

Regulations and other Acts

M.O., 2019

Order number 2019-11 of the Minister of Transport dated 12 June 2019

Highway Safety Code
(chapter C-24.2)

Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code, for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use and the Minister sets the rules and conditions for the implementation of a pilot project, the Minister may also, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister and the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides in particular that the pilot projects are conducted for a period of up to three years, and the Minister may also determine the provisions of an order made under the section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which 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 633.1 of the Code and an order under the second or third paragraph of the section is published in the *Gazette officielle du Québec*;

CONSIDERING that the Société has been consulted on the implementation of the Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle;

CONSIDERING that it is expedient to make the Pilot project;

ORDERS AS FOLLOWS:

The Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle, attached to this Order, is hereby made.

Québec, 12 June 2019

FRANÇOIS BONNARDEL,
Minister of Transport

Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle

Highway Safety Code
(chapter C-24.2, s. 633.1)

CHAPTER I GENERAL

1. The implementation of the Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle is hereby authorized on the following basis:

(1) to test transportation, for sightseeing purposes, of persons in a trailer designated for that purpose in the territory of the municipality designated in Schedule I by a promoter;

(2) to collect anonymized data regarding the testing for the purpose of evaluating traffic of those vehicles on the road network and cohabitation with the various road users with a view to developing rules adapted to those types of vehicles.

In the event of an accident, offence or incident involving the vehicle, the collection of information on the driver is permitted to determine the causes of the event.

2. For the purposes of this Pilot project,

“promoter” means an operator of a sightseeing vehicle authorized in Schedule II;

“passengers” means the persons taking place in the trailer of a sightseeing vehicle;

“sightseeing vehicle” means a combination of road vehicles consisting of a farm tractor and one or two trailers specially designed for the transportation of persons for sightseeing purposes.

CHAPTER II RULES RESPECTING SIGHTSEEING VEHICLES AND THEIR EQUIPMENT

3. Subject to the second paragraph, the provisions of the Highway Safety Code (chapter C-24.2) and its regulations that concern the design of the vehicles and their equipment and that apply

(1) to the farm tractor belonging to a farmer or is used for agricultural purposes or for the exclusive transport of unprocessed timber apply to the farm tractor of a sightseeing vehicle; and

(2) to trailers, combination of road vehicles or heavy vehicles do not apply to the trailers of a sightseeing vehicle or that vehicle.

Section 216, the first and second paragraphs of section 244 and the first, second and third paragraphs of section 262 of the Highway Safety Code apply to a sightseeing vehicle, its farm tractor or its trailers, as the case may be.

The provisions of Division II of Chapter IV of Title VIII of the Highway Safety Code that concern oversized and loaded vehicles do not apply to a sightseeing vehicle nor to the vehicles forming it.

4. The trailers of a sightseeing vehicle must be equipped with an electric or hydraulic brake system.

5. The trailers of a sightseeing vehicle must be equipped with

(1) two red stop lights, at the rear, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(2) two red or amber turn-signal lights, at the rear, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(3) one amber side reflector on each side, as far forward as practicable;

(4) one red side reflector on each side, as far to the rear as practicable.

A trailer may be equipped with reflective material in accordance with section 220 of the Highway Safety Code (chapter C-24.2) instead of the reflectors prescribed by this section.

6. The promoter must install at the rear of the sightseeing vehicle the warning sign provided for in section 126 of the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32) in the manner provided for in that section.

7. The trailers of a sightseeing vehicle must be equipped with a chain, a cable or any other sufficiently solid safety device installed so that the trailers and the farm tractor would remain attached were the coupling device to break.

The farm tractor and, in the case of a sightseeing vehicle consisting of two trailers, the most forward trailer must carry the necessary equipment for attaching the chain, cable or safety device of the trailer.

8. Where the sightseeing vehicle consists of two trailers, a rope must be installed between the two trailers to prevent pedestrians from travelling between the trailers.

9. All the sides of the trailer of a sightseeing vehicle must be equipped with steel guardrails or any other full or openwork device protecting against falls ensuring the safety of passengers, except where passengers get on or get off the trailer, which must be closed at least with a safety rope where the vehicle is moving.

