REPORT OF THE

COMMITTEE ON WORKS AND OPERATIONS

DATED FEBRUARY 11, 1997

On motion of Councillor Clement, the Report of the Committee on Works and Operations, dated February 11, 1997, was considered clause by clause.

Moved by Councillor Clement,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9 and 10 be adopted.

Councillor Silva requested that Clause 6 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,7,8,9 and 10 was put and declared carried.

Request for an Extension of Time - Review of the Handi-Transit Policy
TT-1.3 (Vol. 11)

419 - 1. Council on November 20, 1996, passed the following motion in connection with approval of the Additional Appropriation for the purpose of addressing Handi-Transit demands for service to the end of 1996, namely:

> *AND THAT the Committee on Works and Operations be directed to review the Handi-Transit Policy with the express view of creating a system for the "truly handicapped" including an appropriate level of funding and a secondary system for "others who have special transit needs".*

On December 3, 1996, the Committee on Works and Operations considered the above motion and referred same with instruction to the Administration and the Handi-Transit Policy Advisory Committee to consult with the various user groups and report back to Committee.

Subsequently, on February 11, 1997, the Committee on Works and Operations was apprised that the consultative process is underway and a final report will be forthcoming. In view of the foregoing, the Committee on Works and Operations recommends a 60-day extension of time in which to report back to Council relative to the above motion.

Adopted by consent.

Purchase of Replacement Transit Buses for 1997, 1998 and 1999
File TE-1 (Vol. 7)

420 - 2. The 1997 Capital Estimates and 1998 - 2002 Five-Year Capital Forecast identifies the need to replace 25 transit buses in 1997, and 30 in each of 1998 and 1999.

The purchase cost of replacement transit buses is funded by equal contributions from the City and the Province of Manitoba. The City's portion is currently drawn from a mix of contributions from the Transit Bus Replacement Reserve (funded through the Current Budget) and debenture financing.

The planned replacement program for buses required by Winnipeg Transit from 1997 through 2002 is as follows:

Year	No. of Replacements
1997	25
1998	30
1999	30
2000	30
2001	30
2002	30

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A basic replacement program of 30 buses per year, given Winnipeg Transit's total fleet size of 535 buses, results in an average service life of approximately 18 years. The manufacturer's design target for these vehicles is 12 years, and best industry estimates of the average minimum cost 'economic life' are in the neighbourhood of 14 to 16 years.

The three major manufacturers of transit buses for the Canadian market are currently quoting lead times for delivery of at least 104 weeks. As a result, orders for replacement equipment required before the 1999 Pan Am Games must be placed within the next two to three months. Winnipeg Transit staff are currently completing preparation of a tender package to solicit quotes for replacement buses required in 1997, 1998 and 1999.

The problem of two-year lead times arose during the second half of 1995, and the conditions that lead to this situation are expected to persist for the next two or three years. Normal lead times prior to late 1995 were in the order of nine months to one year. Winnipeg Transit's regular replacement program is already effectively one year behind plan, as replacement buses ordered in 1995 are just in the process of being delivered now.

Planning of transportation requirements for the Pan Am Games is currently in the early stages, and forecasts of equipment needs are not complete. It is expected, however, that a considerable number of passenger carrying vehicles will be required beyond the 535 vehicles available in Winnipeg Transit's fleet. Delivery of all replacement buses planned up to 1999 would permit a short term expansion of the fleet by delaying the retirements of any buses which could still be rendered safe and reliable for the Games period.

The proposed plan of tendering for 85 replacement buses in the spring of 1997 for delivery no later than the spring of 1999, with retirements delayed until after the Pan Am Games, will provide up to 85 additional buses for use during the Pan Am Games. Although a commitment of funds is required at this time to allow for tendering, it will not result in funds being expended any earlier than visualized in the 1997 Capital Estimates and the 1998 - 2002 Five-Year Capital Forecast.

Council and Provincial funding approvals are required in order to allow for the tendering of 1997, 1998 and 1999 bus replacements in the Spring of 1997 to facilitate deliveries no later than the Spring of 1999 for the Pan Am Games.

The Committee on Works and Operations therefore recommends:

I. That first charges be made against the 1998 Transit Utility Capital Budget in the amount of $9,794,000 (debt financing of $912,000) and the 1999 Transit Utility Capital Budget in the amount of $9,766,000 (debt financing of $743,000) for the purchase of replacement transit buses as specified in the 1998 - 2002 Five-Year Capital Forecast.

II. That first charges be made against the 1998 Transit Utility Current Budget in the amount of $3,500,000 and the 1999 Transit Utility Current Budget in the amount of $4,200,000 for the purchase of replacement transit buses as specified in the 1998 - 2002 Five-Year Capital Forecast.

III. That the Province of Manitoba be requested to provide an advance commitment to cost share the funding of transit bus replacements in 1998 and 1999 in the amount of $4,823,000 each year.

IV. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, and subject to receiving the Council and Provincial authorizations in Recommendations I., II., and III. above, tender for the supply of the 1998 and 1999 transit bus requirements concurrent with the 1997 order for delivery no later than the Spring of 1999.

Adopted by consent.

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Evaluation of DART (Dial-A-Ride Transit)
File TT-1 (Vol. 28)

421 - 3. The 1996 Current Estimates for the Transit Department included provision for the demonstration of an alternative service concept in low density areas. Effective June 16, 1996, a trial demonstration of demand responsive service was implemented in the southeast part of Winnipeg. The fixed-route service formerly provided by 16 OSBORNE in the St. Amant - Plaza Drive and Southdale - Island Lakes areas was replaced by a demand responsive service, DART, during evenings and Sunday mornings.

1. Trial Demonstration

The overall objective of the DART trial demonstration has been to develop a new approach to service delivery in low density areas during periods of low demand.

The specific goals of the trial demonstration have been:

1. To test and refine the operational delivery of the service including:

    a) Passenger information (timetables, "how-to-use" information)
    b) Trip reservation procedures
    c) Schedule adherence for transfer connections and pick-up times
    d) Number and distribution of DART Stops
    e) Route planning for multiple drop-offs/pick-ups
    f) Type of bus for DART use
    g) On-board equipment (cell phones, lights, maps, trip forms)
    h) Bus operator training

2. To determine the operational feasibility of DART in winter driving conditions.

3. To determine the characteristics and travel behaviours of DART users.

4. To assess the cost-effectiveness of DART service.

5. To assess passenger reactions to DART service.

2. How DART Works

The current DART 101 and DART 102 services replaced fixed-route service formerly provided by 16 OSBORNE in the St. Amant - Plaza Drive area and in the Southdale - Island Lakes area during evenings and Sunday mornings.

When DART is in operation, the main line Route 16 buses terminate at the shopping centres located at the edge of the two services areas: St. Vital Centre and Southdale Shopping Centre. In each service area, one DART vehicle (a small 20-passenger ELF bus) provides transit service when and where required.

The DART vehicles are scheduled to meet the main line Route 16 buses at the respective terminals. Outbound passengers destined to the service areas transfer to the DART bus and, upon boarding, inform the bus operator of their final destinations. The bus operator then plans a route to deliver passengers to their destinations so that overall travel time is minimized for all passengers.

Passengers are dropped off at DART Stops. DART Stops are designated by a special blue bus stop marker at regular transit stops and at several other intersections in the service areas. To minimize passenger walking distances, the number of DART Stops is approximately twice the number of regular transit stops. Maps of the two service areas are outlined on Appendices A and B.

