

HOW TO MAKE A COMPLAINT TO THE MINISTÈRE DES TRANSPORTS, DE LA MOBILITÉ DURABLE ET DE L'ÉLECTRIFICATION DES TRANSPORTS

Anyone who suffers damage resulting from the alleged fault of the ministère des Transports, de la Mobilité durable et de l'Électrification des transports can make a complaint by sending a **written notice** to the **service center of the region where the incident took place**, with the following information:

- Name, first name, address, telephone number.
- Description of the incident and facts.
- Exact date, time and location of the incident.
- Description of the vehicle, if applicable.
- Description, extent and cost of damage.

Filing a complaint

The complaint can be sent by mail or by fax. A list of all the Ministère's offices is available on the Ministère's website at www.transports.gouv.qc.ca in the [Contact us](#) section. You can also obtain information by dialling 511 from anywhere in Québec.

A complaint form can also be filled out online on the website.

- ✓ For complaints submitted by an insurance company, a law firm or any other company representing an individual, or for any complex complaint, it is recommended to send a written and detailed complaint to the service centre of the Ministère where the incident occurred. If the complaint is incomplete, the Ministère may have to request additional information.

To identify the Ministère's responsibility, there must be a link between the damage caused and the fault. All relevant documents and evidence needed to support the complaint must be attached with the request. Examples of documents are:

- Damage appraisal.
- Invoices for purchase, maintenance, repair, towing, etc.
- Photographs of the damage.
- Photographs of the site, sketches, map locating the place of the accident.
- Police report (event report) if available. If not, indicate the report number and the name of the police force.
- If applicable, the debris or other material remaining inside the vehicle after the incident should also be kept.

Investigation and processing time

Processing time of the complaints must comply with the time frame prescribed in the *Déclaration de services aux citoyens*. Upon receipt of the complaint, the Ministère analyzes the request and collects information to identify its responsibility, if any.

The processing time may vary depending on the nature and complexity of the request. A reply explaining the Ministère's position will be sent as quickly as possible.

How does the Ministère identify its responsibility?

The responsibility of the Ministère rests on laws, regulations and civil right principles. Roads under the management of the Ministère are identified by the [Act respecting roads](#), and other laws determine that certain roads are not under the Ministère's responsibility.

Frequent questions

- Damage to a vehicle - Holes in the roadway
- Damage to a vehicle - Object on the roadway
- Damage to a property caused by a contractor
- Damage to a vehicle - Pavement marking operations
- Wells - Lower quality or lower level of water
- Water accumulating after roadwork
- Business – Decline in turnover
- Noise and dust during roadwork

These situations often generate questions and this document provides answers that are the most usually applicable. Nevertheless, each case must be analyzed individually based on facts. The following information reflects the general trend observed over the years. The questions/answers principle has been used as it represents the population's concerns.

- **Damage to a vehicle - Holes in the roadway**

Q. My vehicle was damaged because of a hole in the roadway. What recourse do I have?

The complaint must be submitted to the ministère des Transports, de la Mobilité durable et de l'Électrification des transports who will investigate. It must be demonstrated that the Ministère is at fault or was negligent.

However, under [section 30 of the Act respecting roads](#): "The Minister is not liable for damage caused by the state of the roadway to the tires or suspension system of a motor vehicle."

If the hole is in an area where construction work is carried out by a contractor, the complaint will be forwarded to the contractor, as the latter is responsible for the construction zone in accordance with the *Cahier des charges et devis généraux*.

- **Damage to a vehicle – Object on the roadway**

Q. My vehicle was damaged because of an object on the roadway. What recourse do I have?

The complaint must be submitted to the ministère des Transports, de la Mobilité durable et de l'Électrification des transports who will investigate. It must be demonstrated that the Ministère is at fault or was negligent.

However, under [section 31 of the Act respecting roads](#): "The Minister is not liable for damage caused by the presence of an object on the roadway, whether or not the object comes from a motor vehicle or is projected by a motor vehicle."

- **Damage to a property caused by a contractor**

Q. Damage was caused to my property following a blasting operation or other operations conducted by a contractor. Who do I sent the complaint to?

