

BY-LAW NO. 2024 – ____

A by-law of the City of Ottawa to provide for the regulation of the Confederation Line being a municipal light rail system under the jurisdiction of the City of Ottawa.

WHEREAS the City is undertaking the design, construction, maintenance, and operation of a light rail transit system known as the Confederation Line, including the regulatory oversight of related safety and security matters;

AND WHEREAS the Confederation Line is a “*railway*” within the meaning of the federal *Canada Transportation Act*;

AND WHEREAS Section 158 of the *Canada Transportation Act* provides the Federal Minister of Transport with the authority to enter into an agreement with a provincial authority to authorize the provincial authority to regulate the design, construction, operation, safety and security of a railway as well as the rates and conditions of service in the same manner and to the same extent as it may regulate a railway within its jurisdiction;

AND WHEREAS pursuant to Section 12.17 of the *City of Ottawa Act*, 1999, S.O. 1999, c. 14, Sched. E and pursuant to the *Municipal Act*, 2001, S.O. 2001, c. 25, the City has authority to operate and maintain passenger transportation systems;

AND WHEREAS the Federal Minister of Transport and the City of Ottawa, a municipality established by the Province of Ontario pursuant to the *City of Ottawa Act*, 1999, entered into a Delegation Agreement to confirm that the City is authorized to regulate the design, construction, operation, safety and security of, as well as the rates and conditions of service of, any Ottawa light rail transit system, including the Confederation Line, in the same manner and to the same extent as the City may regulate a railway within its jurisdiction;

AND WHEREAS as a responsible municipal government and public transit authority the City substantially regulates itself as owner and operator of Confederation Line;

AND WHEREAS Council of the City deems it in the public interest to regulate the Confederation Line and other light rail transit systems by various forms or means of regulation;

THEREFORE the Council of the City of Ottawa enacts as follows:

1. DEFINITIONS

- (1) In this by-law: “**Canada Transportation Act**” means *Canada Transportation Act*, S.C. 1996 c. 10, as amended, and includes any regulations passed thereunder;

“City Manager” means the City Manager of the City, or authorized representative;

“City of Ottawa” means the municipality known as the City of Ottawa as established under the *City of Ottawa Act*, 1999, S.O. 1999, c.14, Sched. E, as amended, and may also be referred to as “the City”;

“Confederation Line” means lines 1 and 3 of the O-Train, as extended from time to time;

“Confederation Line Regulations” means the regulations designated by the City Manager as being in the nature of, or having as a purpose, the regulation of the design, construction, maintenance, operation, or the safety and security of, as well as the rates and conditions of service of the Confederation Line;

“Delegation Agreement” means the agreement executed by the City and Her Majesty the Queen in Right of Canada as represented by the Minister of Transport and dated October 1, 2011 to provide substantially for the regulation of light rail transit systems by the City;

“Designated City Organization” means one the following departments, branches and offices of the City having responsibility for the ensuring compliance with one or more Confederation Line Regulations or Programs:

- (a) City Manager’s Office;
- (b) Transit Services Department;
- (c) Rail Construction Program Office;
- (d) Planning Services;
- (e) Corporate Real Estate Office; and,
- (f) Any other department, organization and/or office designated by the City Manager from time to time;

and **“Designated City Organizations”** means all of the above.

“Light Rail Regulatory Monitor and Compliance Officer” means the individual appointed as Light Rail Regulatory Monitor and Compliance officer by the City for the purposes of the Confederation Line, and may also be referred to as “Compliance Officer”;

“Minister” means the Federal Minister of Transport;

“O-Train” means the existing and planned O-Train rail transit system identified in the City’s Official Plan, as amended from time to time, including any expansions or

modifications made thereto, and located generally within the City and between any point in the City and any point outside the City including any point outside Ontario and including but not limited to the Confederation Line and the Trillium Line;

“Program” means program, plan, procedure or practice established or developed, including those that may be designated by the City Manager, by a Designated City Organization or by a Project Agreement or other contract with a Contractor or other third party, that is to be adopted and managed by a Designated City Organization, City personnel or others in relation to the Confederation Line.

“Project Agreement” means any agreement or other contract entered into directly between the City and a Contractor regarding the performance of services, or the supply of equipment or goods, in relation the design, construction, operation or maintenance of the O-Train;

“Trillium Line” means the railway comprised of lines 2 and 4 of the O-Train, as extended from time to time, for which the City of Ottawa has been issued a Certificate of Fitness under the *Canada Transportation Act* and which is not subject to the Delegation Agreement.

2. CONFEDERATION LINE REGULATIONS AND PROGRAMS

- (1) The City Manager shall, from time to time, designate Confederation Line Regulations and Programs, for the regulation of the design, construction, maintenance, operation, safety and security of the Confederation Line.
- (2) The City Manager shall ensure compliance with Confederation Line Regulations and Programs and shall identify Designated City Organizations responsible for adopting, implementing, directing, providing oversight, and/or maintaining records from time to time, including in the following general areas:
 - (a) City Manager’s Office – general regulatory oversight;
 - (b) Transit Services Department – operations and maintenance;
 - (c) Rail Construction Program – design and construction; and,
 - (d) Corporate Real Estate Office and Planning Services – rail corridor management and protection.
- (3) The City Manager may supplement the Confederation Line Regulations and Programs with other forms or means regulation, other than by-laws, that may be designated from time to time by the City Manager or others as may be further authorized by Council.
- (4) Any Confederation Line Regulation or Program may be repealed, terminated, rescinded, resolved, modified, supplemented or otherwise amended by the City

Manager as may be required and deemed appropriate for the proper regulation, administration, management, security and safety of the Confederation Line.

