



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 128

(2005, chapter 48)

An Act to amend the Act respecting roads

Introduced 9 November 2005
Passage in principle 24 November 2005
Passage 14 December 2005
Assented to 16 December 2005

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EXPLANATORY NOTES

This bill amends the Act respecting roads to constitute a servitude on electric power transmission lines, belonging to a government enterprise, that cross or border a road under the management of the Minister of Transport, to prohibit access between two contiguous roads one or both of which are under the management of the Minister and to provide for agreements between the Minister and local municipalities with respect to the carrying out of work on the road network and the apportionment of the costs.

Bill 128

AN ACT TO AMEND THE ACT RESPECTING ROADS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting roads (R.S.Q., chapter V-9) is amended by inserting the following after section 13:

“DIVISION II.1

“SERVITUDE

“**13.1.** Any road that is crossed or bordered by an electric power transmission line of a government enterprise or one of its subsidiaries is subject to a servitude affecting the site required by the transmission line, without indemnity and subject to the terms of an agreement between the Minister and the enterprise or the subsidiary.

The servitude stands if the management of the road is devolved to a municipality or if the road is closed. However, the servitude is extinguished with the dismantling of the electric power transmission line.

As soon as an order to entrust the management of the road to a municipality is made by the Government under the first paragraph of section 3, the Minister so informs the enterprise or the subsidiary whose electric power transmission line is subject to the servitude. The enterprise or subsidiary must publish the servitude in the land register by means of a notice which must include the terms of the agreement between the enterprise or subsidiary and the Government. As soon as the servitude is published, it is enforceable against the municipality or any person who later acquires the immovable that comprises the site of the servitude.”

2. Section 22 of the Act is amended by adding the following paragraphs:

“Furthermore, access between two contiguous roads one or both of which are under the management of the Minister is prohibited; access remains prohibited if the management of the road or roads is devolved from the Minister to a municipality or if one of the roads is closed.

The second paragraph does not apply to accesses that exist on 16 December 2005.”

3. Section 22.1 of the Act is amended

(1) by striking out “acquired by the Minister,”;

(2) by inserting “, or a prohibition or limitation of access to a road under section 22” after “section 2”.

4. Section 32 of the Act is replaced by the following section:

“32. The Minister may enter into an agreement with a local municipality concerning the carrying out of building, rebuilding or maintenance work on roads under the management of the Minister or of the municipality; the agreement may provide for the apportionment of the cost of the work.”

5. This Act comes into force on 16 December 2005.