



BILL NO. 61

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
70 Elizabeth II, 2021*

An Act to Establish a Joint Regional Transportation Agency

CHAPTER 23
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 5, 2021**

The Honourable Kim Masland
Minister of Public Works

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

An Act to Establish a Joint Regional Transportation Agency

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Joint Regional Transportation Agency Act*.
- 2** In this Act,
 - (a) “Agency” means the Joint Regional Transportation Agency;
 - (b) “Board” means the Board of Directors of the Agency;
 - (c) “Deputy Minister” means the Deputy Minister of Public Works;
 - (d) “Minister” means the Minister of Public Works;
 - (e) “Municipality” means the Halifax Regional Municipality.
- 3** The Minister has the general supervision and management of this Act.
- 4**
 - (1)** There is hereby established a body corporate to be known as the Joint Regional Transportation Agency.
 - (2)** The Agency is a crown corporation within the meaning of the *Finance Act*.
 - (3)** The Minister is the sole shareholder of the Agency.
- 5** The objects of the Agency are to conduct
 - (a) a comprehensive review of all modes of transportation associated with the Municipality including roads, bridges, highways, ferries, transit, rail, airports and ports for the purpose of creating a master transportation plan to ensure
 - (i) a regional approach to transportation consistent with the Municipality’s growth and development, and
 - (ii) the safe, efficient and co-ordinated movement of people and goods; and
 - (b) any other activities deemed necessary to fulfill the intent of this Act in accordance with the regulations.
- 6** The management and control of the affairs of the Agency are vested in a Board of Directors and the Board may, subject to this Act and the regulations, exercise the powers of the Agency.
- 7**
 - (1)** There is an interim Board consisting of the Deputy Minister and the Chief Engineer for the Province upon this Act coming into force.

(2) The interim Board remains in place until, and ceases to exist upon, the appointment of the Board by the Governor in Council.

8 (1) The Board consists of as many members as determined and appointed by the Governor in Council.

(2) The Board's members must be licensed professional planners or professional engineers or hold such other technical expertise and qualifications as determined by the Governor in Council in the regulations.

(3) The Deputy Minister or a person designated in writing by the Deputy Minister may attend meetings of the Board, but the Deputy Minister, or the Deputy Minister's designate, is not a member of the Board.

(4) Board members hold office for such period of time as determined by the Governor in Council.

9 (1) The following persons are disqualified from being appointed to the Board:

(a) a person who is less than 19 years of age;

(b) a person who is of unsound mind and has been so found by a court in Canada or elsewhere;

(c) a person convicted of an offence under the *Criminal Code* (Canada) or the criminal law of any jurisdiction outside of Canada

(i) in connection with the promotion, formation or management of a corporation, or

(ii) involving fraud,

unless

(iii) 10 years have elapsed since the expiration of the period fixed for suspension of the passing of sentence without sentencing or since a fine was imposed, or

(iv) the term of imprisonment and probation imposed, if any, has concluded,

whichever is the later, or unless a pardon has been granted or a record of suspension has been issued;

(d) an undischarged bankrupt; and

(e) a member, at any time in the preceding 10 years, of the Parliament of Canada, the legislature of a province of Canada or a municipal council in Canada.

(2) A person who becomes disqualified ceases to be a Board member.

10 (1) The Board may remove a Board member who

(a) contravenes this Act, the regulations or the by-laws of the Agency; or

(b) becomes disqualified under Section 9.

(2) The Minister may, where in the opinion of the Minister there are exceptional circumstances, remove a Board member.

11 The Board shall appoint a Chair of the Board who holds the position for such period of time as determined by the Board.

12 (1) The Board may appoint officers and directors of the Agency.

(2) The officers and directors appointed under subsection (1) must include

- (a) an Executive Director, who reports to the Board;
- (b) a Director of Engineering, who reports to the Executive Director; and
- (c) a Director of Planning, who reports to the Executive Director.

(3) The Board may retain consultants, who report to the Executive Director, as it deems necessary to carry out its objectives.

13 The Board may make by-laws and policies, not inconsistent with this Act, for its internal organization and the regulation of its operations.

14 (1) The Minister may issue such policy directions to the Board as are consistent with this Act and the strategic transportation objectives of the Government if, in the opinion of the Minister, it is in the public interest to do so.

(2) The Board shall comply with any policy directions issued under subsection (1).

15 A majority of the Board members constitutes a quorum.

16 (1) A vacancy on the Board does not impair the right of the remaining Board members to Act.

(2) Where a person ceases to be a Board member or is unable to act prior to the expiration of the Board member's term of office, the Governor in Council may fill the vacancy by appointment in accordance with Sections 8 and 9.

17 Each Board member is entitled to receive such remuneration and reasonable expenses as determined by the Governor in Council.

18 The Board is a department for the purpose of the definition of "department" in the *Conflict of Interest Act* and, for greater certainty, Section 22 of that Act applies to Board members.

19 (1) The Minister may appoint a Technical Advisory Board, consisting of stakeholders, that reports to the Minister on any considerations the stakeholders deem necessary to meet the objects of the Agency.

(2) The Technical Advisory Board appointed under subsection (1) must include representatives from

- (a) the Municipality;
- (b) the Halifax Port Authority;
- (c) the Halifax International Airport Authority; and
- (d) Halifax Harbour Bridges.

20 The Agency is a public body as defined in the *Freedom of Information and Protection of Privacy Act* for the purpose of that Act.

21 Each Board member and officer of the Agency shall, when exercising the powers or performing the duties of the member's or officer's position,

- (a) act honestly and in good faith with a view to the best interests of the Agency; and
- (b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances.

22 (1) The Agency has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(2) The Agency may do such things necessary for or incidental to the effective attainment of its objects and exercise of its powers, including

- (a) paying the costs, charges and expenses preliminary and incidental to the formation and establishment of the Agency;
- (b) subject to this Act and the regulations, entering into agreements with any person or body, including governmental entities; and
- (c) pursuing such other activities as may be prescribed by the Governor in Council in the regulations.

23 The fiscal year of the Agency is the same as the fiscal year of the Province.

24 (1) The system of accounting and the books and records of the Agency are subject to the approval of the Minister of Finance and Treasury Board and to audit by the Auditor General.

(2) Subject to subsection (3) and the *Finance Act*, revenue of the Agency from any source may be retained by the Agency to be used for the attainment of its objects.

(3) Where the Agency sells real property for monetary consideration, the net monetary proceeds of the sale must be deposited in the General Revenue Fund.

25 Annually as required by the Minister, the Agency shall submit to the Minister for approval a detailed business plan for the following fiscal year, including estimates of budgetary requirements, for the operation of the Agency.

26 (1) As required by the Minister, the Agency shall submit to the Minister for approval a five-year master transportation plan to improve the flow of people and goods in and out of the Municipality, factoring in all modes of transportation.

(2) The Minister shall submit the five-year master transportation plan required by subsection (1) to the Governor in Council for approval.

27 (1) The Agency shall submit to the Minister an annual report, on or before December 31st of each calendar year, outlining its progress on implementing the five-year master transportation plan required by subsection 26(1).

(2) The Minister shall submit the annual report required by subsection (1) to the Governor in Council for approval.

28 (1) The Governor in Council may make regulations

(a) prescribing matters to be included in the annual reports required by Section 25 and subsection 27(1);

(b) respecting any matter authorized by this Act to be done by regulation;

(c) defining any word or expression used but not defined in this Act;

(d) respecting any matter or thing that the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

29 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
