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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

**Bill 76**

(2016, chapter 8)

**An Act to modify mainly the  
organization and governance of shared  
transportation in the Montréal  
metropolitan area**

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**Introduced 12 November 2015  
Passed in principle 1 December 2015  
Passed 19 May 2016  
Assented to 20 May 2016**

## EXPLANATORY NOTES

*This Act makes changes in the organization and governance of shared transportation in the Montréal metropolitan area.*

*By enacting two new Acts, the Act establishes the Autorité régionale de transport métropolitain (Authority) and the Réseau de transport métropolitain (Network).*

*The Authority is given responsibility for planning shared transportation services in its area of jurisdiction, that is, in the territories of the Communauté métropolitaine de Montréal, the Kahnawake Indian Reserve and Ville de Saint-Jérôme. The Authority has exclusive jurisdiction to establish the shared transportation fare schedule applicable in those territories and to identify the traffic corridors constituting the metropolitan arterial system in which it may designate reserved lanes. A number of the Authority's decisions, in particular as regards its strategic shared transportation development plan, capital expenditures program and financing policy, are subject to the approval of the Communauté métropolitaine de Montréal.*

*The Network is given responsibility for operating shared transportation services in all or part of its area of jurisdiction, which coincides with that of the Authority. The Network has exclusive jurisdiction as regards the provision of shared transportation services by suburban train in its area of jurisdiction.*

*The Act also sets out rules governing the composition of the Authority's and Network's boards of directors, including the obligation to include members who qualify as independent administrators within the meaning of the Act respecting the governance of state-owned enterprises. Other rules are introduced to govern the operation of the Authority and the Network, including by making them subject to the rules governing the awarding of contracts applicable to public transit authorities.*

*In light of the missions conferred on the Authority and the Network, the Agence métropolitaine de transport is abolished, the functions currently exercised by the Communauté métropolitaine de Montréal and the region's public transit authorities are modified and the intermunicipal boards of transport cease to exist.*

*The Act also establishes a transition committee which is responsible for seeing to it that the Authority and the Network are set up and is granted various powers to that end.*

*In addition, the Act contains numerous amending, miscellaneous and transitional provisions required to establish the Authority and the Network.*

*Lastly, the Act contains amending provisions to regulate the use of low-speed vehicles on public highways, including provisions authorizing the Government to determine the rules applicable to such vehicles and allowing a person who is responsible for the maintenance of a public highway to restrict or prohibit the operation of such vehicles on that highway.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting equal access to employment in public bodies (chapter A-2.01);
- Financial Administration Act (chapter A-6.001);
- Building Act (chapter B-1.1);
- Highway Safety Code (chapter C-24.2);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- Act respecting municipal taxation (chapter F-2.1);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting the Ministère des Transports (chapter M-28);
- Act to ensure the occupancy and vitality of territories (chapter O-1.3);

- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);
- Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102);
- Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011);
- Act respecting public transit authorities (chapter S-30.01);
- Fuel Tax Act (chapter T-1);
- Transport Act (chapter T-12);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

**LEGISLATION REPEALED BY THIS ACT:**

- Act respecting the Agence métropolitaine de transport (chapter A-7.02);
- Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1).

**LEGISLATION ENACTED BY THIS ACT:**

- Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3);
- Act respecting the Réseau de transport métropolitain (2016, chapter 8, section 4).

**REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting student transportation (chapter I-13.3, r. 12);

- Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3);
- Regulation respecting the contribution of motorists to public transit (chapter T-12, r. 3);
- Bus Leasing Regulation (chapter T-12, r. 10);
- Regulation respecting municipalized public transit services (chapter T-12, r. 13);
- Bus Transport Regulation (chapter T-12, r. 16).

**MINISTERIAL ORDER REPEALED BY THIS ACT:**

- Ministerial Order concerning access to public roads for low-speed vehicles (chapter C-24.2, r. 0.2.1).



## **Bill 76**

### **AN ACT TO MODIFY MAINLY THE ORGANIZATION AND GOVERNANCE OF SHARED TRANSPORTATION IN THE MONTRÉAL METROPOLITAN AREA**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **PART I**

##### **PURPOSE**

**1.** This Act modifies the organization and governance of shared transportation in the Montréal metropolitan area by introducing a new sharing of powers to foster the mobility of persons, in particular through the establishment of two bodies, one devoted to the planning of services, the other to the operation of some of those services.

**2.** The measures introduced by this Act for the Montréal metropolitan area are aimed, in particular, at

(1) defining a long-term, coherent vision for shared transportation services and for their improvement and development;

(2) ensuring adequate and optimal planning of those services by coordinating them and fostering best practices, in particular by taking into account the principles of sustainable development, in order to increase the efficiency and effectiveness of the various transit systems;

(3) fostering and simplifying access to the various user services, including those for mobility impaired persons, by focusing on transit intermodality and ensuring fare integration;

(4) facilitating collaboration and cohesion between the various shared transportation stakeholders and the local municipalities; and

(5) fostering the reduction of the carbon footprint.

## **PART II**

### **ENACTMENT OF THE ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN**

**3.** The Act respecting the Autorité régionale de transport métropolitain, of which the text appears in this Part, is enacted.

#### **“ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN**

##### **“CHAPTER I**

###### **“ESTABLISHMENT**

**1.** The “Autorité régionale de transport métropolitain” (Authority) is established. The Authority is a legal person established in the public interest.

The Authority may choose to refer to itself by another name or by an acronym by sending a copy of a resolution to that effect to the enterprise registrar.

**2.** The Authority’s property forms part of the municipal domain but the performance of its obligations may be levied against its property.

The Authority binds none but itself when it acts in its own name.

**3.** The Authority’s area of jurisdiction comprises the territories of the Communauté métropolitaine de Montréal, the Kahnawake Indian Reserve and Ville de Saint-Jérôme.

**4.** The Authority’s head office is located in the place it determines within its area of jurisdiction.

The Authority publishes a notice of the location and of any change in location of the head office in the *Gazette officielle du Québec* and, at the same time, posts it on its website.

##### **“CHAPTER II**

###### **“MISSION AND RESPONSIBILITIES**

###### **“DIVISION I**

###### **“MISSION**

**5.** In keeping with the principle of sustainable development and with efforts to reduce the carbon footprint, the Authority’s mission is to ensure, through modes of shared transportation, the mobility of persons in its area of jurisdiction, including mobility impaired persons.



To that end, the Authority plans, develops, supports and promotes shared transportation. It fosters the integration of services between the various modes of transportation and enhances the efficiency of traffic corridors.

The Authority collaborates closely with the Minister and the Communauté métropolitaine de Montréal in developing a comprehensive, integrated vision of mobility in its area of jurisdiction in order to, among other things, identify shared transportation needs.

For the purposes of this Act, the Réseau de transport métropolitain (Network), the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal are public transit authorities.

The jurisdiction in shared passenger transportation matters that is conferred by this Act on the Authority in its area of jurisdiction has precedence over any similar jurisdiction that a public transit authority or municipality, whose area of jurisdiction or territory is included in the Authority's area of jurisdiction, may exercise under a general law or special Act.

**“6.** The Authority must, in particular and taking into account the instructions it receives from the Minister to promote intermodality, shared transportation, and safe, accessible, equitable and efficient public transit,

(1) determine the public transit it will make available to meet the needs of users, including mobility impaired users, through services provided to it by public transit authorities in their respective areas of jurisdiction;

(2) coordinate shared transportation services, in particular bus services with subway and suburban train services, by taking measures designed to improve and integrate those services;

(3) manage fare revenues from shared transportation services in a rigorous and transparent manner;

(4) implement measures to foster traffic mobility in the metropolitan arterial system, disseminate information to users of shared transportation services and provide them with ticketing services, the latter through a single window that provides simplified access to all services in its area of jurisdiction;

(5) study and plan the maintenance, improvement, replacement, addition or demolition of shared transportation equipment and infrastructures;

(6) ensure that the equipment used by the public transit authorities to issue transit tickets and collect revenue is compatible with its integrated system;

(7) promote shared transportation, active transportation and carpooling, in particular by establishing or encouraging incentives to foster the use of those modes of transportation;

(8) study and implement measures promoting the electrification of shared transportation; and

(9) exercise any other function conferred on it by the Government, the Minister or the Communauté métropolitaine de Montréal.

**“7.** The Minister may, if he or she has reasonable grounds to believe that the public interest requires it in order, among other things, to ensure the mobility of persons, issue directives concerning the objectives and policy directions the Authority must pursue.

Such directives, which must be approved by the Government, come into force on the date they are approved. Once approved, they are binding on the Authority and must be complied with.

The Minister tables the directives in the National Assembly within 15 days after they are approved or, if the Assembly is not sitting, within 15 days after resumption.

## **“DIVISION II**

### **“CONTRACTUAL POWERS**

**“8.** The Authority enters into an agreement with every public transit authority stipulating the shared transportation services each must provide to the Authority in accordance with the public transit the Authority has determined it will make available to serve the transit authority’s area of jurisdiction.

The agreement must include

(1) a detailed description of the services provided and the remuneration agreed on;

(2) the performance and service quality objectives set by the Authority that the public transit authority must meet;

(3) measures aimed at fostering and simplifying user access to the various shared transportation services; and

(4) provisions allowing public transit authorities to implement innovations and initiatives to improve the efficiency, effectiveness and integration of services.

The Authority may also enter into an agreement

(1) with the public transit authority of its choice in order to offer metropolitan rapid transit service;

(2) with the Réseau de transport métropolitain in order to provide service in the territory of the Kahnawake Indian Reserve or service between at least one local municipality whose territory is included in the Network's area of jurisdiction and places outside that area.

For the purposes of subparagraph 1 of the third paragraph, "metropolitan rapid transit service" means a service provided in the territory of at least one local municipality whose territory is included in the chosen public transit authority's area of jurisdiction and in the territory of at least one local municipality whose territory is included in another public transit authority's area of jurisdiction.

**"9.** The public transit authorities have all the powers necessary to enter into contracts with the Authority for the purposes of this Act.

**"10.** The Authority may enter into an agreement with the Government or any of its departments or bodies, with any person, association or partnership, or with any Native community represented by its band council.

**"11.** The Authority may not, without the Minister's authorization, alienate property having a value greater than \$25,000 for which it has specifically been awarded a grant.

**"12.** The Authority may give any property having a value that does not exceed \$10,000 to a charity.

**"13.** Twice a year, the Authority publishes in a newspaper distributed in its area of jurisdiction and posts on its website a notice mentioning any property having a value greater than \$10,000 that it alienated in the previous six months, the person to whom the property was alienated and the price of alienation.

**"14.** Sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01) apply to the Authority, with the necessary modifications, and the Authority is deemed to be a public transit authority for the purposes of any regulation made under section 100 or 103.1 of that Act.

### **"DIVISION III**

#### **"STRATEGIC SHARED TRANSPORTATION DEVELOPMENT PLAN**

**"15.** The Authority has exclusive jurisdiction to establish a strategic plan for the development of shared transportation in its area of jurisdiction, taking into account the metropolitan land use and development plan of the Communauté métropolitaine de Montréal and the land use planning and development plan of Municipalité régionale de comté de la Rivière-du-Nord with regard to the territory of Ville de Saint-Jérôme.

The strategic plan must set out a vision, for at least a 10-year period, for the development of shared transportation and, more generally, for the mobility of persons, including mobility impaired persons, and must specify the equipment, infrastructures and shared transportation services required.

In addition, the plan must specify

- (1) the context in which the Authority acts and the main challenges it faces;
- (2) the Authority's objectives and strategic directions;
- (3) the results expected over the period covered by the plan and the actions required to achieve them, by field of jurisdiction;
- (4) the priorities and an implementation calendar for the actions to be carried out;
- (5) the terms governing the financing of the operating and capital expenditures required to carry out the proposed actions; and
- (6) the monitoring measures and performance indicators to be used to measure results.

The Community may give the Authority special instructions to hold public hearings in connection with establishing the plan or making any amendment to it.

The plan must be updated yearly and revised every five years.

**“16.** Within 30 days after adopting its strategic plan or any amendment to it, the Authority sends it to the Communauté métropolitaine de Montréal for approval.

On receiving it, the Community makes it available to all the municipalities and the band council whose territories are referred to in section 3.

The Community may not approve the plan or any amendment to it before receiving, in accordance with section 17, the opinion of the Minister referred to in the first paragraph of that section attesting that the document submitted is consistent with government policy directions or, if an opinion is not received within the time prescribed in that section, before the expiry of that time.

**“17.** The Authority sends its strategic plan, and any amendment to it, to the Minister designated under section 267 of the Act respecting land use planning and development (chapter A-19.1) for the purposes of the examination of the plan's consistency with the government policy directions described in section 47.2 of that Act.

The Minister serves his or her opinion on the Authority and the Communauté métropolitaine de Montréal in accordance with section 234 of that Act and not later than the 120th day after receiving the document. To that end, the Minister consults the other ministers concerned, in accordance with section 267 of that Act; in addition, the Minister specifically consults the Minister of Transport on the document's consistency with the government policy directions referred to in the first paragraph that concern transport in general and shared transportation and sustainable mobility in particular.

If the opinion of the Minister referred to in the first paragraph indicates that an element of the content of the document submitted is not consistent with government policy directions, the reasons must be given. The Authority must then replace the document with one that is consistent with those policy directions; the first and second paragraphs apply to such a document.

If the Minister referred to in the first paragraph does not serve an opinion within the time prescribed in the second paragraph, the document submitted is deemed to be consistent with government policy directions.

**“18.** Once its strategic plan and any amendment to it have been approved by the Communauté métropolitaine de Montréal, the Authority sends them to the public transit authorities within 30 days. The Authority posts the plan or any amendment to it on its website.

**“19.** The strategic plan creates no obligation as to the calendar and terms for implementing the equipment and infrastructures provided for in the plan.

#### **“DIVISION IV**

##### **“CAPITAL EXPENDITURES PROGRAM**

**“20.** Each year, the Authority files a shared transportation capital expenditures program for the next 10 years, in accordance with its strategic plan.

**“21.** The program must be divided into annual phases and set out, for each phase, the object, amount and mode of financing of the capital expenditures the Authority plans to make or incur. If applicable, the plan also sets out, for each object, any financial assistance granted by the Government or by other contributors.

The program must also specify the capital expenditures that will have to be made beyond the period covered by the program, if such expenditures result from commitments made during that period.

The program must contain an asset maintenance plan that includes actions designed to foster the longevity of the assets and specifies the level of investments required to maintain them.

**“22.** The Authority sends its capital expenditures program to the Communauté métropolitaine de Montréal, for approval, not later than 31 October preceding the beginning of the first fiscal year covered by the program, together with a copy of the capital expenditures programs of the public transit authorities.

On receiving them, the Community makes them available to all the municipalities and the band council whose territories are referred to in section 3.

**“23.** The Authority may amend its capital expenditures program. Any amendment must be sent to the Communauté métropolitaine de Montréal, for approval, within 30 days after it is adopted.

On receiving it, the Community makes it available to all the municipalities and the band council whose territories are referred to in section 3.

**“24.** The Authority sends its capital expenditures program or any amendments to the Minister once they have been approved by the Communauté métropolitaine de Montréal. The Minister must submit to the Conseil du trésor any amendment that affects public infrastructure investment planning.

The Authority posts the program or any amendment to it on its website.

## **“DIVISION V**

### **“SHARED TRANSPORTATION FARE STRUCTURE**

**“25.** The Authority has exclusive jurisdiction to establish, on the basis of the criteria it determines, the rate schedule applicable in its area of jurisdiction for shared transportation by, among other things, setting fares for transit tickets according to the type of ticket.

