
TRANSPORTATION STATUTES AMENDMENT ACT, 2004**CHAPTER 72***Assented to October 21, 2004*

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

Freedom of Information and Protection of Privacy Act

- 1** *Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by adding the following:*

Public Body: Fraser Bridge Project Ltd
Head: President.

Greater Vancouver Transportation Authority Act

- 2** *Section 1 (1) of the Greater Vancouver Transportation Authority Act, S.B.C. 1998, c. 30, is amended*

- (a) by adding the following definitions:*

“ancillary works” means any works or undertakings ancillary to all or a part of a rail transportation system, and, without limiting this, includes

- (a) links to private or public transportation services, including stops, stands, lanes, loops and parking for buses and taxis,
- (b) parking facilities,
- (c) areas in stations for the provision of services and amenities to passengers,
- (d) employee facilities,
- (e) walkways, overpasses and other means of ingress to and egress from the stations and vehicles,
- (f) undertakings for the relocation, enhancement and upgrading of utility services and related poles, wires, pipes and apparatus,
- (g) adjacent roadway enhancements, and
- (h) operating facilities and facilities for storage, maintenance and repair of vehicles, parts, signage and related items;

“billing organization” means an organization with which the authority or a subsidiary has entered into an agreement described in section 29.1 (4) (e);

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“Coquitlam Line rapid transit project” and **“C Line”** mean a rail transportation system connecting a location in the general vicinity of the Lougheed Town Centre Skytrain Station in the City of Burnaby

(a) to a location in the general vicinity of the intersection of Pinetree Way and Guildford Way in the City of Coquitlam, or

(b) to a location in the general vicinity of the intersection of Lougheed Highway and Barnet Highway in the City of Coquitlam,

as determined by the authority;

“designated project” means the Fraser River Crossing project;

“designated tolls” means toll charges, or other charges in relation to the tolls or the collection of tolls, authorized under section 29.1 (2);

“excessive toll debt” means a toll debt of not less than the amount established by bylaw of the authority;

“Fraser River Crossing project” means a bridge crossing the Fraser River to the east of Barnston Island and a system of infrastructure, structures, crossings and highways connecting the bridge to the provincial highway system or municipal highways;

“rail transportation system” means a system using one or more fixed rails for the transportation of passengers and includes the system’s ancillary works;

“toll debt” means the portion of a designated toll that remains unpaid after the period established by bylaw of the authority for paying a designated toll has ended, and includes interest owing in relation to the unpaid portion of the designated toll;

“toll device” means a device that

(a) may be installed or carried in or on, or attached to, a motor vehicle, and

(b) allows electronic identification of the person who is to pay a designated toll, or the account from which a designated toll is to be paid, arising from the motor vehicle’s use of a part of a designated project;

“toll reader” means equipment that detects toll devices; ,

(b) by repealing the definition of “Rapid Transit Project” and substituting the following:

“Rapid Transit Project” means a rail transportation system connecting a location in the general vicinity of the intersection of Great Northern Way and Clark Drive in the City of Vancouver to a location in the general vicinity of the Lougheed Town Centre Skytrain Station in the City of Burnaby and connecting to a location in the general vicinity of the Columbia Skytrain Station in the City of New Westminster; ,

(c) by repealing the definition “regional transportation system” and substituting the following:

“regional transportation system” means a system, in the transportation service region, that

- (a) is for the transportation of passengers and goods by any means, except by independent transit services, and without limiting this, includes
 - (i) ferries,
 - (ii) cycling path networks,
 - (iii) custom transit services,
 - (iv) bus transportation systems,
 - (v) rail transportation systems,
 - (vi) designated projects, and
 - (vii) the major road network, and
- (b) is operated or intended to be operated by the authority or its subsidiaries or contractors; , *and*

(d) in the definition of “Richmond-Airport-Vancouver rapid transit project” by striking out “means” and substituting “and “RAV” mean”.