Passengers wishing to travel from their homes in the service area also have access to DART service. These passengers must book trips by calling the DART phone number: 287-3278 (BUS-DART). Through a phone menu system, the passenger is directly connected to the DART bus operator (who is equipped with a cellular telephone) to relay pertinent information relative to origin, destination and requested pick-up time. Subsequently,

the bus operator schedules the trip into his vehicle tour. Trip reservations are made about 30 minutes prior to the pick-up time and because pick-up times are approximate, passengers are picked-up at their homes rather than at DART Stops. Regular transit fares apply to DART service.

3. Advantages and Disadvantages of DART Service

DART service has the following advantages:

a) Passengers are dropped-off or picked-up in very close proximity to their homes. This not only reduce walking distances, but provides an increased level of personal security for passengers.
b) Travel is more direct for most passengers. The DART bus travels only to those areas where passengers need to be dropped-off or picked-up.

c) The operation of large 40-foot buses through residential areas is eliminated during the off-peak time periods in which DART operates.

There are some minor disadvantages, however:

a) Passengers are required to transfer between the main line service and the DART bus. The former Route 16 service provided service without transfer.
b) Some passengers dropped off during the latter part of a busy DART vehicle tour may spend more time on the bus than on the former fixed-route service.
c) The DART service finishes somewhat earlier than the former fixed-route service.

4. Information Sources Used to Evaluate DART

Since implementation of the DART trial, several types of information have been gathered to enable evaluation of the service. The major sources of information include:

a) Feedback received in regular meetings with DART bus operators.
b) A survey of DART passengers conducted in November 1996.
c) Commendations and complaints received from the public about DART.
d) A database of all passenger trips (including DART route, date, time, origin, and destination for each trip) made on DART since the inception of the service.

An evaluation of the trial DART services has been completed. Information from various sources is used to evaluate specific aspects of the DART operation.

5. Evaluation of DART Service Delivery

5.1 Passenger Information

DART service is more complicated for passengers to use than traditional fixed route service. The nature of demand responsive service requires that passengers be made aware of:

a) The types of trips for which a reservation is required and those for which a reservation is not required
b) The procedure to use to book trips
c) The location and numbering of DART stops.

This requires that a comprehensive approach be used to provide the necessary user information to passengers. For the DART 101 and DART 102 services, the following have been used:

a) An informational brochure and a detailed “how-to-use” pocket timetable were distributed to each household in each service area immediately prior to start-up of the service.
b) A detailed map of the service area showing the locations of DART Stops and detailed “how-to-use” information are posted at each DART terminal.
c) A detailed map of the service area showing the locations of DART Stops is posted in each DART bus on the back of the panel behind the bus operator. This map provides a convenient reference for passengers when informing the DART operator of their destination DART Stop.

d) The DART phone number (287-3278) is posted prominently in the DART bus destination signs and on the street signs designating the DART Stops.

Feedback from passengers and bus operators has indicated that this approach has provided good information for residents of the service areas. For persons resident in other parts of the city and travelling to the DART service areas, however, only the pocket timetable provides readily available information about DART. In most cases, these passengers learn about DART the first time they are required to transfer to it from the main line Route 16.

5.2 Trip Reservations and Waiting Time

Passengers starting trips from their homes in the DART service areas must call 287-3278 (BUS-DART) to book their trips directly with the bus operator.

There are two components to the phone system: the phone menu system (provided by MTS) and the cell phone system (provided by Cantel). The phone menu system has worked very reliably; the system has never failed to operate. The Cantel cell phone network has also worked quite reliably. There have been only two occasions since June 1996 when cell phone service has not been available.

The phone system can currently handle up to three calls at a time. A passenger will encounter a busy signal only if there are more than three calls using 287-3278 at the same time. Once access is gained to the phone menu system, a caller might get another busy signal if the call is transferred to a bus operator cell phone already engaged. In such cases, a passenger must call 287-3278 again.

In the survey of passengers, very few respondents indicated that busy signals are encountered when booking trips on DART. In addition, no complaints have been received from the public about the phone system. In the passenger survey, all respondents reported that bus operators answer promptly. In addition, 92% of the respondents indicated that they are able to get a convenient pick-up time. About 90% of all survey respondents indicated that the trip reservation procedure is *Easy* or *Just Right*. Amongst respondents who actually book trips on DART, only 7% indicated that the procedure is *Difficult*.

DART bus operators report that it is best for passengers to call to book a trip about 30 minutes prior to the desired pick-up time. In the survey, 85% of the respondents indicated that the time required to call ahead is *Short* or *Just Right*. About 15% of respondents feel that the time required to book ahead is *Too Long*.

5.3 Schedule Adherence

Schedule adherence is important for DART from two perspectives. For transferring passengers, DART must provide reliable connections with the main line service at the DART terminals. For passengers starting their trips from their homes, it is important that DART provide pick-ups at agreed upon times.

In the passenger survey, almost all respondents indicated that Route 16 buses arrive on time at the DART terminals and that good connections are provided with the DART service. It should be noted that, since implementation of DART, arrangements have been in place to synchronize Route 16 and DART buses if one of the services is running late.

The survey results also showed good performance for pick-up times for the surveyed trips. About 88% of respondents reported that they were picked up on time; 7% indicated that the actual pick-up time was early; and 5% indicated that the actual pick-up time was later than promised.

5.4. Walking Distances

A major objective of DART service is to reduce walking distances to/from transit service. For passengers starting their trips in the service area, DART provides the pick-up at the doorstep. For these passengers, therefore, there is no walk.

For passengers destined to the service area, DART provides the drop-off at the nearest DART Stop. The greater the number of DART Stops, the shorter the effective walking distances to the final destinations of passengers.

In the passenger survey, about 85% of respondents indicated that the number of DART Stops is *Just Right*. About 15% indicated that there are too few DART Stops. A higher proportion of DART users in the St. Amant - Plaza Drive area indicated that there are too few DART Stops. The distribution of DART Stops in this area is currently under review.

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5.5. Directness of Travel

Because DART provides transit service only where and when required in the service area, travel by DART is often more direct for passengers than is travel by a fixed-route service. On the other hand, passengers dropped off during the latter part of a busy DART vehicle tour can spend more time on the bus than on the former fixed-route service.

Based on the results of the passenger survey, it appears that DART provides a more direct trip for a large majority of passengers. About 86% of respondents indicated that the directness of travel is *Just Right* or *Very Direct*. Only 14% indicated that the service is *Indirect*.

5.6. Hours of Service

When DART was implemented in June 1996, the last scheduled trip to leave the DART terminal was 12 midnight for DART 101 (in St. Amant - Plaza Drive) and 11:37 pm for DART 102 (in Southdale-Island Lakes). No complaints have been received from the St. Amant - Plaza Drive area about the hours of service.

In the Southdale - Island Lakes area, however, complaints have been received that the DART service ends too early on weekdays and Saturdays. There are Route 16 arrivals at Southdale Shopping Centre at 12:34 am and 1:21 am and some residents feel that DART 102 should meet these last two main line trips. To accommodate shift workers finishing work at midnight in the downtown, an additional DART 102 trip at 12:34 am was added to the schedule in November 1996. This small adjustment to finishing time appears to have met the most important need.

The passenger survey was conducted just prior to the adjustment to the schedule. Consequently, there were a number of requests from respondents to operate the DART 102 service later. There were also suggestions that the service operate on Saturday mornings.

