



CHAPTER 72.

An Act respecting the Fraser River Bridge Company, Limited.

[Assented to 29th March, 1934.]

WHEREAS the Fraser River Bridge Company, Limited, a Preamble.
Company duly incorporated under the laws of the Province,
has petitioned for the passing of an Act granting it power to erect
and operate a toll-bridge across the Fraser River above the existing
Fraser River Bridge at the City of New Westminster, in the
Province:

And whereas it is expedient to grant the prayer of the said
petition:

Therefore, His Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts
as follows:—

1. This Act may be cited as the "Fraser River Bridge Company, Limited, Act, 1934."

2. In this Act, unless the context otherwise requires,—

Interpretation

"Bridge" means the bridge herein mentioned, together with all
necessary piers, abutments, approaches, and other neces-
sary or appurtenant works:

"Company" means the Fraser River Bridge Company, Limited,
a Company incorporated under the "Companies Act" on
the second day of February, 1927:

"Equity and investment" means fifteen per centum of the actual
cost of the undertaking as certified to in writing by the
Minister of Public Works:

"Minister of Finance" means the Minister of Finance or Acting
Minister of Finance of the Province:

"Minister of Public Works" means the Minister of Public
Works or the Acting Minister of Public Works of the
Province:

"Securities" means bonds, debentures, and securities issued by the Company in connection with the undertaking:

"Undertaking" means the bridge herein mentioned, together with all necessary piers, abutments, approaches, connecting highways, and other necessary or appurtenant works, together with the lands of the Company upon which the same are situate.

Power to build toll-bridge.

3. (1.) The Company, its successors and assigns, is authorized and empowered to lay out, construct, erect, establish, operate, maintain, manage, and own a bridge across the Fraser River at a site to be approved by the Lieutenant-Governor in Council at or near the City of New Westminster, in the Province, for the purposes of traffic, conveyance, transmission, and communication of all sorts; and to construct and maintain highways connecting the same with the highways of adjacent municipalities or of the Province, and to connect the same therewith: and to construct, erect, and maintain toll-gates and toll-houses and such other dependencies in connection therewith as may be necessary; and to do, execute, and maintain all other acts and things necessary, useful, or advantageous in connection therewith.

Plans to be approved.

(2.) The design, plans, and specifications of the bridge and of the highways connecting the same with the adjacent municipalities or of the Province shall be deposited with the Minister of Public Works, and the construction of the same shall not be proceeded with until approval is given by the Lieutenant-Governor in Council on the recommendation of the said Minister, nor until the Company has given to the said Minister evidence satisfactory to him that the whole cost of the undertaking shall not exceed the sum of three million five hundred thousand dollars.

Sub-contracts to be approved.

(3.) The Company shall submit to the Minister of Public Works, or to any person appointed for the purpose by the said Minister, its proposed costs of construction and all sub-contracts proposed to be entered into in connection with the undertaking; all costs of construction and the sub-contracts shall be subject to the approval of the said Minister or of the person so appointed by him.

Maintenance.

(4.) Upon the completion of the bridge and upon the opening of the same to public travel, it shall be maintained and continuously operated by the Company to the satisfaction of the Minister of Public Works, and upon default of the Company in so maintaining and operating the bridge the said Minister shall give to the Company in writing thirty days' notice of the default, and in the event of the Company not making good the default within the said thirty days the said Minister, at the expense of the Company, may make good the same. All expenditures in connection with the operation of the bridge shall be subject to the approval of the said Minister.

(5.) True and accurate accounts of the expenditures and receipts Accounts. of the Company shall be kept by it, and its vouchers and books of account shall at all reasonable times be open to the inspection and audit of the Minister of Public Works or any person appointed by him. Prior to the twenty-eighth day of February in each year the Company shall file with the said Minister its audited balance-sheet and statement of profit and loss for the preceding calendar year.

4. (1.) The Lieutenant-Governor in Council may convey to the Company any Crown lands necessary for the purpose of the undertaking, without consideration or for such consideration as may be determined by the Lieutenant-Governor in Council. Lands may be acquired

(2.) The Company shall have power and is hereby authorized to enter into, upon, and over the lands of any person, and to inspect, survey, set out, take, expropriate, hold, and acquire any lands that may be reasonably necessary to have and to hold for the purposes of its undertaking or the operation or maintenance thereof, and shall pay such compensation therefor as may, in default of any agreement being arrived at, be decided by arbitration under the provisions of the "Arbitration Act."