Those criteria include

- (1) the various modes of transportation used;
- (2) the rapidity and frequency of trips and the distance travelled;
- (3) the day and time of trips; and
- (4) the classes of users.

If the Authority intends to include, among its classes of users, a specific class for students 18 years of age or older, any person 18 years of age or older must be included in the class if he or she has student status as determined by the Authority.

**“26.** In accordance with its financing policy adopted under section 72, the Authority adopts the rate schedule and sends it to the Communauté métropolitaine

de Montréal and each public transit authority before 1 October each year. It does likewise whenever the schedule is modified in the course of the year.

The rate schedule comes into force on the following 1 January or, in the case of a modification, on the date determined by the Authority.

**“27.** The Authority must post its fare prices on its website not later than 1 November each year. Any modification to them in the course of the year must be posted 60 days before it comes into force and not later than 60 days after the Authority makes its decision.

**“28.** Every public transit authority must give the bearer of a transit ticket access to its public transit services in accordance with the indications on the ticket.

**“29.** All revenues resulting from the issue of the Authority’s transit tickets and collected by a public transit authority must be remitted to the Authority at the intervals and on the terms determined by the Authority.

**“30.** Each public transit authority must, within the time set by the Authority, use a system for issuing transit tickets and collecting revenues that has been approved by the Authority.

#### **“DIVISION VI**

##### **“METROPOLITAN ARTERIAL SYSTEM**

**“31.** The Authority designates, from among the public highways in its area of jurisdiction, the road corridors constituting the metropolitan arterial system.

The Authority must make a survey of the road network and, before making a decision under section 32, consult the Minister as well as the local municipalities and the public transit authorities concerned.

**“32.** With regard to the road corridors constituting the metropolitan arterial system, the Authority may prescribe

- (1) preferential measures to facilitate bus traffic;
- (2) restrictions on heavy vehicle traffic;
- (3) measures to foster a metropolitan cycling and pedestrian network; and
- (4) the compatible uses to which the area near or along those road corridors may be put.

The Authority may also

(1) designate lanes reserved for the exclusive use of certain classes of road vehicles, or of road vehicles carrying the minimum number of passengers specified by the Authority; and

(2) with the approval of the person responsible for the maintenance of a public highway or, in the absence of such approval and if that person is not the Minister, of the Communauté métropolitaine de Montréal, signalize the reserved traffic lanes designated by the Authority and take any other steps to ensure their safe use.

The Authority may enter into any contract with the person responsible for the maintenance of a public highway that provides for compensation of all or part of the costs related to the decisions it has made with regard to the metropolitan arterial system.

All traffic signs and signals installed by the Authority are deemed to have been installed by the person responsible for the maintenance of a public highway under paragraph 4 of section 295 of the Highway Safety Code (chapter C-24.2).

**“33.** To obtain the approval of the Communauté métropolitaine de Montréal under subparagraph 2 of the second paragraph of section 32, the Authority must file an application with the Community establishing that it has notified the person responsible for the maintenance of the public highway of its intention to establish a reserved traffic lane on that highway, that it has proposed entering into a contract with that person under the third paragraph of section 32 that provides for compensation of all or part of the costs of establishing, maintaining and operating that lane, and that the person either

(1) contests the establishment of the reserved traffic lane;

(2) contests the amount of money offered;

(3) contests the classes of road vehicles for which the lane is reserved or the minimum number of passengers required for a road vehicle to be authorized to travel in the reserved lane; or

(4) has failed to reply to the Authority within 90 days of the proposal.

The application must be filed with all necessary supporting documents.

The Community sends the application filed under this section and the supporting documents to the person responsible for the maintenance of the public highway concerned and notifies the person that he or she has 30 days to submit to the Community any reasons he or she may have to oppose the application.



**“34.** The Communauté métropolitaine de Montréal must inform the Authority as soon as possible and within a period not exceeding 60 days of its decision with regard to the application referred to in section 33.

**“35.** The Authority must prescribe minimum management standards for the metropolitan arterial system, as well as harmonization standards for the rules governing traffic signs and signals and traffic control, applicable in its area of jurisdiction, and must revise those standards every five years.

Before any decision is made under the first paragraph, the Authority must consult the municipalities and public transit authorities in whose territory or area of jurisdiction those standards apply.

For the purposes of this section,

(1) “minimum management standards” means the standards that apply to such things as on-street parking, road network maintenance, activities relating to garbage and recyclable materials collection, roadway snow removal activities and activities required to lessen the impacts of roadwork; and

(2) “harmonization standards for the rules governing traffic signs and signals and traffic control” means the standards that apply to such things as traffic light control, speed limit determination and supervision of traffic in the system and traffic movements.

**“36.** Any decision made by the Authority under this division must be approved by the Communauté métropolitaine de Montréal unless the decision concerns a public highway whose maintenance is under the Minister’s responsibility. In the latter case, the Minister’s approval is required.

Any decision approved in accordance with the first paragraph has precedence over any decision made by a municipality or public transit authority.

**“37.** The Authority must post a road map on its website showing the metropolitan arterial system and, more specifically, all designated or planned reserved traffic lanes in its area of jurisdiction.

## **“DIVISION VII**

### **“EQUIPMENT AND INFRASTRUCTURES OF METROPOLITAN SCOPE**

**“38.** The Authority may acquire or build shared transportation equipment and infrastructures that it designates as being of metropolitan scope.

**“39.** The Authority may designate which equipment and infrastructures belonging to a local municipality or a public transit authority is of metropolitan scope.

Before doing so, the Authority must consult the Communauté métropolitaine de Montréal and the local municipality or public transit authority concerned.

**“40.** The Authority must acquire the equipment and infrastructures it has designated in accordance with section 39. The acquisition contract must specify the date and terms of transfer of the property. Only the amount disbursed by the local municipality or the public transit authority, exclusive of any government assistance paid to finance the acquisition, may be reimbursed, compensated or otherwise borne by the Authority.

Despite the first paragraph, the local municipality or public transit authority continues to service any debt relating to the financing of the property of which ownership has been transferred to the Authority. The local municipality or public transit authority remains responsible for the commitments arising out of the securities it has issued and such securities continue to constitute direct and general obligations of the owner. The Authority reimburses the local municipality or public transit authority, in principal and interest, according to the owner’s debt service payment schedule.

In cases of disagreement, the Communauté métropolitaine de Montréal determines that equipment or infrastructures referred to in the first paragraph are to come under the management of the Authority on the date specified by the Community.

The Authority may perform all the acts and exercise all the rights of an owner with regard to property which it does not own but which is under its management. For those purposes, the Authority is vested with the necessary powers and assumes the related obligations.

**“41.** The Authority may entrust, to a public transit authority, the operation of the equipment or infrastructures of metropolitan scope which it owns or whose management has been entrusted to it under the third paragraph of section 40.

**“42.** For the purposes of this division, equipment and infrastructures used by more than one public transit authority or the users of more than one such authority, such as a terminal, bus shelter or park-and-ride facility, are among the things that may be designated as being of metropolitan scope.

### **“DIVISION VIII**

#### **“SERVICE STATEMENT**

**“43.** The Authority posts a service statement on its website setting out its objectives with regard to the provision and quality of its services.

The statement must specify the time frame within which services must be provided and provide clear information on their nature and accessibility.

**“44.** The Authority must

(1) remain informed as to the expectations and level of satisfaction of users of shared transportation services, including mobility impaired users;

(2) simplify service delivery rules and procedures to the greatest extent possible; and

(3) encourage its employees to provide quality services and to collaborate in achieving the results targeted.

### **“CHAPTER III**

#### **“ORGANIZATION AND OPERATION**

**“45.** The Authority’s board of directors is composed of 15 members, including the chair.

At least two-thirds of the board members, including the chair, must, in the opinion of the Government or the Communauté métropolitaine de Montréal, as applicable, qualify as independent directors within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

**“46.** After consulting with the Communauté métropolitaine de Montréal, the Government appoints the chair of the board for a term of up to five years. The chair may be reappointed twice to serve in that capacity.

**“47.** The Government appoints six other independent members, taking into account, in particular, the expertise and experience profiles approved by the board.

After consulting Ville de Saint-Jérôme, the Communauté métropolitaine de Montréal appoints eight members, including at least three independent members. The appointment of the independent members must be made taking into account, in particular, the expertise and experience profiles approved by the board.

**“48.** Board members other than the chair are appointed for a term of up to four years and may be reappointed twice to serve in that capacity.

**“49.** The composition of the board must tend toward gender parity. The board must also be composed of members whose cultural identity reflects the various components of Québec society as much as possible.

**“50.** The board members appointed by the Government are remunerated by the Authority on the conditions and to the extent determined by the Government. They are also entitled to be reimbursed for expenses incurred in the exercise

of their functions, on the conditions and to the extent determined by the Government.

The board members appointed by the Communauté métropolitaine de Montréal are remunerated by the Authority on the conditions and to the extent determined by the Community. They are also entitled to be reimbursed for expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Community.

**“51.** On the expiry of their term, board members remain in office until they are replaced or reappointed.

**“52.** No person may exercise the functions of board member of the Authority concurrently with those of board member of the Réseau de transport métropolitain, the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal.

**“53.** The chair of the board may not have a direct or indirect interest in a body, enterprise or association that places the chair’s personal interests in conflict with those of the Authority. If such an interest devolves to the chair, including by succession or gift, it must be renounced or disposed of with dispatch.

Subject to the third paragraph, any other board member who has a direct or indirect interest in a body, enterprise or association that places the member’s personal interests in conflict with those of the Authority must disclose it in writing to the chair of the board and abstain from participating in any discussion or decision involving that body, enterprise or association. The member must also withdraw from a meeting while the matter is discussed or voted on.

Sections 304 to 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply, with the necessary modifications, to board members who are council members of a local municipality.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the Authority that would also apply to the board member.

**“54.** A vacancy on the board of directors is filled in accordance with the rules of appointment to the board.

Absence from the number of board meetings determined by the Authority’s by-laws, in the cases and circumstances specified in those by-laws, constitutes a vacancy.

**“55.** The term of a board member of the Authority who is also a council member of a local municipality ends as soon as he or she ceases to be a council member of that municipality.

**“56.** The board must establish the following committees:

- (1) a governance, ethics and human resources committee;
- (2) an audit committee; and
- (3) a project monitoring committee.

These committees must be composed solely of independent members.

Sections 22 and 27 of the Act respecting the governance of state-owned enterprises apply to the governance, ethics and human resources committee. Sections 23 to 26 of that Act apply to the audit committee.

**“57.** The functions of the project monitoring committee include verifying compliance with the contract management policy adopted by the Authority.

**“58.** In addition to the committees listed in section 56, the board must establish a user services quality committee with regard to shared transportation services.

The functions of this committee include formulating, submitting to the board and following up on policy directions concerning the quality of user services. To that end, the committee must take into account the respective characteristics of the local municipalities whose territory is included in the Authority’s area of jurisdiction.

**“59.** The Authority may make by-laws for its internal management. Such by-laws must be posted on the Authority’s website.

**“60.** Board meetings are closed to the public. However, special meetings held to examine tenders in accordance with section 86 must be open to the public.

In addition, the board must hold a public meeting once a year to present the Authority’s activity report to the public. The board posts the place, date and time of the meeting on the Authority’s website at least 30 days before the meeting is held.

This public meeting includes a period during which the persons present may address oral questions to the board members. The board may, by by-law, prescribe how long this question period is to last, when it is to be held and the procedure for asking a question.

**“61.** The quorum at board meetings is the majority of its members, including the chair or the person designated to replace the chair.

**“62.** Each member present at a meeting has one vote and is required to vote, unless prevented from doing so under the second paragraph of section 53.

Board decisions are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

**“63.** The minutes of board meetings, approved by the board and certified true by the chair or by any other person authorized to do so under the Authority’s by-laws, are authentic, as are the documents or copies of documents emanating from the Authority or forming part of its records, provided they are so certified.

**“64.** No document binds the Authority or may be attributed to it unless it is signed by the chair of the board or, to the extent determined in the Authority’s by-laws, by a member of the Authority’s personnel.

The by-laws may allow a facsimile of the signature of a person referred to in the first paragraph to be affixed on the documents specified in the by-laws. Such a facsimile has the same force as the signature itself.

**“65.** The Authority adopts a policy for examining and dealing with complaints about activities related to its mission.

#### **“CHAPTER IV**

#### **“HUMAN RESOURCES**

**“66.** The board designates a director general, a secretary and a treasurer from among the Authority’s employees.

**“67.** The Authority’s employees are appointed in accordance with the staffing plan it establishes.

Subject to the provisions of a collective agreement, the Authority determines the standards and scales of remuneration, employee benefits and other conditions of employment of its employees in accordance with the conditions defined by the Communauté métropolitaine de Montréal.

**“68.** The Authority establishes a mode of organization of human resources intended to promote

(1) the Authority’s efficiency and the optimal utilization and development of its human resources;

(2) the exercise of human resource management powers at the least possible hierarchical remove from the persons concerned, and the application of a system under which the person vested with such management powers is accountable for his or her acts, according to the means put at the person’s disposal;

(3) equal opportunity for all citizens for employment with the Authority;

(4) impartiality and fairness in decisions affecting employees;

(5) the competence of persons in recruitment, promotion and evaluation matters; and

(6) optimal contribution of the various components of Québec society.

**“69.** The board approves the code of ethics and professional conduct applicable to its members and the Authority’s employees.

The Authority must post the code referred to in the first paragraph on its website.

**“70.** If employees or board members of the Authority are sued by a third person for an act done in the exercise of their functions, the Authority assumes their defence and pays any damages awarded as compensation for the injury resulting from that act, unless they committed a gross fault or a personal fault separable from the exercise of their functions.

In penal or criminal proceedings, however, the Authority pays the defence costs of employees or board members being sued only if they were acquitted, or if it judges that they acted in good faith.

## **“CHAPTER V**

### **“FINANCIAL PROVISIONS**

**“71.** The Authority’s fiscal year ends on 31 December.

**“72.** The Authority establishes and adopts a financing policy that includes

(1) targets for financing from fare revenues, including terms governing the financing of any fare-related innovations and initiatives that the Authority determines on the basis of, among other things, the various proposals it receives;

(2) terms governing the contracting out of its shared transportation services;

(3) mechanisms for reviewing sources of financing and for determining the allocation of the sums received by the Authority under paragraphs 1 to 7 of section 79;

(4) terms governing the financing of its capital expenditures;

(5) terms for establishing the financial contributions required under section 81;

(6) if applicable, terms for establishing the financial contributions required under section 83 or 84;

(7) if applicable, special terms governing the apportionment, among the local municipalities of the North Shore or among the local municipalities of

the South Shore, within the meaning of the Act respecting the Réseau de transport métropolitain (2016, chapter 8, section 4), the total amount of the contributions that would be required from them, under section 81 or 83, based on the general terms determined under subparagraphs 5 and 6;

(8) terms for establishing the financial contributions the Réseau de transport métropolitain may require under section 52 of the Act respecting the Réseau de transport métropolitain; and

(9) if applicable, terms governing the provision of a special fund that it establishes to finance the development and improvement of shared transportation services.

The policy must take into account the respective characteristics of the territories of the local municipalities served and strive to serve those territories in an equitable manner.

**“73.** Before establishing special terms under subparagraph 7 of the first paragraph of section 72, the Authority must consult the local municipalities concerned.

**“74.** The Authority’s financing policy must be approved by the Communauté métropolitaine de Montréal. Before giving its approval, the Community must consult Ville de Saint-Jérôme.