5.7. Buses Used for DART Service

Small ELF buses (25 foot length, 20 passenger capacity) have been operated on DART since implementation of the service. Each of the ELF buses has been outfitted with equipment required for DART operation (cell phone and battery charger, writing console, reading light, spotlight to read house numbers).

Two difficulties have been encountered with the ELF buses on DART service:

a) The turning radius of the ELF buses is as long as a large transit bus. As a result, bus operators find the ELF buses difficult to manoeuvre on small streets.
b) A significant proportion of DART passengers find the ride quality of ELF buses to be uncomfortable. Only 55% of survey respondents ranked the ride quality as *Good*. In particular, the ride quality is poor in the winter months when many residential streets are rutted with snow and ice.

To resolve these difficulties, the Transit Department plans to test the operation of small New Flyer Low-Floor buses (30 foot length, 25 passenger capacity) in DART service. These recently-acquired buses provide a much more comfortable ride and have a much shorter turning radius than the ELF buses.

5.8. DART Bus Operators

For each schedule period, DART work assignments are included in the general bus operator sign-up. Bus operators who select DART work must attend special training for the service. The training involves classroom sessions that cover cell phone use, telephone courtesy, route planning techniques, and record keeping. In addition, time is spent in the field to learn the local geography of each service area. A number of spareboard operators are also trained to fill in when regular operators are sick or on vacation.

Feedback from bus operators has been very positive about the service. DART provides an opportunity for an operator to practice a broader range of skills on the job. In addition to customer relations and driving skills, the operator must do route planning and scheduling and must provide customer information while the service is in operation. In effect, the bus operator provides a community-based transit service in each DART service area. DART provides an opportunity for the operator to deliver more personalized service to customers.

The successful operation of DART is very dependent on the bus operators providing the service. In the passenger survey, DART operators were rated very highly on courtesy and helpfulness. Over 95% of the respondents rated the operators as *Good* or *Excellent*. Only 4% of the respondents rated the operators as *Fair*.

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6. Evaluation of DART Operation in Winter Driving Conditions

The feasibility of operating DART during the winter was a major issue to be assessed during the trial demonstration.

Due to road conditions, average operating speeds are generally lower in winter than in summer. After a departure of a DART bus from the terminal, there needs to be sufficient time to service all drop-offs and pick-ups prior to the next scheduled departure of the DART bus from the terminal. To date, a wide variety of road conditions have been experienced in both service areas. Despite this and despite higher ridership levels in the winter, schedule adherence has been very good and there have been very few instances when the DART service has been late arriving at the terminal.

For DART service to work properly, DART buses must be able to operate on any street in the service area. Except in very extreme conditions, it has been possible to operate on all streets this winter. During major blizzards, the DART buses were restricted to the fixed route formerly operated by Route 16. In these situations, passengers made arrangements with the bus operators to walk to the nearest stop to be picked up. In the worst case (the mid-November blizzard), the DART buses were restricted to the fixed route for two days after the blizzard.

In general, experience gained during the trial has shown that DART can be successfully operated during the winter months.

The operation of DART during the winter can be improved by using a different type of bus on the service. Feedback from bus operators indicates that a bus that is more manoeuvrable than the ELF would be a major improvement. In addition, passengers have requested that a bus with a better ride quality be used on the service. Consequently, small New Flyer Low-Floor buses (30 foot length, 25 passenger capacity) will be tested in DART service in the near future.

7. Characteristics and Travel Behaviours of DART Users

7.1. Age-Gender Profile

The following table shows the age and gender characteristics of DART users:

	% of DART Users		
	Female	**Male**	**Total**
18 years & under	20%	9%	29%
19 - 64 years	32%	37%	69%
65 years & over	1%	1%	2%
Total	53%	47%	100%

To some extent, the DART user profile reflects the demographics of the service areas. In the DART areas, the proportion of the total population accounted by young people is higher than for the city as a whole.

Compared to fixed route transit, a higher proportion of DART users are young people (especially women). In the passenger survey, young women reported that the short walking distances provided by DART make public transit safer to use.

A very small proportion of DART users are senior citizens. This is because DART currently operates during time periods when few seniors travel by transit.

7.2. Passenger Trip Patterns

Passengers starting trips in the service area must book their trips with the bus operator. Passengers starting their trips at the DART terminals can travel without the need to make reservations.

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Based on records of trips made on DART to date, the following tables show the types of trips made by passengers on a typical weekday evening:

DART 101: St. Amant - Plaza Drive

		Trip Destination				Total
		St. Vital Centre	St. Amant Centre	Pembina/ Plaza Drive	Private Residence	
Trip Origin	St . Vital Centre	-	4%	24%	25%	53%
	St. Amant Centre	**3%**	-	**7%**	**1%**	11%
	Pembina/ Plaza Drive	11%	1%	-	10%	22%
	Private Res.	**5%**	**1%**	**4%**	**4%**	14%
Total		19%	6%	35%	40%	100%

Shaded cells in the table are trips for which a reservation must be made.

Of weekday users of the DART 101 service, 25% make reservations for their trips and 75% travel without the need to make reservations.

Trips made exclusively between the major activity centres/transfer locations (St. Vital Centre, St. Amant Centre, Pembina/Plaza Drive) account for 50% of all weekday trips made on DART 101.

DART 102: Southdale - Island Lakes

		Trip Destination		Total
		Southdale Mall	Private Residence	
Trip Origin	Southdale Mall	-	68%	68%
	Private Residence	**20%**	**12%**	32%
Total		20%	80%	100%

Shaded cells in the table are trips for which a reservation must be made.

Of weekday users of the DART 102 service, 32% make reservations for their trips and 68% travel without the need to make reservations.

About 12% of weekday trips on DART 102 are made between residences within the service area. On Saturday evenings, the proportion is 20%. These proportions are significantly higher than those for the former fixed-route service. The flexibility of DART service makes it much easier to provide local service for intra-community travel.

8. Ridership and Productivity

Since implementation in June 1996, DART ridership has been comparable to that formerly carried by the Route 16 fixed-route service in the two areas.

Since implementation, ridership has grown with the normal seasonal increase from summer to winter. The following table shows average winter ridership and productivity levels for the two services:

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Time Period	DART 101: St. Amant-Plaza Drive		DART 102: Southdale-Island Lakes	
	Boardings	Boardings/Bus Hr	Boardings	Boardings/Bus Hr
Weekday Evening	45	8.2	55	8.6
Saturday Evening	45	8.2	70	10.9
Sunday Morning	36	5.7	20	3.4
Sunday Evening	33	5.3	35	5.5

It should be noted that, for individual DART vehicle tours, there is a wide variation in productivity. Buses leaving the DART terminals early in the evening often service 15 to 20 passengers per trip. Later in the evening when demand is lower, about 3 to 5 passengers are serviced per trip.

Demand responsive services are designed to accommodate low levels of demand dispersed over a large geographical area. As a practical limit, DART can service a maximum of about 20 locations per bus hour. At higher levels of demand, it is more productive to use fixed-route transit.

During early evenings on weekdays and Saturdays, the existing DART services operate at close to maximum capacity. It is not expected, however, that transit demand will grow much beyond existing levels in the service areas during the time periods that DART currently operates. Consequently, it is not expected that demand will exceed the service capacity of DART.

