

Notices

Notice

Notice number 2011-01 of the Minister of Transport dated 16 May 2011

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

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

Contracts for the provision of road service and towing on certain roads and autoroutes and on certain bridges or other infrastructures

— Delegation of power

Delegation to a partner of part of the powers assigned to the Minister of Transport by the Act respecting the Ministère des Transports

CONSIDERING section 12.1.1 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), which provides that the Government may, by regulation, prohibit the provision of road service or towing by a tow truck on all or part of a public road that it specifies among the roads, autoroutes and bridges or other infrastructures maintained by the Minister or by a partner in accordance with the Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001);

CONSIDERING the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures made by Order in Council 987-98 dated 21 July 1998 under section 12.1.1 of the Act respecting the Ministère des Transports;

CONSIDERING section 12.2 of the Act respecting the Ministère des Transports, which provides that the Minister may make a contract to allow a person to carry on an activity otherwise prohibited by regulation under section 12.1.1 of that Act;

CONSIDERING the first paragraph of section 8 of the Act respecting transport infrastructure partnerships, which provides that the Minister of Transport may, in a partnership agreement and on the conditions the Minister determines, delegate to a partner all or part of the Minister's powers under the Act respecting the Ministère des Transports and the Act respecting roads (R.S.Q., c. V-9) and regarding the operation of a road infrastructure;

CONSIDERING that the Minister of Transport entered into a contract dated 13 September 2007 with Concession A25 S.E.C. entitled "Project for the design, construction, financing, operation and maintenance of a portion of Autoroute 25 in the Montréal metropolitan area", in which

— Part 1 "Delegated Rights, Powers and Duties" of Schedule 14 provides that "In accordance with the terms of section 8 of the TIPA, the Minister delegates the following power to the Private Partner:

1.1 The power to enter into a contract under section 12.2 of the LMT to allow a person to carry on an activity related to the provision of road service or towing by a tow truck on the Infrastructure, the Site and the Adjacent Areas.";

— the item "Sub-contracting" of provision 8.2.2.1 of Part 8 of Schedule 5 provides as follows:

"— Sub-contracting

The Private Partner may award the towing services in its network to a sub-contractor. In such a case, the standard specifications of the Ministère that are in force at the time, a copy of which are posted in the Electronic Data Room, shall be used, and shall not be changed, with the following exceptions:

— An administrative or operational clarification;

— An increase in quality standards without changing the rate for Users;

— Amendments to the administrative clauses that define the relationship between a sub-contractor and the Private Partner (e.g.: penalty clause).";

CONSIDERING that, under that agreement, the Partner is in charge of the maintenance of the segment of Autoroute 25, which extends:

(1) northerly, from the U-turn located approximately 300 metres from rue Larrey, located in Ville de Montréal, to the end of the approach nose of the junction of Autoroute 25 nord (roadway bearing number 00025-01-051-000D) with Autoroute 440 est (roadway bearing number 00440-01-052-000D) and to the end of the approach nose of the junction of Autoroute 25 nord (ramp bearing number 00025-01-051-32A0) with Autoroute 440 ouest (roadway bearing number 00440-01-052-000G);

(2) southerly, from the end of the approach nose of the junction of Autoroute 25 sud (roadway bearing number 00025-01-051-000G) with Autoroute 440 ouest (roadway bearing number 00440-01-051-000G) and from the end of the approach nose of the junction of Autoroute 440 est (roadway bearing number 00440-01-152-000D) with the access ramp to Autoroute 25 sud (ramp bearing number 00025-01-051-32D0) to the U-turn located approximately 300 metres from rue Larrey, located in Ville de Montréal.

The description provided for in paragraph 1 includes the entrance and exit ramps linking Autoroute 25 nord to the northbound service road and bearing number 61245-01-010-000D, bridge P-15020 across rivière des Prairies, the entrance and exit ramps linking Autoroute 25 nord to avenue Roger-Lortie, located in Ville de Laval.

The description provided for in paragraph 2 includes the ramp reserved for public transit (ramp bearing number 00025-01-051-32E0), the entrance and exit ramps linking Autoroute 25 sud to boulevard René-Lévesque Est, located in Ville de Laval, bridge P-15020 across rivière des Prairies, the entrance and exit ramps linking Autoroute 25 sud to the southbound service road bearing number 61245-01-010-000G;

NOTICE IS GIVEN that the Minister, in accordance with section 8 of the Act respecting transport infrastructure partnerships, has delegated to Concession A25, S.E.C., by these stipulations and provided that the conditions therein are met, the power to enter into contracts to allow a person to provide road service and towing by a tow truck on all or part of a public road maintained by the partner under that agreement, even if such activity is prohibited under the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures.

SAM HAMAD,
Minister of Transport