**“75.** The Authority adopts its budget estimates for each fiscal year.

The budget estimates, which must be consistent with the Authority’s financing policy, are sent to the Communauté métropolitaine de Montréal and the Minister not later than 15 November each year; at that time, the Authority posts them on its website.

**“76.** The Authority’s budget estimates may not provide for expenditures exceeding its revenues.

**“77.** The Authority must include as revenue in its budget estimates any surplus anticipated for the current year and any other surplus at its disposal.

It must also include, as expenditures, any deficit for the preceding year and any deficit anticipated for the current year.

**“78.** The Authority may establish a special fund to finance the development and improvement of shared transportation services.

**“79.** To finance its activities, the Authority receives

(1) the revenues collected from sales of shared transportation tickets;



- (2) the other forms of remuneration for the goods and services it provides;
- (3) the share of the contribution of motorists to public transit, determined by a regulation made under section 88.6 of the Transport Act (chapter T-12);
- (4) the amount paid by the Minister of Revenue under section 55.2 of the Fuel Tax Act (chapter T-1);
- (5) the amount payable under section 80 by each local municipality whose territory is included in the Authority's area of jurisdiction;
- (6) the amount of any vehicle registration tax collected by the Société de l'assurance automobile du Québec in accordance with section 96.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- (7) any government assistance it may be granted;
- (8) the contribution required under section 81; and
- (9) any contribution required under section 83 or 84.

**“80.** The local municipalities whose territory is included in the Authority's area of jurisdiction must pay an amount to the Authority that is equal to one cent per \$100 of their standardized property value, within the meaning of section 261.1 of the Act respecting municipal taxation (chapter F-2.1), as established for the year of reference.

In that regard, the Authority may

- (1) identify the year of reference;
- (2) set the date on which the data used to provisionally or definitively establish the standardized property value are to be considered;
- (3) provide for the adjustments that may result from the successive use of provisional and definitive data; and
- (4) determine the terms of payment.

However, the amount referred to in the first paragraph may be established using another criterion determined by the Government or both such a criterion and the criterion provided for in the first paragraph.

**“81.** The Authority finances all or part of the cost of any agreement entered into under section 8 through a contribution required, in accordance with the terms specified in its financing policy, from one or more local municipalities whose territory is included in the Authority's area of jurisdiction.

The contribution required in the case of contracts related to metropolitan rapid transit services, suburban train services, subway services or any other mode of guided land transport services must be established on the basis of the proportion that the utilization of each service by the residents in the territory of each local municipality whose territory forms part of the area of jurisdiction of a public transit authority is of the utilization of the service by all the residents in the Authority's area of jurisdiction. This contribution may also be apportioned separately by suburban train route, metropolitan rapid transit service or any other type of shared transportation service.

**“82.** The sums referred to in subparagraphs 3, 4, 6 and 7 of the first paragraph of section 79 that the Authority receives in the course of a fiscal year may not be used to reduce the total amount of the financial contributions payable under section 81.

The total amount of the financial contributions payable under section 81 may not be less than the amount paid for the 2016 fiscal year by all the local municipalities whose territory is included in the Authority's area of jurisdiction. The total amount paid in that fiscal year constitutes the reference threshold and is adjusted by operation of law on 1 January of each year by a rate corresponding to the variation in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period that ended on 30 September of the year preceding the year for which the reference threshold is to be adjusted. The Authority posts the rate without delay on its website.

**“83.** The Authority may finance all or part of the cost of its expenditures related to equipment or infrastructures designated as being of metropolitan scope through a contribution required, in accordance with the terms specified in its financing policy, from local municipalities whose territory is included in the Authority's area of jurisdiction.

**“84.** The Authority may finance all or part of the cost of its expenditures related to the operation and management of the reserved traffic lanes through a contribution required, in accordance with the terms specified in its financing policy, from public transit authorities that is proportionate to their utilization of those lanes.

**“85.** The Authority may not contract loans unless authorized to do so by the Minister of Municipal Affairs, Regions and Land Occupancy and unless the interest rate and other conditions of the loans are authorized by the Minister of Finance.

The Authority may, however, contract temporary loans to pay expenses incurred for its day-to-day administration without the authorizations required under the first paragraph. It may also, with the sole authorization of the Minister of Municipal Affairs, Regions and Land Occupancy, contract such loans to pay any other expenses.

**“86.** If the Authority issues bonds, it must sell them by adjudication in accordance with section 554, except the fourth paragraph, of the Cities and Towns Act (chapter C-19) and sections 555 and 555.1 of that Act, unless the Minister of Finance authorizes it to sell them by agreement on the conditions the Minister of Finance considers appropriate.

If the Authority contracts a loan through an issue of notes, it may choose the lender using the adjudication procedure referred to in the first paragraph, with the necessary modifications.

The authorization of the Minister of Finance under the first paragraph of section 85 is not required when the Authority sells its bonds or chooses a lender by adjudication.

**“87.** Divisions V, VI, VIII to X and XII of the Act respecting municipal debts and loans (chapter D-7) apply to the Authority. The treasurer, or another employee designated for that purpose by the board, must fulfil the obligations mentioned in section 24 of that Act.

Division IX of that Act does not apply to a security that is not subject to registration according to the conditions of its issue.

A loan obtained or security issued by the Authority may be repaid or redeemed in advance, as the Authority sees fit, according to the terms of the contract or security. The date of advance repayment or redeem may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

**“88.** The securities issued by the Authority are investments that are presumed sound as if they were mentioned in paragraph 2 of article 1339 of the Civil Code.

The commitments included in the securities issued by the Authority constitute direct and general obligations of the Authority and of the local municipalities whose territory is included in the Authority’s area of jurisdiction and rank concurrently and *pari passu* with all other general obligations of the Authority and the municipalities.

**“89.** Any agreement under which the Authority makes a financial commitment for a period exceeding 10 years must, to be binding on the Authority, be authorized by the Minister of Municipal Affairs, Regions and Land Occupancy, except in the case of a work contract.

**“90.** The Authority must obtain the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy to become surety for an obligation of \$100,000 or more.

**“91.** No decision of the Authority and no report authorizing or recommending an expenditure has effect before the treasurer produces a certificate attesting

that funds are available for the purposes for which the expenditure is to be used.

**“92.** The local municipalities whose territory is included in the Authority’s area of jurisdiction are guarantors of the Authority’s obligations and commitments.

**“93.** Every local municipality whose territory is included in the Authority’s area of jurisdiction may, for the purpose of paying the sums it owes to the Authority, impose a general or special tax based on the assessment of the taxable immovables in its territory.

**“94.** If a contribution is required from a local municipality whose territory is included in that of an urban agglomeration, the contribution is claimed from the central municipality. In such a case, the payment by the central municipality of the contribution constitutes an expenditure incurred in the exercise of an urban agglomeration power for the purposes of the financing of the expenditure.

**“95.** The local municipalities of the North Shore may enter into an agreement to divide among themselves, according to the formula and on the conditions stipulated in the agreement, the total amount of the contributions required from them, under section 81 or 83, by the Authority in accordance with its financing policy. This also applies to the local municipalities of the South Shore.

If only some of a shore’s local municipalities are served by a transportation service, they may enter into an agreement similar to that referred to in the first paragraph with regard to the total amount of contributions required from them for the service.

A copy of the agreement must be sent to the Authority not later than 30 September so that the Authority can apply the division formula stipulated in the agreement to the contributions payable for the following fiscal year, and set the individual contribution it must then claim from each local municipality. If the agreement is not sent, the terms and rules set out in the financing policy apply.

**“96.** No mode of tariffing established by a municipality under sections 244.1 to 244.10 of the Act respecting municipal taxation with regard to its property, services and other activities may be levied against the Authority.

**“97.** The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to transfers made to the Authority.

## **“CHAPTER VI**

### **“REPORTS AND AUDIT**

**“98.** At the end of the fiscal year, the Authority’s treasurer draws up the financial report for that fiscal year and certifies that it is accurate.

The report must be produced on the forms, if any, provided by the Minister of Municipal Affairs, Regions and Land Occupancy. It must include the Authority’s financial statements and any other information required by that Minister.

The treasurer sends a copy of the report to the Communauté métropolitaine de Montréal along with any information the Community requires.

**“99.** The Authority’s books and accounts must be audited each year by an auditor it designates. The auditor’s report must be attached to the Authority’s annual activity report.

The Authority’s books and accounts must also be audited by the Auditor General whenever the Government so orders.

**“100.** The treasurer submits the financial report at a board meeting of the Authority.

**“101.** Not later than 30 April each year, the Authority must submit its activity report for the preceding fiscal year to the Communauté métropolitaine de Montréal, the Minister and the Minister of Municipal Affairs, Regions and Land Occupancy.

The report must include

(1) a summary of the following reports submitted to the board:

(a) the report of the governance, ethics and human resources committee on its activities during the fiscal year, including a summary of its assessment of the performance of the board of directors;

(b) the report of the audit committee on the discharge of its mandate and on the optimal resource utilization plan; and

(c) the report of the project monitoring committee and the user services quality committee on the discharge of their mandate;

(2) concerning the board members,

(a) the dates of appointment and expiry of term of all board members, and the identity of those with independent member status;

(b) the identity of any other board on which a board member sits;

(c) a summary of the expertise and experience profile of each board member and a statement of the board members' attendance at board and committee meetings; and

(d) the code of ethics and rules of professional conduct applicable to board members;

(3) concerning remuneration,

(a) the remuneration and benefits paid to each board member;

(b) the remuneration, including variable pay and other benefits, paid to each of the Authority's five most highly remunerated officers; and

(c) the fees paid to the external auditor;

(4) the results obtained from the benchmarking measures adopted by the board; and

(5) the Authority's financial report for the fiscal year concerned.

At the same time, the Authority posts its activity report on its website.

**“102.** The Authority must provide the Communauté métropolitaine de Montréal, the Minister and the Minister of Municipal Affairs, Regions and Land Occupancy with any other information they require concerning its activities.

## **“CHAPTER VII**

### **“INSPECTION**

**“103.** The Authority generally or specially authorizes a person from among its employees, or from among the employees of a public transit authority or of a carrier under contract with it, to act as an inspector for the purposes of this Act and the by-laws made under section 106.

**“104.** An inspector may require that any transportation ticket established by the Authority be produced for inspection.

**“105.** An inspector must, on request, produce a certificate of authority.

## **“CHAPTER VIII**

### **“REGULATORY AND PENAL PROVISIONS**

**“106.** The Authority may, by by-law,

(1) prescribe conditions regarding the possession and use of the transportation tickets it establishes;

(2) prescribe standards of conduct to be observed by users of metropolitan equipment and infrastructures;

(3) prescribe standards of safety and conduct to be observed by users of shared transportation services;

(4) prohibit or regulate road vehicle parking and traffic on land or in a building it operates or owns; and

(5) regulate the towing and impounding of vehicles parked in violation of a regulatory provision adopted under subparagraph 4, set the tariff of fees for towing, removal and impoundment, and prescribe who is to pay them.

A by-law made under the first paragraph may determine, among its provisions, those whose violation constitutes an offence entailing a fine in an amount that may, depending on the circumstances, be a set amount or vary between a minimum and a maximum amount.

For a first offence, the set amount or maximum amount may not exceed \$500 if the offender is a natural person and \$1,000 in all other cases. The amounts are doubled for a subsequent offence. The minimum amount may not be less than \$25.

The by-law made under the first paragraph must be posted on the Authority's website. It must also be published in a newspaper circulated in the Authority's area of jurisdiction. It comes into force on the 15th day following its publication or on any later date specified in the by-law.

If a provision of a by-law made under subparagraph 3 of the first paragraph is incompatible with a provision of a by-law adopted by a public transit authority, the former prevails.

**“107.** A by-law under section 106 applies even when a vehicle of the public transit authority or a carrier under contract with it is used to travel outside the Authority's area of jurisdiction.

An inspector referred to in section 103 has jurisdiction for the purposes of the first paragraph.

**“108.** Anyone who uses the Authority's name, acronym, emblem or logo without authorization, or hinders or attempts to hinder in any way the exercise of an inspector's functions, misleads an inspector through concealment or misrepresentation, refuses to hand over a document or information an inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$500.

**“109.** The Authority may institute penal proceedings for an offence under this chapter.

**“110.** Any municipal court having jurisdiction in the Authority’s area of jurisdiction has jurisdiction with regard to an offence under this chapter.

In the case of an offence committed outside the Authority’s area of jurisdiction, the municipal court having jurisdiction in the territory where the offence was committed has jurisdiction with regard to the offence.

**“111.** The fine belongs to the Authority if the latter instituted the proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.

## **“CHAPTER IX**

### **“TRANSITIONAL PROVISIONS**

**“112.** The Authority replaces the Agence métropolitaine de transport with regard to the functions conferred on the Authority by this Act, acquires the Agency’s rights and assumes its obligations.

Despite the first paragraph, the assets and liabilities of the Agence métropolitaine de transport related to the functions conferred on the Authority are transferred to the latter according to the value and on the conditions determined by the Government.

**“113.** Subject to the second paragraph of section 41 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8), the Authority also replaces the Communauté métropolitaine de Montréal, the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal with regard to the functions conferred on the Authority by this Act, acquires their rights and assumes their obligations.

**“114.** The Authority becomes, without continuance of suit, a party to all proceedings to which the Agence métropolitaine de transport or a transit authority referred to in section 113 was a party and that relate to the functions conferred on the Authority.

**“115.** Despite any provision to the contrary, expropriation proceedings in progress and begun by the Agence métropolitaine de transport or by the Minister on its behalf that relate to the functions conferred on the Authority by this Act are continued by the Minister on the Authority’s behalf.



This Act also entails the transfer, in favour of the Authority, of the benefit of any reserve established under section 75 of the Expropriation Act (chapter E-24) and held by the Agence métropolitaine de transport on (*insert the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*) in connection with the functions conferred on the Authority by this Act.

**“116.** Rights concerning an immovable that have become the Authority’s rights under this Act are not required to be published in the land register.

However, with regard to an immovable, the Authority may, if it considers it advisable, publish a notice of the transfer or assignment, referring to this Act and containing the description of the immovable.

**“117.** The Authority must offer bus transportation services and paratransit services to every local municipality whose territory is not included in its area of jurisdiction and which, on (*insert the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*), was a party to an agreement with another municipality for the establishment of an intermunicipal board of transport under section 2 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) or for the provision of paratransit services in its territory. It must also offer such services to every regional county municipality which, on that date, is a party to an agreement for the establishment of a regional public transport board under section 18.13 of that Act.

The amount required by the Authority for the provision of such services must be equitable for the municipality given the costs of the agreements the Authority enters into under section 8.

Local municipalities that were a party to an agreement referred to in the first paragraph may enter into an agreement by which they agree to divide among themselves, according to the formula and on the conditions stipulated in the agreement, the total amount of the contributions required from them for the financing of the services provided for in the first paragraph. The same applies to regional county municipalities that were a party to an agreement for the establishment of a regional public transport board.

The obligation imposed on the Authority under the first paragraph ceases on a decision by the municipality to organize its own public transportation services.

**“118.** The term of the members of the board of directors of the Agence métropolitaine de transport ends on (*insert the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*).

**“119.** The term of the chairman and director general of the Agence métropolitaine de transport ends on *(insert the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8))* without compensation other than the allowance provided for in his instrument of appointment.

**“120.** The personnel members of the Agence métropolitaine de transport and of the transit authorities referred to in section 113 who are assigned to functions related to those conferred on the Authority and who are identified by the chair of the transition committee designated under the second paragraph of section 6 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area become, without further formality, employees of the Authority.

**“121.** For labour relations purposes, this Act entails the transfer of part of the operation of an undertaking within the meaning of sections 45 and 45.2 of the Labour Code (chapter C-27).

