



NOTICE NQ-3

Rail Fee

Effective date

January 1, 2025

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 His Majesty in right of Canada for the purposes of this notice.
- d) The rights provided for in this notice are binding on His 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 or which belong to or are the property of the Authority;
- c) **"Service Requester"** means railway companies, stevedoring companies or any other entity making use of a Spur, or any other entity authorized by the Authority;
- d) **"Spur"** means a spur of a railway or a spur which may or may not be owned by the Authority and which may be located on or off the Property of 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) **"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*;
- g) **"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 rolling stock includes:

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- a) fully or partially loaded freight cars;
- b) freight cars used as retarders;
- c) empty freight cars, unless otherwise specified;
- d) stand-alone freight cars;
- e) 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 managed by the Authority;
- f) freight cars stored or waiting for a period of seventy-two (72) hours or more.

Rolling stock is subject to rail fees as soon as it is located on a railway that may or may not belong to the Authority, as long as it is located on the Property of the Authority. Rail fees will be billed to the railway companies, the shipper of the goods or the terminal operator, as the case may be, by agreement.

4. CALCULATION OF FEES

Subject to Section 6, the applicable railway fees will be provided for and 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*.

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.