9. Impact of DART on Transit Operating Costs

For any area, the aggregate demand for transit is determined by the nature of the land use, the demographic characteristics of the population, employment levels, school enrollment levels, and the proximity of major activity centres. Given an area's aggregate demand, the actual use of transit will vary by day of the week and by time of day.

To accommodate variations in demand, it is important to tailor the type of transit service to the level of demand. When ridership levels are high, fixed-route transit should be operated. When ridership levels are lower, DART can service low-density areas more cost-effectively and, at the same time, provide better service to passengers.

The conversion of existing fixed-route service into DART service does not necessarily result in savings in transit operating costs, however. The net impact on costs depends on two factors:

a) The number of buses operated on the affected routes before and after DART is implemented;
b) The hours of service operated by the affected routes before and after DART is implemented.

If a conversion of fixed-route service to DART results in a decrease in the total number of buses in operation or in a reduction in the hours of service, then operating costs decrease. If the number of buses in service does not change and if the hours of service remain intact, then no cost savings are realized.

The impact on the number of buses is determined by the scheduling requirements (round trip time and headway) of the fixed-route service before and after conversion to DART.

In the case of DART 101 and DART 102, the total number of buses required to provide service has not decreased.

There are some cost savings, however. The DART services finish at about 12:30 am. This is about one and a half hours earlier than the former Route 16 service in the DART areas. Consequently, there has been a net saving of about 3 bus hours each weekday and Saturday.

In summary, there are two important points to note:

a) The conversion of fixed-route service to DART does not necessarily result in cost savings. The impact on transit costs is dependent on the scheduling requirements for the fixed route before and after conversion to DART. These scheduling requirements are determined outside the DART service area at the fixed route's maximum load point. Consequently, the cost implications of DART conversions must be assessed on a case-by-case basis.

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b) Even if a conversion to DART results in no savings in operating costs, there will be an improvement in cost-effectiveness. This is because DART can service a much larger geographical area than can a fixed route. The flexibility of DART operation means that passengers travelling to/from areas out of reach of fixed-route transit can be served. In low density areas with low levels of demand, DART makes more efficient use of existing resources than does fixed-route transit and is considered by passengers to provide better service.

The trial demonstration of DART has shown that a demand responsive service can provide cost-effective and personalized service to passengers in low density areas during off-peak periods.

During the trial demonstration, DART has operated reliably in both summer and winter driving conditions. In addition, it has proven to be popular with passengers. In the passenger survey, 92% of respondents rated the current DART service as *Good* or *Excellent*. Only 8% rated the service as *Fair*.

Consequently, it is recommended that the current DART 101 and DART 102 services be made permanent.

In addition, the results of a passenger survey indicated that over 80% of respondents felt that the DART concept should be expanded to other areas of Winnipeg.

The Committee on Works and Operations therefore recommends:

I. That, effective Sunday, April 13th, 1997, the DART 101 and DART 102 services be expanded to operate during the following time periods:

Weekdays:	7:00 pm - 12:30 am (Existing)
Saturdays:	6:00 am - 12 noon (NEW) 7:00 pm - 12:30 am (Existing)
Sundays/Holidays:	7:00 am - 12 noon (Existing) 12 noon - 6:00 pm (NEW) 6:00 pm - 12:30 am (Existing)

II. That, where feasible, the DART concept of transit service delivery be expanded to other areas of Winnipeg. Further reports on DART expansion will be brought forward for the consideration and approval of the Committee on Works and Operations.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

For the information of Council the Saturday morning operation of DART 101 and DART 102 will result in a net saving of one bus. This annual saving of $10,000 is included in the draft 1997 Current Estimates.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Approval for Funding Transfer for the Lily Street Combined Sewer Renewal
File WS-5 (Vol. 18)

422 - 4. The Committee on Works and Operations has been advised that a recent television inspection of the Lily Street Combined Sewer revealed a large void, beneath the pavement at the first manhole south of Henry Avenue, the result of severe deterioration of the brick manhole. The void extends from the manhole located in the center of the pavement to the east curb and all the way down to the sewer invert. The inspection also showed that the combined sewers running south from Henry Avenue to the manhole are failing and should be renewed.

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Public safety has been severely compromised by the sewer failure and repairs should be made immediately. A barricade has been placed around the area until repairs can be made.

The Construction Branch of the Streets and Transportation Department are prepared to undertake the repairs immediately. The delay in going out for tender for this work could be three to four weeks and would increase the hazard to the public and the risk of a pavement failure. The Construction Branch will adjust its workload by delaying other projects.

Financial Status of the Lily Street Combined Sewer Renewal Project		
Combined Sewer Renewal Reserve Available:		$ 812,201.60
Lily Street Sewer Renewal		
Estimated Construction Cost	$ 70,000.00	
Engineering (16%)	$ 11,200.00	
Contingency	$ 7,000.00	
GST (3%)	$ 2,600.00	
Total Estimated Cost	$ 90,800.00	$ 90,800.00
Estimated Combined Sewer Renewal Reserve Residual		$ 721,401.60

UMA Engineering Inc. is performing the engineering services for the design, specifications and installation of this project.

Council approval is required for projects funded from the Combined Sewer Renewal Reserve.

The Committee on Works and Operations therefore recommends:

I. That funding in the amount of $90,800.00 for the renewal of the combined sewer under Lily Street from Henry Avenue to the first manhole south of Henry Avenue be accommodated though the Combined Sewer Renewal Reserve.

II. That the Proper Offices of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

Approval for Funding Transfer for the George Avenue Watermain Renewal
File WW-2.4(34) (Vol. 1)

423 - 5. The Committee on Works and Operations has been advised that there has been an increasing frequency in the number of leaks on the George Avenue watermain over the past few years, resulting in repeated service interruptions and inconvenience to area residents. In addition, the 60 year old, 100 millimetre diameter cast iron watermain is undersized to provide the required fire flow protection.

The combined sewer along the same stretch of the street is to be renewed in 1997. Renewing both the combined sewer and watermain at the same time would be cost effective and consequently reduce service disruption and inconvenience to residents.

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Financial Status of the George Avenue Watermain Renewal Project		
Watermain Renewal Reserve Available		$1,541,840.00
George Avenue Watermain Renewal:		
Estimated Construction Cost	$ 47,000.00	
Engineering (16%)	$ 7,500.00	
Contingency	$ 4,700.00	
GST (3%)	$ 1,800.00	
Total Estimated Cost	$ 61,000.00	$ 61,000.00
Estimated Watermain Renewal Reserve Residual		$1,480,840.00

UMA Engineering Inc. is performing the engineering services for the design, specifications and installation of this project.

Council approval is required for projects funded from the Watermain Renewal Reserve.

The Committee on Works and Operations therefore recommends:

I. That funding in the amount of $61,000.00 for the renewal of the watermain under George Avenue from Disraeli Freeway to Duncan Street be accommodated though the Watermain Renewal Reserve.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

Funding Approval for the Installation of the Sidewalk on Ashworth Street between Woodydell Avenue and Brixford Crescent
Files SC-3.12 (Vol. 12) and SL (1997)

424 - 6. On February 11, 1997, the Committee on Works and Operations considered an Administrative report relative to changing the method of funding for the installation of the sidewalk on Ashworth Street between Woodydell Avenue and Brixford Crescent which was constructed during the fall of 1995. The subject sidewalk was constructed as a local improvement assessable to eleven (11) properties fronting the subject block of Ashworth Street.