(3.) If the Company determines to expropriate lands hereunder it shall, within ten days after entering upon and taking any lands of any person which it so determines to expropriate, tender to the owner thereof as shown by the books of the Land Registry Office at the City of New Westminster the amount which it considers the value of the lands so taken. If the arbitrators appointed as hereinbefore mentioned award to the owner a greater sum than the amount tendered, the Company shall pay the costs of the arbitration; but if the amount awarded by the arbitrators is less than or equal to the amount so tendered, then the person from whom the land is taken shall pay the costs of the arbitration.

5. For the purposes of its undertaking the Company, subject to the approval of the Lieutenant Governor in Council and to such terms and conditions as he may require, shall have full power and authority to enter upon, take, use, and occupy such portion of any public highway, street, or lane, whether municipal or Provincial, as may be required. Power to enter upon public highways

6. (1.) When and so soon as the erection of the bridge is completed and the bridge opened to public traffic, it shall be lawful for the Company from time to time and at all times thereafter to ask, demand, receive, take, sue for, and recover, to and for its own proper use, benefit, and behoof for pontage tolls established as hereinafter provided. Tolls.

(2.) The Company from time to time shall submit its schedule of proposed tolls to the Minister of Public Works for his approval, and the said tolls shall not become effective until approved by the Tolls to be approved

Lieutenant-Governor in Council upon the recommendation of the Minister of Public Works: Provided, however, that the said Minister shall not withhold his recommendation so long as the revenue from the proposed tolls to the Company as estimated to the satisfaction of the said Minister shall not exceed an amount sufficient to pay interest and sinking fund on its outstanding securities, costs of maintenance, operating, and management, taxes, and a reasonable return upon its equity and investment in the undertaking as may be approved by the said Minister. Revision from time to time of the schedule of tolls shall be had either at the instance of the Company or of the said Minister.

Revenue

(3.) All revenue derived by the Company from the operation of the bridge shall be used for the payment of interest and sinking fund upon its outstanding securities, and for the payment of the costs of maintenance, operating, and management, taxes, and such a reasonable return to the Company upon its equity and investment in the undertaking as may be approved by the Lieutenant-Governor in Council; and any surplus over the sum required for the foregoing purposes shall, on the direction of the Minister of Public Works, be paid to the Minister of Finance, and if paid to the said Minister of Finance shall be held by him in a special trust fund, together with such interest as may be allowed and credited to the said special fund by the Lieutenant-Governor in Council, to be applied from time to time upon the purchase of the undertaking by His Majesty's right of the Province: Provided, however, upon the request of the Company, and upon the Lieutenant-Governor in Council, upon the recommendation of the Minister of Public Works, being satisfied as to the necessity for the repayment to the Company of the whole or any part of the said special fund for the purposes of the undertaking, and upon his so certifying to the Minister of Finance in writing, and so often as he shall so certify, the said Minister of Finance shall return to the Company such portion of the said special fund as may be so certified.

Penalty.

7. If any person forcibly passes through any of the toll-gates or over upon the said bridge without first having paid the prescribed toll, or interrupts or disturbs the Company or any person employed by it in erecting, operating, maintaining, or repairing the same, such person shall be liable, on summary conviction, to a fine of not more than twenty dollars, and in default of payment to imprisonment for a term not exceeding thirty days.

Franchise.

8. If the Company commences the construction of the bridge after the approval of its site and plans under the "Navigable Waters Protection Act," and after it obtains all other necessary approvals under this Act and under public Statutes, and prosecutes the construction of the same to completion within thirty months, or such

further time as may be permitted by the Lieutenant-Governor in Council, from the actual commencement of construction, it shall be unlawful for any other person to construct, maintain, or operate a bridge, tunnel, or other means of vehicular traffic, save steam, electric, and gas railway traffic, across or under the Fraser River within a distance of twenty-four miles up-stream and eight miles down-stream from the now existing Fraser River Bridge at the said City of New Westminster, and the Province shall not until it acquires ownership of the undertaking construct, maintain, operate, or permit to be operated as at present or otherwise, or authorize a bridge, tunnel, or other means of vehicular traffic, save steam, electric, and gas railway traffic, across or under the Fraser River within the aforementioned area or space, and neither the Province nor any municipality shall use or permit the use of any road or highway to connect with any other bridge, tunnel, or other means of transfer of vehicular traffic across or under the Fraser River within the aforementioned area or space: Provided that if the Company does not commence the construction of the bridge within one year of the obtaining of the last of the approvals above referred to, the Lieutenant-Governor in Council may, after sixty days' notice in writing to the Company, cancel the right and privilege of the Company to construct the bridge as authorized and empowered herein.