3. INDEPENDENT REGULATORY COMPLIANCE MONITORING

- (1) The position of Light Rail Regulatory Monitor and Compliance Officer is hereby confirmed.
 - (a) Council shall appoint a person to the position of Compliance Officer of the City for the purposes of monitoring compliance with Confederation Line Regulations and Programs applicable to the safety and security of operations and maintenance of the Confederation Line. The Light Rail Regulatory Monitor and Compliance Officer shall hold the position for a term of five (5) years, as may be renewed or extended by Council.
 - (b) The Compliance Officer is independent of City administration, including City Council and any department, office, organization, employee, contractor or subcontractor of the City.
 - (c) Only Council may revoke the appointment of the Compliance Officer.
- (2) Monitoring compliance with Confederation Line Regulations and Programs applicable to the design and construction of the Confederation Line shall be in accordance with Project Agreement independent oversight provisions and activities.

4. DUTIES AND RESPONSIBILITIES OF COMPLIANCE OFFICER

- (1) The Compliance Officer shall review, investigate, and monitor the safety and security of Confederation Line operations and maintenance for compliance with the Confederation Line Regulations and Programs by those persons or entities to whom the Confederation Line Regulations and Programs apply.
- (2) The Compliance Officer shall establish such protocols and procedures as are necessary to conduct his or her duties under this by-law.
- (3) Without limiting or compromising the independent nature of the position as set out in subsection 3(2), the Compliance Officer shall report to and be under the general supervision of the City Manager and shall meet on a quarterly basis to provide a quarterly summary of monitoring activities/results with the City Manager to review compliance with the Confederation Line Regulations and Programs.

5. DUTY TO FURNISH INFORMATION AND ACCESS TO INFORMATION

- (1) Subject to and within the limits of applicable legislation, the Project Agreement or any other applicable contracts and agreements, the Compliance Officer shall be provided with such information and/or material regarding the Confederation Line and related City services, departments, operations, staff, contractors,

subcontractors or matter, as the Compliance Officer believes to be necessary, relevant, and essential to conduct his or her duties under this by-law.

- (2) The Compliance Officer shall only use the foregoing information and/or material for the sole purpose of performing his or her duties and responsibilities as set out in this by-law.

6. DUTY OF CONFIDENTIALITY

- (1) The Compliance Officer, and any person acting under his direction, shall keep confidential and preserve the secrecy of all information and matters that come into his or her knowledge in the course of the Compliance Officer's duties under this by-law, except as may be required to conduct his or her duties under this by-law, including reporting to Council, and as may otherwise be required by law.

7. REPORTING

- (1) In each year, the Compliance Officer shall produce an Annual Compliance Report regarding compliance with Confederation Line Regulations of the previous monitoring period.
- (2) On a date to be determined by Council, the Compliance Officer shall provide to Council written notice to Council of the tabling for information of the Annual Compliance Report with Transit Commission and Council on a specified date. This notice shall be given at the meeting of Council prior to the meeting of the Transit Commission where the report is to be tabled.
- (3) No less than 30 days prior to provision of notice to Council under Subsection 7(2), the Compliance Officer shall provide the City Manager with a draft copy of the Annual Compliance Report, and the City Manager shall prepare a management response to the Annual Compliance Report.
- (4) The Annual Compliance Report together with the management response shall be considered by Transit Commission at the date specified in the notice provided under subsection and referred to Council at a subsequent date.
- (5) Council may direct the City Manager or other official or employee of the City to take action in respect of any information or finding of the Compliance Officer in the Annual Compliance Report or other report.

8. INVESTIGATION SERVICES

- (1) The City Manager and the General Manager of the Transit Services Department are each authorized to enter into services or support contracts with external parties or agencies as deemed necessary by either of them to provide accident or incident investigation services to the City.

- (2) The exercise of authority by either the City Manager or the General Manager of the Transit Services Department pursuant to Subsection (1) shall be reported to Council as soon as practicable.

9. SHORT TITLE

This by-law may be referred to as the “Confederation Line Regulation By-law.”

10. REPEAL OF 2015 BY-LAW

By-law 2015-301 is hereby repealed.

11. EFFECTIVE DATE

This by-law shall come into effect on the date that it is enacted and passed by Council.

ENACTED AND PASSED this ___ day of _____, 2024.

CITY CLERK

MAYOR

BY-LAW NO. 2024 – ____

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Enacted by City Council at its meeting of _____, 2024.

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LEGAL SERVICES
TN

COUNCIL AUTHORITY
City Council of _____, 2024
Agenda Item ____ (TC Report No. ____)