

“9.1. Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.

## DIVISION II.I IDENTITY OF THE CONTRACTORS

9.2. The operator of the electronic tendering system may disclose only to the public body that makes a call for tenders, the information making it possible to know the number or identity of the contractors that requested the tender documents.

Despite the foregoing, the operator must disclose the identity of a contractor that requested the tender documents if the contractor has authorized the disclosure of that information in the electronic tendering system.

9.3. Until the tender opening, a public body that makes a call for tenders may not disclose information making it possible to know the number or identity of the contractors that requested the tender documents or submitted a tender.”

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

1221

## Draft Regulation

An Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001)

### Transport infrastructure partnerships

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 respecting toll road infrastructures operated under a public-private partnership agreement, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is intended to determine various standards for toll road infrastructures. It determines which road vehicles are exempted from the payment of a toll for their passage on a toll road infrastructure. It sets standards for the establishment by the partner of the amount of tolls, fees and interest rates. It is intended, in particular, to determine the amount of the additional fees payable to obtain a photograph of the registration plate of a road vehicle having travelled on a toll road infrastructure. It also sets standards for toll devices, transponders and devices or equipment used to identify

a road vehicle at a toll station, as well as standards for verification or certification of toll devices and devices or equipment used to identify a road vehicle at a toll station.

The draft Regulation is also intended to determine the conditions that must be met by a partner’s employees in order to be designated by the Minister of Transport as persons entrusted with the enforcement of the Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001) for the purposes of drawing up the offence report referred to in article 62 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

Finally, the draft Regulation prescribes transitional standards for the first 90 days following activation of bridge P-15020 on autoroute 25.

Further information may be obtained by contacting Sandra Sultana, Director, Bureau des partenariats public-privé, Ministère des Transports, 500, boulevard René-Lévesque Ouest, bureau 13.40, Montréal (Québec) H2Z 1W7; telephone: 514 873-4377, extension 2200; fax: 514 873-6108; e-mail: sandra.sultana@mtq.gouv.qc.ca

Any person wishing to make comments on the matter is requested to submit written comments, 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.

SAM HAMAD,  
*Minister of Transport*

## Regulation respecting toll road infrastructures operated under a public-private partnership agreement

An Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001, s. 11, s. 19, 2nd par., subpar. 2, and s. 20, 1st par.)

### DIVISION 1 PRELIMINARY

1. This Regulation governs the following toll road infrastructures that are operated under a public-private partnership agreement entered into in accordance with the Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001):

(1) bridge P-15020 on autoroute 25 crossing the rivière des Prairies;

(2) bridge P-10942 on autoroute 30 crossing the St. Lawrence River.

**2.** In this Regulation, the expression “road vehicle” includes road vehicles and combinations of road vehicles within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2).

## **DIVISION 2**

### **ROAD VEHICLES EXEMPTED FROM PAYMENT OF A TOLL**

**3.** Where a transponder registered for a road vehicle is in the vehicle and is functioning, the following road vehicles are exempted from payment of the toll for their passages on bridge P-15020 on autoroute 25:

(1) road vehicles used for transport services adapted for the needs of handicapped or mobility-impaired persons and buses, where those vehicles are operated by or on behalf of

(a) the Agence métropolitaine de transport established under the Act respecting the Agence métropolitaine de transport (R.S.Q., c. A-7.02);

(b) a public transit authority established under the Act respecting public transit authorities (R.S.Q., c. S-30.01);

(c) an intermunicipal board of transport established under sections 2 and 8 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., c. C-60.1);

(d) a regional public transport board established under sections 18.6 and 18.13 of the Act respecting intermunicipal boards of transport in the area of Montréal;

(e) an intermunicipal management board established under article 580 of the Municipal Code of Québec (c. C-27.1) or section 468.11 of the Cities and Towns Act (c. C-19), a local municipality or a group of municipalities, where they organize a public transit service under section 48.18 of the Transport Act (c. T-12);

(2) emergency vehicles within the meaning of the Highway Safety Code;

(3) buses or minibuses used for the transportation of school children;

(4) taxis;

(5) road vehicles used on behalf of the partner responsible for the construction, repair and operation of bridge P-15020 under an agreement entered into in accordance with the Act respecting transport infrastructure partnerships.