The installation of the subject sidewalk on the east side of Ashworth Street between Woodydell Avenue and Brixford Crescent was advertised as a local improvement on three occasions since 1982. On the first two occasions, the emphasis was to install the missing block of sidewalk, thus having a continuous sidewalk on the east side of Ashworth Street. The most recent advertisement occurred on November 24, 1994, as a result of the completion of a new french immersion school Ecole Julie-Riel on Ashworth Street between Nova Vista Drive and Harlesden Road. This school has 480 students from kindergarten to Grade 8, and the safety of students using the sidewalk to and from the school was a major concern to parents and the school administration.

Subsequent to the 1994 advertisement, a petition against was unable to attain the required 60% to defeat the installation of the sidewalk as a local improvement, as only 49.56% of the useable frontage is privately owned. The percentage of privately owned property frontage in opposition to the proposed installation was officially recorded as 59.97%. However, when the impact of the technicality, namely, the requirement in the case of joint property ownership requiring both signatures is taken into consideration, the actual percentage of privately owned property frontage in opposition to the proposed sidewalk was 100%.

On July 4, 1995, the Riel Community Committee recommended to the Committee on Works and Operations that the above sidewalk be installed as a supplementary local improvement funded from cancellations and/or surpluses in the Local Improvement Capital funds with no property owner assessments or that the installation be funded as a City-at-large expenditure.

Report of the Committee on Works and Operations dated February 11, 1997

On July 25, 1995, the Committee on Works and Operations referred the matter back to the Riel Community Committee for reconsideration of the installation as a local improvement with instruction that the Committee on Works and Operations is prepared to proceed with the installation of the sidewalk as a local improvement with assessment to the property owners in the established Local Improvement process.

On September 12, 1995, the Committee on Works and Operations heard representation from the area residents in support of the sidewalk installation for safety considerations of children attending the Ecole Julie-Riel School. The Committee on Works and Operations recommended that the sidewalk be installed as a local improvement. Council on September 27, 1995 adopted Clause 2 of the Report of the Committee on Works and Operations dated September 12, 1995 approving the subject sidewalk installation as a local improvement (Appendix A). Subsequently, on September 27, 1995, Council passed By-law No. 6708/95, being the authorization by-law for the subject local improvement.

At its meeting held on September 12, 1995, the Committee also tabled a motion to fund the installation of the subject sidewalk from City-at-large funding and requested the Administration to report back relative to a policy for City-at-large funding for the installation of sidewalks on collector streets where an elementary school or bus route is in the vicinity. On December 8, 1995, the Committee on Works and Operations considered a report from the Administration with respect to alternative methods of financing the installation of sidewalks on non-regional streets that are transit routes, and received same as information.

The subject sidewalk was constructed during the fall of 1995, in accordance with By-law 6708/95, as a local improvement assessable to eleven (11) properties fronting the subject block of Ashworth Street. The sidewalk was not supported by fronting property owners as a local improvement, but the property owners were unable to attain a successful petition against because of City property ownership. Since the sidewalk provides a safe transportation system for the majority of the students at Ecole Julie-Riel and comfort to the parents in the area, the cost of the sidewalk ($25,500.00) could be funded by City-at-large and surplus Capital funds available in Account No. 5193000405 (street renewal - Kimberly Avenue, Watt to Roch) transferred to Local Improvement Account No. 9995220501. Council approval is required to change the subject sidewalk from being a local improvement to a project funded by the City-at-large. In this regard, there has been a precedent in the past for a similar sidewalk project on the north side of Grassie Boulevard between Lagimodiere Boulevard and Molson Street, which is non-regional.

The issue of local improvement assessment for sidewalks to and around schools where fronting property owners do not perceive the installation as a benefit and thus petition against the installation is under administrative consideration for an equitable solution which may be offered by the newly legislated district area assessment concept in The City of Winnipeg Act.

Following deliberation, the Committee on Works and Operations recommends:

I. That Council rescind its previous decision of September 27, 1995, namely, that the installation of a sidewalk on the east side of Ashworth Street between Woodydell Avenue and Brixford Crescent be approved as a local improvement in the amount of $25,000.00 and that the relevant portion of By-law No. 6708/95 be repealed.

II. That the cost of the concrete sidewalk on the east side of Ashworth Street from the south line of Woodydell Avenue to the north line of Brixford Crescent be funded as a City-at-large expenditure and that Capital funds from Account No. 5193000405 (street renewal - Kimberley Avenue, Watt to Roch Streets) in the amount of $25,000.00 be transferred to Local Improvement Account No. 999522591.

III. That the City Solicitor/Manager of Legal Services be directed to prepare the necessary by-law to repeal the relevant portion of By-law No. 6708/95 approving the subject installation as a local improvement.

IV. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Clement,
Adoption of the clause.

Carried.

Report of the Committee on Works and Operations dated February 11, 1997

Local Improvement Districts Procedural By-law File SL-1 (Vol. 19)

425 - 7. The Committee on Works and Operations has been advised that on November 19, 1996, the Province of Manitoba gave royal assent to Bill 44, *The City of Winnipeg Amendment and Consequential Amendments Act* which included, in part, an addendum to Part X of The City of Winnipeg Act to designate local improvement districts and levy costs of construction on a district basis.

Pursuant to Sub-sections 392.1(2)(b) and (2)(c), Council is required to pass a by-law to establish guidelines for the composition of a committee of council for a local improvement district (to be known as the *District Proposal Committee*) and to establish procedures for giving notice of and conducting public hearings for proposed local improvement districts.

The Local Improvement Districts Procedural By-law establishes the guidelines for the designation of the District Proposal Committee and the mechanics of advertising and conducting public hearings. This by-law will govern all proposed local improvement districts.

For each proposed district, a District Initiation By-law will be developed which will encompass the appointment of Councillors to the District Proposal Committee, define the proposed district (preliminary boundaries, improvements, estimated cost of construction) and the estimated costs associated with the initiation/approval processes and a funding source for same.

Once the District Initiation Bylaw has been passed by Council, the District Proposal Committee will, in conjunction with the administration, develop a District Proposal Document which will be reviewed at public hearings. The District Proposal Document will form the basis for the formal District Improvement Bylaw. After receiving first reading by Council, the District Proposal will be advertised and affected property owners can formally object to the proposal. If the proposal was not successfully *objected to*, and Council still concurs in the proposal, the District Improvement By-law will receive second and third readings by Council after which construction may begin.

When the improvements are substantially complete, the properties within the district will be assessed based on the full cost of construction. A District Improvement Assessment Bylaw will be presented to Council at that point in time which identifies the individual properties, the basis for assessment, the cost and rate per unit of assessment, the term and interest rate.

The *Local Improvement Districts Procedural By-law* is a general framework which provides guidance in the development of individual local improvement districts.

A copy of the presentation provided at the February 11, 1997 Committee on Works and Operations meeting relative to the Local Improvement District process and procedures and has been circulated to all members of Council for their information.

The Committee on Works and Operations therefore submits for all three readings and enactment by Council the Local Improvement Districts Procedural By-law.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Report of the Committee on Works and Operations dated February 11, 1997

Funding Authorization for a Streets and Transportation Geographic Information System File SC-1.2 (Vol. 2)

426 - 8. The Committee on Works and Operations has been advised that in 1990, as part of a Public Works implementation strategy, the Land Based Information Systems Team set forth and began the development of the Operations Facilities Management (OPFM) application, consisting of the Water, Sewer, and Land Drainage data. Following this initiative, the strategy was to continue by integrating the Streets and Transportation Department application.

