudreuil-Dorion and Ville de Rigaud shall not be considered for the identification of a municipal territory served for the purposes of the apportionment of the operating costs and the management of the train route concerned.

**161.** The Agency shall, not later than 1 April 1997, produce the strategic development plan referred to in section 76.

**162.** Notwithstanding sections 45 and 49, the Government shall establish, for the year 1996, the amount of the financial assistance provided for therein according to the terms, conditions and factors it indicates.

**163.** The Agency shall, to reduce the budgetary impact of the contributions payable with respect to its mandate in matters concerning metropolitan transportation and the operation of a suburban train system, allot, out of its surplus, an amount which is to be apportioned among certain municipalities, 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.

The amount shall not exceed

- (1) \$5 000 000 for each of the years 1996, 1997 and 1998;
- (2) \$3 500 000 for the year 1999;
- (3) \$1 500 000 for the year 2000.

**164.** The amount referred to in the second paragraph of section 163 shall be apportioned in order that

(1) \$500 000, for each of the years 1996, 1997 and 1998, \$350 000 for the year 1999 and \$150 000 for the year 2000 compensate, in proportion to the amount owed by the municipalities referred to in paragraph 3 of section 71, all or part of their share of the amount payable by them to the Agency under section 73;

(2) the balance of that amount, for each year concerned, is paid by the Agency, as the case may be, to 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, according to the criteria and the terms and conditions of apportionment determined by the Government.

**165.** This Act replaces the Act respecting the Conseil métropolitain de transport en commun (R.S.Q., chapter C-59.001).

**166.** The Agency succeeds to the rights and obligations of the Conseil métropolitain de transport en commun.

The transit tickets issued by the Conseil métropolitain de transport en commun before 15 December 1995 remain valid after that date and may continue to be validly issued by the Agency. The tickets shall continue to be honoured until the Agency disallows them. The Agency's decision takes effect on the fifteenth day after the date on which it is published in a daily newspaper distributed in its territory. Until 31 December 1995, the revenue from the sale of such tickets is deemed to form part of the assets of the Conseil to be apportioned pursuant to any by-law passed under section 25 of the Act respecting the Conseil métropolitain de transport en commun before 15 June 1995. From 1 January 1996, the revenue shall belong to the Agency.

The Minister, or the person designated by him, is entrusted with a mandate to perform any act of an administrative nature necessary for the liquidation of the Conseil. The mandate is valid until revoked by the Agency. Every decision of the Minister is binding on the Agency.

**167.** From 1 February 1996 and until the Agency establishes its own fare schedule, the fares determined in Schedule B are deemed to be the Agency's fares and to apply to all of its metropolitan transit tickets.

**168.** The Société de transport de la Communauté urbaine de Montréal shall, as mandatary, print the transit tickets of the Agency according to the directives of the Agency. It is entitled to the reimbursement of the actual costs agreed upon with the Minister and incurred in the performance of its mandate. 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 shall sell the Agency's tickets. The mandate is gratuitous and is valid until revoked by the Agency.

The corporations referred to in the first paragraph shall honour the tickets validly issued under section 166 provided the user pays, as the case may be, when using the system, the difference between the fares of the Conseil métropolitain de transport en commun and those referred to in section 167.

The corporations shall refer to the Minister any matter relating to the carrying out of a mandate referred to in this section. Every decision of the Minister is binding on the Agency.

**169.** The minutes, records and documents of the Conseil métropolitain de transport en commun become the minutes, records and documents of the Agency.

**170.** The Government may decide any matter concerning the liquidation of the Conseil métropolitain de transport en commun that is referred to it by the Agency.

**171.** For the purposes of this Act, the Minister may acquire by expropriation in favour of the domain of the State any property that the Agency cannot otherwise acquire.

The Minister shall deliver the property to the Agency as soon as the transfer of ownership takes effect in accordance with the provisions of section 53 of the Expropriation Act (R.S.Q., chapter E-24).

**172.** On or before 1 January 1999, the Minister shall make an assessment of the application of this Act and shall, for that purpose, consult with the public transit operating authorities and the municipalities in order to conclude an agreement whereby control over the Agency would be entrusted to regional decision-makers.

The Minister shall make a report to the National Assembly on or before 1 December 1999 or, if the Assembly is not sitting, within 15 days of resumption. The Minister shall also lay before the Assembly

any agreement concluded during the consultation, indicating the legislative amendments that will be required to give effect to such an agreement.

**173.** The Minister of Transport is responsible for the administration of this Act.

**174.** This Act comes into force on 1 January 1996, except sections 1 to 19, 166, 168 and Schedule A which shall come into force on the day of assent thereto and section 159 which shall come into force on the date to be fixed by the Government.

