

Regulations and other Acts

M.O., 2018

**Order 2018-07 of the Minister of Transport,
Sustainable Mobility and Transport Electrification
dated 29 March 2018**

Highway Safety Code
(chapter C-24.2)

Suspension of the requirement to hold a special permit authorizing oversized buses to be driven or to carry that permit while driving such buses

THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that that section provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.2;

CONSIDERING section 18 of the Regulations Act, which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that is making it is of the opinion that the urgency of the situation requires it and that the reason justifying such coming into force must be published with the regulation;

CONSIDERING that it is expedient to suspend the requirement for owners or lessees of oversized buses and operators subject to Title VIII.1 who are responsible for such buses to hold a special permit for those buses to be driven and to suspend the requirement for drivers of such buses to carry such a permit;

CONSIDERING that the Minister considers that the suspension of those requirements is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted and supports the suspension of those requirements;

CONSIDERING that the Minister of Transport, Sustainable Mobility and Transport Electrification is of the opinion that the urgency to temporarily suspend the requirement to hold a special permit authorizing owners of lessees of oversized buses to be driven and operators subject to Title VIII.1 who are responsible for such buses and the requirement for drivers of such buses to carry that permit is due in particular to the following circumstances and justifies a coming into force on the date of its publication in the *Gazette officielle du Québec*:

— a relatively significant number of buses do not comply with certain provisions of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) and that number is even greater during thaw periods;

— most of the buses of public transit and intercity transport authorities, if not all of their fleet, are not compliant and may not be allowed to operate;

— a significant number of buses used for the transportation of school children are not compliant and may not be allowed to operate;

— it is not possible for owners and lessees of oversized buses and operators subject to Title VIII.1 who are responsible for such buses to make them compliant especially since the default results from their manufacturing;

— failure for a bus to comply with the Regulation may affect the record of those persons in the *Registre des propriétaires et des exploitants de véhicules lourds* and the record of drivers of oversized buses who are not carrying the special permit. The risk of affecting their record could mean that those persons may decide not to put into operation or drive those buses so that they not risk to lose their right, especially since they know that numerous statements of offence have been issued since 28 March 2018 due to the non-compliance of the buses;

— the Minister of Transport, Sustainable Mobility and Transport Electrification was informed on 28 March 2018 that, despite the tolerance exercised with respect to buses that have not complied with loads for a number of years, numerous statements of offence for that reason are issued and buses have been impounded in a place designated by the Société de l'assurance automobile du Québec;

—it is necessary and in the interest of the public to maintain transportation by those buses in order to avoid and prevent

—a reduction of bus transport services offered, even the complete cessation of those services, in particular as regards public transit in urban areas;

—the loss of mobility for users of bus transportation, in particular workers, disabled persons and students, due to a reduction of public transit service, event its cessation;

—an increase in the number of road vehicles on public roads also caused by the reduction or cessation of public transit services thereby significantly increasing traffic congestion in urban areas, thus affecting all road users;

—the hindrances caused by such congestion to the traffic of emergency vehicles and public services that could result in risks to the health and safety of the public;

—the draft regulation allowing in particular the operation of those oversized buses in accordance with the law and regulations is currently being prepared and the Government needs more time to finalize the regulation;

ORDERS AS FOLLOWS:

1. The first paragraph of section 463 of the Highway Safety Code (chapter C-24.2) is suspended with respect to owners or lessees of oversized buses and operators subject to Title VIII.1 who are responsible for such buses.

2. Section 464 of the Code is suspended with respect to drivers of oversized buses.

3. This Order comes into force at the time of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the fifth anniversary of that date.

ANDRÉ FORTIN,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

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