The employer and the certified associations must, before *(insert the date that is four months after the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8))*, agree on the application of those sections, in particular as regards the description of bargaining units, the association designated to represent the employees of a bargaining unit and the collective agreement applicable to the employees of a bargaining unit, and any modifications or adaptations to be made to that agreement.

Only the associations representing the employees of a bargaining unit are responsible for participating in the agreement aimed at determining the association that will represent those employees.

**“122.** On the expiry of the time limit prescribed in the second paragraph of section 121, the employer refers to the Administrative Labour Tribunal the matters on which there has been agreement and any difficulties yet to be settled to allow the Tribunal to exercise its powers under section 46 of the Labour Code.

The Tribunal is not bound by the identification of difficulties to be settled. It must render its decision not later than *(insert the date that is eight months after the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8))*.

**“123.** No notice of negotiation required under section 52 of the Labour Code may be given before the date of the Administrative Labour Tribunal’s decision under section 122. Despite any contrary provision of the Labour Code, the right to strike or to a lock-out is only acquired 30 days after the Tribunal renders

its decision or, if a notice of negotiation is given under section 52.1 of that Code before the expiry of that time, within 30 days following the notice.

No certification may be applied for before the Tribunal renders its decision by an association that, on *(insert the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8))*, is not certified to represent the employees referred to in section 120. The time limits prescribed in paragraphs *b.1 to c* of section 22 of the Labour Code must be calculated from the date of that decision.

**“124.** Despite section 66, the chair of the transition committee designated under the second paragraph of section 6 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area becomes the director general of the Authority.

That person acts as director general until *(insert the date preceding the date that is 24 months after the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8))*, unless the Minister decides otherwise, and, after that date, until a director general is appointed in accordance with that Act. For those functions, the person receives the remuneration and allowances determined by the Authority’s board of directors.

**“125.** The metropolitan arterial system identified by the Communauté métropolitaine de Montréal and the metropolitan bus transit system established by the Agence métropolitaine de transport become the metropolitan arterial system of the Authority deemed to have been identified in accordance with section 31.

The traffic lanes designated in the metropolitan bus transit system are also deemed to have been designated by the Authority in accordance with Division VI of Chapter II.

**“126.** The equipment and infrastructures designated by the Government as being required for the metropolitan transit system of the Agence métropolitaine de transport are deemed to have been designated by the Authority as being of metropolitan scope under section 39 and the Communauté métropolitaine de Montréal is deemed to have entrusted the Authority with their management in accordance with that section, unless the Government decides otherwise.

**“127.** The By-law concerning standards of conduct on the suburban train system (chapter A-7.02, r. 1) is deemed to have been adopted by the Authority, with the necessary modifications, under section 106.

**“128.** The Authority must, not later than *(insert the date that is six months after the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared*

*transportation in the Montréal metropolitan area (2016, chapter 8)), adopt the code of ethics and professional conduct applicable to its board members and employees.*

**“129.** The transit tickets and fares established by the public transit operating authorities referred to in section 5 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area continue to apply until the rate schedule established by the Authority in accordance with section 25 comes into force.

**“130.** Despite any provision to the contrary, the “SRB-voie réservée Pie IX Montréal” project mentioned in the schedule to the Règlement édictant des mesures transitoires nécessaires à l’application de la Loi sur les infrastructures publiques, enacted by Order in Council 281-2014 dated 26 March 2014 (French only), which has become the Authority’s project under this Act, continues in accordance with the directive concerning the management of major public infrastructure projects, approved by Order in Council 96-2014 dated 12 February 2014 (French only), and its amendments.

## **“CHAPTER X**

### **“MISCELLANEOUS AND FINAL PROVISIONS**

**“131.** The Authority is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

**“132.** In the event of the dissolution of the Authority, all its assets devolve to the Communauté métropolitaine de Montréal.

**“133.** The Minister must, not later than five years after this Act comes into force and subsequently at least once every five years, report to the Government on the carrying out of this Act. The report must include recommendations concerning the updating of the Authority’s mission and the composition of its board of directors.

The report must contain an assessment of the effectiveness and performance of the Authority which includes benchmarking measures.

The Minister tables the report in the National Assembly.

**“134.** The Minister of Transport is responsible for the administration of this Act, except sections 85 to 90, which come under the responsibility of the Minister of Municipal Affairs, Regions and Land Occupancy.”

### **PART III**

#### **ENACTMENT OF THE ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN**

**4.** The Act respecting the Réseau de transport métropolitain, of which the text appears in this Part, is enacted.

#### **“ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN**

##### **“CHAPTER I**

##### **“ESTABLISHMENT**

**“1.** The “Réseau de transport métropolitain” (Network) is established. The Network is a legal person established in the public interest.

The Network may choose to refer to itself by another name or by an acronym by sending a copy of a resolution to that effect to the enterprise registrar.

**“2.** The Network’s property forms part of the municipal domain but the performance of its obligations may be levied against its property.

The Network binds only itself when it acts in its own name.

**“3.** The Network’s area of jurisdiction comprises the territories of the Communauté métropolitaine de Montréal, the Kahnawake Indian Reserve and Ville de Saint-Jérôme.

**“4.** The Network’s head office is located in the place it determines within its area of jurisdiction.

The Network publishes a notice of the location and of any change in location of the head office in the *Gazette officielle du Québec* and, at the same time, posts it on its website.

##### **“CHAPTER II**

##### **“GENERAL RESPONSIBILITIES**

**“5.** The Network operates an enterprise that provides shared transportation services, including paratransit services for handicapped persons.

The Network has exclusive jurisdiction to operate, in its area of jurisdiction, an enterprise that provides shared transportation services by suburban train.

The Network exercises its jurisdiction over all or part of its area of jurisdiction, or outside it, as determined by this Act and any agreement entered into under section 8 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3).

**“6.** The Network must

(1) collaborate, at the request of the Autorité régionale de transport métropolitain, in the planning, development, support and promotion of shared transportation;

(2) advise the Authority as regards the establishment, modification and removal of lines and routes, and propose to the Authority a transport plan for the Network’s entire area of jurisdiction;

(3) build and maintain the infrastructures and equipment under its responsibility;

(4) advise the Authority as regards prescribing standards of conduct to be observed by passengers in vehicles, train stations and parking areas and on platforms operated by the Network;

(5) ensure the provision of services, taking into account the respective characteristics of the local municipalities of the North Shore and South Shore; and

(6) carry out any other mandate conferred on it by the Authority.

For the purposes of this Act,

(1) “local municipalities of the North Shore” means Ville de Blainville, Ville de Boisbriand, Ville de Bois-Des-Filion, Ville de Charlemagne, Ville de Deux-Montagnes, Ville de L’Assomption, Ville de Lorraine, Ville de Mascouche, Ville de Mirabel, Municipalité d’Oka, Municipalité de Pointe-Calumet, Ville de Repentigny, Ville de Rosemère, Ville de Saint-Eustache, Ville de Saint-Jérôme, Municipalité de Saint-Joseph-du-Lac, Paroisse de Saint-Sulpice, Ville de Sainte-Anne-des-Plaines, Ville de Sainte-Marthe-sur-le-Lac, Ville de Sainte-Thérèse and Ville de Terrebonne; and

(2) “local municipalities of the South Shore” means Ville de Beauharnois, Ville de Belœil, Municipalité de Calixa-Lavallée, Ville de Candiac, Ville de Carignan, Ville de Chambly, Ville de Châteauguay, Ville de Contrecœur, Ville de Delson, Ville de Hudson, Ville de L’Île-Cadieus, Ville de L’Île-Perrot, Ville de La Prairie, Ville de Léry, Municipalité de Les Cèdres, Municipalité de McMasterville, Ville de Mercier, Ville de Mont-Saint-Hilaire, Ville de Notre-Dame-de-l’Île-Perrot, Ville d’Otterburn Park, Ville de Pincourt, Village de Pointe-des-Cascades, Ville de Richelieu, Municipalité de Saint-Amable, Ville de Saint-Basile-le-Grand, Ville de Saint-Constant, Paroisse de Saint-Isidore, Municipalité de Saint-Jean-Baptiste, Ville de Saint-Lazare, Municipalité de Saint-Mathias-sur-Richelieu, Municipalité de Saint-Mathieu, Municipalité de Saint-Mathieu-de-Belœil, Municipalité de Saint-Philippe, Ville de Sainte-Catherine, Ville de Sainte-Julie, Municipalité de Terrasse-Vaudreuil, Ville de Varennes, Ville de Vaudreuil-Dorion, Village de Vaudreuil-sur-le-Lac and Municipalité de Verchères.

**“7.** The Network may not, without the authorization of the Minister, alienate property having a value greater than \$25,000 for which it has specifically been awarded a grant.

The Network may give to a charity any property having a value that does not exceed \$10,000.

**“8.** Twice a year, the Network publishes in a newspaper distributed in its area of jurisdiction and posts on its website a notice mentioning any property having a value greater than \$10,000 that it alienated in the previous six months, the person to whom the property was alienated and the price of alienation.

**“9.** Sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01) apply to the Network, with the necessary modifications, and the Network is deemed to be a public transit authority for the purposes of any regulation made under section 100 or 103.1 of that Act.

**“10.** For the purpose of providing services to the Autorité régionale de transport métropolitain, the Network may enter into a subcontract with any person operating a shared transportation enterprise providing, in particular, bus transportation, paratransit, carpooling and shared taxi services.

**“11.** The Network may not transfer all or part of its rights and obligations arising from an agreement entered into with the Autorité régionale de transport métropolitain under section 8 of the Act respecting the Autorité régionale de transport métropolitain.

### **“CHAPTER III**

#### **“SPECIAL RESPONSIBILITIES**

##### **“DIVISION I**

##### **“PUBLIC BUS TRANSPORTATION**

**“12.** The Network provides the Autorité régionale de transport métropolitain with bus transportation services in accordance with an agreement entered into under the first paragraph of section 8 of the Act respecting the Autorité régionale de transport métropolitain in the territory of the local municipalities of the North Shore and South Shore.

It may also provide the Authority with the bus transportation services provided for in an agreement entered into under the third paragraph of section 8 of that Act.

**“13.** The Network may enter into an agreement with the person responsible for the maintenance of a public highway to carry out work on that highway to facilitate the operation of the Network’s lines and routes.

The Network may, in particular,

(1) designate lanes reserved for the exclusive use of certain classes of road vehicles or of road vehicles carrying the minimum number of passengers specified by the Network; and

(2) enter into, with the person responsible for the maintenance of a public highway, any contract providing for compensation of all or part of the costs of establishing, maintaining and operating reserved traffic lanes, and take any other steps to ensure their safe use.

## “DIVISION II

### “SUBURBAN TRAINS

“**14.** The Network provides the Autorité régionale de transport métropolitain with shared transportation services by suburban train in accordance with an agreement entered into under the first paragraph of section 8 of the Act respecting the Autorité régionale de transport métropolitain.

“**15.** The Network’s suburban train system may not be expanded at any time without the authorization of the Government.

“**16.** The Network may, in particular and with the authorization of the Autorité régionale de transport métropolitain,

(1) enter into contracts with railway undertakings providing for the procurement of services relating to the operation of such an undertaking that is within the legislative authority of the Parliament of Canada, or present to the federal authority an application for a certificate of fitness for the construction or operation of a railway within the meaning of the Canada Transportation Act (Statutes of Canada, 1996, chapter 10); and

(2) acquire, lease or alienate property for the purpose of establishing, operating or developing its suburban train system.

## “DIVISION III

### “SPECIALIZED SERVICES

“**17.** The Network may provide specialized services, including

(1) services adapted to the needs of mobility impaired persons;

(2) services adapted to the needs of elementary and secondary school students;

(3) services enabling a person to charter a bus or minibus; and



- (4) services enabling a person to carry out a sightseeing tour.

The Network must, in accordance with an agreement entered into under section 8 of the Act respecting the Autorité régionale de transport métropolitain, provide the services referred to in subparagraph 1 of the first paragraph for handicapped persons whose place of residence is situated elsewhere than in the area of jurisdiction of the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal. To that end, the Network may ensure the mobility of persons outside its area of jurisdiction, including in the areas of jurisdiction of those transit authorities.

#### “DIVISION IV

##### “ORGANIZATIONAL STRATEGIC PLAN

“**18.** The Network must adopt an organizational strategic plan that includes

- (1) a description of its mission;
- (2) the context in which it acts and the main challenges it faces;
- (3) the strategic directions, objectives and lines of action selected;
- (4) the results targeted over the period covered by the plan; and
- (5) the performance indicators to be used to measure results.

The Network sends its strategic plan and any amendment to it to the Communauté métropolitaine de Montréal, for approval, within 30 days after it is adopted. The Network posts the plan or any amendment to it on its website.

#### “DIVISION V

##### “CAPITAL EXPENDITURES PROGRAM

“**19.** Each year, the Network files a capital expenditures program for the next 10 years, in accordance with its strategic plan and the strategic shared transportation development plan of the Autorité régionale de transport métropolitain.

“**20.** The program must be divided into annual phases and set out the object, amount and mode of financing of the capital expenditures the Network plans to make or incur for each phase. If applicable, the plan also sets out, for each object, any financial assistance granted by the Government or by other contributors.

The program must also specify the capital expenditures that will have to be made beyond the period covered by the program, if such expenditures result from commitments made during that period.

The program must contain an asset maintenance plan that includes actions designed to foster the longevity of the assets and specifies the level of investments required to maintain them.

**“21.** The Network sends its capital expenditures program to the Communauté métropolitaine de Montréal, for approval, not later than 31 October preceding the beginning of the first fiscal year covered by the program. The Community approves the program after consulting the Autorité régionale de transport métropolitain.

**“22.** The Network may amend its capital expenditures program. Any amendment must be sent to the Communauté métropolitaine de Montréal, for approval, within 30 days after it is adopted. The Community approves the amendment after consulting the Autorité régionale de transport métropolitain.

**“23.** The Network sends its capital expenditures program or any amendments to the Minister and the Autorité régionale de transport métropolitain once they have been approved by the Communauté métropolitaine de Montréal. The Minister must submit to the Conseil du trésor any amendment that affects public infrastructure investment planning.

The Network posts its capital expenditures program or any amendment to it on its website.

#### **“CHAPTER IV**

##### **“ORGANIZATION AND OPERATION**

**“24.** The Network is administered by a board of directors composed of 15 members, designated as follows:

(1) three by Ville de Montréal, acting through its urban agglomeration council;

(2) one by Ville de Laval;

(3) one by Ville de Longueuil, acting through its urban agglomeration council;

(4) four by the local municipalities of the North Shore;

(5) four by the local municipalities of the South Shore;

(6) two users of shared transportation services by the Communauté métropolitaine de Montréal, of whom one must be a user of transportation adapted to meet the needs of mobility impaired persons.

The members designated by the Communauté métropolitaine de Montréal must be users of shared transportation services who reside in its territory.

At least seven members must qualify as independent members. The Communauté métropolitaine de Montréal determines which of the municipalities or groups of municipalities referred to in the first paragraph are required to designate independent members and sets the minimum number of such members that they must designate. The decision of the Community requires a two-thirds majority of the votes cast.

A member is independent if the authority that designates the member is of the opinion that he or she qualifies as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

Independent members are designated taking into account the expertise and experience profiles approved by the board.

**“25.** The composition of the board must tend toward gender parity. The board must also be composed of members whose cultural identity reflects the various components of Québec society as much as possible.

