

## BULK TRUCKING

### **Regulation to amend the Regulation respecting bulk trucking**

(in conjunction with the postponement until the year 2000 of the coming into force of section 19 of federal Bill C-19)

**Did you know** that changes have been made to the *Regulation respecting bulk trucking* as of January 1, 1998?

The changes reflect Québec's recent commitments to other governments to allow transportation companies from outside Québec to engage in intra-Québec bulk trucking in a number of sectors, primarily wood chips and plant supply, effective January 1, 1998. These commitments were made following consultations with representatives of the Québec bulk trucking industry.

### OVERVIEW

As a result of these developments and at the request of the Québec minister of Transportation, the federal minister of Transportation has postponed the implementation of a provision in section 19 of Bill C-19, the *Agreement on Internal Trade Implementation Act*, until January 1, 2000. Had the provision been implemented as Ottawa planned on January 1, 1998, Québec would not have been able to regulate extra-provincial bulk trucking enterprises. Consequently, two regulatory systems would have applied in the same market, i.e. to extra-provincial firms, subject to federal regulation, and local companies, subject to provincial regulation. The anticipated federal deregulation would have significantly disturbed an essentially local industry and called into question an already fragile social and economic balance. Bulk truckers within Québec need additional time to adapt to a more open market.

For this reason, Québec registered a reservation concerning bulk trucking in the *Agreement on Internal Trade*. It is complying with the spirit and letter of the Agreement by negotiating the opening of certain bulk trucking sectors to non-residents of Québec effective January 1, 1998.

***Version française disponible sur demande***

## REGULATORY AMENDMENTS

The Cabinet adopted the **Regulation to amend the Regulation respecting bulk trucking**, which came into force on January 1, 1998 (Order in Council 1713-97).

**The amendments to the Regulation applicable to non-residents and residents of Québec are summarized below.**

### **1. Non-residents of Québec (exception to the obligation to hold a bulk trucking permit under certain conditions)**

**1.1** No permit is required for a carrier whose principal place of business is situated in Canada, outside the boundaries of Québec, to provide the following bulk trucking services (section 7.1 of the Regulation):

- ◆ to transport a bulk material referred to in Group 3 in the Regulation («wood chip» sector);
  - ◆ The materials in Group 3 include wood chips, sawdust and shavings or planing chips.
- ◆ to transport a bulk material referred to in Group 1 or 7 **to a plant in order to be processed** («plant supply» sector).
  - ◆ The materials in Group 1 include:
    - sand;
    - earth;
    - gravel
    - stone;
    - bituminous concrete including planed asphalt and recyclable and non-recyclable asphalt;
    - snow and ice;
    - ore that has not undergone any form of processing aimed at increasing the metal content;
    - agricultural and fishing products transported from the site of harvesting or extraction to an initial processing plant or the market;
    - firewood;
    - coal.
  - ◆ The materials in Group 7 include fertilizer and neutralizing agents used for the cultivation of the soil.

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- 1.2** No permit is required for a carrier whose principal place of business is situated in the Newfoundland part of Labrador, to transport sand, earth, stone, bituminous concrete including planed asphalt and recyclable and non-recyclable asphalt, snow and ice (section 7.2 of the Regulation):
- ◆ within the limits of bulk shipping region 9 (Côte-Nord); or
  - ◆ between the Newfoundland part of Labrador and region 9.
- 1.3** No permit is required for a carrier whose principal place of business is situated on the northern peninsula of Newfoundland, to the municipality of Wiltondale inclusive, to transport sand, earth, stone, bituminous concrete including planed asphalt and recyclable and non-recyclable asphalt, snow and ice in the municipalities of Blanc-Sablon and Bonne-Espérance (section 7.3 of the Regulation).
- 1.4** To benefit from the **exception to hold a bulk trucking permit (VR plate)** as stipulated above (1.1, 1.2 and 1.3), **all of the following conditions must be met** (section 7.4 of the Regulation):
- ◆ the road vehicle used and, in the case of a combination of road vehicles, the tractor and semi-trailer, must have been registered in the name of the carrier before 1 December 1997, in the province where it has its principal place of business;
  - ◆ the carrier has no place of business in Québec;
  - ◆ the carrier must have registered with the Commission des transports du Québec (CTQ) by:
    - ◆ filling out the «Application for Registration – Bulk Trucking» form, annexed to this newsletter;
    - ◆ identifying the vehicles it uses in Québec;
    - ◆ paying the registration fee of \$71 for each application for registration – bulk trucking (which may cover several vehicles).

To establish **proof of the exemption** from the obligation to hold a bulk trucking permit (VR plate), a carrier who is not a resident of Québec must, in accordance with article 64 of the *Code of Penal Procedure*, be able to show the road inspector of the Société de l'assurance automobile du Québec (SAAQ) that his truck is registered with the Commission des transports du Québec (CTQ).

The best way for a carrier to establish such proof is to keep in his truck a copy of the registration certificate issued by the CTQ. Otherwise, the carrier may be subject to delays or the following **fin**es stipulated in section 74.1 of the *Transport Act*:

Individual:  
\$175 to \$700

Corporate entity:  
\$425 to \$1400

### 1.5 Bulk shipping rate and tariff standards

The rate and tariff standards for bulk trucking have been deregulated in the «wood chip» and «plant supply» sectors in respect of the materials listed in section 1.1 (section 35 of the Regulation).