The complaint must be sent to the Ministère who will investigate. If the work was carried out by a contractor, under [section 28 of the Act respecting roads](#): "The Minister is not liable for damage caused through the fault of a builder or contractor to whom building or rebuilding work has been entrusted, for the entire duration of such work."

The complaint will therefore be forwarded to the contractor, in compliance with the contractor's contractual obligations provided for in the *Cahier des charges et devis généraux*, which specifies that all responsibility regarding the work rests with the contractor. The latter must take all necessary measures to make sure the Ministère is absolved of any responsibility.

- **Damage to a vehicle – Pavement marking operations**

Marking operations must be carried out regularly, in compliance with the applicable standards, while taking into account the constraints truck convoys may pose to traffic. Marking teams try to minimize the impact of the work, and when a vehicle suffers damage by paint, an investigation must be carried out to determine the facts and whether someone is at fault.

- **Wells – Lower quality or lower level of water**

If a complaint related to a well is submitted, the Ministère will ask the following information:

- Date the property was acquired and name of the owner(s).
- Act of ownership, easement and project map.
- Date when the problem started, description of the problem and development.
- Characteristics of the well

Type (artesian well, shallow well, sand point well)

- Depth.
 - Location of the well from the road.
 - Year of drilling and, if available, drill log.
 - Name of the well digger, if available.
 - Characteristics of the original well (volume, quality).
 - Water quality analyses.
 - Use of well (residential, commercial or farming purposes).
- Is the well water currently treated with a specific device?
 - Is there a solution under consideration? If so, which one?

Q. Because of winter maintenance operations on the road, the water from my well seems to be affected by de-icing salt. What can I do?

Send a written notice including the required information to the Ministère, which will determine if a study on the quality of the well water must be conducted. Salt used by the Ministère in de-icing agents is composed of chlorides and sodium. The limits recommended by [Health Canada](#) are 250mg/L for chlorides and 200mg/L for sodium. If analyses prove the presence of components coming from the road and causing water to be unfit for consumption, the Ministère will offer solutions to remedy the situation.

Q. I own a well, and construction work is modifying the quality or quantity of water. What can I do?

The Ministère usually inventories the wells located near the construction zone to measure the impact of work on the wells. In case of serious damage where the Ministère's responsibility is involved, the Ministère will take action to ensure a proper supply of drinking water.

- **Water accumulating after roadwork**

Q. Since the road was built, I have noted important water accumulation on my property after heavy rainfalls. Am I entitled to compensation?

The complaint must be presented to the Ministère who will investigate to determine if the accumulation of water is due to the work. If analyses show that the increase in the water flow is caused by roadwork and that it causes damage, the Ministère will determine whether corrective work must be carried out and if compensation should be paid.

- **Business – Decline in turnover**

Q. I own a business in town, and the ministère des Transports, de la Mobilité durable et de l'Électrification des transports began work to build a permanent bypass road, which considerably reduces traffic and, thereby, my turnover. Can I obtain compensation?

During major work, everything is done so that work is carried out diligently in order to reduce their impact and to ensure that all residents can have access to their property at all times.

It has been acknowledged that public work can cause problems to residents and that people benefitting from the traffic volume on a road do not have any acquired right regarding vehicle traffic.

If no negligence can be attributed to the Ministère as regards the execution of the work or any specific damage, apart from the usual inconvenience caused to anyone, the Ministère cannot pay compensation to the owner of a business following the construction of a permanent bypass road.

- **Noise and dust during roadwork**

Q. Noise, heavy vehicle traffic and dust are causing me trouble. Am I entitled to compensation?

Any road construction project inevitably causes inconvenience during the work. Once the work is completed, users usually benefit from an improved infrastructure. Except in the case of negligence on the part of the builder, there is no compensation for inconvenience related to noise and the use of heavy equipment.

You can contact the ministère des Transports by mail, by telephone or by secure email.

To contact us by mail:

**Ministère des Transports, de la Mobilité durable et de l'Électrification des transports
Service de l'éthique, de l'accès à l'information et des plaintes**

700, boul. René-Lévesque Est
Québec (Québec) G1R 5H1

By telephone:

- Anywhere in Québec: 511
- Elsewhere in North America: 1 888 355-0511

By secure email:

www.transports.gouv.qc.ca.