3 *Section 4 (2) (a) is amended by striking out “that is not a major road,” and substituting “that is neither a major road nor part of a designated project.”.*

4 *Section 6 is amended*

(a) in subsection (2) (b) by striking out “and” at the end of subparagraph (iv), by adding “and” at the end of subparagraph (v) and by adding the following subparagraph:

- (vi) designated tolls, , and*

(b) by adding the following subsections:

- (3) Without limiting subsection (1) or (2), the authority, for the purposes of a designated project, by bylaw, may
 - (a) establish standards for the construction, maintenance and rehabilitation of highways or other infrastructure that form part of the designated project,
 - (b) establish standards for the management, operation and use of highways that form part of the designated project, and
 - (c) subject to the *Motor Vehicle Act*, regulate the use of highways that form part of the designated project,but may not do any of these things in relation to a highway that is also part of the provincial highway system.
- (4) Without limiting subsection (1) or (2), the authority may exercise its power under subsection (2) (a) for the use and benefit of a subsidiary in carrying out the authority’s purposes.
- (5) Without limiting subsection (1) or (2), having expropriated land under subsection (2) (a), the authority may

Section 5

- (a) transfer an interest in the land to a subsidiary for the subsidiary's use and benefit in carrying out the authority's purposes in relation to a designated project, RAV or the C Line,
- (b) transfer an interest in the land to the Vancouver International Airport Authority for the authority's purposes in relation to RAV, and
- (c) do anything with the land that a person of full capacity could lawfully do with the land.

5 Section 9 (3) (c) is amended by adding “(3), (4) and (5),” after “6 (2) (a), (b) and (c),” and by adding “29.1,” after “29,”.

6 Section 15 is amended

(a) in subsection (3) by adding the following paragraph:

- (b.1) assessing any designated tolls under section 29.1 (2) or adopting a bylaw under section 29.1 (3), , **and**

(b) by repealing subsection (4) and substituting the following:

- (4) The authority need not consult in relation to
 - (a) an assessment referred to in subsection (3) (a), (b), (b.1) or (c) if the assessment results in a decrease in the taxes, project toll charges, user fees, motor vehicle charges, designated tolls or parking taxes, as the case may be, or
 - (b) an assessment under section 29.1 (2), whether or not the power to make the assessment has been delegated under section 29.1 (4) (f), if the assessment is made in accordance with a bylaw under section 29.1 (3) that has been ratified by the Greater Vancouver Regional District board of directors.

7 Section 16 is amended

(a) in subsection (3) by adding “, a designated toll” after “a motor vehicle charge”, and

(b) in subsection (3) (b) (ii) by adding “, 29.1 (5)” after “29 (5)”.

8 Section 23 is amended by adding the following subsection:

- (1.1) Despite sections 2 (1) and 23 (4) of the *Expropriation Act*, section 23 (5) of that Act applies in relation to land taken by the authority for a highway that forms part of a designated project.

9 Section 27 (5) is amended by striking out “under this Act.” and substituting “under section 25 of this Act.”

10 The following section is added:

Designated tolls

- 29.1** (1) In this section, “**costs associated with a designated project**” includes the cost of any of the following in relation to the designated project:
- (a) designing, planning, developing or financing;
 - (b) establishing, constructing, expanding, upgrading, improving, modifying or rehabilitating;
 - (c) operating, regulating, managing, maintaining, closing or removing.
- (2) In order to recover all or part of the costs associated with a designated project, the authority, by bylaw, may assess toll charges or other charges in relation to the tolls or the collection of tolls on persons who use, or on owners or operators of motor vehicles that are driven on, a part of the designated project.
- (3) If the authority decides to assess designated tolls, the authority, by bylaw, may
- (a) establish the amount of the designated toll in relation to each class established under subsection (4) (a) or the criteria under subsection (4) (b),
 - (b) make rules respecting the maximum amount by which the designated toll may be increased and the frequency of those increases, and
 - (c) establish the period during which a designated toll must be paid and the amount for the purposes of the definition of “excessive toll debt”.
- (4) For the purposes of subsection (2), the authority, by bylaw, may
- (a) establish different classes of users, operators, owners, motor vehicles or parts of the designated project,
 - (b) provide for different toll charges for different classes established under paragraph (a) and for the following:
 - (i) different dates, days or times the part of the designated project is used;
 - (ii) the extent of use of a part of the designated project;
 - (iii) whether a toll device is detected or not detected in or on the vehicle;
 - (iv) other criteria the authority considers appropriate,
 - (c) provide for the use of toll devices and toll readers or the establishment of stations or other facilities for the collection of designated tolls,
 - (d) exempt any class of users, operators, owners or motor vehicles from the designated toll,
 - (e) provide for an agreement with a billing organization under which the billing organization is authorized to charge and collect designated tolls and interest on designated tolls on behalf of the authority or a subsidiary, and
 - (f) despite section 9 (3) (c), if the authority has adopted a bylaw in relation to each matter described in subsection (3) of this section, delegate to a subsidiary the power to do either or both of the following:

