

1914

c 187 Municipal Electric Railway Act

Ontario

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CHAPTER 187.

An Act respecting the Public Construction and Operation of Electric Railways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hydro Electric Rail- Short title.
way Act.* 3-4 Geo. V. c. 38, s. 1.

2. In this Act,

“Commission” shall mean The Hydro Electric Power Interpreta-
tion.
“Com-
mission.” Commission of Ontario.

“Corporation” shall mean a municipal corporation, “Corpora-
tion.” other than the municipal corporation of a county.
3-4 Geo. V. c. 38, s. 2.

3. Whenever required by the Lieutenant Governor in Commission
to enquire
and report. Council so to do, the Commission may enquire into, examine, investigate and report upon

(a) the cost of constructing and operating an electric railway in any locality in which electrical power or energy may be supplied by the Commission under *The Power Commission Act*;

Rev. Stat. c. 39.

(b) the municipalities, the inhabitants of which will be served by such railway;

(c) the population of each of such municipalities as shown by the last enumeration thereof by the assessors;

(d) an estimate of the probable revenue from the railway;

(e) the practicability of the undertaking and its economic value to the locality to be served by it.
3-4 Geo. V. c. 38, s. 3.

4.—(1) A corporation or two or more corporations may, if authorized by the Lieutenant Governor in Council so to do, enter into an agreement with the Commission for the construction, equipment and operation of an electric railway to be operated by electrical power or energy supplied by the Commission. Agreement
with cor-
porations
for con-
struction and
operation.

Matters
which may
be provided
for in
agreement.

(2) The agreement may provide for

- (a) the location of the line of the railway;
- (b) the character of the equipment and service to be furnished and the maximum tolls or fares to be chargeable thereon;
- (c) the proportion in which the cost of construction, equipment, maintenance and operation of the railway shall be borne by each of the corporations interested;
- (d) the issuing of debentures of the corporation, or of each of the corporations, for raising the amount of such cost;
- (e) the proportion of the revenue from such railway to be paid annually by the Commission to each corporation after deducting the charges herein-after mentioned;
- (f) the construction of the railway upon any right of way acquired by the Commission for the transmission of electrical power or energy under *The Power Commission Act*, and the amount chargeable to the railway by way of rental or otherwise for the use of such right of way.

Rev. Stat. c. 39.

Agreement
for con-
struction
and opera-
tion by
corporation.

(3) Instead of providing for the construction and operation of the railway by the Commission, the agreement may provide for its construction by the Commission and for its operation by the corporation or corporations, or for its construction and operation by the corporation or corporations, and in either case for the supply by the Commission of the electrical power requisite for the operation of the railway on such terms and conditions as may be agreed on between the corporation or corporations and the Commission.

Construc-
tion on
right of
way of
Commission.

(4) Where the railway is to be constructed and operated by the corporation or corporations, the Commission may agree with them to permit the railway to be constructed upon the right of way or other lands of the Commission on such terms and conditions as may be agreed on.

Approval of
Lieutenant
Governor
in Council.

(5) The agreement shall not come into effect until it has been sanctioned by the Lieutenant Governor in Council and has been approved by by-law passed with the assent of the municipal electors of each municipality. 3-4 Geo. V. c. 38, s. 4.

5.—(1) The council of every corporation entering into an agreement with the Commission under this Act shall annually raise and pay over to the Commission such sums as may be required by it in the construction, equipment, maintenance and operation of the railway, including the costs of the supply of electrical power or energy to the extent and in the proportions fixed by the agreement, and, for that purpose, may issue debentures of the corporation payable in not more than forty years from the date of the issue thereof.

Annual payments by municipalities to defray cost.

(2) It shall not be necessary to obtain the assent of the electors to the passing of any by-law for incurring a debt under this section. 3-4 Geo. V. c. 38, s. 5.

Assent of electors not necessary.

6. Where the agreement provides for the construction and operation, or for the operation of the railway by a corporation or by two or more corporations, it shall also provide for the management of the railway and its operation by a public utilities commission, to be approved by the Lieutenant Governor in Council, and it shall provide as to the mode of appointing the members of such commission and for the proportions in which each corporation shall contribute to the cost of its construction, maintenance and operation, and for the proportion in which each of them shall share in the income, revenue and profits derived from the operation of the railway, and such corporation or corporations or commission shall have the right to construct and operate the railway notwithstanding that it does not lie wholly within one or more of the municipalities, the corporations of which may have entered into the agreement. 3-4 Geo. V. c. 38, s. 6.

Construction and operation by a public utilities commission.

7. A public utilities commission appointed under the provisions of the next preceding section shall have all the powers and perform all the duties of a public utilities commission appointed under *The Public Utilities Act*. 3-4 Geo. V. c. 38, s. 7.

Powers and duties of public utilities commission. Rev. Stat. c. 204.

8. Subject to the provisions of section 5, where an agreement has been entered into under section 4, the Commission may construct, complete, equip, maintain, and operate the railway therein provided for, and for that purpose shall have and may exercise the powers of a company incorporated by special Act for the construction of such railway under the provisions of *The Ontario Railway Act*, so far as the same are applicable. 3-4 Geo. V. c. 38, s. 8.

Powers of Commission as to construction and operation. Rev. Stat. c. 185.

9. Where land is required for any of the purposes for which land may be acquired or expropriated under *The Ontario Railway Act* the Commission, in respect thereof, shall have the powers and shall proceed in the manner provided by *The Ontario Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and the provisions of the said Act shall, *mutatis mutandis*, apply. 3-4 Geo. V. c. 38, s. 9.

Taking lands. Rev. Stat. c. 185. Rev. Stat. c. 35.

Application
of revenue
by Com-
mission.

10. The Commission shall apply the revenue derived from the operation of the railway to the payment of working expenses of the railway, and after payment of the same shall annually pay over the balance, if any, to the corporations, parties to the agreement in the proportions-fixed thereby. 3-4 Geo. V. c. 38, s. 10.

Application
of profits by
corporation.

11. All sums received by the corporation or corporations shall be applied in the first place in the payment of the principal and interest of any debt incurred under the authority of this Act in the manner prescribed by the Commission. 3-4 Geo. V. c. 38, s. 11.

Certain
sections of
Railway
Act not to
apply.

12. Sections 68 to 97 of *The Ontario Railway Act* shall not apply to the Commission or to any railway constructed or operated by it. 3-4 Geo. V. c. 38, s. 12.

Application
of ss. 8-12.

13. Sections 8 to 12 shall apply only where the agreement provides for the construction of the railway by the Commission. 3-4 Geo. V. c. 38, s. 13.

Actions
against
Commission.

14. No action or prosecution shall be brought against the Commission or any member thereof or any of its officers under *The Ontario Railway Act* without the consent of the Attorney General of Ontario. 3-4 Geo. V. c. 38, s. 14.

No liability
for errors
in esti-
mates.

15. The Province shall not, nor shall the Commission, nor any member thereof, incur any liability by reason of any error or omission in any estimates, plans or specifications prepared or furnished by the Commission. 3-4 Geo. V. c. 38, s. 15.

Works
vested in
Commission.

16. Every railway and the works, property and effects held and used in connection therewith, constructed, acquired, operated and maintained by the Commission, under this Act, shall be vested in the Commission in trust for the corporations parties to the agreement for the construction and operation of the railway. 3-4 Geo. V. c. 38, s. 15.