10. The passenger seats must be solidly attached to the floor of the trailer of the sightseeing vehicle and do not need to be equipped with seat belts.

CHAPTER II PROVISIONS APPLICABLE TO THE PILOT PROJECT

DIVISION I PROMOTER

11. Despite section 428 of the Highway Safety Code (chapter C-24.2), the promoter may transport passengers, for sightseeing purposes, in the trailer of a sightseeing vehicle complying with Chapter II and passengers may take place in the trailer of such a vehicle.

12. The promoter may not authorized the operation of a sightseeing vehicle that does not comply with Chapter II or whose farm tractor towing capability is not complied with.

13. The promoter must inform the driver of a sightseeing vehicle of the road characteristics of the route.

14. The promoter or any person designated by the promoter must carry out a monitoring round on the route before each passage of a sightseeing vehicle transporting passengers.

15. The promoter must ensure that the driver meets the requirements in paragraphs 1 and 2 of section 18 and carries out the inspection provided for in section 19.

16. Once a year, the promoter must have the farm tractor and trailers inspected by the dealer or manufacturer. The inspection is conducted using the manufacturer's standards.

The promoter must also refer to the manufacturer or the dealer of the vehicle for the maintenance and repair of the farm tractor or the trailers of the sightseeing vehicle.

The manufacturer or the dealer, as the case may be, must prepare an inspection, maintenance or repair report and give it to the promoter. The report includes, in particular,

- (1) the vehicle identification number and, where applicable, its registration plate number;
- (2) the name of the vehicle's owner;
- (3) the date and address of the location of the inspection, maintenance or repair and the name of the mechanic that carried out the inspection, maintenance or repair;
- (4) the result of the inspection, maintenance or repair and the signature of the person who carried out the inspection, maintenance or repair;
- (5) the nature of the defects and their classification as minor or major defects; and
- (6) the nature of the maintenance or repairs made or to be made, where applicable.

Despite section 521 of the Highway Safety Code (chapter C-24.2), the trailers of a sightseeing vehicle are not subject to the mechanical inspection.

17. Section 519.15.3, subparagraphs 3 and 4 of the first paragraph of section 519.21.1, sections 519.21.3 and 519.27 of the Highway Safety Code (chapter C-24.2) do not apply to the promoter.

DIVISION II DRIVER OF A SIGHTSEEING VEHICLE

18. The driver of a sightseeing vehicle must

- (1) be at least 18 years of age;
- (2) hold a class 5 driver's licence; and
- (3) have been informed of the road characteristics of the route.

19. In addition to the circle check provided for in the Highway Safety Code (chapter C-24.2) that must be conducted by taking into account the design of the sightseeing vehicles and their equipment, the driver must, before each departure of the sightseeing vehicle,

- (1) verify that the brake system of each trailer is connected to the brake system of the farm tractor;
- (2) verify that the coupling device of the trailer and the chain, cable or safety device that holds the trailer are solidly attached;
- (3) verify that the rope is installed between the two trailers;
- (4) verify that the safety rope that closes the opening in the guardrail is installed;
- (5) ensure that the safety instructions referred to in paragraph 3 of section 24 have been explained to the passengers; and
- (6) ensure that the number of passengers does not exceed the number of seated places for each trailer and count the number of passengers for each trailer.

The driver must complete a check record at each outing. The record must indicate, where applicable, that the verifications provided for in subparagraphs 1 to 4 of the first paragraph were made, that the explanations provided for in subparagraph 5 were given, the date of each tour and the time of departure and arrival, and the number of passengers for each trailer. The record must be kept according to the same rules as those applicable to the circle-check report.

20. The driver of a sightseeing vehicle may not drive at a speed greater than 10 km/h.

21. The driver of a sightseeing vehicle must follow the route established in the safety protocol of the project provided for in section 25.

22. Where the sightseeing vehicle must be stopped because of an incident or an accident, the driver must

- (1) make sure that the passengers remain seated in the trailer unless the situation does not allow passengers to be safe in the trailer, in which case the driver must let the passengers off and lead them to a location where their safety will not be compromised; and
- (2) communicate with first responders.