**4.** Where a transponder registered for a road vehicle is in the vehicle and is functioning, the following road vehicles are exempted from payment of the toll for their passages on bridge P-10942 on autoroute 30:

(1) road vehicles used for transport services adapted for the needs of handicapped or mobility-impaired persons and buses, where those vehicles are operated by or on behalf of

(a) the Agence métropolitaine de transport established under the Act respecting the Agence métropolitaine de transport;

(b) a public transit authority established under the Act respecting public transit authorities;

(c) an intermunicipal board of transport established under sections 2 and 8 of the Act respecting intermunicipal boards of transport in the area of Montréal;

(d) a regional public transport board established under sections 18.6 and 18.13 of the Act respecting intermunicipal boards of transport in the area of Montréal;

(e) an intermunicipal management board established under article 580 of the Municipal Code of Québec or section 468.11 of the Cities and Towns Act, a local municipality or a group of municipalities, where they organize a public transit service under section 48.18 of the Transport Act;

(2) emergency vehicles within the meaning of the Highway Safety Code;

(3) buses or minibuses used for the transportation of school children;

(4) road vehicles used on behalf of the partner responsible for the construction, repair and operation of bridge P-10942 under an agreement entered into in accordance with the Act respecting transport infrastructure partnerships, where those vehicles are used for the purposes of that agreement;

(5) road vehicles belonging to the Ministère des Transports and used on its behalf, where those vehicles are used for the purposes of the agreement referred to in paragraph 4.

## **DIVISION 3**

### **ESTABLISHMENT OF THE AMOUNT OF TOLLS, ADMINISTRATION FEES AND INTEREST RATES**

**5.** The partner shall publish in the *Gazette officielle du Québec* its fee schedule, which shall indicate

- (1) the schedule for expected peak periods, if applicable;
- (2) the amount of the toll per axle, based in particular on
  - (a) classes of road vehicles;
  - (b) subclasses of class A road vehicles, if applicable;
  - (c) peak and off-peak periods;
  - (d) the direction of travel;
  - (e) discounts offered, if applicable;
- (3) the amount of administration fees;
- (4) the applicable interest rate.

The fee schedule comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date determined therein.

#### §1. Establishment of the toll

**6.** For the purposes of determining the amount of the tolls, road vehicles are divided into the following classes:

“class A”: oversized vehicles within the meaning of section 462 of the Highway Safety Code;

“class B”: road vehicles not covered by class A and measuring no higher than 230 cm;

“class C”: road vehicles not covered by class A and measuring higher than 230 cm.

**7.** The number of a road vehicle’s axles is calculated in accordance with sections 16 to 18 and 52 of the Regulation respecting road vehicle registration (O.C. 1420-91, 91-10-16).

**8.** The amount of the toll corresponds to the product obtained by multiplying the number of a road vehicle’s axles by the toll rate per axle established for the vehicle’s class.

**9.** The partner may determine subclasses of road vehicles for class A road vehicles based on vehicle length, height and width, load per axle and total loaded mass.

The toll rate per axle for road vehicles in any subclass of class A shall be the same for all road vehicles in the same subclass.

**10.** The toll rate per axle for class B and C road vehicles shall be the same for all road vehicles in the same class.

Despite the first paragraph, the partner may offer a discount if

(1) it is applicable on the same conditions for all road vehicles in the same class;

(2) it is offered for any or all of the following reasons:

(a) the means by which the toll is collected;

(b) the number of passages of the road vehicle on the toll infrastructure.

**11.** The toll rate per axle may not be lower than the minimum toll rate per axle or higher than the maximum toll rate per axle prescribed for each of the classes of road vehicles in the table below.

Class of road vehicle	Minimum toll rate per axle	Maximum toll rate per axle
A	\$0.30	\$80.00
B	\$0.30	\$4.00
C	\$0.30	\$8.00

It must be rounded to the nearest whole cent.

**12.** The partner may determine a peak period between 4:30 a.m. and 10:30 a.m. and another peak period between 2:30 p.m. and 8:30 p.m. for class B and C road vehicles. Those periods must have a duration of three consecutive hours.

The toll rate per axle for those periods must at all times be equal to or higher than the toll rate per axle established for off-peak periods.

Despite the first paragraph, the partner may not determine peak periods on Saturdays and legal holidays.

**13.** The toll rate per axle fixed for class C road vehicles shall be equal to or higher than the toll rate per axle determined for class B road vehicles and may not be higher than double the toll rate per axle for class B road vehicles.

#### §2. Establishment of the administration fees

**14.** The administration fees that a partner may establish comprise general fees, fees payable for the passage of a road vehicle on a toll road infrastructure and fees payable for enforcing payment of the toll and the administration fees.

Such administration fees may be established only for the persons mentioned in sections 15, 16 and 17.

