



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 157

(1997, chapter 78)

An Act to amend the Act to ensure safety in guided land transport

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EXPLANATORY NOTES

This bill amends various provisions of the Act to ensure safety in guided land transport, in particular those governing safe work procedures, to extend their effect to the entire right-of-way of the guideway and ensure that all operators are informed of work carried out on a guideway, and to revise the declarations that must be forwarded to the Minister of Transport before bringing works into service once construction work is completed.

The bill also extends the safety rules applicable to level crossings to intersections of railways with a trail or path intended for public use, including those that deal with signboards, maintenance and traffic and the rules relating to the use of whistles, horns and lights are amended accordingly.

In addition, the bill amends the regulatory powers of the Government concerning rail transportation safety. It allows the Government to make certain regulatory provisions concerning the transportation of dangerous substances applicable to a person applying for the transportation. Moreover, the Minister of Transport is empowered to authorize an operator to apply a safety standard that is equivalent to a regulatory standard.

Lastly, the bill makes technical and consequential amendments.

Bill 157

AN ACT TO AMEND THE ACT TO ENSURE SAFETY IN GUIDED LAND TRANSPORT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 17 of the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3) is amended by replacing the words “an affidavit” in the third line by the words “a declaration”.

2. Section 18 of the said Act is amended by adding, at the end, the following paragraph :

“The owner must also erect and maintain a signboard that meets the requirements of the first paragraph at every intersection of a railway with a trail or path intended for public use and maintained by a municipality, an off-highway vehicle club, a recreational association or a commercial undertaking.”

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

“**21.** Where the signalling system at a level crossing is defective, the operator of the guided land transport system must station a signalman at the level crossing to signal the passage of the guided land transport vehicle until the level crossing is completely occupied.”

4. Section 23 of the said Act is replaced by the following section :

“**23.** The owner of a guideway or an operator to whom the owner has entrusted the maintenance of a guideway must maintain it in accordance with the standards prescribed in the safety code adopted by regulation and with the safety rules approved or imposed by the Minister.”

5. Section 24 of the said Act is amended

(1) by replacing the word “on” in the third line by the words “within the right-of-way of” ;

(2) by adding, at the end, the words “; the determination of the location of a trail or path intended for public use is, in particular, subject to such authorization” ;

(3) by adding the following paragraph :

“The owner of the guideway must inform all operators of any work so authorized.”

6. Section 28 of the said Act is amended by replacing, in the French text, the words “des dommages causés” in the first and second lines by the words “du préjudice causé”.

7. Section 29 of the said Act is amended

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

“(2) every level crossing, and the crossing surface of every intersection of a guideway with a trail or path intended for public use and maintained by a municipality, an off-highway vehicle club, a recreational association or a commercial undertaking, is constructed in accordance with the regulations;”;

(2) by replacing, in the English text, the words “crossing surface” in paragraph 3 by the word “planking”.

8. Section 30 of the said Act is amended by inserting the words “, trail or path that intersects a guideway” after the word “highway” in the first line.

9. Section 31 of the said Act is amended by adding, at the end, the following paragraph :

“The building and maintenance costs for work carried out on the crossing surface of the intersection of a trail or path with a guideway, and for the signalling system at the intersection shall be borne by the person in charge of the maintenance of the trail or path.”

10. Section 37 of the said Act is amended by inserting the words “or a signposted intersection of a trail or path with the guideway” after the word “crossing” in the second line.

11. Section 38 of the said Act is amended by inserting the words “or a signposted intersection of a trail or path with the guideway” after the word “crossing” in the second line.

12. Section 41 of the said Act is repealed.

13. Section 42 of the said Act is amended

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

“**42.** Before proceeding at a level crossing, the operator of a guided land transport vehicle must sound a whistle or horn at the distance from the level crossing determined by the safety code adopted by regulation and continue sounding it until the level crossing is completely occupied.”;

(2) by replacing, in the English text, the word “conductors” in the second line of the second paragraph by the words “vehicle operators”.

14. Section 43 of the said Act is amended

(1) by replacing, in the English text, the word “conductor” in the first line by the word “operator”;

(2) by adding, at the end, the following sentence: “In the event of a breakdown, the operator must use the lights determined by the safety code adopted by regulation.”

15. Section 50 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

“The code may also provide for any other standard or prohibition concerning rail transportation safety, fix operating standards and prescribe that a safety plan is to be drawn up and applied by an operator.”

16. Section 54 of the said Act is amended

(1) by inserting the words “and signposted intersections of a trail or path with a guideway” after the word “crossings” in subparagraph 4 of the first paragraph;

(2) by inserting, after subparagraph 10 of the first paragraph, the following subparagraph:

“(10.1) determine which of the provisions of a regulation made under subparagraph 10 are applicable to a person who applies for the transportation of a dangerous substance;”.

17. The said Act is amended by inserting, after section 54, the following section:

“54.1. The Minister may, as an exceptional measure and to the extent the Minister determines, authorize the operator of a guided land transport system to apply rules in the operator’s undertaking that differ from the standards established by the safety code adopted by the Government, or those established under subparagraph 10 of the first paragraph of section 54, where the Minister considers that they provide an equivalent level of safety.

The operator of the guided land transport system shall publish the rules authorized by the Minister in the manner the latter determines, together with a copy of the Minister’s decision. The rules shall come into force on the date specified in the Minister’s decision.

Any provision which creates, or imposes a penalty for, a contravention of a standard, specified in the Minister’s decision, that is replaced by a rule authorized by the Minister is applicable to that rule.”

18. Section 55 of the said Act is amended by striking out the words “and, if he is the owner of a guideway, safety rules which pertain to the maintenance of the guideway” in the fourth, fifth and sixth lines.

19. The said Act is amended by inserting, before section 86, the following section :

“**85.1.** The Regulations Act (chapter R-18.1) does not apply to safety rules, to the rules referred to in section 54.1, to any related decisions made by the Minister, or to the draft versions thereof.”

20. The provisions of this Act come into force on the date or dates to be fixed by the Government.