

## Draft Regulations

### Draft Regulation

Transport Act  
(R.S.Q., c. T-12)

#### Bus Transport — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Bus Transport Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for the classification of the clauses of bus transport permits to reflect the territorial reorganizations of certain municipalities carried out in the last years. It fixes the conditions and rules that apply to the classification. In addition, the draft Regulation removes the concept of “service point” in chartered transport and proposes consequential amendments.

To date, study of the matter has shown no financial impact on the public or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Martin, Ministère des Transports, 700, boulevard René-Lévesque Est, 25<sup>e</sup> étage, Québec (Québec) G1R 5H1; telephone: 418 644-0324, extension 2206; fax: 418 646-4904.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

JULIE BOULET,  
*Minister of Transport*

### Regulation to amend the Bus Transport Regulation\*

Transport Act  
(R.S.Q., c. T-12, s. 5, pars. *c* and *d*, ss. 5.1 and 34)

**1.** The Bus Transport Regulation is amended in section 3

(1) by replacing “a public body providing public transport” in subparagraph *b* of subparagraph 1 of the first paragraph by “a public transit authority established under the Act respecting public transit authorities (R.S.Q., c. S-30.01)”;

(2) by replacing “a public body providing public transport” in subparagraph 4 of the first paragraph by “a public transit authority”;

(3) by striking out the second paragraph.

**2.** Section 5 is amended by replacing “Regulation respecting motor vehicles used for the transportation of schoolchildren made by Order in Council 957-83 dated 11 May 1983” in subparagraph 4 of the first paragraph by “Regulation respecting road vehicles used for the transportation of school children made by Order in Council 285-97 dated 5 March 1997”.

**3.** Section 7 is amended by replacing “(R.S.Q., c. S-5)” by “(R.S.Q., c. S-4.2)”.

**4.** The following is inserted after section 14:

#### “§1.1 Classification

**14.1.** For the purposes of this subdivision, “classification of permits” means classification of the clauses of permits and the rights they grant.

**14.2.** The Commission shall classify bus transport permits for each permit class and for each carrier if

\* The Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986 (1987, *G.O.* 2, 24), was last amended by the regulation made by Order in Council 781-2004 dated 10 August 2004 (2004, *G.O.* 2, 2562). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

(1) a municipality annexes all or part of the territory of another municipality or the territories of municipalities are amalgamated;

(2) an Act or regulation renders an operating right or certain of its operating conditions null and void or otherwise inapplicable; or

(3) the Commission considers that a classification of operating rights or of certain of their operating conditions is necessary, for the same carrier, to update and harmonize the rights or conditions with one another or with those of other carriers.

The Commission must indicate at the time of the classification the new name of the municipality and, if any, the division of its territory into boroughs.

Operating conditions” means the routes, schedules, frequencies, classes of vehicles and other conditions, including restrictions, established by the Commission on the issue of the permit confirming the operating right.

**14.3.** If one of the permits being classified was issued before 30 September 1987, the Commission may include in the same classified permit only comparable operating rights to which similar or incidental operating conditions are attached.

Despite section 15, a permit that classifies all or part of an operating right confirmed by a permit issued before 30 September 1987 is renewed on an annual basis in accordance with section 37.1 of the Act.

**14.4.** The Commission may fix the term of a classified permit so that it corresponds to the latest date of the operating rights confirmed by the former permits being replaced if the Commission issues, for the first time, a permit that classifies only the operating rights under bus transport permits issued on or after 30 September 1987.

A permit that classifies all or part of operating rights confirmed by permits issued on or after 30 September 1987 is issued in accordance with section 14 for a maximum period of five years.

**14.5.** Every bus transport permit having been classified is replaced as soon as the decision under which the classified permit is issued becomes effective.

The Commission’s decision issuing a classified permit must identify the former permits it replaces.

**14.6.** The Commission shall make public the guidelines it establishes to classify bus transport permits.”

**5.** The following is inserted after section 18:

“**18.1.** Where the Commission becomes aware that all the territories of at least two municipalities have amalgamated or a municipality has annexed all the territory of another municipality, the Commission must, on the basis of the new municipal territory, identify the places where a bus transport permit of the “chartered” class authorizes service.

The Commission must as soon as possible send a new certificate replacing the former certificate to every holder of a bus transport permit of the “chartered” class.”

**6.** Section 22 is amended by striking out “or agglomeration”.

**7.** Section 23 is amended by striking out “, between a municipality and an agglomeration or between 2 agglomerations”.

**8.** The following is inserted after section 23:

“**23.1.** A permit for interurban transport service may not be maintained if all the territories of the municipalities indicated have been amalgamated.

Where applicable, the Commission may, on its own initiative or at a permit holder’s request, issue to the permit holder a replacement urban transport permit. The Commission may subject the permit to operating conditions within the meaning of the second paragraph of section 14.2.”

**9.** Section 38 is amended

(1) by striking out paragraph 3;

(2) by adding the following paragraph at the end:

“The Commission must communicate the contact information of the permit holders authorized to serve a municipality or make it available to every person who so requests.”

**10.** Sections 39 to 41 are revoked.

**11.** Sections 42 and 43 are replaced by the following:

“**42.** In addition to trips authorized under section 38, every holder of a chartered transport permit may make trips from Pierre Elliot Trudeau International Airport

(1) to a place specified in the holder’s permit; and

(2) to any other place if at least one of the overnight stops is made at a place specified in the holder's permit.

The first paragraph does not operate to authorize service in the territory of Ville de Dorval or the territory of other municipalities in the "Montréal" zone established in Schedule 1.

**43.** A chartered transport permit that authorizes service in the territory of a municipality in a zone established in Schedule 1 also authorizes its holder to serve the territory of all the municipalities in the zone.

Where applicable, the Commission must indicate on the permit certificate the name of the authorized zone."

**12.** Section 47 is amended by striking out "If the point of departure is not a service point for the permit holder, the price shall be calculated from the service point closest to the point of departure."

**13.** Section 52.1 is amended by replacing "10, 11, 38 to 44" by "11, 38, 42 to 44".

**14.** Section 52.2 is amended by replacing "10, 11, 38 to 44" by "11, 38, 42 to 44".

**15.** Sections 57 to 61 are revoked.

**16.** Schedule 1 is replaced by the following:

#### **"SCHEDULE 1**

(s. 43)

#### ZONES FOR CHARTERED TRANSPORT SERVICE

**Montréal Zone:** Baie-D'Urfé (66112), Beaconsfield (66107), Côte-Saint-Luc (66058), Dollard-Des Ormeaux (66142), Dorval (66087), Hampstead (66062), Île-Dorval (66092), Kirkland (66102), Montréal (66023), Montréal-Est (66007), Montréal-Ouest (66047), Mont-Royal (66072), Pointe-Claire (66097), Sainte-Anne-de-Bellevue (66117), Senneville (66127) and Westmount (66032).

**Québec Zone:** Ancienne-Lorette (23057), Québec (23027) and Saint-Augustin-de-Desmaures (23072)."

**17.** For the purposes of sections 14.2 and 18.1, respectively introduced by sections 4 and 5 of this Regulation, the Commission takes into account the existence of any municipality reconstituted within the meaning of section 3 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001).

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

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