23. Paragraphs 3 and 4 of section 519.8.1 and sections 519.9 to 519.12 of the Highway Safety Code (chapter C-24.2) do not apply to the drivers of a sightseeing vehicle.

The provisions of the Highway Safety Code concerning seat belts do not apply to drivers and passengers of sightseeing vehicles.

DIVISION III COLLECTION AND COMMUNICATION OF INFORMATION

24. The promoter must, before starting the test, send to the Minister of Transport

(1) the test project for transporting, for sightseeing purposes, persons in a trailer designed for that purpose;

(2) the safety protocol of the project provided for in section 25; and

(3) the guide on safety instructions that the passengers must follow to ensure their safety during the operation of the vehicle and when it is stopped.

25. The safety protocol must include

(1) the route of the sightseeing vehicle that must be established by taking into account the road safety of all road users;

(2) the locations where a sightseeing vehicle will stop for guided tours and the length of the stop for each location;

(3) the characteristics of the locations on the route, in particular those that allow

(a) a safe place for passengers to get on and off;

(b) a safe space sufficient for stopping or parking the sightseeing vehicle or for performing different driving manoeuvres of the vehicle;

(c) a safe cohabitation between the sightseeing vehicle and the other road users, in particular pedestrians, cyclists and other road vehicles;

(d) the identification of locations where the risks to safety are further increased, in particular in a school zone, a park or an intersection and those where the visibility for the driver is reduced or compromised;

(4) the contact information for the first responders in case of incidents or accidents; and

(5) the inspection report of the tractor and trailers and the documents allowing to conclude that the sightseeing vehicle complies with Chapter II.

26. The promoter must send to the Minister, not later than 30 days after the end of the test and, where the test lasts more than one year, after the end of each year of testing, a report on

(1) the date of each tour completed and the time at which it starts and the time at which it ends;

(2) the number of trailers used for each tour completed and the number of passengers for each trailer;

(3) a summary of the incidents and accidents that occurred during guided tours, including

(a) a description of the incident or accident;

(b) the location where it occurred;

(c) the speed of the vehicles involved in the incident or accident;

(d) the number of passengers per trailer at the time of the incident or accident;

(e) the consequences of the incident or accident in particular on the passengers and other road users; and

(f) the persons involved and the actions taken to resolve the incident or accident and its impact;

(4) the number of complaints received, the object of the complaints and the measures taken to remedy the situation; and

(5) any other element deemed essential for the follow-up and assessment of the test project.

The promoter must also send the information provided for in the first paragraph at the Minister's request.

For the purposes of this section, a test year begins on the date on which the test project is authorized.

DIVISION IV OFFENCES

27. A promoter who operates a sightseeing vehicle that does not comply with the requirements of any of

(1) sections 5,6 and 8 or without the farm tractor towing capability being complied with contravenes section 12, is guilty of an offence and is liable to a fine of \$200;

(2) sections 4, 7, 9 and 10 contravenes section 12, is guilty of an offence and is liable to a fine of \$350 to \$1,050.

28. A promoter who contravenes any of

(1) section 13 is guilty of an offence and is liable to a fine of \$200;

(2) section 15 and the first paragraph of section 16 is guilty of an offence and is liable to a fine between \$700 and \$2,100;

(3) the second paragraph of section 16 is guilty of an offence and is liable to a fine between \$350 and \$1,050;

29. A driver who contravenes any of paragraphs 1 and 2 of section 18 and sections 19 and 20 is guilty of an offence and is liable to a fine between \$350 and \$1,050.

CHAPTER IV FINAL

30. This Pilot project comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the third anniversary of its coming into force.

SCHEDULE I (Section 1)

TERRITORY OF THE MUNICIPALITY WHERE THE TRANSPORTATION OF PERSONS IN A TRAILER DESIGNED FOR THAT PURPOSE IS TESTED

1. Municipalité de Saint-Élie-de-Caxton

SCHEDULE II (Section 2)

OPERATOR AUTHORIZED UNDER THIS PILOT PROJECT

1. Municipalité de Saint-Élie-de-Caxton