**15.** The general fees for all of the passages of a road vehicle on a toll road infrastructure for which

(1) the vehicle's registered transponder is in the vehicle and is functioning may not exceed \$2.50 per month for the person in whose name the transponder is registered;

(2) an anonymous transponder is in the vehicle and is functioning may not exceed \$2.50 per month for the person who is the holder of the transponder;

(3) a customer account, opened with the partner, to which the passages of the vehicle are charged may not exceed \$2.50 per month for the holder of the customer account.

**16.** The fees payable by the person liable for payment under section 13 of the Act respecting transport infrastructure partnerships for the passage of a road vehicle on a toll road infrastructure may not exceed

(1) \$3 per passage for the holder of a customer account;

(2) \$5 per passage for the driver of a road vehicle or the holder of the road vehicle's registration certificate who is liable for payment of the toll under paragraphs 4, 5 and 6 of section 13 of the Act respecting transport infrastructure partnerships.

**17.** The partner may establish fees not exceeding \$35 for enforcing payment of the toll and the administration fees and may claim them from the person liable for payment under section 13 of Act respecting transport infrastructure partnerships for the operation on a toll road infrastructure of a road vehicle not registered in Québec.

**18.** The additional fees payable to the partner to obtain the photograph showing the road vehicle's registration plate and indicating the place, date and time of its passage on a toll road infrastructure are \$2.00.

The additional fees prescribed in the first paragraph are automatically indexed on January 1 each year according to the rate corresponding to the annual variation in the aggregate average for the consumer price index for Québec, excluding alcoholic beverages and tobacco products, for the 12-month period ending on September 30 of the year preceding the year for which those fees are to be indexed. The indexing rate may not be lower than zero. The Minister of Transport shall publish the results of the indexing in the *Gazette officielle du Québec*.

### §3. Establishment of interest

**19.** The interest rate that the partner may establish may not be higher than the daily rate of Canadian bankers' acceptances appearing on the CDOR page of the Reuters system at 10:00 a.m. on the date on which the sum bearing interest first becomes payable, plus 4%.

### DIVISION 4

#### TOLL DEVICES AND DEVICES OR EQUIPMENT USED TO IDENTIFY A VEHICLE AT A TOLL STATION

**20.** A toll device must be manufactured and certified according to one of the following standards published by Industry Canada:

(1) RSS-210 entitled Low-power Licence-exempt Radiocommunication Devices (All Frequency Bands): Category I Equipment;

(2) RSS-310 entitled Low-power Licence-exempt Radiocommunication Devices (All Frequency Bands): Category II Equipment.

**21.** A toll device must have a mechanism ensuring the traceability of its operations.

**22.** A toll device must have the following components:

(1) a system for detecting road vehicles and transponders;

(2) a system for identifying a road vehicle at a toll station;

(3) a system for classifying road vehicles;

(4) a system for recording passages and calculating the amount of tolls.

**23.** The system for detecting road vehicles must be capable of

(1) detecting road vehicles travelling under the toll device's collection point;

(2) detecting the presence of a transponder that is functioning and is in the road vehicle travelling under the toll device's collection point, as well as reading the information recorded in it.

**24.** The system for identifying a road vehicle at a toll station must be capable of

(1) photographing the road vehicle's front or rear registration plate, as applicable, as well as the front or rear of the vehicle, as applicable;

(2) identifying on the photograph the place where it was taken and the date and time when the passage of the vehicle under the toll device's collection point was detected;

(3) determining the height of the vehicle and any other particulars that can be used to determine to which vehicle class or, where applicable, subclass it belongs;

(4) identifying, where applicable, a transponder that is in the vehicle and is functioning.

**25.** The system for identifying a road vehicle at a toll station must be capable of producing photographs on which a person having normal vision is capable of discerning, as applicable, the following particulars identifying the road vehicle:

(1) the make and model of the road vehicle;

(2) the place where the registration plate is mounted;

(3) the number of the front or rear registration plate, as applicable.

**26.** The system for identifying a road vehicle must have a mechanism preventing alteration of the data and images.

**27.** The system for classifying road vehicles must be capable of

(1) determining a road vehicle's class;

(2) determining the number of the vehicle's axles.

**28.** The system for recording passages and calculating the amount of the tolls must be capable of

(1) calculating, in accordance with the fee schedule in force at the time of the road vehicle's passage under the toll device's collection point, the amount of the toll, taking into account the following variables:

(a) the direction of the traffic lane in which the road vehicle is travelling at the time of its passage;

(b) the day of the week and, where applicable, the fact that the day is a legal holiday;

(c) the period during the day;

(d) the class of road vehicle;

(e) the number of axles;

(2) recording in the toll device's data base, for each passage of a road vehicle under the toll device's collection point, some or all of the following particulars:

(a) a unique passage number;

(b) the direction travelled by the road vehicle and the highway number;

(c) the date and time of passage;

(d) the number of axles;

(e) the data concerning classification of the vehicle and calculation of the amount of the toll and, where applicable, of the administration fees and interest;

(f) the number of the front or rear registration plate, as applicable;

(g) the image of the vehicle's front or rear, as applicable;

(h) the number of the transponder, if applicable;

(i) the number of the customer account, if applicable.

