

QUÉBEC PORT AUTHORITY

NOTICE NQ-3 RAIL FEE SCHEDULE

Effective date

January 1, 2019

This notice is adopted and issued under the [Canada Marine Act](#), Chapter 10, 46-47 Elizabeth II, 1997-1998, pursuant to the powers granted by the latter.

The rail fees are applicable for any use of the railways belonging to or located within the Jurisdictional Boundaries of the Québec Port Authority (hereinafter referred to as “the Authority”). These fees are applied to recover the costs associated with the maintenance or use of the railways and are paid by the railway company or the service requester.

1. GENERAL

- a) This notice may be cited as: **Rail Fee Schedule**.
- b) The fees provided for in this notice are in addition to any other fees provided for in other notices or which may be due to the Authority contractually or otherwise.
- c) The Authority acts as an agent of Her Majesty in right of Canada for the purposes of this notice.
- d) The rights provided for in this notice are binding on Her Majesty in right of Canada or a province.

2. DEFINITIONS

In this notice, the expression:

- a) **“Authority”** means the Québec Port Authority as defined in the *Canada Marine Act*, its letters patent issued on May 1, 1999, and its issued or upcoming supplementary letters patent;
- b) **“Authority’s Railway”** means the railway tracks and other railway facilities managed by the Authority;
- c) **“Service Requester”** means railway companies, stevedoring companies, any other entity making use of an industrial spur, or any other entity authorized by the Authority;
- d) **“Industrial Spur”** means a spur located on or off the Authority’s Property and maintained for the exclusive use of an entity that does not rent any space at the dock or on the land managed by the Authority;
- e) **“Jurisdictional Boundaries of the Québec Port Authority”** refers to all navigable waters and territory under the jurisdiction of the Authority as defined in the Authority’s letters patent and supplementary letters patent;
- f) **“Rolling Stock”** means:
 - i) fully or partially loaded freight cars;
 - ii) freight cars used as retarders;
 - iii) empty freight cars, unless otherwise specified;
 - iv) stand-alone freight cars;
 - v) any locomotive, draisine, ballast grader, crane, tender, snow plow, flanger, crane car, tank car, test car, or any other similar unit that runs on wheels, whether it operates under its

own power or not, except a locomotive or caboose that is part of a train left on the Authority's Railway.

- g) "Port" or "Port of Québec" is a legal, physical, and territorial designation including any real property under the jurisdiction of the Authority as provided for in the letters patent issued on May 1, 1999, and its supplementary letters patent in accordance with the provisions of *Canada Marine Act*;
- h) "Property of the Authority" refers to immovable property under the jurisdiction of the Authority or movable property owned or held by it;

3. SUBJECT ROLLING STOCK

Subject to Section 6, the applicable railway fees will be calculated according to the rates and features set out in Schedule 1 forming an integral part hereof, which may be amended at the Authority's discretion, subject to compliance with the provisions of the *Canada Marine Act*.

4. CALCULATION OF FEES

Fees are calculated in accordance with the terms and conditions set out in Schedule 1 forming an integral part hereof.

5. ENFORCEABILITY AND PAYMENT OF FEES

- a) The fees described herein must be paid by the Service Requester or the railway company once the service is provided or upon receipt of the invoice and must be paid to the Authority's head office within thirty (30) days of the invoice issue date, in legal Canadian tender.
- b) The fees are payable in accordance with the provisions of the *Notice respecting payment terms and penalties for unpaid fees* (NQ-9).

6. EXCEPTION

No rail fees are paid on the following rolling stock:

- a) Stock received from an interchange point to be loaded in the Port of Québec or returned to an interchange point after being unloaded within the Jurisdictional Boundaries of the Authority;
- b) Stock that the Authority deems should be handled free of charge.

7. RIGHT AND RESPONSIBILITY OF THE AUTHORITY

- a) At any time it sees fit, the Authority may require that any Rolling Stock on the Authority's Railway be returned to the railway from which it originated.

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- b) Subject to authorization from the Authority, no entity may authorize or carry out the delivery or loading of explosives, flammable materials, or other dangerous goods the nature or quantity of which would be sufficient to endanger the safety of others on the Authority's Railway.
- c) Under no circumstances will the Authority be liable for any failure to perform, any delay in the provision of a service, or any interruption of a service provided for in Schedule 1 hereof.