9. (1.) The Company may borrow or raise from time to time, Power to borrow in such amounts, in such manner, and at such times as may be deemed expedient, any sums of money necessary for the financing of the whole or any part of its undertaking as herein authorized, and, without restricting the generality of the foregoing, the Company may secure the repayment of moneys borrowed or raised, together with interest thereon, in such form or manner as it may determine, and for such purpose may charge, pledge, and bind its undertaking and the tolls and revenue derived from the said undertaking.

(2.) The Company may renew and reissue its securities from time to time.

(3.) The Company shall not sell its securities until the sale price thereof shall have been approved by the Minister of Finance, and the Company shall provide for the repayment of its securities by appropriating out of the revenue derived by the Company from the operation of the bridge such sums of money as may be sufficient for the creation and maintenance of a sinking fund for the final payment of the same, and may make provision for the investment, subject to the approval of the Minister of Finance, of the amount of any sinking fund or any part thereof.

10. The undertaking shall be vested in the Company, its successors Vesting. and assigns, for ever.

Purchase of
undertaking
by the Crown.

11. (1.) His Majesty in right of the Province may at any time purchase the undertaking in consideration of the Province assuming liability for all outstanding securities and indebtedness of the Company in connection with the undertaking, and making payment to the Company of its equity and investment.

(2.) In the event of the exercise by His Majesty in right of the Province of the power to purchase as in subsection (1) provided, the special fund referred to in section 6 (3) and the sinking fund of the Company in respect of its outstanding securities and all assets of the Company in connection with or derived from the undertaking shall be transferred to and become the property of His Majesty in right of the Province.

Automatic vesting
of undertaking
in Crown.

(3.) Upon the retirement in full by the Company of its outstanding securities, and upon payment by the Province to the Company of its indebtedness in connection with the undertaking and of its equity and investment the assets of the Company in connection with or derived from the undertaking and the title to the undertaking shall vest in His Majesty in right of the Province, and the filing of a certificate certifying to the said retirement and the said payments, sealed with the corporate seal of the Company under the hand of its proper officers or of its successors or assigns and by the said Minister of Public Works, in the Land Registry Office at the said City of New Westminster, shall operate and have the effect of a full and complete title.

" Land Clauses
Act " not to apply

12. The clauses and provisions of the " Land Clauses Act " shall not be incorporated with this Act, nor shall they apply to the undertaking authorized by this Act.

" Motor-vehicle Act "
and " Highway
Act " to apply
in part

13. All the provisions of the " Motor-vehicle Act " and the " Highway Act " applicable to the regulation and control of traffic, the safety of the public, and the protection of bridges shall apply as if they were included in this Act.

Compliance with
Statutes of Canada
necessary

14. Nothing in this Act contained shall be deemed to relieve the Company from the necessity of compliance with the Statutes of Canada, or to authorize or empower the Company to commence or carry on any work on the Fraser River below high-water mark, until the Company has submitted to the Governor in Council the plans of the bridge, and those plans and the proposed site of the bridge have been approved by the Governor in Council.

Franchise may
be limited

15. Notwithstanding anything herein contained, the Lieutenant-Governor in Council may authorize the Minister of Public Works to enter into an agreement with the Company to vary, extend, or supplement the provisions of this Act and for the greater safeguarding of the public interest, and notwithstanding the provisions of section 8 the Lieutenant-Governor in Council may prior to

approval of the design, plans, and specifications pursuant to section 3 (2) reduce or extend the limits within which the franchise of the Company is to be exclusive.

16. Section 3 of this Act shall come into force on the first day of June next or upon such earlier day as may be fixed by the Lieutenant-Governor in Council by his Proclamation. Not operative until June 1st, 1934.

17. The "Fraser River Bridge Company, Limited, Act, 1927," is repealed. C. 81, 1926-27, repealed.

VICTORIA, B.C..

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