The original plan as conceived in 1990, was to begin with data conversion in the Waterworks System then move onto Sewer, Land Drainage and the Streets network. As data conversion was completed in each component, applications were written to use this data for automated mapping and facilities management. Conversion of data began in 1991 with the Waterworks System and continued with the Sewer and Land Drainage components until the 1995 reorganization under New Directions. Approximately 95% of the Water, Sewer and Land Drainage conversion was achieved during this time, and a large portion of the approximately $13 Million Land Based Information Systems (LBIS) Capital Budget was utilized for this purpose.

Following New Directions, the bulk of the LBIS resources (staff, equipment and data) went to the new Waterworks and Waste Department as the majority of the completed program consisted of the Water and Sewer components. The new Streets and Transportation Department was left with the task of completing the Street network conversion component of the project. The Corporate Services Department, who are responsible for the administration of the LBIS Capital Budget, has indicated that 1997 and 1998 Capital funds will be significantly reduced for the LBIS project. However, Corporate Services is offering $50,000.00 towards the Streets and Transportation Department's Geographic Information System (GIS) project, specifically towards street infrastructure conversions activities.

Information relating to the street system in the Streets and Transportation Department exists as AutoCAD Drawings, microfiches, paper drawings and various automated systems, both PC based and mainframe databases, spreadsheets and paper files. Both the format of the information and the sites where it is kept largely reflect the original creation and use of this information in the former Operations and Streets and Transportation Departments.

The Streets and Transportation Department have expressed a pressing need to bring together the above information within the new Streets and Transportation Department. To better focus on its own departmental needs and responsibilities for GIS related data, the Streets and Transportation Department intends to create a departmental geographic information system, to be called GIS-T, made up of components such as AutoCad, MapInfo, Delphi and related existing data bases. At the same time, the Department will be participating fully in the City's corporate LBIS effort. Information that is useful beyond the department will be maintained as corporate information.

To ensure the tie in of Streets and Transportation Department data into the corporate Land Based Information System (LBIS), the LBIS Branch of the Corporate Services Department will be a direct participant of this project. Participation includes a contribution of $50,000.00 and the assignment of an LBIS staff person towards the Streets and Transportation project. Corporate Services will set the standards to which Streets and Transportation Department will maintain its portion of the corporate data to ensure its continued usability by the whole of the City. Corporate data from this project will be maintained in LBIS/GDS until such time as otherwise may be determined by the Corporate Services Department. As a preliminary step towards these ends, the Corporate Services staff assignee has already begun work for the creation of a data model for the data conversion part of the GIS project.

The GIS-T project has three components which will be undertaken concurrently over a period of two years. The first component is the data conversion of information such as curb lines, pavement centre lines, etc., to be carried out largely in the Engineering Division of the Department at an estimated cost of $650,000.00. The second component is the creation of GIS-T systems and data bases for all areas of the Department through a GIS-T Coordinator, at an estimated cost of $160,000.00. The third component is a partnering with the University of Manitoba Traffic Information Group, to initially identify the City of Winnipeg's traffic information systems data management needs ($25,000.00) and, subject to the needs assessment, begin implementation of an automated traffic information system at an estimated cost of $125,000.00.

Report of the Committee on Works and Operations dated February 11, 1997

The table below summaries the three components, including time frames and estimated cost.

PROJECT COMPONENT	DATES	ESTIMATED COST
Street System Date Conversion	Jan. 97 - Dec. 98	
- Staff Resources		$ 400,000.00
- Hardware/Software		$ 200,000.00
-Staff Training		$ 50,000.00
GIS-T System Development	Jan. 97 - Dec. 98	
- Coordinator		$ 125,000.00
- Hardware/Software		$ 35,000.00
Traffic Information System	Jan. 97 - Sept. 97	
- Needs Assessment (U of M)	Oct. 97 - Dec. 98	$ 25,000.00
- Implementation		$ 125,000.00
TOTAL		$ 960,000.00
Sources of Funding: - LBIS Capital Budget: $ 50,000.00 - Previously approved Capital funds (Appendix A): $910,000.00		

In order to avoid a significant loss in investment for work that has been started and to allow the project to be completed in a timely manner, the Streets and Transportation Department recommends that the above described GIS-T project utilize funds from previously approved Capital projects as identified in Appendix A in addition to the $50,000.00 funding to be provided from the LBIS Capital fund.

The Committee on Works and Operations therefore recommends:

I. That the Streets and Transportation Department with the support of the Land Based Information Systems Branch of Corporate Services proceed with the development of a Streets and Transportation Geographic Information System.

II. That authority be granted to the Director of Streets and Transportation to transfer funds in the amount of $910,000.00 from previously approved Capital Budgets to support completion of the Streets and Transportation Geographic Information System

III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachment referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Spring Weight Restriction on City Streets
File ST-5.2 (Vol. 24)

427 - 9. The Committee on Works and Operations has been advised that the Manitoba Highways and Transportation, Transportation Safety and Regulatory Services Division, Compliance and Regulatory Services Branch, recently established a Spring Road Restriction Reform Working Group consisting of government and transportation industry representatives, for the purpose of developing a revised proposal for Spring Road Restriction Reform. Modifications to the Spring Weight Restriction were deemed necessary to make the regulations more readily understandable, facilitate efficient enforcement, and to recognize the reality that trucks are equipped with tires that are somewhat wider than has been the industry standard in the past.

Report of the Committee on Works and Operations dated February 11, 1997

Section 86 (1) of The Highway Traffic Act enables a municipality to impose Spring Weight Restrictions and Section 86 (4) requires that such restrictions be made known by way of signing. Section 17 of the Traffic By-law specifies that the maximum gross weight of a vehicle operated on a non-concrete pavement during the Spring thaw shall be such that the maximum gross weight of any axle assembly for each centimetre of width of tire on the wheels of the axle assembly shall not exceed 60 kilograms. The methodology of limiting the weight of a vehicle on the basis of axle weight per unit width of tire is also currently in place on non-concrete Provincial Highways and on non-concrete roads in other municipalities. Such a method of Spring Weight Limit regulation has limitations due to the following:

1) the trucking industry can, and in some cases has increased the width of the tires on a vehicle, thereby obviating any load reduction that is otherwise intended to be achieved by such a regulation.

2) there are inconsistencies in pavement-tire contact areas due to differences in tire tread and cross-section design, inflation pressure, radial versus bias ply features, and variations in nominal tire widths and actual tire widths.

Although tire width is one of the factors that influences pavement damage, it is the total load on an axle or axle group that causes pavement damage. Research has shown that pavement damage accruing from the operation of commercial trucks is proportional to the weight of the load on each axle group.

The transportation industry deems the existing means of regulation to be awkward and unwieldy because of the variety of tire widths that are available from suppliers and that may be used on any particular truck or truck combination assembly. In addition, the enforcement process is unnecessarily time consuming because of the need to undertake measurements of tire widths as opposed to simply weighing the load on an axle or axle group. Accordingly, it is proposed that Spring Weight Restrictions be regulated by way of a maximum percentage of "normal" summer loading (ie. specifying a proportion of the maximum summer loading that is allowable on an axle or axle group of a particular vehicle type). Specifically, in the case of City streets with non-concrete pavements, it is proposed that the Spring Weight Restriction be 90% of "normal" summer axle loads.

