

1984 BILL PR 14

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 14

CENTRAL WESTERN RAILWAY CORPORATION ACT

MR. STROMBERG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill PR 14
Mr. Stromberg

BILL PR 14

1984

CENTRAL WESTERN RAILWAY CORPORATION ACT

(Assented to , 1984)

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

Definitions

1 In this Act,

- (a) "Corporation" means the Central Western Railway Corporation incorporated by this Act;
- (b) "Minister" means the Minister of Transportation;
- (c) "railway", when used with reference to a railway of the Corporation, means a railway that the Corporation has authority to construct, own, maintain or operate and includes
 - (i) all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, real or personal property and works connected therewith, and
 - (ii) any road or any bridge, tunnel or other structure that the Corporation is authorized to construct, own, maintain or operate;
- (d) "Uniform Code of Operating Rules" means the Uniform Code of Operating Rules prescribed by the Canadian Transport Commission pursuant to the *Railway Act* (Canada).

Incorporation

2 Thomas Payne, locomotive engineer, of Edmonton, Melvin P. Leinweber, yardmaster, of Edmonton and Ralph Garrett, professional engineer, of Calgary, together with the persons who become shareholders in the Corporation after the commencement of this Act, are incorporated as a body corporate under the name “Central Western Railway Corporation”.

Application of
Business
Corporations Act

3(1) Subject to subsections (2) to (7), the *Business Corporations Act* applies to the Corporation as though it were incorporated under that Act.

(2) The Corporation shall, within 60 days after the commencement of this Act, send to the Registrar of Corporations articles called “ancillary articles of incorporation” respecting the Corporation together with a certified copy of this Act.

(3) The ancillary articles of incorporation referred to in subsection (2)

(a) shall be similar in form to articles of incorporation under the *Business Corporations Act* and, subject to clause (b), shall contain the information set out in section 6(1) of the *Business Corporations Act*;

(b) shall show the restrictions on the businesses that the Corporation may carry on in the same terms as subsection (4);

(c) shall be filed by the Registrar of Corporations without charge.

(4) The businesses that the Corporation may carry on are restricted to

(a) the business of operating railways for the carriage of freight, and

(b) any other businesses that are ancillary or incidental to the business of operating railways for the carriage of freight.

(5) A reference to articles of incorporation in a provision of the *Business Corporations Act* applicable to the Corporation shall, in relation to the Corporation, be read as a reference to the ancillary articles of incorporation referred to in subsection (2).

(6) The following provisions of the *Business Corporations Act* do not apply to the Corporation:

sections 8 and 9;
section 10(9);
sections 11 to 13;
section 167(1)(a) and (b);
section 182;
section 184(1)(b) and (d).

(7) If the Corporation amalgamates with another corporation pursuant to the *Business Corporations Act*

(a) the amalgamated corporation shall be called “Central Western Railway Corporation”,

(b) the amalgamated corporation becomes the Corporation under this Act, and

(c) the certificate of amalgamation issued by the Registrar of Corporations shall not be deemed to be a certificate of incorporation of the Corporation under section 180(g) of the *Business Corporations Act*.

(8) If the Corporation is dissolved pursuant to the *Business Corporations Act*, this Act may be repealed by Proclamation.

Authorized
operations

4(1) The Corporation is authorized to operate

(a) the railway commonly known as the Stettler Subdivision of Canadian National Railways from the Ferlow Junction (mileage 0.00) to Dinosaur Junction (mileage 108.02), after the purchase of that railway by the Corporation, and

(b) with the consent of the Minister, all or part of any other existing railway within Alberta after its purchase by the Corporation.

(2) With the consent of the Minister, the Corporation may construct a railway within Alberta and operate the railway so constructed.

Railway Act

5(1) Subject to subsections (2) to (4), the *Railway Act* is incorporated with and is deemed to be part of this Act.

(2) The following provisions of the *Railway Act* do not apply to the Corporation or a railway of the Corporation:

sections 6 to 69;
sections 104 to 125;
sections 128 to 131;
sections 149(1), 151 and 152;
sections 164 to 168;
sections 170, 171 and 174;
sections 182 to 189;
sections 200 to 211;
sections 213 to 216;
section 218(2)(d), (3) and (4);
sections 230 and 234 to 236;
section 245.

(3) Section 160 of the *Railway Act* does not apply to the Corporation in respect of any railway purchased by it that was being operated prior to the purchase.

(4) References to the Lieutenant Governor in Council in the following provisions of the *Railway Act* shall, in relation to the Corporation or a railway of the Corporation, be read as references to the Minister:

section 71(a);
sections 86 and 87.

(5) Section 231(1) of the *Railway Act* shall, in relation to the Corporation, be read as though “and July 1” did not appear in the subsection.

Standards;
operating rules

6(1) All engines, cars and trains used in the operation of the Corporation’s railways shall comply with the standards of the Association of American Railroads.

(2) The railways of the Corporation shall be operated and maintained in accordance with the Uniform Code of Operating Rules as though that Code had been prescribed pursuant to an Act of the Legislature.

(3) Subject to subsection (2), the Corporation may make rules respecting the operation of its railways and shall file a copy of those rules with the Minister.

Employee
qualifications

7(1) The Corporation shall not employ any person to perform any operational functions relating to the operation of a railway of the Corporation, other than as a locomotive engineer, unless the employee

(a) is qualified to perform the functions of his class of employment by reason of having passed the examinations and having become so qualified under the provisions of the Uniform Code of Operating Rules applicable to that class of employment, and

(b) has completed to the satisfaction of the Corporation any training program that the Corporation considers necessary to ensure that the employee is adequately qualified to safely perform his duties in that class of employment.

(3) The Corporation shall not employ any person as a locomotive engineer unless that person

(a) is qualified to be employed as a locomotive engineer pursuant to subsection (4), or

(b) has, to the satisfaction of the Corporation, completed the Corporation’s training program as a locomotive engineer.

(4) The Corporation may employ as a locomotive engineer a person who has been employed as a locomotive engineer by another railway corporation in Canada or the United States of America if that person

(a) furnishes to the Corporation a true copy of the certificate of qualification as a locomotive engineer issued to him by the other railway corporation,

(b) completes an examination under the Uniform Code of Operating Rules, as presented by the Corporation, to levels of performance as required by the Corporation, and

(c) completes to the satisfaction of the Corporation a sufficient number of student trips to ensure his familiarity with the geographical characteristics of the division of the Corporation's railway on which he will be engaged as a locomotive engineer.

Fences; cattle
guards

8(1) The Corporation shall erect and maintain fences of appropriate design and construction at places along the right of way of its railways where fences are required by reason of the use to which the adjoining land is put.

(2) The Corporation shall construct and maintain cattle guards

(a) at farm crossings where cattle guards are required by reason of the presence of livestock on the adjoining farm land, and

(b) at highway crossings to prevent livestock from straying on the railway right of way, if there is a reasonable likelihood of livestock straying onto the railway right of way at the highway crossing.

Liability and
insurance

9(1) In the event of an accident in the operation of a railway of the Corporation that results in death or injury to any person or injury to property, the liability of the Corporation shall not exceed \$20 000 000 in the aggregate in respect of all claims against the Corporation arising out of that accident.

(2) The Corporation shall, at all times while it owns or operates a railway, maintain insurance in an amount sufficient to cover its maximum liability under subsection (1) and shall, whenever required to do so by the Minister, provide to the Minister proof of its compliance with this subsection.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.