**29.** An attestation of provisional receipt issued by Delcan Corporation or MMM Group Limited pursuant to an agreement entered into in accordance with the Act respecting transport infrastructure partnerships constitutes certification authorizing the partner to use the toll device upon activation of the toll road infrastructure.

Thereafter, a toll device must be verified every six months by an organization to validate that it continues to function properly. It must also be certified by an organization when it is modified in a way that might affect compliance with the standards prescribed in sections 23 to 28.

The certification referred to in the second paragraph may be replaced by an attestation of final receipt issued by Delcan Corporation or MMM Group Limited pursuant to an agreement entered into in accordance with the Act respecting transport infrastructure partnerships. Such an attestation is valid as certification for the purposes of this Regulation.

#### **DIVISION 5** REGISTRATION AND DISTRIBUTION OF TRANSPONDERS

**30.** A partner must distribute transponders that can be used to detect the passage of a road vehicle on the toll road infrastructure that it operates. To do so, it may give, sell or rent the transponders.

**31.** Each transponder must make it possible to identify the road vehicle with which it is associated.

**32.** The partner must keep a register on the distribution of the transponders, including in particular

(1) the transponder's number;

(2) the class of road vehicle with which it is associated.

**33.** A person may ask to have a transponder registered in his or her name for a road vehicle, whether or not he or she is the owner of the vehicle.

**34.** Registration of a transponder may cover more than one class B or C road vehicle, provided that all of those vehicles belong to the same class.

#### DIVISION 6 PERSON ENTRUSTED WITH THE ENFORCEMENT OF THE ACT FOR THE PURPOSES OF DRAWING UP OFFENCE REPORTS

**35.** An employee of the partner designated by the Minister of Transport as a person entrusted with the enforcement of the Act respecting transport infrastructure partnerships for the purposes of drawing up the offence report referred to in article 62 of the Code of Penal Procedure (R.S.Q., c. C-25.1) must, at the time he or she is designated,

(1) be of full age;

(2) not have been found guilty of or have pleaded guilty to a criminal offence within the past five years involving the activities he or she may be called on to perform as a result of having been so designated, unless he or she has obtained a pardon;

(3) have taken the oath in Schedule 1 before a person authorized to administer oaths.

#### DIVISION 7 TRANSITIONAL AND FINAL

**36.** During the first 90 days following the activation of bridge P-15020 on autoroute 25, any person liable for payment under section 13 of the Act respecting transport infrastructure partnerships for the passage on that bridge of a road vehicle referred to in section 3 of this Regulation is exempted from such payment if he or she applies to the partner for exemption.

**37.** During the 90 days preceding the activation of bridge P-15020 on autoroute 25, any person who applies to have a transponder for a road vehicle registered in his

or her name is exempted from payment of the toll for the passages of that vehicle on that bridge, provided that the transponder is in the vehicle and is functioning, for a period equal to the number of days between the date of registration of the transponder and the date of activation of bridge P-15020. That period begins on the date of the activation of bridge P-15020.

**38.** Despite the first paragraph of section 11, a partner may, during the first 90 days following the activation of the toll road infrastructure, establish the amount of a toll at less than the minimum toll rate per axle.

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

#### SCHEDULE 1 (s. 35)

#### OATH OF A PERSON ENTRUSTED WITH THE ENFORCEMENT OF THE ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS FOR THE PURPOSES OF DRAWING UP THE OFFENCE REPORT REFERRED TO IN ARTICLE 62 OF THE CODE OF PENAL PROCEDURE

“I, (last name, first name), declare under oath that I will perform all duties and exercise all powers of a person entrusted with the enforcement of the Act respecting transport infrastructure partnerships for the purposes of drawing up offence reports and will do so faithfully, impartially and honestly, to the best of my ability and knowledge.

I also declare under oath that I will neither reveal nor disclose, unless duly authorized to do so, any confidential information that may come to my knowledge in the performance of my duties.”.

1227

#### Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

#### Wood-burning appliances — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting wood-burning appliances, appearing below, may be made by the Government on the expiry of 60 days following this publication.