1974

c 69 The Toronto Area Transit Operating Authority Act, 1974

Ontario

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

1. In this Act,

(a) "area of jurisdiction of the Authority" means the area composed of,

(i) the Regional Area as defined in The Regional Municipality of Peel Act, 1973,

(ii) the Regional Area as defined in The Regional Municipality of York Act, and

(iii) the Metropolitan Area as defined in The Municipality of Metropolitan Toronto Act;

(b) "Authority" means the Toronto Area Transit Operating Authority established under section 2;

(c) "inter-regional transit system" means a transit system that is principally operated,

(i) in more than one regional area, and

(ii) within the area of jurisdiction of the Authority;

(d) "land" includes buildings or improvements on land, land covered with water, and any estate, interest, right or easement in, to, over or affecting any of them;

(e) "Minister" means the Minister of Transportation and Communications;

(f) "Ministry" means the Ministry of Transportation and Communications;
(g) "regional area" means a regional area as defined in,

(i) The Regional Municipality of Peel Act, 1973; or

(ii) The Regional Municipality of York Act,

or the Metropolitan Area as defined in The Municipality of Metropolitan Toronto Act;

(h) "regional transit system" means a transit system that is principally operated within a regional area;

(i) "regulations" means the regulations made under this Act;

(j) "transit system" means a system for the transportation of passengers.

2.—(1) There is hereby established a corporation without share capital under the name of "Toronto Area Transit Operating Authority".

(2) The Authority shall be composed of four members as follows,

(a) one member appointed by the Lieutenant Governor in Council, who shall be the chairman of the Authority;

(b) the chairmen of the regional councils of the regional municipalities of Peel and York; and

(c) the chairman of the Metropolitan Council of The Municipality of Metropolitan Toronto.

(3) The member appointed by the Lieutenant Governor in Council shall hold office for a term of five years and until his successor is appointed.

(4) Three members of the Authority constitute a quorum.

(5) In the event of a vacancy caused by the death, resignation or incapacity of the member of the Authority appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may appoint a person to hold office for the remainder of the term of such member.

(6) When the chairman is absent from any meeting of the Authority, the members present at the meeting shall appoint from among them an acting chairman who, for the purposes of the meeting, has all the powers and shall perform all the duties of the chairman.
(7) The Authority may pay those of its members who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be from time to time fixed by the Lieutenant Governor in Council.

(8) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year.

(9) The Authority is an agency of the Crown.

3. The chairmen of the regional councils of the regional municipalities of Halton and Hamilton-Wentworth shall receive notice and the agenda of all meetings of the Authority and may attend and participate in the discussion at any meeting of the Authority of any matter directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority.

4.—(1) The Authority may make by-laws regulating its proceedings.

(2) Subject to the approval of the Minister, the Authority may make by-laws for the conduct and management of the Affairs of the Authority.

5.—(1) The Authority shall employ a Managing Director and may employ a Secretary, a Treasurer and such other persons and may retain such technical and professional consultants as are considered necessary to carry out the objects of the Authority at such remuneration and upon such terms as the Authority approves.

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority.

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an employee of the Authority.

6. The objects of the Authority are,

(a) to design, establish and operate or cause to be operated an efficient and economical surface and subsurface, or either of them, inter-regional transit system to serve the needs of persons requiring transportation as passengers across the boundaries of
regional areas and within the area of jurisdiction of the Authority.

(b) to co-ordinate the operations of surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems;

(c) to provide information, advice, design assistance and co-ordinating services to surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems; and

(d) to perform such other duties and exercise such other powers as are imposed or conferred on the Authority by or under any Act within the area of jurisdiction of the Authority.

in order that the public interest may be served.

7.—(1) For the purpose of carrying out its objects, the Authority shall study or cause to be studied and investigate or cause to be investigated,

(a) the design and operation of inter-regional transit systems;

(b) the fare structure and service schedules of inter-regional transit systems.

(c) the use by municipalities of transit funds allocated by the Ministry;

(d) applications for public vehicle operating licences under The Public Vehicles Act for the transportation across the boundaries of regional areas of passengers or passengers and express freight on a highway; and

(e) the integration or co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems.

within the area of jurisdiction of the Authority.

(2) In carrying out its objects the Authority may,

(a) design and construct and operate or cause to be operated an inter-regional transit system;

(b) for the establishment and operation, or either of them, of an inter-regional transit system,
(i) acquire by purchase, lease or otherwise any transit vehicle, equipment or thing,

(ii) acquire by purchase, lease, expropriation or otherwise any land;

(c) sell, lease or otherwise dispose of any transit vehicle, equipment, thing or land no longer required by the Authority for the purpose of this Act;

(d) enter into agreements with the Crown, any individual, corporation, partnership or association for any purpose related to the objects or powers of the Authority; and

(e) subject to the approval of the Lieutenant Governor in Council, borrow moneys required for the carrying out of its objects.

(3) The Authority shall administer all of the commuter services operated immediately before the coming into force of this Act by the agency of the Province of Ontario known as Government of Ontario Transit.

(4) The Authority may, upon the request of the council of a regional municipality within the area of jurisdiction of the Authority, study or cause to be studied and investigated,

(a) the design and operation of any regional transit system; and

(b) the fare structure and service schedule of any regional transit system,

within the regional area administered by the council.

8. The moneys required for the purposes of the Authority shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

9. The Minister is responsible for the administration of this Act.

10. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Authority may make regulations.
(a) prescribing fares that shall be charged and collected by any inter-regional transit system operating in the area of jurisdiction of the Authority;

(b) in respect of a transit system operated by or on behalf of the Authority,

(i) prohibiting or regulating the use of any land of the Authority and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land,

(ii) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any land of the Authority and providing for the revocation of any such permit, licence or right,

(iii) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any land of the Authority,

(iv) prescribing fares that shall be charged and collected for any service,

(v) governing the terms and conditions upon which tickets may be sold,

(vi) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

(2) Every person who contravenes any provision of a regulation made under clause b of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

(3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

(4) The Minister may appoint in writing one or more Crown employees as an officer or officers for the purposes of carrying out all or any of the provisions of the regulations made under
subsection 1, and any person so appointed is a constable for such purpose and for the purposes of section 14 of The Highway Traffic Act.

(5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request.

11. The Lieutenant Governor in Council may make regulations exempting any method of transportation or any type of vehicle from the application of this Act.

12.—(1) Every owner of a regional transit system shall file with the Authority the service schedules and tariff of fares of the system that are in force when this Act comes into force and any additional material and information related to the schedules and tariff that the Authority may require from the owner.

(2) An owner or operator of a regional transit system shall not make any change in, addition to or deletion from the service provided or the fares charged to the public on account of the system, other than a change in, addition to or deletion of service of a temporary nature required to meet an emergency, until the owner or operator has filed with the Authority a statement of the proposed change, addition or deletion.

13.—(1) Subject to the approval of the Minister, the Authority shall appoint one or more auditors licensed under The Public Accountancy Act to audit the books, records and accounts of the Authority and prepare an annual auditor's statement for the fiscal year last past.

(2) The auditor's report and the working papers used in the preparation of the auditor's statement shall be made available to the Provincial Auditor.

14.—(1) The Authority shall make a report annually to the Minister in such form and containing such financial and other information as the Minister may require.

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

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

16. This Act may be cited as The Toronto Area Transit Operating Authority Act, 1974.