

1993

c Pr47 York-Durham Heritage Railway Association Act, 1993

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CHAPTER Pr47

An Act respecting York-Durham Heritage Railway Association

Assented to November 30, 1993

Preamble	<p>York-Durham Heritage Railway Association has applied for special legislation respecting the operation of a railway. The applicant represents that it is preparing to operate an excursion train between Stouffville and Uxbridge, both in the Province of Ontario. The applicant, which was incorporated under the <i>Corporations Act</i>, cannot operate a railway unless it is incorporated by a special Act of the Legislature.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>tificates as described in section 5 as the Board may require in giving its approval under section 174 of <i>The Railways Act</i>.</p>
Deemed incorporation by special Act	<p>1. York-Durham Heritage Railway Association shall, for the purposes of <i>The Railways Act</i>, being chapter 331 of the Revised Statutes of Ontario, 1950, be deemed to be incorporated by a special Act.</p>	<p>7. The costs of the inspections and certifications required to fulfil sections 5 and 6 shall be borne by the Association. Costs</p>
Objects	<p>2. The objects of the Association are to purchase, restore and preserve railway equipment and buildings and to develop a historical railway setting to promote tourism in the regional municipalities of York and Durham, as set out in its letters patent, and to operate a railway.</p>	<p>8. The Ontario Municipal Board may require the Association, as a condition of commencing or continuing operations of a railway, to obtain and maintain insurance in an amount specified by the Board, in respect of liability of the Association for accidents in the operation of a railway that result in death or injury to any person or injury to any property and the Association shall provide to the Board upon request proof of its compliance with the requirement. Insurance</p>
Application of <i>Corporations Act</i>	<p>3. Despite sections 3, 117, 229 and 272 of the <i>Corporations Act</i>, that Act applies to the Association in respect of its corporate structure and corporate procedures as if it were not operating a railway.</p>	<p>9. All rights of the Association under <i>The Railways Act</i> to expropriate or take land without the consent of the owner shall be subject to the <i>Expropriations Act</i> and the prior approval of the Ontario Municipal Board. Expropriation powers</p>
Application of <i>The Railways Act</i>	<p>4. <i>The Railways Act</i>, except section 47, applies to the Association in respect of its operation of a railway.</p>	<p>10.—(1) The Association shall not amalgamate with any other corporation, other than a subsidiary of the Association, without the prior approval of the Ontario Municipal Board. Change in control</p> <p>(2) For the purposes of subsection (1), “subsidiary” has the same meaning given it in subsection 1 (2) of the <i>Business Corporations Act</i>. Definitions</p>
Safety inspection and certificate	<p>5. The Ontario Municipal Board shall not approve an application by the Association under section 174 of <i>The Railways Act</i> unless the Association provides to the Board a certificate from a professional engineer acceptable to the Board stating that the facilities and operating procedures of the railway are in accordance with generally accepted railway practices and are sufficient to protect the public.</p>	<p>11. The Association shall give notice to the Ontario Municipal Board as soon as possible and immediately after the senior officers of the Association have received information of the occurrence of any accident, incident, situation or contravention described below: Notice of accidents, etc.</p>
Additional certificates	<p>6. The Association shall provide to the Ontario Municipal Board such additional cer-</p>	<p>1. An accident or incident that affects the safe operation of the railway or the safety of the railway’s property.</p> <p>2. A situation that could, if left unattended, induce an accident or incident described in paragraph 1.</p> <p>3. A contravention of a regulation, rule, emergency directive or order made</p>

under *The Railways Act* or the *Ontario Municipal Board Act*.

13. This Act comes into force on the day it receives Royal Assent. Commencement

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12. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act* or under the *Ontario Municipal Board Act*.

14. The short title of this Act is the *York-Durham Heritage Railway Association Act, 1993*. Short title