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2 CHARLES III, 2024

Bill 184

**An Act to amend the Metrolinx Act, 2006,
the Public Transportation and Highway Improvement Act
and the Shortline Railways Act, 1995 with respect to transportation**

MPP A. Hazell

Private Member's Bill

1st Reading April 9, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends several Acts.

The *Metrolinx Act, 2006* is amended to add a new object for Metrolinx requiring it to promote and facilitate the integration of routes, fares and schedules of municipal bike share systems. Section 29 is amended to require Metrolinx or a subsidiary corporation to ensure that any assets sold or disposed for the purpose of building residential units include at least 20 per cent affordable residential units.

The *Public Transportation and Highway Maintenance Improvement Act* is amended to specify mandatory maintenance standards for Highways 11, 17 and 69.

The *Shortline Railways Act, 1995* is amended to re-enact section 10 of the Act, which was repealed by the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019*. The re-enacted section establishes requirements that apply to shortline railway companies that wish to discontinue the operation of a railway line.

**An Act to amend the Metrolinx Act, 2006,
the Public Transportation and Highway Improvement Act
and the Shortline Railways Act, 1995 with respect to transportation**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

METROLINX ACT, 2006

1 Subclause 6 (1) (d) (iii) of the *Metrolinx Act, 2006* is amended by adding “of the municipal bike share systems” after “regional transit system”.

2 Section 29 of the Act is amended by adding the following subsection:

Residential units

(2.1) If the sale or disposition under subsection (1) or (2) is for the purpose of building residential units, the Corporation or the subsidiary corporation shall ensure that at least 20 per cent of the units constitute affordable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*.

PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

3 The *Public Transportation and Highway Improvement Act* is amended by adding the following section:

Road maintenance

100 (1) The Minister shall ensure that Highways 11, 17 and 69, including portions of those highways that only have two lanes, are maintained in accordance with this section.

Snow removal standard

(2) The entire pavement of the highway shall be bare of snow within four hours after the end of a snowfall.

Ice clearance standard

(3) If ice forms on the pavement of the highway, the standard is to clear the ice within three hours after becoming aware of the fact.

Pothole repair standard

(4) If a pothole on the pavement of the highway has a surface area exceeding 600 square centimetres and a depth exceeding eight centimetres, the standard is to repair the pothole within four days after becoming aware of the fact.

SHORTLINE RAILWAYS ACT, 1995

4 The *Shortline Railways Act, 1995* is amended by adding the following section:

Discontinuance

10 (1) A shortline railway company shall comply with this section before discontinuing the operation of a railway line.

Advertisements

(2) A shortline railway company that proposes to discontinue the operation of a railway line shall,

- (a) advertise its intention to do so in a newspaper or newspapers having general circulation in the municipalities most affected by the proposal; and
- (b) notify the registrar of its intention.

Contents

(3) The advertisement shall contain the following information:

1. A statement that the shortline railway company no longer intends to operate a railway line.
2. A statement that the railway line is available for sale, lease or transfer for continued operation to a body authorized under this Act to operate a shortline railway.

3. A description of the railway line.
4. The date by which interested persons must make their interest known in writing to the company which date must be no earlier than 30 days after the first publication of the advertisement.

Process

(4) The shortline railway company shall immediately disclose to each interested person the process which it intends to follow for receiving and evaluating the offers it receives.

Negotiations

(5) The shortline railway company shall negotiate in good faith and in accordance with the process it has established.

Failure to transfer

(6) If the shortline railway company fails to reach an agreement within 90 days after the final date stated in the advertisement or if an agreement is reached but the transfer is not completed in accordance with the agreement, the shortline railway company shall offer to sell, lease or otherwise transfer the railway line for its net salvage value to the Minister on behalf of the Government of Ontario and to the council of each municipality in which the railway line is located.

Acceptance of offer

(7) The Government of Ontario or any municipality may accept the offer in writing within 30 days of it being received but if more than one of them accepts the offer the following shall determine which offer is accepted:

1. The Government of Ontario is first in priority.
2. If the Government of Ontario has not accepted the offer in the required time period, the municipality which first submitted a written acceptance is next in priority.
3. If more than one municipality submits a written acceptance on the same day, the matter shall be determined by draw.

Dispute

(8) If, within 90 days after acceptance of an offer, agreement cannot be reached between the parties on the net salvage value, the matter shall be referred to an independent appraiser.

Appraisal

(9) The independent appraiser shall investigate the matter and determine the net salvage value no later than 30 days after the matter is referred or such greater time period as may be agreed upon by the parties.

Binding determination

(10) The determination of the independent appraiser is final and binding on the parties.

Costs

(11) The costs of the appraiser shall be borne equally between the two parties.

No agreement

(12) If the parties are unable to agree on an independent appraiser to determine net salvage value, net salvage value shall be determined by arbitration.

Same

(13) If the parties are unable to agree on the arbitrator or the terms of reference of the arbitration, either party may apply to a judge of the Superior Court of Justice for an order appointing an arbitrator and fixing the terms of arbitration.

Application of Act

(14) The *Arbitration Act, 1991* applies to the arbitration.

Disposal

(15) If the railway line or the shortline railway company's operating interest in it is not transferred under this section, the shortline railway company may discontinue operating the railway line and, if applicable, dispose of any or all of the assets connected with the railway line.

COMMENCEMENT AND SHORT TITLE

Commencement

5 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Section 2 comes into force on the later of the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force and the day this Act receives Royal Assent.

Short title

6 The short title of this Act is the *Supporting Mobility, Affordability and Reliable Transportation in Ontario Act, 2024*.