**“26.** Board members are designated by the local municipalities of the North Shore and the South Shore in accordance with the following rules:

(1) the Network’s secretary convenes a meeting of the mayors of the local municipalities of the North Shore and a meeting of the mayors of the local municipalities of the South Shore;

(2) at the beginning of the meeting, the mayors table a resolution of their respective councils giving the names of the candidates proposed by the council for each of the positions concerned;

(3) the mayors may, at the beginning of the meeting, decide on the procedure for breaking a tie vote;

(4) each mayor has a number of votes corresponding to the proportion that the population of the municipality of which he or she is the mayor is of the population of the territory composed of the territories of the municipalities of the group;

(5) the secretary establishes the nomination and voting procedure:

(a) he or she organizes as many ballots as there are members to be elected and may establish rules before beginning the process to ensure that the number of candidates decreases before each ballot;

(b) he or she proclaims the election, after each ballot, of the person who receives the greatest number of votes or, as applicable, who is selected following the application of the procedure for breaking a tie vote.

The secretary draws up the minutes of the meeting and tables them at the next board meeting.

**“27.** The Communauté métropolitaine de Montréal designates one of the independent members as chair of the board.

**“28.** The chair of the board is appointed for a term of up to five years and the other board members for a term of up to four years; the chair and the other members may be reappointed twice to serve in those capacities.

The term of a board member of the Network who is also a council member of a local municipality ends as soon as the person ceases to be a council member of that municipality.

**“29.** Board members are not remunerated except in the cases, on the conditions and to the extent the Communauté métropolitaine de Montréal may determine. However, they are entitled to be reimbursed for expenses incurred in the exercise of their functions, on the conditions and to the extent the Network may determine.

**“30.** On the expiry of their term, board members remain in office until they are replaced or reappointed.

**“31.** No person may exercise the functions of board member of the Network concurrently with those of board member of the Communauté métropolitaine de Montréal, the Autorité régionale de transport métropolitain, the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal.

**“32.** The chair of the board may not have a direct or indirect interest in a body, enterprise or association that places the chair’s personal interests in conflict with those of the Network. If such an interest devolves to the chair, including by succession or gift, it must be renounced or disposed of with dispatch.

Subject to the third paragraph, any other board member who has a direct or indirect interest in a body, enterprise or association that places the member’s personal interests in conflict with those of the Network must disclose it in writing to the chair of the board and abstain from participating in any discussion or decision involving that body, enterprise or association. The member must also withdraw from a meeting while the matter is discussed or voted on.

Sections 304 to 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply, with the necessary modifications, to board members who are council members of a local municipality.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the Network that would also apply to the board member.

**“33.** A vacancy on the board of directors is filled in accordance with the rules of appointment to the board.

Absence from the number of board meetings determined by the Network’s by-laws, in the cases and circumstances specified in those by-laws, constitutes a vacancy.

**“34.** The board must establish the following committees:

- (1) a governance, ethics and human resources committee;
- (2) an audit committee; and
- (3) a project monitoring committee.

These committees must be composed, in the majority, of independent members, including the chair.

Sections 22 and 27 of the Act respecting the governance of state-owned enterprises apply to the governance, ethics and human resources committee. Sections 23 to 36 of that Act apply to the audit committee.

**“35.** The functions of the project monitoring committee include verifying compliance with the contract management policy adopted by the Network.

**“36.** In addition to the committees listed in section 34, the board must establish the following committees:

(1) a user services quality committee with regard to shared transportation services, whose functions include formulating, submitting to the board and following up on policy directions concerning the quality of user services, including services for mobility impaired users, taking into account the respective characteristics of the local municipalities of the North Shore and South Shore;

(2) two committees on public bus transportation services and paratransit services for mobility impaired persons, one for the local municipalities of the North Shore and the other for those of the South Shore, whose functions include formulating recommendations to the board with regard to the provision of those services, including the transport plan, in the territory of the municipalities concerned.

Each committee established under subparagraph 2 of the first paragraph is composed exclusively of board members designated by the local municipalities of the North Shore or South Shore, as applicable.

**“37.** The Network may make by-laws for its internal management. Such by-laws must be posted on the Network’s website.

**“38.** Board meetings are closed to the public. However, special meetings held to examine tenders in accordance with section 54 must be open to the public.

The board must also hold a public meeting once a year to present the Network’s activity report to the public. The board posts the place, date and time of the meeting on the Network’s website at least 30 days before the meeting is held.

The public meeting includes a period during which the persons present may address oral questions to the board members. The board may, by by-law, prescribe how long the period is to last, when it is to be held and the procedure for asking a question.

**“39.** The quorum at board meetings is the majority of its members, including the chair or the person designated to replace the chair.

**“40.** Each member present at a meeting has one vote and is required to vote, unless prevented from doing so under the second paragraph of section 32. Board decisions are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

**“41.** The minutes of board meetings, approved by the board and certified true by the chair or by any other person authorized to do so under the Network’s by-laws, are authentic, as are the documents or copies of documents emanating from the Network or forming part of its records, provided they are so certified.

**“42.** No document binds the Network or may be attributed to it unless it is signed by a person authorized by the Network’s by-laws.

The by-laws may allow that a facsimile of the signature of a person referred to in the first paragraph be affixed on the documents specified in the by-law. Such a facsimile has the same force as the signature itself.

## **“CHAPTER V**

### **“HUMAN RESOURCES**

**“43.** The board designates a director general, a secretary and a treasurer from among the Network’s employees.

**“44.** The Network’s employees are appointed in accordance with the staffing plan it establishes.

Subject to the provisions of a collective agreement, the Network determines the standards and scales of remuneration, employee benefits and other

conditions of employment of its employees in accordance with the conditions defined by the Communauté métropolitaine de Montréal.

**“45.** The Network establishes a mode of organization of human resources intended to promote

(1) the Network’s efficiency and the optimal utilization and development of its human resources;

(2) the exercise of human resource management powers at the least possible hierarchical remove from the persons concerned and the application of a system under which the person vested with such management powers is accountable for his or her acts, according to the means put at the person’s disposal;

(3) equal opportunity for all citizens for employment with the Network;

(4) impartiality and fairness in decisions affecting employees;

(5) the competence of persons in recruitment, promotion and evaluation matters; and

(6) optimal contribution of the various components of Québec society.

**“46.** The board approves the code of ethics and professional conduct applicable to the board members and the Network’s employees.

The Network must post the code referred to in the first paragraph on its website.

**“47.** If employees or board members of the Network are sued by a third person for an act done in the exercise of their functions, the Network assumes their defence and pays any damages awarded as compensation for the injury resulting from that act, unless they committed a gross fault or a personal fault separable from the exercise of their functions.

In penal or criminal proceedings, however, the Network pays the defence costs of employees or board members being sued only if they were acquitted, or if it judges that they acted in good faith.

## **“CHAPTER VI**

### **“FINANCIAL PROVISIONS**

**“48.** The Network’s fiscal year ends on 31 December.

**“49.** The Network adopts its budget estimates for each fiscal year.

The budget estimates are sent to the Communauté métropolitaine de Montréal, the Autorité régionale de transport métropolitain and the Minister

not later than 15 November each year; at that time, the Network posts them on its website.

**“50.** The Network’s budget estimates may not provide for expenditures exceeding its revenues.

**“51.** The Network must include as revenue in its budget estimates any surplus anticipated for the current year and any other surplus at its disposal.

It must also include, as expenditures, any deficit for the preceding year and any deficit anticipated for the current year.

**“52.** To help finance its activities, the Network may require a contribution from local municipalities whose territory is included in the Network’s area of jurisdiction, in accordance with the terms and conditions provided for in the financing policy of the Autorité régionale de transport métropolitain.

Despite the first paragraph, the Network may not require a contribution from local municipalities other than those of the North Shore and South Shore to finance activities related to the exercise of its jurisdiction under the first paragraph of section 12.

**“53.** The Network may not contract loans unless authorized to do so by the Minister of Municipal Affairs, Regions and Land Occupancy and unless the interest rate and other conditions of the loans are authorized by the Minister of Finance.

The Network may, however, contract temporary loans to pay expenses incurred for its day-to-day administration without the authorizations required under the first paragraph. It may also, with the sole authorization of the Minister of Municipal Affairs, Regions and Land Occupancy, contract such loans to pay any other expenses.

**“54.** If the Network issues bonds, it must sell them by adjudication in accordance with section 554, except the fourth paragraph, of the Cities and Towns Act (chapter C-19) and sections 555 and 555.1 of that Act, unless the Minister of Finance authorizes it to sell them by agreement on the conditions the Minister considers appropriate.

If the Network contracts a loan through an issue of notes, it may choose the lender using the adjudication procedure referred to in the first paragraph, with the necessary modifications.

The authorization of the Minister of Finance under the first paragraph of section 53 is not required if the Network sells its bonds or chooses a lender by adjudication.

**“55.** Divisions V, VI, VIII to X and XII of the Act respecting municipal debts and loans (chapter D-7) apply to the Network. The treasurer, or another



employee designated for that purpose by the board, must fulfil the obligations mentioned in section 24 of that Act.

Division IX of that Act does not apply to a security that is not subject to registration according to the conditions of its issue.

A loan obtained or a security issued by the Network may be repaid or redeemed in advance, as the Network sees fit, according to the terms of the contract or security. The date of advance repayment or redeem may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

**“56.** The securities issued by the Network are investments that are presumed sound as if they were mentioned in paragraph 2 of article 1339 of the Civil Code.

The commitments included in the securities issued by the Network constitute direct and general obligations of the Network and of the local municipalities whose territory is included in the Network’s area of jurisdiction and rank concurrently and *pari passu* with the other general obligations of the Network and the municipalities, except if the commitments included in securities issued are related to the exercise of the Network’s jurisdiction under the first paragraph of section 12. In such a case, the securities issued by the Network constitute direct and general obligations of only the local municipalities of the North Shore and South Shore and rank concurrently and *pari passu* with the other general obligations of the Network and those municipalities.

**“57.** Any agreement by which the Network makes a financial commitment for a period exceeding 10 years must, to be binding on the Network, be authorized by the Minister of Municipal Affairs, Regions and Land Occupancy, except in the case of a work contract.

**“58.** The Network must obtain the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy to become surety for an obligation of \$100,000 or more.

**“59.** No decision of the Network or report authorizing or recommending an expenditure has effect before the treasurer produces a certificate attesting that funds are available for the purposes for which the expenditure is to be used.

**“60.** The local municipalities whose territory is included in the Network’s area of jurisdiction are guarantors of the Network’s obligations and commitments, except obligations and commitments related to the exercise of its jurisdiction under the first paragraph of section 12. In such a case, only the local municipalities of the North Shore and South Shore are the Network’s guarantors.

**“61.** Every local municipality whose territory is included in the Network’s area of jurisdiction may, for the purpose of paying the sums it owes to the

Network, impose a general or special tax based on the assessment of the taxable immovables in its territory.

**“62.** If a contribution is required from a local municipality whose territory is included in that of an urban agglomeration, the contribution is claimed from the central municipality. In such a case, the payment by the central municipality of the contribution constitutes an expenditure incurred in the exercise of an urban agglomeration power for the purposes of the financing of the expenditure.

**“63.** No mode of tariffing established by a municipality under sections 244.1 to 244.10 of the Act respecting municipal taxation (chapter F-2.1) with regard to its property, services and other activities may be levied against the Network.

**“64.** The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to transfers made to the Network.

## **“CHAPTER VII**

### **“REPORTS AND AUDIT**

**“65.** At the end of the fiscal year, the treasurer draws up the Network’s financial report for the past fiscal year and certifies that it is accurate.

The report must be produced on the forms, if any, provided by the Minister of Municipal Affairs, Regions and Land Occupancy. It must include the Network’s financial statements and any other information required by that Minister and the Communauté métropolitaine de Montréal.

The treasurer sends a copy of the report to the Community along with any other information the latter requires.

**“66.** The Network’s books and accounts must be audited each year by an auditor it designates. The auditor’s report must be attached to the Network’s annual activity report.

**“67.** The treasurer tables the financial report at a board meeting of the Network.

**“68.** Not later than 30 April each year, the Network submits its activity report for the preceding fiscal year to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The report must include

- (1) a summary of the following reports submitted to the board:

(a) the report of the governance, ethics and human resources committee on its activities during the fiscal year, including a summary of its assessment of the board's performance;

(b) the report of the audit committee on the discharge of its mandate and on the optimal resource utilization plan;

(c) the report of the project monitoring committee and the user services quality committee on the discharge of their mandate; and

(d) the reports of the committees on public bus transportation services and paratransit services for mobility impaired persons established for the local municipalities of the North Shore and for those of the South Shore, on the discharge of their mandate;

(2) concerning the board members,

(a) the dates of appointment and expiry of term of all board members, and the identity of those with independent member status;

(b) the identity of any other board on which a board member sits;

(c) a summary of the expertise and experience profile of each board member and a statement of the board members' attendance at board and committee meetings; and

(d) the code of ethics and rules of professional conduct applicable to board members;

(3) concerning remuneration,

(a) the remuneration and benefits paid to each board member;

(b) the remuneration, including variable pay and other benefits, paid to each of the Network's five most highly remunerated officers; and

(c) the fees paid to the external auditor;

(4) the results obtained from the benchmarking measures adopted by the board; and

(5) the Network's financial report for the fiscal year concerned.

At the same time, the Network posts its activity report on its website.

The Network must provide the Community, the Minister and the Minister of Municipal Affairs, Regions and Land Occupancy with any other information they require concerning its activities.

**“CHAPTER VIII****“INSPECTION**

**“69.** The Network generally or specially authorizes a person from among its employees, or from among the employees of a carrier under contract with it, to act as an inspector for the purposes of this Act and the by-laws made under section 72.

**“70.** An inspector may require that any transportation ticket issued on behalf of the Autorité régionale de transport métropolitain be produced for inspection.

**“71.** An inspector must, on request, produce a certificate of authority.

**“CHAPTER IX****“REGULATORY AND PENAL PROVISIONS**

**“72.** The Network may, by by-law,

(1) prescribe standards of safety and conduct to be observed by persons in the rolling stock and immovables it operates; and

(2) prescribe conditions regarding the immovables it operates and the persons using them.

A Network by-law must be posted on its website. It must also be published in a newspaper circulated in its area of jurisdiction and may determine, among its provisions, those whose violation constitutes an offence entailing a fine in an amount that may, depending on the circumstances, be a set amount or vary between a minimum and a maximum amount.

For a first offence, the set amount or maximum amount may not exceed \$500 if the offender is a natural person and \$1,000 in all other cases. The amounts are doubled for a subsequent offence. The minimum amount may not be less than \$25.

**“73.** A by-law made under section 72 applies even when a vehicle of the Network travels outside the Network’s area of jurisdiction. It also applies in an immovable the Network possesses outside its area of jurisdiction. An inspector referred to in section 69 has jurisdiction for the purposes of this section.

**“74.** Anyone who uses the Network’s name, acronym, emblem or logo without authorization, or hinders or attempts to hinder in any way the exercise of an inspector’s functions, misleads an inspector through concealment or misrepresentation, refuses to hand over a document or information an inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$500.

**“75.** The Network may institute penal proceedings for an offence under this chapter.

**“76.** Any municipal court having jurisdiction in the Network’s area of jurisdiction has jurisdiction with regard to an offence under this chapter.

**“77.** The fine belongs to the Network if the latter instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the city under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on that city under article 223 of that Code.

## **“CHAPTER X**

### **“TRANSITIONAL PROVISIONS**

**“78.** The Network replaces the Agence métropolitaine de transport with regard to the functions conferred on the Network by this Act, acquires the Agency’s rights and assumes its obligations.