With the proposed 90% of "normal" summer loading on City streets during the Spring melt season the maximum allowable weight on the payload axles of a typical truck arrangement is expected to be slightly less or slightly more than that which is permitted with the current control based on tire width, depending on the truck configuration (i.e. a 3 axle single unit tandem truck with 28 cm wide tires, the industry norm, would be permitted to carry a slightly higher payload than is currently the case while a 4 axle single unit tridem truck with 28 cm wide tires would be permitted to carry a slightly lower payload than is currently the case). The maximum allowable weight on the steering axle, however, will be in the order of 20% greater than that which is permitted with the current control. Under such a circumstance, non-concrete pavements will be subjected to greater stress than was formerly the case, particularly under circumstances where/when dynamic loading occurs during the vehicle braking process. Since front axle load limits are lower than limits for rear axles, such a level of loading under such circumstances will not significantly affect the integrity of the City's non-concrete roadways during the Spring thaw season.

The Province intends to obtain the necessary approval for such a policy change in time for the 1997 Spring Weight Restriction season. It is proposed to convey the new system of Spring Weight Restrictions by posting signs reading "Weight Restriction, 90% of Normal Axle Loads" on the affected streets. Based on studies of historical climatological data for southern Manitoba, the start date of the Spring Weight Restriction will be March 23 and the end date will be May 31 unless declared otherwise rather than on an as required basis as is currently the case. Such a practice of a consistent annual time period during which the Spring Weight Restriction is in effect will eliminate industry uncertainty, since the current system requires up to 10 days of lead time to declare and make known the start date and end date of the restriction while ensuring that the "window" within which non-concrete roadways are most susceptible to damage is adequately addressed.

It should be noted that certain types of vehicles used in the heavy construction industry and other specially permitted vehicles will continue to be governed by conditions specified on the permit, including factors such as limitations via the tire width formula, route of travel, time of travel, etc.

In view of the foregoing, it is proposed that Section 17 of the City of Winnipeg Traffic By-law No. 1573/77 (Spring Weight Restrictions) be repealed and substituted with the following, namely:

> *17. The Commissioner or his/her delegate may place and maintain or cause to be placed and maintained traffic control devices to limit the weights of vehicles operated upon streets and roads that do not have concrete pavements, between March 23 and May 31 of each year unless declared otherwise to prevent damage during the Spring thaw.*

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The above By-law amendment will allow the Commissioner of Works and Operations or his/her delegate to implement any revised Spring Weight Restrictions approved by the Province, subject of course to it being acceptable to the City of Winnipeg circumstance, and to post signs as and when required, consistent with the revised regulation. Such authority will ensure that the City's Spring Weight Restriction is harmonized with the Province, thereby simplifying matters for the transportation industry and enforcement officials. With such harmonization in place, the Streets and Transportation Department will explore the possibility of relying on advertising of the Spring Weight Restriction by the Provincial government as a cost cutting measure.

The Committee on Works and Operations therefore recommends:

I. That the City of Winnipeg Traffic By-law No. 1573/77 be amended by rescinding Section 17 (Spring Weight Restrictions) in its entirety and substituting therefor the following:

> *17. The Commissioner or his/her delegate may place and maintain or cause to be placed and maintained traffic control devices to limit the weights of vehicles operated upon streets and roads that do not have concrete pavements, between March 23 and May 31 of each year unless declared otherwise to prevent damage during the Spring thaw.*

II. That the City Solicitor/Manager of Legal Services be directed to prepare the necessary amending by-law for submission directly to Council.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

Repairs to Damaged Private Approaches where a Manhole Exists within the Private Approach **File GL-3.2 (Vol. 37)**
c/r GL-5.8 (Vol.11)

428 - 10. Council at its meeting held on October 23, 1996, passed the following motion, namely:

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Phillips,

WHEREAS the Ombudsman has filed a report to Council in accordance with Section 71(4) of the City of Winnipeg Act;

AND WHEREAS the matter involves a complaint by Mr. William Byard of 22 Quiring Bay against the City of Winnipeg (Complaint File No. 400806) concerning damage to a private approach at said property;

AND WHEREAS both the Committee on Works and Operations and the Committee on Finance and Administration have jurisdiction in this case as follows:

> *Committee on Works and Operations:*
>
> *To examine the question of whether the Private Approaches By-law should be amended to prohibit placement of a private approach on a manhole, except when no other alternative exists. To further consider whether, in the future if / when a private approach is placed on a manhole, a higher standard of concrete reinforcement should be required,*
>
> *Committee on Finance and Administration:*
>
> *To examine whether homeowners whose private approaches are cracked as a direct result of the existence of a manhole on the approach (where the cracking impedes the functionality of the approach) should be reimbursed for any percentage of the actual cost of repairs that have been completed,*

NOW THEREFORE BE IT RESOLVED that the investigation report of the Ombudsman be referred to the aforementioned Standing Committees for review and recommendation;

Report of the Committee on Works and Operations dated February 11, 1997

AND BE IT FURTHER RESOLVED that the Ombudsman be requested to appear (in the capacity outlined in letter dated October 15, 1996 addressed to City Clerk) before the respective Standing Committees during deliberation of the matter.

On November 5, 1996, the Committee on Works and Operations referred to the Administration for report back, the matter relative to the question of whether the Private Approaches By-law should be amended to prohibit placement of private approaches on a manhole, except when no other alternative exists; and to further consider whether, in the future if/when a private approach is placed on a manhole, a higher standard of concrete reinforcement should be required. Subsequently, on February 11, 1997, the Committee on Works and Operations considered Administrative report dated January 17, 1997 relative thereto.

The City Ombudsman has suggested that the City of Winnipeg increase the standard of private approach construction where a manhole is located within the approach and that the City reimburse owners 50% of the cost of repairing approaches where they have deteriorated prematurely as a result of the presence of a manhole. On January 6, 1997, the Committee on Finance and Administration rejected the recommendation that the City contribute towards the cost of repairing private approaches with manholes.

City of Winnipeg sewers and manholes are constructed under the authority of *The City of Winnipeg Act*. Section 445(1) and (2) of *The City of Winnipeg Act* states:

445(1) Subject to the provisions of The Environment Act and The Public Health Act, and regulations under those Acts, council may pass by-laws

> *(a) authorizing the constructing and maintaining of such sewers, drains and ditches, either within or outside the city, as may be required*
>
> *(i) to secure the proper drainage of the city and disposal of the waterwaste, or*
>
> *(ii) to control or divert water in any stream or other watercourse;*

445(2) For the purposes of carrying out its duties under this Part, the city has all the powers rights and immunities conferred on the metropolitan Corporation under Part VIII (Sewage Disposal System) of The Metropolitan Winnipeg Act, as contained in Schedule A to this Act, immediately before repeal of that Act and, for the purpose of conferring those powers, rights and immunities on the city, that Act shall, to that extent, be deemed to be in force.

Section 26 of The Metropolitan Winnipeg Act states as follows:

General powers

26(1) For the purpose of collecting or receiving sewage and land drainage into the metropolitan system either from an area municipality or, by agreement, from any other municipality, and the treatment and disposal thereof, the corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality, and in particular and without restricting the generality of the foregoing, may construct, maintain, improve, repair, widen, alter, divert and stop up trunk sewers, trunk sewer systems, trunk sewage works and treatment works, and the corporation shall be deemed always to have had this power.

