

## Notices

### Notice

#### Notice number 2013-07 of the Minister of Transport dated June 12, 2013

An Act respecting the Ministère des Transports (chapter M-28)

An Act respecting transport infrastructure partnerships (chapter 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 some 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, 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 of Transport or by a partner in accordance with the Act respecting transport infrastructure partnerships (chapter 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 (chapter M-28, r. 4);

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 (chapter V-9) and regarding the operation of a road infrastructure;

CONSIDERING that the Minister of Transport entered into a contract with Nouvelle Autoroute 30, S.E.N.C., Acciona Nouvelle Autoroute 30 inc. and Iridium Nouvelle Autoroute 30 inc., dated 25 September 2008 and entitled "Partnership agreement for the design, construction, financing, operation, maintenance and rehabilitation of the Autoroute 30 in the Montréal region using a public-Private Partnership approach", in which:

— Part 1 "Definitions" of Schedule 1 provides that the expression "Private Partner" means Nouvelle Autoroute 30, S.E.N.C., including any successor and assign;

— 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 AMT 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.;"

— item vi "Sub-contracting" of provision 8.2.2.1 of Part 7 of Schedule 5 provides as follows:

"vi. 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 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 Private Partner is responsible for the operation and maintenance of:

(1) the part of autoroute 30, including its ramps and interchanges, which extends:

(a) easterly, from the end of the southern side of the bridge of route 340, located in Ville de Vaudreuil-Dorion, to the end of the approach nose of the exit ramp towards boulevard Matte (number 65), located in Ville de Brossard, excluding exit ramp to route 340 (number 2);

(b) westerly, from the end of the approach nose of the entrance ramp from boulevard Matte (number 65), located in Ville de Brossard, to the southern side of the bridge of route 340, located in Ville de Vaudreuil-Dorion, excluding the entrance ramp from route 340 (number 2);

(2) the part of autoroute 530, including its ramps and interchanges, located in Ville de Salaberry-de-Valleyfield, which extends:

(a) easterly, from the northern side of the railway bridge of the Canadian National Railway Company to its limit with the interchange of autoroutes 30 and 530, which is included in the description of the part of autoroute 30;

(b) westerly, from its limit with the interchange of autoroutes 30 and 530, which is included in the description of the part of autoroute 30, to the northern side of the railway bridge of the Canadian National Railway Company;

(3) the part of autoroute 730, including its ramps and interchanges, located in Ville de Saint-Constant, which extends:

(a) easterly, from its limit with the interchange of autoroutes 30 and 730, which is included in the description of the part of autoroute 30, to the end of the approach nose of the entrance ramp from Montée Saint-Régis (number 2), excluding the said ramp;

(b) westerly, from the end of the approach nose of the exit ramp to Montée Saint-Régis (number 2), excluding the said ramp, to its limit with the interchange of autoroutes 30 and 730, which is included in the description of the part of Autoroute 30;

(4) the part of Autoroute 20, including its ramps and interchanges, which extends:

(a) easterly, from the eastern side of the bridge of Chemin Saint-Grégoire, located in Municipalité Les Cèdres, to a virtual line perpendicular to autoroute 20, located in Ville de Vaudreuil-Dorion; that virtual line is located 50 metres to the west of a point between the two lanes of autoroute 20 eastbound, at the centre of the west abutment of the bridge of autoroute 20 which crosses rang Saint-Antoine;

(b) westerly, from the virtual line defined in subparagraph *a*, located in Ville de Vaudreuil-Dorion, to the east side of the bridge of Chemin Saint-Grégoire, located in Municipalité Les Cèdres.

NOTICE IS GIVEN that the Minister, in accordance with section 8 of the Act respecting transport infrastructure partnerships, has delegated to the Private Partner, 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 operated and 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.

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