Despite the first paragraph, the assets and liabilities of the Agence métropolitaine de transport that relate to the functions conferred on the Network are transferred to the Network according to the value and on the conditions determined by the Government.

**“79.** The Network succeeds to the rights and obligations of the intermunicipal boards of transport and the Conseil régional de transport de Lanaudière, established under the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1), the Municipalité régionale de comté de L’Assomption, the Municipalité régionale de comté des Moulins and Ville de Sainte-Julie as regards the continuation of their shared transportation contracts until the expiry of those contracts.

**“80.** The Network becomes, without continuance of suit, a party to all proceedings to which the Agence métropolitaine de transport was a party and that relate to the functions conferred on the Network.

This also applies to any proceedings involving an intermunicipal board of transport, the Conseil régional de transport de Lanaudière, Municipalité régionale de comté de L’Assomption, Municipalité régionale de comté des Moulins or Ville de Sainte-Julie as regards shared transportation contracts.

**“81.** Despite any incompatible Act, expropriation proceedings in progress and begun by the Agence métropolitaine de transport or by the Minister on its behalf that relate to the functions conferred on the Network by this Act are continued by the Minister on the Network’s behalf.

This Act also entails the transfer, in favour of the Network, of the benefit of any reserve established under section 75 of the Expropriation Act (chapter E-24) and held by the Agence métropolitaine de transport on (*insert the date preceding the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*) in connection with the functions conferred on the Network by this Act.

**“82.** Rights concerning an immovable that have become the Network’s rights under this Act are not required to be published in the land register.

However, with regard to an immovable, the Network may, if it considers it advisable, publish a notice of the transfer or assignment, referring to this Act and containing the description of the immovable.

**“83.** The personnel members of the Agence métropolitaine de transport who are assigned to functions related to those conferred on the Network and who are identified by the chair of the transition committee designated under the second paragraph of section 6 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8) become, without further formality, employees of the Network.

**“84.** The personnel members of the intermunicipal boards of transport, the Conseil régional de transport de Lanaudière, Municipalité régionale de comté de L’Assomption, Municipalité régionale de comté des Moulins and Ville de Sainte-Julie who are assigned to functions related to those conferred on the Network and who are identified by the chair of the transition committee designated under the second paragraph of section 6 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area become, without further formality, employees of the Network.

**“85.** For labour relations purposes, this Act entails the transfer of part of the operation of an undertaking within the meaning of sections 45 and 45.2 of the Labour Code (chapter C-27).

The employer and the certified associations must, before (*insert the date that is four months after the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*), agree on the application of those sections, in particular as regards the description of bargaining units, the association designated to represent the employees of a bargaining unit and the collective agreement applicable to the employees of a bargaining unit and any modifications or adaptations to be made to that agreement.

Only the associations representing the employees of a bargaining unit are responsible for participating in the agreement aimed at determining the association that will represent those employees.

**“86.** On the expiry of the time limit prescribed in the second paragraph of section 85, the employer refers to the Administrative Labour Tribunal the matters on which there has been agreement as well as any difficulties yet to be settled to allow the Tribunal to exercise its powers under section 46 of the Labour Code.

The Tribunal is not bound by the identification of difficulties to be settled. It must render its decision not later than (*insert the date that is eight months after the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*).

**“87.** No notice of negotiation required under section 52 of the Labour Code may be given before the date of the Administrative Labour Tribunal’s decision under section 86. Despite any contrary provision of the Labour Code, the right to strike or to a lock-out is only acquired 30 days after the Administrative Labour Tribunal’s decision or, if a notice of negotiation is given under section 52.1 of that Code before the expiry of that time, within 30 days following the notice.

No certification may be applied for before the Tribunal renders its decision by an association that, on (*insert the date preceding the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*), is not certified to represent the employees referred to in sections 83 and 84. The time limits prescribed in paragraphs *b.1* to *c* of section 22 of the Labour Code must be calculated from the date of that decision.

**“88.** The Network must, not later than (*insert the date that is six months after the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8)*), adopt the code of ethics and professional conduct applicable to its board members and employees.

**“89.** Despite any provision to the contrary, the following projects mentioned in the schedule to the Règlement édictant des mesures transitoires nécessaires à l’application de la Loi sur les infrastructures publiques, enacted by Order in Council 281-2014 dated 26 March 2014 (French only), which become the projects of the Network under this Act, continue in accordance with the directive concerning the management of major public infrastructure projects, approved by Order in Council 96-2014 dated 12 February 2014 (French only), and its amendments:

- (1) the Lachine train maintenance centre;
- (2) the Pointe-St-Charles train maintenance centre;

- (3) the tunnel renovation project (Mont-Royal Tunnel); and
- (4) the Train de l'Est (eastern train) project.

**“90.** Despite any provision to the contrary, Division IX.3 of the Transport Act (chapter T-12) continues to apply to the following shared transportation infrastructure projects that the Caisse de dépôt et placement du Québec examines in accordance with a decision of the Government:

- (1) Light rail rapid transit on the new St-Laurent bridge;
- (2) Train de l'Ouest (western train).

## **“CHAPTER XI**

### **“MISCELLANEOUS AND FINAL PROVISIONS**

**“91.** The Network is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

**“92.** In the event of the dissolution of the Network, all its assets devolve to the Communauté métropolitaine de Montréal.

**“93.** The Minister must, not later than five years after this Act comes into force and subsequently at least once every five years, report to the Government on the carrying out of this Act. The report must include recommendations concerning the updating of the Network's mission and the composition of its board of directors.

The report must contain an assessment of the effectiveness and performance of the Network which includes benchmarking measures.

The Minister tables the report in the National Assembly.

**“94.** The Minister of Transport is responsible for the administration of this Act, except sections 53 to 58, which come under the responsibility of the Minister of Municipal Affairs, Regions and Land Occupancy.”

## **PART IV**

### **TRANSITION COMMITTEE**

#### **CHAPTER I**

##### **INTERPRETATION**

**5.** For the purposes of this Part, a “public transit operating authority” is

- (1) the Agence métropolitaine de transport;



(2) the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal;

(3) any intermunicipal board of transport established under section 2 or 8 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1);

(4) the Conseil régional de transport de Lanaudière established under section 18.13 of that Act;

(5) Ville de Sainte-Julie, when acting under section 48.18 of the Transport Act (chapter T-12);

(6) Municipalité régionale de comté de L'Assomption, when acting under section 48.18 of the Transport Act; and

(7) Municipalité régionale de comté des Moulins, when acting under section 48.18 of the Transport Act.

## CHAPTER II

### COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

**6.** A transition committee composed of five members, of whom three are designated by the Minister and two by the Communauté métropolitaine de Montréal, is constituted, effective 20 May 2016.

The Minister designates one of the committee members as chair.

**7.** The committee is a legal person and a mandatary of the State.

The committee's property forms part of the domain of the State but the performance of its obligations may be levied against its property.

The committee binds only itself when it acts in its own name.

**8.** The committee's head office is located at the place determined by the Minister. Notice of the location and of any change in location of the head office must be published in the *Gazette officielle du Québec* and, at the same time, posted on the Minister's website.

**9.** Each committee member is paid the remuneration and allowances determined by the Minister.

The Minister may determine any other conditions of employment of a member as well as the rules governing the reimbursement of expenses incurred by the member in the exercise of his or her functions.

All sums determined by the Minister that are required for the payment of remuneration, allowances and the reimbursement of expenses are debited from the Land Transportation Network Fund.

**10.** No deed, document or writing binds the committee unless it is signed by the chair or, to the extent determined in the committee's by-laws, by a member of the committee's personnel.

The committee may allow, on the conditions and on the documents it determines in its by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

**11.** The committee may hire the employees required to exercise its responsibilities and determine their conditions of employment. It may also retain the expert services it considers necessary.

**12.** No judicial proceedings may be brought against the committee's members or employees for an official act performed in good faith in the exercise of their functions.

Any liability that may be connected with the protection of the members and employees of the committee is assumed by the Government.

**13.** The Minister may, on the conditions and in accordance with the terms determined by the Minister, grant the committee any sum the Minister considers necessary for its operation. Such sums are debited from the Land Transportation Network Fund.

Any decision made by the committee to borrow money must be approved by the Minister. The rate of interest and other conditions of the loan must be authorized by the Minister of Finance.

**14.** Unless the Government decides otherwise, the committee's mandate ends on the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8).

**15.** The committee's rights and obligations that do not become those of the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain become those of the Minister, or of the Minister of Finance in the case of rights or debts of a financial institution or relating to a financial instrument or contract designated by the Government.

The Minister or the Minister of Finance, as applicable, becomes, without continuance of suit, a party to any proceeding to which the committee was party with regard to the rights the Minister acquires and the debts and other obligations the Minister assumes.

Assets and liabilities resulting from obligations that become obligations of the Minister become assets and liabilities of the Land Transportation Network Fund.

**16.** The committee's debts that become debts of the Minister of Finance are debts referred to in section 10 of the Financial Administration Act (chapter A-6.001).

The Minister of Finance may transfer to the general fund, out of the sums credited to the Land Transportation Network Fund, any sum corresponding to a sum taken out of the Consolidated Revenue Fund for the payment of the debts.

### **CHAPTER III**

#### **MISSION OF THE TRANSITION COMMITTEE**

**17.** The mission of the transition committee is

(1) to establish, with the directors and employees of the public transit operating authorities and those of the Communauté métropolitaine de Montréal, conditions to facilitate, for users of transportation systems in the Montréal metropolitan area, the transition to the new organization and governance scheme;

(2) to see to it that the Autorité régionale de transport métropolitain and the Réseau de transport métropolitain are set up;

(3) to foster the implementation of the new shared transportation framework for the Montréal metropolitan area as well as the new governance rules;

(4) to ensure that the Authority and the Network take over the responsibilities currently assumed by the public transit operating authorities; and

(5) to establish, in accordance with section 28, the first expertise and experience profiles for Authority and Network board members.

### **CHAPTER IV**

#### **OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE**

##### **DIVISION I**

##### **OPERATION AND POWERS**

**18.** Committee decisions are made at committee meetings.

The quorum at committee meetings is the majority of the committee's members.

**19.** Subject to the second paragraph of section 24, the committee must, in the course of its mandate, provide the public transit operating authorities with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

**20.** The committee may adopt by-laws establishing its rules of operation.

**21.** The committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

**22.** The chair of the committee may entrust to one or more members of the committee or, if applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair specifies.

**23.** The committee may require a public transit operating authority, the Community métropolitaine de Montréal or any body established by them to provide information or submit documents belonging to them which the committee considers necessary to consult.

The committee may also require a public transit operating authority or the Community or any body established by them to submit a report on a decision or matter that is related to the committee's mission and concerns the organization, financing or operation of shared transportation services or other modes of transportation or the staff of the authority, Community or body, or any person assigned to those functions.

**24.** Section 23 applies despite the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Committee and sub-committee members and committee employees are required to ensure the confidentiality of the documents and information obtained under section 23.

**25.** The committee may, when it considers it necessary for the pursuit of its mission, use the services of an employee of a public transit operating authority, the Communauté métropolitaine de Montréal or any body established by them. The committee may designate the employee whose services are required. The committee and the employer must agree on the costs to be paid by the committee for the use of the services. However, the employer must place the designated

employee at the disposal of the committee as of the time specified by the committee, despite the absence of an agreement respecting the costs to be paid by the committee for the services.

The employees seconded to the committee remain in the employment of the public transit operating authority, the Community or any body established by them, as applicable, are remunerated by their employer and are governed by the same conditions of employment during the secondment.

**26.** All board members and employees of a public transit operating authority, the Communauté métropolitaine de Montréal or any body established by them must cooperate with committee members or employees acting in the exercise of their functions.

No body referred to in the first paragraph may prohibit or otherwise prevent its employees from cooperating with the committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (chapter N-1.1) applies, with the necessary modifications, to any employee who believes he or she has been the victim of a practice prohibited by the second paragraph.

**27.** Every decision by which a public transit operating authority makes a financial commitment for a period extending beyond the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area for expenditures related to the functions conferred on the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain must be authorized by the committee.

Any collective agreement or contract of employment entered into or amended by a public transit operating authority must be authorized by the committee if the effect of the agreement or contract is to increase expenditures relating to the employees' remuneration and employee benefits.

The committee may, at all times, adopt rules to wholly or partially exempt a public transit operating authority from the obligation to obtain the authorization required under the first paragraph. Such rules may, in particular, define monetary thresholds, classes of contracts and periods.

The committee may, exceptionally, approve a decision, collective agreement or contract of employment regarding which an authorization is required under the first or second paragraph. The approval of the committee is deemed to constitute such an authorization.

## DIVISION II

### RESPONSIBILITIES

#### §1. — *Expertise and experience profiles*

**28.** The committee establishes the first expertise and experience profiles for board members of the Autorité régionale de transport métropolitain and of the Réseau de transport métropolitain.

The committee ensures, in particular, that the members of each board collectively have suitable expertise and experience in the fields of

- (1) transportation;
- (2) land use planning, urban planning and the environment;
- (3) accounting and financial management;
- (4) strategic planning; and
- (5) law.

#### §2. — *Reassignment of employees*

**29.** The committee may examine the circumstances of the hiring, after 12 November 2015, of employees of a public transit operating authority assigned to functions conferred on the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain by one of the Acts enacted by sections 3 and 4. The committee may make any recommendation with regard to such employees to the Minister and the Communauté métropolitaine de Montréal.

**30.** The committee must come to an agreement, within the time prescribed by the Minister, with all certified associations within the meaning of the Labour Code (chapter C-27) that represent the employees in the employment of a public transit operating authority who are assigned to functions conferred on the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain by one of the Acts enacted by sections 3 and 4, on the procedure for the reassignment of those employees as members of the personnel of the Authority or the Network and on the rights of and remedies available to employees who believe they have been wronged as a consequence of the application of that procedure.

The parties may also agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide for conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 May 2016, or increase the workforce.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions for the reassignment of employees are the provisions relating to the application of the assignment process provided for in the applicable conditions of employment or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment.

**31.** If no agreement is reached on all the matters referred to in the first and second paragraphs of section 30 within the prescribed time, the Minister informs the Minister of Labour, Employment and Social Solidarity, who then notifies the parties that he or she is submitting the disagreement for mediation-arbitration.

The Minister of Labour, Employment and Social Solidarity may authorize mediation-arbitration for a particular disagreement or a group of disagreements relating to the determination of the reassignment procedure concerning a class of employment or a group of employees, provided the parties apply for such authorization from that Minister within 10 days after receiving the notice.

An application to submit a disagreement to a mediator-arbitrator may also be filed by the parties before the expiry of the time referred to in the first paragraph if they consider it unlikely that they will come to an agreement before that date. In such a case, the Minister of Labour, Employment and Social Solidarity notifies the parties and the Minister that the disagreement is being submitted to a mediator-arbitrator.

Sections 76 and 77 of the Labour Code apply, with the necessary modifications, to the choice of a mediator-arbitrator. The time limit prescribed in section 77 of that Code runs from the date the authorization is given under the second paragraph, if applicable.

**32.** Before proceeding with arbitration, the mediator-arbitrator must attempt to bring the parties to an agreement on the matters referred to in section 31 on which no agreement has been reached.

The mediator-arbitrator must proceed with arbitration on the matters on which no agreement has been reached before or during the mediation if, in the opinion of the mediator-arbitrator, there is no likelihood of the parties reaching agreement within a reasonable time. In such a case, the mediator-arbitrator informs the parties and the Minister.

**33.** The first paragraph of sections 79 and 80 and sections 81 to 89, 91, 91.1, 93 and 139 to 140 of the Labour Code apply, with the necessary modifications and subject to sections 31, 32, 34 and 36 to 38 of this Act, to the arbitration.