- (i) assess designated tolls in accordance with the bylaws of the authority under subsection (3);
 - (ii) enter into an agreement referred to in paragraph (e).
- (5) Subject to subsection (6), a bylaw made under subsection (2) or (3) does not come into force until the bylaw is ratified by a resolution of the Greater Vancouver Regional District board of directors.
- (6) A bylaw made under subsection (2) or (3) does not require ratification by the Greater Vancouver Regional District board of directors before coming into force if the bylaw results in a decrease in the designated toll.
- (7) If the authority delegates to a subsidiary a power referred to in subsection (4) (f), the subsidiary must exercise the power by director's resolution, which resolution need not be ratified by the Greater Vancouver Regional District board of directors to be effective.

11 Section 30 is amended

(a) in subsection (1) by adding the following definitions:

“assessment commissioner” means the assessment commissioner appointed under the *Assessment Authority Act*;

“property” includes land and improvements;

“property class” has the same meaning as in the *Assessment Act* ;

(b) in subsection (1) by repealing the definition of “residential parking” and substituting the following:

“residential parking” means parking on a parking site that is on property classified as property class 1; ,

(c) in subsection (1) in the definitions of “taxable parking area” and “taxable parking space” by striking out “that is not used or available solely for residential parking;” and substituting “that is not residential parking;”

(d) in subsection (2) by striking out “The authority” and substituting “Subject to exemptions by or under subsection (4.1), the authority”

(e) by adding the following subsections:

(2.1) For the purposes of this section, the assessment commissioner may enter into an agreement with the authority under which the authority delegates to the assessment commissioner some or all of the authority's powers and duties in relation to a parking site roll, including, without limiting this,

- (a) powers and duties in relation to the preparation of a parking site roll, and
- (b) other powers and duties in relation to the parking site roll.

(2.2) If the assessment commissioner enters into an agreement described in

subsection (2.1), the assessment commissioner, to the extent provided in the agreement, may delegate to any person, including an officer or employee of the British Columbia Assessment Authority, a power or duty of the assessment commissioner under the agreement.

(2.3) If the assessment commissioner delegates a power or duty in relation to the parking site roll to an officer or employee of the British Columbia Assessment Authority, the officer or employee, despite section 10 (e) of the *Assessment Authority Act*, is to exercise the power or perform the duty.

(2.4) A parking site roll must do all the following:

- (a) identify each property that is
 - (i) in an area of the transportation service region to which the parking tax applies, as determined by the authority under subsection (4) (a), and
 - (ii) liable to assessment of a parking tax under subsection (2);
- (b) for each property identified under paragraph (a) of this subsection, identify the owner, as defined in the *Assessment Act*;
- (c) for each property identified under paragraph (a) of this subsection, set out, as provided in the agreement,
 - (i) the taxable parking area, or
 - (ii) the number of taxable parking spaces.

(4.1) The following are exempt from assessment of a parking tax under this section:

- (a) property classes 7 and 9;
- (b) property that is wholly exempt from taxation under the *Community Charter*, the *Local Government Act*, the *School Act*, the *Taxation (Rural Area) Act* or the *Vancouver Charter*;
- (c) each of the following that is exempted by bylaw of the authority:
 - (i) land or improvements or both;
 - (ii) a property class;
 - (iii) a type of land or improvements or both.