However, the carrier must comply with the rate and tariff standards set by the CTQ in respect of materials transported as stipulated in 1.2 and 1.3 (section 7.4 of the Regulation).

### 1.6 Preferential hiring clause and membership in the brokerage agency

A carrier registered with the CTQ **may join the brokerage service** at the place where the carrier is authorized to engage in bulk trucking without maintaining an establishment there (section 48 of the Regulation).

To take advantage of **work subject to the preferential hiring clause** of the ministère des Transports du Québec:

- ◆ The carrier residing in the Newfoundland part of Labrador must register in one of the brokerage centres in bulk trucking region 9 (Baie-Comeau, Duplessis, Forestville) and pay the membership fee of the brokerage agency, in accordance with the agreement reached between the Newfoundland Department of Works, Services and Transportation and the ministère des Transports du Québec.
  - ◆ Office of the Baie-Comeau brokerage zone:  
Association des transporteurs en vrac Baie-Comeau inc.  
2650, boul. Laflèche, 2e étage  
Baie-Comeau (Québec)  
G5C 1E4  
Telephone: (418) 589-7621; fax: (418) 589-4439

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- ♦ Office of the Duplessis brokerage zone:  
Sous-poste de courtage de Duplessis inc.  
164, rue Père-Divet  
Sept-Îles (Québec)  
G4R 3P9  
Telephone: (418) 962-3901; fax: (418) 962-2762
  
  - ♦ Office of the Forestville brokerage zone:  
Les transporteurs en vrac de Forestville inc.  
35, route 138, Boîte postale 265  
Forestville (Québec)  
G0T 1E0  
Telephone: (418) 587-4548; fax: (418) 587-4548
  
  - ♦ A carrier residing on the northern peninsula of Newfoundland, to the municipality of Wiltondale inclusive, must register in the Duplessis brokerage zone and pay the membership fee of the brokerage agency (operations restricted exclusively to Blanc-Sablon), in accordance with the agreement reached between the Newfoundland Department of Works, Services and Transportation and the ministère des Transports du Québec.
  
  - ♦ The carrier must also comply with the regulation governing the entry corridor by signing a standard-form contract with the brokerage service between March 1 and 31 of each year, as stipulated in section 48 of the *Regulation respecting bulk trucking*, and which may be extended to April 30 if necessary for the applicant broker to obtain the required percentage of representativeness in a zone to issue the brokerage permit (sections 41 and 43 of the Regulation).
  
  - ♦ In addition, the carrier must respect the rules regarding the operation of the brokerage service including those to ensure a balanced dispatch of the requests among the carriers (sections 50 to 55 of the Regulation).
  
  - ♦ The carrier must comply with the rate and tariff standards of the CTQ.
  
  - ♦ The carrier must comply with all other Québec regulations, including the regulation governing weights and dimensions and highway safety regulations.

## 1.7 Reciprocity

- ◆ This proposal applies to Québec insofar as Québec carriers obtain access to the territory of the designated carriers of Newfoundland, where the rules must not be more restrictive than those applying in Québec.

## 2. Residents of Québec («deregionalization» of bulk trucking permits and deregulation of the CTQ rate and tariff standards in the «wood chip» and «plant supply» sectors)

2.1 The bulk trucking permit authorizes its holder to supply the following bulk trucking services, regardless of the place of origin and destination of the material transported and regardless of whether or not the route is located wholly or partially in the region that the permit covers (section 12 of the Regulation):

- ◆ to transport a bulk material referred to in Group 3, as defined earlier («wood chip» sector);
- ◆ to transport a bulk material referred to in Group 1 or 7, as defined earlier, to a plant in order to be processed («plant supply» sector).

2.2 Bulk trucking rate and tariff standards do not apply to the bulk trucking services mentioned in 2.1 (section 35 of the Regulation).

**To obtain additional information**

- ◆ on the «Application for Registration – Bulk Trucking» form
- ◆ or bulk trucking rate and tariff standards,

please contact the **Commission des transports du Québec**:

Québec City	Telephone: (418) 643-5694
	Fax: (418) 643-8034

Montréal	Telephone: (514) 873-6424
	Fax: (514) 873-4720

**For all other information, please contact the ministère des Transports du Québec:**

Québec City	Telephone: (418) 643-6864
Montréal	Telephone: (514) 873-2605

**Reference**

*Regulation to amend the Regulation respecting bulk trucking, Order in Council 1713-97 of December 17, 1997, which came into force on January 1, 1998. You will obtain this document published in the Gazette officielle du Québec at the following address :*

**Les Publications du Québec**  
**C.P. 1005**  
**Québec (Québec)**  
**G1K 7B5**  
**Telephone : (418) 643-5150 or 1 (800) 463-2100**  
**Fax : (418) 643-6177 or 1 (800) 561-3479**

**Web site : <http://www.gazette.gouv.qc.ca>**

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