**34.** The Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6) applies to the mediation-arbitration as if it were a dispute referred to arbitration under section 75 of the Labour Code, with the necessary modifications.

Among other modifications, the hours spent on mediation are remunerated as if it were a pre-hearing conference.

The certified associations are responsible for determining among themselves the share of the mediator-arbitrator's remuneration they must pay. However, those associations are solidarily liable for paying that share.

**35.** The mediator-arbitrator proceeds with arbitration on examination of the record. The mediator-arbitrator may hold arbitration hearings if he or she considers it necessary.

**36.** The parties may agree at any time on any of the matters on which there has been disagreement. The agreement must be consigned in the arbitration award, which may not amend it.

**37.** The mediator-arbitrator determines the reassignment procedure and the rights of and remedies available to employees who believe they have been wronged as a consequence of that procedure.

The mediator-arbitrator may also decide on any condition of employment that he or she believes is incidental to an employee's reassignment.

The award may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 May 2016 or increase the staffing levels.

**38.** The mediator-arbitrator must render the award not later than the date prescribed by the Minister.

If the Minister considers that exceptional circumstances justify it, the Minister may, at the request of the mediator-arbitrator, grant an extension to not later than the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area at the latest.

**39.** The arbitration award is binding on the associations that have been certified to represent the employees of the public transit operating authorities concerned, the committee, the Autorité régionale de transport métropolitain and the Réseau de transport métropolitain.

If a collective agreement is in force, the award operates to amend the agreement. If the renewal of the collective agreement is being negotiated, the provisions of the award are, as of the date on which the award takes effect, deemed to form part of the last collective agreement. If a first collective agreement is being negotiated, the provisions of the award amend the applicable conditions of employment.



**40.** The committee must also prepare every plan for the reassignment of public transit operating authority employees assigned to functions conferred on the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain by one of the Acts enacted by sections 3 and 4 and not represented by a certified association, and set out the terms governing the rights of and remedies available to employees who believe they have been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the Authority or the Network as of the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area.

§3. — *Transfer of assets and liabilities*

**41.** The committee must identify which of the assets and liabilities of the Agence métropolitaine de transport relating to the functions conferred on the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain by this Act are to be transferred to either of those new bodies. The committee sends its recommendations to the Government to allow the latter to determine the value and conditions of the transfer.

The committee must also identify which of the assets and liabilities of the Communauté métropolitaine de Montréal, the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal relating to functions conferred on the Authority by this Act are to be transferred to the Authority. The committee determines the value and conditions of the transfer.

The committee must also identify which of the assets and liabilities of any other public transit operating authority referred to in section 5 relating to functions conferred on the Authority or the Network by this Act are to be transferred to either of those new bodies. The committee determines the value and conditions of the transfer.

§4. — *First financing plan and first budgets*

**42.** The committee must prepare the first financing policy of the Autorité régionale de transport métropolitain as well as the Authority's budget estimates for the first fiscal year, which must be consistent with that policy.

The committee must also prepare the budget estimates for the first fiscal year of the Réseau de transport métropolitain.

In fulfilling the obligations under the first and second paragraphs, the committee takes into account the services provided to users of shared transportation services by public transit operating authorities for the previous fiscal year.

§5. — *Other responsibilities*

**43.** For the purposes of section 26 of the Act respecting the Réseau de transport métropolitain (2016, chapter 8, section 4), the chair of the committee acts in place of the Network’s secretary.

**44.** The committee must examine any other matter or carry out any other mandate the Minister may entrust to the committee in the pursuit of its mission.

**45.** The committee must, at the end of its mandate and at any time the Minister requests, report to the Minister on its activities.

**46.** The committee must also provide the Minister with any information the Minister may require on its activities.

**PART V**

AMENDING PROVISIONS

ACT RESPECTING EQUAL ACCESS TO EMPLOYMENT IN PUBLIC BODIES

**47.** Section 2 of the Act respecting equal access to employment in public bodies (chapter A-2.01) is amended by replacing “intermunicipal boards of transport, transit authorities of urban communities” in paragraph 2 of the first paragraph by “public transit authorities, the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain”.

FINANCIAL ADMINISTRATION ACT

**48.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Agence métropolitaine de transport”.

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

**49.** The Act respecting the Agence métropolitaine de transport (chapter A-7.02) is repealed.

BUILDING ACT

**50.** Section 65.4 of the Building Act (chapter B-1.1) is amended by replacing “an intermunicipal board of transport” in subparagraph 6 of the first paragraph by “the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain”.

## HIGHWAY SAFETY CODE

**51.** Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition after the definition of “heavy vehicle”:

“**low-speed vehicle**” means a motor vehicle having not more than four seats, belonging to the “low-speed vehicle” class defined in the Motor Vehicle Safety Regulations (C.R.C., c. 1038) and bearing a compliance label required by those Regulations;”.

**52.** The Code is amended by inserting the following section after section 214.0.1:

“**214.0.2.** The Government may prescribe by regulation any special rules that low-speed vehicles must meet to be driven on public highways.”

**53.** Section 282 of the Code is amended by adding the following paragraph at the end:

“The owner of a low-speed vehicle that does not meet the requirements of a regulatory provision made under section 214.0.2 is guilty of an offence and liable to a fine of \$100 to \$200.”

**54.** The Code is amended by inserting the following section after section 293.1:

“**293.2.** The person responsible for the maintenance of a public highway may, by means of proper signs or signals and for safety reasons, restrict or prohibit the operation of low-speed vehicles on the highway. In the case of a municipality, this power is exercised by by-law.

No person may drive a road vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited.”

**55.** Section 315 of the Code is amended by inserting “the second paragraph of section 293.2 or” after “contravenes”.

**56.** Section 325 of the Code is amended by inserting “or the driver of a low-speed vehicle” after “traffic” in the second paragraph.

**57.** The Code is amended by inserting the following after section 492.3:

### “DIVISION IV

#### “LOW-SPEED VEHICLES

“**492.4.** No person may drive a low-speed vehicle on a public highway where the maximum authorized speed limit is over 50 km/h, except to cross it

at an intersection where traffic lights or stop signs are present or at a traffic circle.

Nor may a person drive such a vehicle on a limited access highway or on the entrance or exit ramps of such a highway.

**“492.5.** The driver of a low-speed vehicle must keep the vehicle’s headlights on at all times unless the vehicle has daytime running lights.

**“492.6.** The driver of a low-speed vehicle may not use it to tow a trailer or semi-trailer unless a manufacturer’s sticker affixed to the vehicle attests to its towing capability and that capacity is not exceeded.”

**58.** Section 509 of the Code is amended by inserting “, 492.4 to 492.6” after “492.2”.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**59.** The Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by inserting the following section before section 97:

**“96.1.** For the purposes of the payment, to the Autorité régionale de transport métropolitain, of the amount provided for in paragraph 6 of section 79 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3), the Communauté métropolitaine de Montréal may, by by-law, levy a tax on the registration of any passenger vehicle in the name of a person whose address in the register held by the Société de l’assurance automobile du Québec under section 10 of the Highway Safety Code (chapter C-24.2) corresponds to a place situated in its territory or in the territory of Ville de Saint-Jérôme. The by-law must set out the amount of the tax.

A tax under the first paragraph may apply only if an agreement for the collection of the tax has been entered into with the Société de l’assurance automobile du Québec. Under such an agreement, the tax is collected by the Société at the time the sums provided for in section 21 or 31.1 of the Highway Safety Code are paid, and the Société must state the origin of the tax in the notice of payment or transaction receipt issued to any person described in the first paragraph.

The rules and procedures applicable to those sums in accordance with that Code apply, with the necessary modifications, to the tax and failure to comply with those rules and procedures results in the sanctions prescribed by the Code. However, the tax is not refundable in the case of a change of address.

“Passenger vehicle” means any such vehicle within the meaning of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29).

The by-law referred to in the first paragraph requires a 2/3 majority of the votes cast.”

**60.** Section 119 of the Act is amended by striking out “and the metropolitan arterial system” in paragraph 5.

**61.** The heading of Division VI of Chapter III of the Act is amended by striking out “AND METROPOLITAN ARTERIAL SYSTEM”.

**62.** Section 158 of the Act is replaced by the following section:

“**158.** The Community supports the Autorité régionale de transport métropolitain (Authority) in its planning of shared transportation.

The Community shall approve

(1) the Authority’s strategic shared transportation development plan, capital expenditures program and financing policy;

(2) the decisions made by the Authority under any of sections 31 to 37 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3);

(3) the organizational strategic plan of the Réseau de transport métropolitain, the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal;

(4) the capital expenditures program of the Réseau de transport métropolitain; and

(5) the part of the capital expenditures program of the Société de transport de Montréal that is specific to the capital expenditures related to the subway network, as well as any loan with a term of more than five years ordered by the Société for the network, when the term of repayment exceeds five years.

The decision to approve the part of the capital expenditures program of the Société de transport de Montréal relating to the subway network, as well as any loan for the subway network, must be made by a two-thirds majority of the votes cast. A proposal for which approval is refused may be resubmitted to the council of the Community after at least 15 days have elapsed; a simple majority then suffices to approve the proposal.”

**63.** Section 158.1 of the Act is repealed.

#### ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

**64.** The Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) is repealed.

### ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

**65.** Section 118.82.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) is repealed.

**66.** Section 118.95 of the Act is amended by replacing “, 118.81 or 118.82.2” by “or 118.81”.

**67.** Section 118.96 of the Act is amended by replacing “, 118.81 or 118.82.2” in paragraph 1 by “or 118.81”.

### ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION

**68.** The Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is amended by inserting the following section after section 67:

“**67.1.** The Réseau de transport métropolitain must submit for approval to the Minister of Transport a development program intended to provide, within a reasonable period, public transportation for handicapped persons in the territory served by the Network.

The program may take into account the rate of equipment replacement and the nature of the services offered.

The Minister of Transport may approve the program, or, if necessary, require that it be amended or that a new program be submitted within the time the Minister determines.

After approving a program, the Minister of Transport ensures that it is complied with and carried out. At any time, the Minister may require the implementation of corrective measures or, if necessary, the amendment of a previously approved program and the production of a new program within the time the Minister determines.”

### ACT RESPECTING MUNICIPAL TAXATION

**69.** Section 204 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing “Agence métropolitaine de transport” in paragraph 2.2 by “Autorité régionale de transport métropolitain or the Réseau de transport métropolitain”.

**70.** Section 236 of the Act is amended by replacing “Agence métropolitaine de transport” in subparagraph *a* of paragraph 1 by “Autorité régionale de transport métropolitain, the Réseau de transport métropolitain”.

## PUBLIC INFRASTRUCTURE ACT

**71.** Section 3 of the Public Infrastructure Act (chapter I-8.3) is amended by striking out subparagraph 7 of the first paragraph.

**72.** Section 6 of the Act is amended by striking out “and 7” in the third paragraph.

## ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**73.** Section 11 of the Act respecting the Ministère des Transports (chapter M-28) is amended by striking out the second paragraph.

**74.** Section 11.1 of the Act is amended by adding the following sentence at the end of the second paragraph: “The Minister may do likewise on behalf of the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain, the Société de transport de Montréal and, as determined by the Government, on behalf of a municipality or another public transit authority, in the case of any property required to carry out a shared transportation infrastructure project.”

**75.** The Act is amended by inserting the following section after section 11.1.1:

**“11.1.2.** When construction work is undertaken on a tunnel related to a public works project, including a shared transportation infrastructure project, the Minister or the authority on whose behalf the Minister acquires property under section 11.1 becomes, on commencement of the work, without other formality or indemnity but subject to an action for damages, the owner of the underground volume occupied by the tunnel and of the area extending five metres outward from the interior concrete wall of the tunnel if the upper limit of the tunnel is at least 15 metres underground. In addition, the Minister or the authority, as applicable, is deemed to hold a legal servitude established in favour of the volume occupied by the tunnel and limiting the stress that may be applied to the upper surface of the volume to 250 kilopascals.

However, whoever undertakes such work must, on its commencement, notify the owner of the immovable of the existence of the work and of the provisions of this section. In the year following completion of the work, he shall deposit in his archives a copy of a plan certified by a person he has authorized and showing the horizontal projection of the tunnel. He shall register the plan in the registry office and the registrar must receive the plan and make a notation of it in the land register.”

**76.** The Act is amended by inserting the following after section 12.21.7:

**“CHAPTER I.2**

**“SUPPORT FOR SHARED TRANSPORTATION INFRASTRUCTURE PROJECTS**

**“12.21.8.** The Minister supports, for consideration, the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain, the Société de transport de Montréal and, as determined by the Government, a municipality or another public transit authority, in managing their shared transportation infrastructure projects that satisfy the criteria determined by the Conseil du trésor under the second paragraph of section 16 of the Public Infrastructure Act (chapter I-8.3).

As a result, a body referred to in the first paragraph must deal with the Minister in carrying out all operations related to such a project in order to ensure rigorous management of each phase of the project.

**“12.21.9.** A body referred to in section 12.21.8 that works with the Minister for the purposes of the second paragraph of that section remains responsible for its project and retains control of it, subject to an agreement in that regard with the Minister or a decision of the Conseil du trésor which expressly gives the Minister control of and responsibility for the project.

**“12.21.10.** This chapter does not apply to a shared transportation infrastructure project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12), or to a shared transportation infrastructure project of a public body subject to the Public Infrastructure Act (chapter I-8.3).”

**77.** Section 12.30 of the Act is amended

(1) by inserting the following subparagraph before subparagraph *a* of paragraph 1:

“(0.a) the shared transportation services of the Autorité régionale de transport métropolitain;”;

(2) by striking out subparagraphs *i* and *ii* of subparagraph *e* of paragraph 1.

**78.** Section 12.32.1 of the Act is amended

(1) by replacing “public transit services referred to in” in the fourth paragraph by “transit services referred to in subparagraph 0.a.”;

(2) by inserting “0.a,” after “subparagraphs” in the fifth paragraph.



**79.** Section 12.32.1.1 of the Act is amended

(1) by striking out “among those referred to in section 88.7 of the Transport Act (chapter T-12)” in paragraph 1;

(2) by replacing “Agence métropolitaine de transport” in paragraph 2 by “Autorité régionale de transport métropolitain”.

**ACT TO ENSURE THE OCCUPANCY AND VITALITY OF TERRITORIES**

**80.** Section 4 of the Act to ensure the occupancy and vitality of territories (chapter O-1.3) is amended by striking out “the Agence métropolitaine de transport,” in paragraph 2.

**ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS**

**81.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by striking out “ — The Agence métropolitaine de transport”.

**ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS**

**82.** Section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is amended by replacing “intermunicipal transit authority, intermunicipal board of transport,” in paragraph 2 by “or intermunicipal transit authority, the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain,”.

**ACT RESPECTING THE SOCIÉTÉ DE FINANCEMENT DES INFRASTRUCTURES LOCALES DU QUÉBEC**

**83.** Section 6 of the Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102) is amended

(1) by striking out “intermunicipal boards of transport,” in subparagraph 2 of the first paragraph;

(2) by adding the following subparagraph at the end of the first paragraph:

“(4) the Réseau de transport métropolitain.”

ACT RESPECTING THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE  
DU QUÉBEC

**84.** Section 2 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011) is amended by replacing “Ville de Montréal” in paragraph g of subsection 1 by “the Communauté métropolitaine de Montréal”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**85.** Section 3 of the Act respecting public transit authorities (chapter S-30.01) is amended

(1) by replacing “For that purpose, the transit authority” in the second paragraph by “A transit authority”;

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

“The first paragraph does not apply to the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal.”