## SCHEDULE A

MUNICIPALITIES THE TERRITORIES OF WHICH ARE IN THE AREA  
OF JURISDICTION OF THE AGENCE MÉTROPOLITAINE  
DE TRANSPORT*(Section 3)*

Ville d'Anjou	Ville de Mascouche
Ville de Baie-d'Urfé	Municipalité de McMasterville
Ville de Beaconsfield	Ville de Mercier
Ville de Beloeil	Ville de Montréal
Ville de Blainville	Ville de Montréal-Est
Ville de Boisbriand	Ville de Montréal-Nord
Ville de Bois-des-Filion	Ville de Montréal-Ouest
Ville de Boucherville	Ville de Mont-Royal
Ville de Brossard	Ville de Mont-Saint-Hilaire
Ville de Candiac	Municipalité de Notre-Dame- de-Bon-Secours
Ville de Carignan	Paroisse de Notre-Dame-de- l'Île-Perrot
Ville de Chambly	Ville d'Otterburn Park
Ville de Charlemagne	Ville d'Outremont
Ville de Châteauguay	Ville de Pierrefonds
Cité de Côte-Saint-Luc	Ville de Pincourt
Ville de Delson	Village de Pointe-Calumet
Ville de Deux-Montagnes	Ville de Pointe-Claire
Ville de Dollard-des-Ormeaux	Village de Pointe-des-Cascades
Cité de Dorval	Ville de Repentigny
Ville de Greenfield Park	Ville de Richelieu
Ville de Hampstead	Ville de Rosemère
Ville de Hudson	Ville de Roxboro
Ville de Kirkland	Municipalité de Saint-Amable
Ville de Lachenaie	Ville de Saint-Basile-le-Grand
Ville de Lachine	Ville de Saint-Bruno- de-Montarville
Ville de La Plaine	Ville de Saint-Constant
Ville de La Prairie	Ville de Sainte-Anne-de-Bellevue
Ville de LaSalle	Ville de Sainte-Anne-des-Plaines
Ville de Laval	Ville de Sainte-Catherine
Ville de Le Gardeur	Ville de Sainte-Geneviève
Ville de LeMoyne	Ville de Sainte-Julie
Ville de Léry	Ville de Sainte-Marthe-sur-le-Lac
Ville de L'Île-Bizard	Ville de Sainte-Thérèse
Ville de L'Île-Cadieux	Ville de Saint-Eustache
Ville de L'Île-Dorval	Ville de Saint-Hubert
Ville de L'Île-Perrot	Paroisse de Saint-Isidore
Ville de Longueuil	
Ville de Lorraine	
Ville de Maple Grove	

Paroisse de Saint-Joseph-du-Lac	Ville de Saint-Pierre
Ville de Saint-Lambert	Paroisse de Saint-Sulpice
Ville de Saint-Laurent	Village de Senneville
Paroisse de Saint-Lazare	Municipalité de Terrasse-
Ville de Saint-Léonard	Vaudreuil
Municipalité de Saint-Mathias-	Ville de Terrebonne
sur-Richelieu	Ville de Varennes
Municipalité de Saint-Mathieu	Ville de Vaudreuil-Dorion
Municipalité de Saint-Mathieu-	Village de Vaudreuil-sur-le-Lac
de-Beloeil	Ville de Verdun
Paroisse de Saint-Philippe	Ville de Westmount

## SCHEDULE B

## FARE SCHEDULE FOR METROPOLITAN TRANSPORTATION

## Deux-Montagnes line

From Montréal to:	Monthly pass train only		Monthly pass train, metro and STCUM bus		Ticket train only		Monthly pass train, metro and STCUM, STL, STRSM buses	
	regular	reduced <sup>(1)</sup>	regular	reduced <sup>(1)</sup>	regular	reduced <sup>(1)</sup>	regular	reduced <sup>(1)</sup>
Zone 1:								
Portal-Height Mont-Royal Vertu Monkland Val-Royal			\$44.50	\$18.50	\$1.30	\$0.65		
Zone 2:								
A-Ma-Baie Roxboro			\$58.50	\$29.25	\$2.60	\$1.30		
Zone 3:								
Île Bigras Sainte-Dorothée					\$3.30	\$1.65	\$73.00	\$40.00
Zone 4:								
Grand Moulin Deux-Montagnes	\$85.00	\$42.50	\$102.50	\$51.25	\$3.30	\$1.65		

## Rigaud line

From Montréal to:	Monthly pass train only		Monthly pass train, metro and STCUM bus		Ticket train only		Cash fare train only	
	regular	reduced <sup>(1)</sup>	regular	reduced <sup>(1)</sup>	regular	reduced <sup>(1)</sup>	regular	reduced <sup>(1)</sup>
Zone 1:					6 for \$7.75	6 for \$3.75		
Vendôme Montréal-Ouest Lachine Dorval			\$44.50	\$18.50			\$1.85	\$1.00
Zone 2:					2 zone 1 tickets	2 zone 1 tickets		
Pine Beach Valois Pointe-Claire Cedar Park Beaconsfield Beaurepaire Baie-d'Urfé Sainte-Anne-de- Bellevue			\$58.50	\$29.25			\$3.70	\$2.00
Zone 3:					5 for \$14.50	5 for \$7.25		
Île Perrot	\$69.50	\$34.75	\$87.00	\$43.50			\$4.25	\$2.10
Pincourt	\$69.50	\$34.75	\$87.00	\$43.50			\$4.25	\$2.10
Dorion	\$74.50	\$37.25	\$92.00	\$46.00			\$4.25	\$2.10
Zone 4:					5 for 18,00 \$	5 for 9,00 \$		
Hudson	\$84.50	\$42.25	\$102.00	\$51.00			\$4.75	\$2.40
Rigaud	\$94.50	\$47.25	\$112.00	\$56.00			\$4.75	\$2.40

Monthly pass: metro and STCUM, STL and STRSM buses  
Rates in force on 1 February 1996

Monthly pass metro and STCUM, STL and STRSM buses	
regular	reduced <sup>(1)</sup>
\$73.00	\$40.00

- (1) The reduced rate applies to persons 65 years of age and over and to students under the age of 18, on presentation of an identity card.