26(2) Without restricting the generality of subsection (1), the corporation has all the powers and rights conferred but, except as herein stated, not the duties or responsibilities charged, upon Greater Winnipeg Sanitary District under The Greater Winnipeg Sanitary District Act immediately before the repeal of that Act, and in particular and without restricting the generality of the foregoing, under sections 3 to 6 and 9 of that Act; and, for the purpose of conferring those powers and rights on the corporation, that Act shall, to that extent and notwithstanding its repeal, be deemed to be in force, and the corporation shall be deemed always to have had these powers."

Limitations on action

12 Where an action or suit is brought against a person or against the corporation or the board

> *(a) for anything done under this Act; or*
>
> *(b) for indemnity for any damages or injury sustained by reason of, or caused by, or arising from, the construction, existence, maintenance or operation of any of the properties, works, plants, equipment or it appliances of the corporation; it shall be brought within six calendar months after the act committed, or the cause of actin arising or, where there is a continuation of damage, within one year after the original commencement of the damage.*

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Action for nuisance
13 No action, proceeding or arbitration proceeding for damages, compensation or injunction on account of nuisance or anything on the nature of nuisance, or for injuriously affecting any property or interfering with the comfort of a person, shall be brought, instituted or commenced against the corporation or a member of the board or a commissioner, officer, servant or agent, by any person by reason of anything that is done by the corporation without negligence, and that is authorized or required under this Act to be done by the corporation.

Based on the aforesaid legislation, The City of Winnipeg is immune from any proceedings or claims for damages or compensation on account of nuisance or anything in the nature of nuisance or any that injuriously affects the property or interferes with the comfort of a person unless such action has been done negligently by The City of Winnipeg.

The damages and inconvenience which may be suffered by an owner of a private approach does not arise out of The City of Winnipeg negligently constructing or maintaining its sewer, in fact, no evidence has been brought forward to suggest that there has been any such negligence. The problem does, in fact, arise as a result of the inadequacy of the design of the private approach that traverses the City of Winnipeg sewer and particularly, the inadequacy of the design of the private approach where a manhole is coincidently located within the private approach.

Section 519 of *The City of Winnipeg Act* places a legal duty on the City to keep its streets (and boulevards contained therein) in repair. Section 519(1) and (2) states:

519(1) The city shall keep in repair every street, and on default in so doing the city shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by a person by reason of the default."

519(2) The liability of the city under subsection (1) shall be limited to that portion of the street on which work has been performed or local improvements made by the city.

It is for that reason that minimum standards are imposed on private approaches, and the responsibility of maintaining and keeping private approaches in repair is placed on the owner of the property being served by that private approach. The owners are free to upgrade the standards of the approach (subject to the approval of the designated officer). If the private approach deteriorates, the owner could be ordered to repair said approach, failing which, the City could commence enforcement proceedings to correct the defect. Although the cost of constructing and maintaining a private approach around a manhole might be greater than if there was no manhole; this however, is just one of the factors which developers may take into account when pricing a lot.

Sewers, watermains, lamp standards and fire hydrants are often installed well in advance of the development of building lots. Developers should be directed to locate and orient their construction of new buildings in such a way as to avoid having manholes, lamp standards and fire hydrants within a private approach. At the present time, it is my understanding that if lamp standards or fire hydrants have to be relocated, the cost is borne by the developer. This same policy could be applied to relocating manholes.

The Committee on Works and Operations recommends that the Ombudsman's recommendation that the City amend the Private Approaches By-law to prohibit the placement of a private approach on a manhole, except when no other alternative exists, be not concurred in. Further, Committee recommended that the City adopt a policy wherein owners who make application for private approach permits be reminded of the existence of the City's water and sewer lines and other utilities within the right-of-way and be advised that proper precautions should be taken in the compaction of the subsoils to minimize cracking of private approaches. In addition, Committee directed that applicants should also be made aware of the fact that the existence of manholes within the private approach may require the applicant to upgrade the construction standards of the approach to reduce the risk of cracking and or failure of the approach.

Adopted by consent.

COMMITTEE ON WORKS AND OPERATIONS

CONSIDERATION OF BY-LAWS

429 - On motion of Councillor Clement, By-law No. 6989/97, a by-law of The City of Winnipeg to amend By-law No. 1573/77, being The City of Winnipeg Traffic By-law, was read a first time.
File ST-5.2 (Vol. 23)

Councillor Clement moved that this constitute the first reading of By-law No. 6989/97, which motion was carried.

Councillor Timm-Rudolph asked to be recorded as having voted against the first reading of By-law No. 6989/97, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor Clement, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 6988/97, a by-law of The City of Winnipeg to amend By-law No. 1573/77, being The City of Winnipeg Traffic By-law. Files ST-5.2 (Vol. 23) & ST-5(33) (Vol. 4)

By-law No. 6990/97, a by-law of The City of Winnipeg to establish guidelines for the composition of a committee of council for a local improvement district and to establish procedures for giving notice of and conducting public hearings for proposed local improvement districts. File SL-1 (Vol. 19)

COMMITTEE ON WORKS AND OPERATIONS

QUESTION PERIOD

430 - Councillor Steek noted the number of complaints received from residents in the River Heights area with respect to problems arising from backlane snow removal right down to bare pavement and questioned if anything could be done to modify this approach.

Councillor Clement responded that he did not know if there was anything that could be done to modify this in the short term. He noted that there could be 2 or 3 inches of slush that when driven on, creates ruts. These ruts freeze and a dangerous situation occurs, with people getting stuck in the ruts. He further noted that by sending in front end loaders to try and work on the ice does not solve the problem as it is mostly a drainage problem compounded this year by the amount of snow.

Councillor Murray requested an update on the street renewal program to which Councillor Clement responded that there would be $14 to $15 million dedicated to 1997 residential street renewal in the infrastructure program.

Councillor Murray asked for a commitment as to the time frame when the money would be available or the deadline before the City would have to initiate its street repair works unilaterally.

Councillor Clement replied that the information would probably be available by March 11 or 12, in time for the deliberation of the current estimates.

Councillor Murray requested an explanation of the rationale behind the strategy whereby Capital Budget monies are utilized for new projects and funding for residential street renewal is sought through joint funding, and further questioned if the City were to go through another 6 months without any federal residential street renewal money, whether it would abandon this strategy and go back to having a base level residential street renewal program.

Councillor Clement stated that if the strategy fell short, then the City would want to revisit its position on the matter.

Committee on Works and Operations - Question Period (continued)

Councillor Silva advised of problems from snow being dumped in front of residential handicapped loading zones. He stated that upon complaining to the City, the residents were being told that they hadn't filled out the application form indicating that they wanted their handicapped loading zone kept clear; a form the residents were not aware of. Councillor Silva questioned if the Committee Chairperson was aware of this and asked what could be undertaken to ensure that this problem was addressed for next winter and requested an explanation of the related procedure.

Councillor Clement advised he was aware of the form to be filled out and noted that he would have Works and Operations personnel identify the procedure so that all Members of Council would be informed on this matter.

Councillor Lazarenko questioned if Councillor Clement was aware that the Commissioner was going to be sending out a newsletter pertaining to back lane plowing being done now and explaining that if plowing was not done, that the catch basins would be filled with 6 to 7 inches of ice which could exacerbate basement flooding due to excess water in the backyards.

Councillor Clement advised that many of the back lanes in the City have catch basins. The lanes are now being plowed to clear the catch basins so that when the snow starts to melt, the water will have a place to go.