(4.2) A type of land or improvements or both under subsection (4.1) (c) (iii) may be defined, without limitation, based on the person or class of persons that owns or occupies the property. ,

- (f) in subsection (7) (a) and (c) by striking out “parking tax assessment roll;” and substituting “parking site roll;”**
- (g) in subsection (7) (b) by striking out everything after “notices” and substituting “to owners of parking sites included in the parking site roll;”**
- (h) in subsection (7) (d) by striking out everything after “related to” and substituting “the parking site roll.”, and**

(i) by adding the following subsection:

- (8) Without limiting subsection (7), on the recommendation of the authority, the Lieutenant Governor in Council, for the purposes of that subsection, by regulation may
- (a) provide powers and duties to the authority, including, without limiting this, some or all of the assessment commissioner's powers and duties under the *Assessment Act* or the *Assessment Authority Act*,
 - (b) apply provisions of the *Assessment Act* in relation to a parking site roll, and
 - (c) despite section 9 (3) (c) of this Act and without limiting section 9 (3) (d), authorize the authority to delegate its powers in relation to a parking site roll to the assessment commissioner.

12 Section 34 (3) (a), (b) and (c) is repealed and the following substituted:

- (a) the Rapid Transit Project,
- (b) another rail transportation system, or
- (c) a designated project.

13 The following section is added to Part 5:

Information-sharing agreement with ICBC

44.1 The Insurance Corporation of British Columbia may enter into information-sharing agreements with the authority, a subsidiary or a billing organization under which the Insurance Corporation of British Columbia may disclose to the authority, subsidiary or billing organization, as the case may be, the full name of, and the most recent mailing address shown in the records of the Insurance Corporation of British Columbia for, individuals to whom toll devices or number plates were issued, if that information is disclosed for the purpose of

- (a) ensuring safety in relation to the operation of the designated project, or
- (b) the charging or collection of designated tolls and related interest.

14 Section 46 (4) is amended

- (a) *in paragraph (e) by striking out "project toll charges," and substituting "project toll charges, designated tolls," and*
- (b) *by adding the following paragraph:*
 - (g) making a provision of the *Transportation Investment Act* apply in relation to the authority, a subsidiary, a billing organization or another person with whom the authority or a subsidiary enters into an agreement in relation to a designated project.

*Motor Vehicle Act***15** *Section 26 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended*

- (a) *in subsection (1) (d) (iii) by striking out “as it then was.” and substituting “as it then was,”*
- (b) *in subsection (1) by adding “, or” at the end of paragraph (e) and by adding the following paragraph:*
 - (f) *is indebted to the authority, a subsidiary or a billing organization for an excessive toll debt, as those terms are defined in the Greater Vancouver Transportation Authority Act., and*
- (c) *in subsection (2) by striking out “or” at the end of paragraph (b), by adding “, or” at the end of paragraph (c) and by adding the following paragraph:*
 - (d) *is indebted to the authority, a subsidiary or a billing organization for an excessive toll debt, as those terms are defined in the Greater Vancouver Transportation Authority Act.*

*Municipalities Enabling and Validating Act (No. 3)***16** *Part 4 of the Municipalities Enabling and Validating Act (No. 3), S.B.C. 2001, c. 44, is amended by adding the following sections:***Enabling the Fraser River Crossing project****16** (1) In this section:

“**authority**” means the Greater Vancouver Transportation Authority established under the *Greater Vancouver Transportation Authority Act*;

“**municipality**” means

- (a) the Township of Langley,
- (b) the District of Maple Ridge,
- (c) the District of Pitt Meadows, or
- (d) the City of Surrey;

“**operator**” means a person or organization that has entered into an agreement with the authority or a subsidiary or a contractor of either to undertake activities, specified in the agreement, in relation to the operation, management, tolling, repair, maintenance or rehabilitation of the project;

“**project**” means the Fraser River Crossing project as defined in section 1 of the *Greater Vancouver Transportation Authority Act* and the highways and related infrastructure that a municipality constructs or improves for the purpose of integrating with the Fraser River Crossing project.