**86.** Section 4 of the Act is amended

(1) by replacing “In the pursuit of its objects, a” by “A”;

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

“For the purposes of their mission, the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal must provide the Autorité régionale de transport métropolitain with the shared transportation services stipulated in an agreement entered into under section 8 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3) and collaborate, at its request, in the planning, coordination, development, support and promotion of shared transportation.”

**87.** Section 5 of the Act is amended by adding the following sentence at the end of the second paragraph: “In the case of the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal, the services referred to in subparagraph 1 of the first paragraph must be provided in accordance with the agreement entered into under section 8 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3).”

**88.** The Act is amended by inserting the following section after section 16.1:

“**16.2.** For the purposes of sections 8 to 16, the city may designate an independent member rather than a municipal council member.

A member is independent if the city that designates the member is of the opinion that he or she qualifies as an independent director within the meaning

of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

Independent members are designated taking into account the expertise and experience profiles approved by the city concerned or, if applicable, by its urban agglomeration council.

Section 40 applies to such designations, with the necessary modifications.”

**89.** Section 64 of the Act is amended by inserting “of a public transit authority, the Autorité régionale de transport métropolitain or the Réseau de transport métropolitain,” after “board of directors” in the first paragraph.

**90.** Section 65 of the Act is amended by adding the following paragraph at the end:

“The provisions of subparagraph 5 of the first paragraph do not apply to the director general of the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal.”

**91.** Section 78 of the Act is amended by adding the following paragraph at the end:

“In the case of the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal, the powers under this section may only be exercised to the extent stipulated in an agreement entered into with the Autorité régionale de transport métropolitain under section 8 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3). To that end, each of those authorities must advise the Authority as regards the establishment, modification and removal of lines and routes. Each authority must also propose to the Authority a transport plan for its area of jurisdiction.”

**92.** The Act is amended by inserting the following section after section 78:

**“78.1.** A transit authority’s transport plan must specify the public transit it offers. It must be developed by the transit authority and meet the service standards and objectives established by the Autorité régionale de transport métropolitain.

The plan must be amended periodically by the transit authority in the manner stipulated in the agreement entered into under section 8 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3).”

**93.** Section 87 of the Act is amended by replacing “a city, any of its boroughs or a municipality for” in the first paragraph by “the person responsible for the maintenance of a public highway for”.

**94.** Section 89.1 of the Act is amended by striking out “within the meaning of section 88.7 of the Transport Act (chapter T-12)” in the first paragraph.

**95.** Section 90 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal.”

**96.** Section 116 of the Act is amended by adding the following paragraph at the end:

“The obligation to inform the city of the fares and rates that will be effective during the period covered by its next budget, provided for in the first paragraph, does not apply to the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal. Those transit authorities must inform the city of any contracts they enter into with the Autorité régionale de transport métropolitain.”

**97.** Section 130 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to the Société de transport de Laval, the Société de transport de Longueuil or the Société de transport de Montréal.”

**98.** The Act is amended by inserting the following section after section 130:

**“130.1.** The Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal must each adopt an organizational strategic plan that includes

- (1) a description of its mission;
- (2) the context in which it acts and the main challenges it faces;
- (3) the strategic directions, objectives and lines of action selected;
- (4) the results targeted over the period covered by the plan; and
- (5) the performance indicators to be used to measure results.

Each transit authority referred to in the first paragraph sends its strategic plan, and any amendment to it, to the Communauté métropolitaine de Montréal for approval, within 30 days after they are adopted.”

**99.** Section 131 of the Act is amended by striking out “development” in the first paragraph.

**100.** Section 132 of the Act is amended

(1) by replacing “following three fiscal years” by “next 10 years in accordance with its strategic plan”;

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

“In the case of the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal, the program shall also be produced in accordance with the strategic shared transportation development plan of the Autorité régionale de transport métropolitain.”

**101.** Section 133 of the Act is amended by adding the following paragraph at the end:

“The program shall contain an asset maintenance plan that includes actions designed to foster the longevity of the assets and provide for the level of investments required for their maintenance.”

**102.** Section 134 of the Act is amended by inserting “and, for the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal, to the Autorité régionale de transport métropolitain” after “Minister”.

**103.** Section 135 of the Act is amended by inserting “and, for the Société de transport de Laval, the Société de transport de Longueuil and the Société de transport de Montréal, to the Autorité régionale de transport métropolitain” after “Minister”.

**104.** Section 151 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Société de transport de Montréal may also, with the authorization of the Autorité régionale de transport métropolitain, acquire any property required for the subway extension. The subway system may not be expanded at any time without the authorization of the Government.”

**105.** Section 158 of the Act is amended by replacing “Agence métropolitaine de transport” in the second paragraph by “Autorité régionale de transport métropolitain”.

**106.** Section 159 of the Act is repealed.

**107.** Sections 161, 162, 168, 169, 171, 176 and 177 of the Act are amended by replacing “Agence métropolitaine de transport” by “Autorité régionale de transport métropolitain”.

**108.** Section 178 of the Act is repealed.

## FUEL TAX ACT

**109.** Section 1 of the Fuel Tax Act (chapter T-1) is amended, in the first paragraph,

(1) by replacing subparagraph *r.1* by the following subparagraph:

“(r.1) “area of jurisdiction of the Autorité régionale de transport métropolitain”: the area of jurisdiction defined by section 3 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3);”;

(2) by replacing “Agence métropolitaine de transport” in subparagraph *i* of subparagraph *r.3* by “Autorité régionale de transport métropolitain”.

**110.** Section 2 of the Act is amended by replacing “Agence métropolitaine de transport” in subparagraph *a* of the third paragraph by “Autorité régionale de transport métropolitain”.

**111.** Section 10.1 of the Act is amended, in the second paragraph,

(1) by striking out “an intermunicipal board of transport,”;

(2) by replacing “3 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1)” by “8 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8 section 3)”.

**112.** Section 55.2 of the Act is amended by replacing “the Agence métropolitaine de transport, established by the Act respecting the Agence métropolitaine de transport (chapter A-7.02),” in the first paragraph by “the Autorité régionale de transport métropolitain”.

## TRANSPORT ACT

**113.** Section 48.18 of the Transport Act (chapter T-12) is amended by adding the following paragraph at the end:

“A by-law of a local municipality of the North Shore or South Shore within the meaning of the Act respecting the Réseau de transport métropolitain (2016, chapter 8, section 4) must be approved by the Autorité régionale de transport métropolitain.”

**114.** Section 48.27 of the Act is amended by adding the following paragraph at the end:

“The power provided for in this section does not apply to a by-law made by a local municipality of the North Shore or South Shore under section 48.18 or 48.24.”

**115.** Section 48.38 of the Act is amended by adding “, other than a local municipality of the North Shore or South Shore” after “transit”.

**116.** Section 88.1 of the Act is amended by replacing the definition of “public transit authorities” by the following definition:

“**“public transit authorities”** means the Autorité régionale de transport métropolitain, the Société de transport de Québec, the Société de transport de l’Outaouais, the Société de transport de Lévis, the Société de transport de Trois-Rivières, the Société de transport du Saguenay and the Société de transport de Sherbrooke.”

**117.** Division IX.2 of the Act is repealed.

**118.** Section 88.14 of the Act is replaced by the following section:

“**88.14.** The Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3), the Act respecting the Réseau de transport métropolitain (2016, chapter 8, section 4) and the Act respecting public transit authorities (chapter S-30.01) do not apply to a shared transportation infrastructure referred to in section 88.10.”

**119.** The Act is amended by inserting the following section after section 88.14:

“**88.14.1.** Despite any inconsistent provision, the Government may make this division applicable to a project whose object is a new shared transportation infrastructure of the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain, the Société de transport de Montréal and, as determined by the Government, a municipality or another public transit authority, provided the project satisfies the criteria determined by the Conseil du trésor under the second paragraph of section 16 of the Public Infrastructure Act (chapter I-8.3).”

#### ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

**120.** Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by adding the following paragraphs at the end:

“(31) section 122 of the Act respecting the Autorité régionale de transport métropolitain (2016, chapter 8, section 3);

“(32) section 86 of the Act respecting the Réseau de transport métropolitain (2016, chapter 8, section 4).”

## REGULATION RESPECTING STUDENT TRANSPORTATION

**121.** Section 1 of the Regulation respecting student transportation (chapter I-13.3, r. 12) is amended

(1) by striking out the definition of “intermunicipal board of transport”;

(2) by inserting “, and the Réseau de transport métropolitain” after “(chapter S-30.01)” in the definition of “public transit authority”.

**122.** Section 2 of the Regulation is amended by striking out paragraph 11.

**123.** Section 13 of the Regulation is replaced by the following section:

“**13.** A board whose territory coincides with the area of jurisdiction of a public transit authority, or an educational institution situated in the territory of such a board, must offer the authority, at least 10 days before proceeding with negotiations by agreement or with public tenders, the possibility of providing the transportation service required for the students residing in the area of jurisdiction of that public transit authority.”

## REGULATION RESPECTING TOLL ROAD INFRASTRUCTURES OPERATED UNDER A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT

**124.** Section 3 of the Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3) is amended

(1) by striking out subparagraph *a* of paragraph 1;

(2) by inserting the following subparagraph after subparagraph *a* of paragraph 1:

“(a.1) the Réseau de transport métropolitain;”;

(3) by striking out subparagraphs *c* and *d* of paragraph 1.

**125.** Section 4 of the Regulation is amended

(1) by striking out subparagraph *a* of paragraph 1;

(2) by inserting the following subparagraph after subparagraph *a* of paragraph 1:

“(a.1) the Réseau de transport métropolitain;”;

(3) by striking out subparagraphs *c* and *d* of paragraph 1.



## REGULATION RESPECTING THE CONTRIBUTION OF MOTORISTS TO PUBLIC TRANSIT

**126.** Section 2 of the Regulation respecting the contribution of motorists to public transit (chapter T-12, r. 3) is replaced by the following section:

“**2.** The sums referred to in section 88.6 of the Act shall be paid to the Autorité régionale de transport métropolitain for all the municipalities included in its area of jurisdiction.”

## BUS LEASING REGULATION

**127.** Section 3 of the Bus Leasing Regulation (chapter T-12, r. 10) is amended by replacing “, all intermunicipal management boards and all intermunicipal boards of transport” by “and all intermunicipal management boards”.

## REGULATION RESPECTING MUNICIPALIZED PUBLIC TRANSIT SERVICES

**128.** Section 1 of the Regulation respecting municipalized public transit services (chapter T-12, r. 13) is amended by striking out “and section 12.1 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1)” in the introductory clause.

## BUS TRANSPORT REGULATION

**129.** Section 3 of the Bus Transport Regulation (chapter T-12, r. 16) is amended by replacing “an intermunicipal board of transport” in subparagraph *b* of paragraph 1 and in paragraph 4 by “the Réseau de transport métropolitain”.

## MINISTERIAL ORDER CONCERNING ACCESS TO PUBLIC ROADS FOR LOW-SPEED VEHICLES

**130.** The Ministerial Order concerning access to public roads for low-speed vehicles (chapter C-24.2, r. 0.2.1) is repealed.

## PART VI

### TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

**131.** The rules set out in a regulation made under section 214.0.2 of the Highway Safety Code (chapter C-24.2), enacted by section 52, do not apply to a low-speed vehicle of which the driver was registered in the Pilot Project concerning low-speed vehicles (chapter C-24.2, r. 39.2) that ended on 17 July 2013, and which is registered as a passenger vehicle with limited area of operation and has a licence plate bearing the prefix “C” in accordance with the Regulation respecting road vehicle registration (chapter C-24.2, r. 29). Despite section 132, the rules set out in sections 13 to 16 of the Ministerial

Order concerning access to public roads for low-speed vehicles (chapter C-24.2, r. 0.2.1) continue to apply to such vehicles.

**132.** The development programs adopted under section 67 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) by a municipal, intermunicipal or regional transport company whose territory is included in the area of jurisdiction of the Réseau de transport métropolitain are deemed to be the Network's development program until the coming into force of the one it establishes in accordance with section 67.1 of that Act, enacted by section 68.

**133.** Despite section 65, the by-law adopted by the urban agglomeration council of Ville de Montréal under section 118.82.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) continues to apply until the coming into force of a by-law adopted by the Communauté métropolitaine de Montréal under section 96.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), enacted by section 59.

In addition, until the coming into force of the by-law adopted by the Communauté métropolitaine de Montréal, subparagraph *g* of paragraph 1 of section 2 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011) must continue to be read as if it were a function of the Société de l'assurance automobile du Québec to carry out any mandate assigned by an agreement with Ville de Montréal.

**134.** This Act transfers, in favour of the Société de transport de Montréal, the benefit of any reserve established under section 75 of the Expropriation Act (chapter E-24) and held by the Agence métropolitaine de transport on the date preceding the date set by the Government for the coming into force of section 49 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area (2016, chapter 8), in connection with the subway extension project (blue line), which is considered a major project under the second paragraph of section 16 of the Public Infrastructure Act (chapter I-8.3) and becomes the project of the Société under this Act. The rights concerning an immovable are not required to be published in the land register.

The Société de transport de Montréal may, however, with regard to an immovable and if it considers it advisable, publish a notice of the transfer, referring to this section and containing the description of the immovable.

**135.** For the first appointment of members of the boards of directors of the Autorité régionale de transport métropolitain and the Réseau de transport métropolitain, the expertise and experience profiles established by the transition committee under section 28 of this Act must be taken into account.

**136.** The board members of the Autorité régionale de transport métropolitain must be appointed not later than on the date that is four months before the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area. All sums required, until the date preceding the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area, to pay the board members' remuneration and reimburse their expenses are debited from the Land Transportation Network Fund.

The board of the Authority may make any decision on matters that, as of the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area, come under its jurisdiction, except decisions which the law assigns to the transition committee.

The board of the Authority must adopt a financing policy and submit it, for approval, to the Communauté métropolitaine de Montréal to allow the latter to approve it before the date that is two months before the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area. If the policy is not approved by the Community, it must be submitted to the Minister for approval.

**137.** The board members of the Réseau de transport métropolitain must be appointed not later than on the date that is four months before the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area. All sums required, until the date preceding the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area, to pay the board members' remuneration and reimburse their expenses are debited from the Land Transportation Network Fund.

The board of the Network may make any decision on matters that, as of the date set by the Government for the coming into force of section 4 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area, come under its jurisdiction, except decisions which the law assigns to the transition committee.

**138.** The Minister may, not later than 19 July 2016, cancel any decision of a public transit operating authority, referred to in the first or second paragraph of section 27 and made between 12 November 2015 and 20 May 2016, if the Minister considers the decision to be contrary to the future interests of the Authority and the Network, as applicable.

**139.** The Government may, by a regulation made before the date set by the Government for the coming into force of section 3 of the Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area, prescribe any measure necessary or useful for carrying out this Act and fully achieving its purpose.

A regulation made under the first paragraph may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 15 days. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation, despite section 17 of that Act.

**140.** The first regulation made under section 214.0.2 of the Highway Safety Code, enacted by section 52, may have a shorter publication period than that required under section 11 of the Regulations Act, but not shorter than 20 days. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date set in the regulation, despite section 17 of that Act.

**141.** The Minister of Transport is responsible for the administration of this Act.

**142.** This Act comes into force on 20 May 2016, except

(1) sections 3, 4, 47 to 50, 59 to 129, 132, 133 and 134, which come into force on the date to be set by the Government; and

(2) sections 51, 53 to 58, 130 and 131, which come into force on the date of coming into force of the first regulation made by the Government under section 214.0.2 of the Highway Safety Code, enacted by section 52.