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- (2) Subject to subsection (4), a municipality may enter into an agreement with the authority in relation to the project even if the effect of a provision of the agreement in relation to a matter described in subsection (3) is to
 - (a) limit or eliminate council's legislative powers, or
 - (b) cause council to provide assistance to a business.
- (3) The matters referred to in subsection (2) are
 - (a) a municipal action or authorization that is likely to have the effect of
 - (i) reducing the capacity of the project to carry vehicular traffic,
 - (ii) reducing the volume of vehicular traffic carried by the project, or
 - (iii) reducing the amount of tolls collected from vehicular traffic using the project, and
 - (b) a municipal action that is likely to have the effect of
 - (i) impeding access by vehicular traffic to or from the project, or
 - (ii) impeding an operator in carrying out its rights or performing its obligations under an agreement with the authority, a subsidiary or a contractor of either in relation to the operation, management, tolling, repair, maintenance or rehabilitation of the project.
- (4) Nothing in subsection (2) operates to enable a municipality to restrict its authority to take actions or give authorizations promoting environmental or conservation measures.

Enabling Richmond-Airport-Vancouver rapid transit project

- 17** (1) In this section:
- “authority”** means the Greater Vancouver Transportation Authority established under the *Greater Vancouver Transportation Authority Act*;
 - “municipality”** means the City of Richmond or the City of Vancouver;
 - “project”** means the planning, acquisition or construction of the Richmond-Airport-Vancouver rapid transit project, as defined in the *Greater Vancouver Transportation Authority Act*, by the authority, a subsidiary or a contractor of either.
- (2) If a municipality enters into an agreement with the authority or a subsidiary that establishes processes or conditions in relation to the project within the municipality, subsection (3) applies.
 - (3) The processes and conditions established in an agreement described in subsection (2) apply, to the extent provided for in the agreement, instead of the permits, approvals or authorizations and any related processes or conditions that would otherwise be required by or under the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*, in relation to the project within the municipality.

Transportation Act

- 17** *Section 62 (1) of the Transportation Act, S.B.C. 2004, c. 44, is amended by striking out “use, occupy or do anything to or on a provincial public highway, or to or on” and substituting “use or occupy, including do anything to or cause any thing to be constructed or deposited on, a provincial public highway or”.*
- 18** *Section 72 (1) is amended by striking out “use, occupy or do anything to or on a concession highway” and substituting “use or occupy, including do anything to or cause any thing to be constructed or deposited on, a concession highway”.*

Transportation Investment Act

- 19** *Section 1 of the Transportation Investment Act, S.B.C. 2002, c. 65, is amended by repealing the definition of “concessionaire” and substituting the following:*
- “concessionaire” means a person who, in a valid and subsisting concession agreement, is designated as the concessionaire; .*

20 *Section 2 is amended*

- (a) in subsection (1) (a) by striking out “the person with whom the agreement is entered into” and substituting “the person designated in the agreement as the concessionaire”,*
- (b) in subsection (1) (b) and (c) by adding “designated in the agreement as the concessionaire” after “the person”, and*
- (c) in subsection (4) by striking out “the concession agreement” and substituting “a concession agreement”.*

21 *Section 3 is amended by adding the following paragraph:*

- (c.1) set out any other payment arrangements, including, without limitation, the following:
- (i) payment by the government or any other contracting party of an amount or amounts based on the performance by the concessionaire of any or all of its obligations under the concession agreement;
- (ii) payment by the government or any other contracting party of an amount or amounts based on one or both of use and availability of the concession highway, .

22 *Section 8 is amended by adding the following subsection:*

- (7) Nothing in subsection (5) (b) relieves the government or any other contracting party from its obligation to pay, in the manner and at the time required by the concession agreement, any amount it is expressly obligated by that agreement to pay.

Section 23

23 Section 9 is amended by adding the following paragraph:

- (b.1) the basis on which any amount is or may become payable to the concessionaire under a payment arrangement contemplated by section 3 (c.1); .

24 Section 10 is amended**(a) in subsection (1) by striking out “and” at the end of paragraph (a) and by adding the following paragraph:**

- (a.1) any obligation of the government or any other contracting party to make a payment under a payment arrangement contemplated by section 3 (c.1) ceases except insofar as the obligation arose before the termination of the concession agreement, and , **and**

(b) by adding the following subsection:

- (3) Nothing in subsection (1) (a.1) limits or otherwise affects any law or enactment by or under which an obligation referred to in that subsection is or may be terminated, limited or otherwise affected.

Commencement

- 25** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 8, 10 and 12 to 18	By regulation of the Lieutenant Governor in Council