Minutes – Executive Policy Committee – March 14, 2012

Minute No. 194
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 5, 2012 adjourned to March 6, 2012

Item No. 2 Rapid Transit Corridor By-law

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submits the following to Council:

1. That the Rapid Transit Corridor By-law be enacted.

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

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 5, 2012 adjourned to March 6, 2012

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 6, 2012, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Rapid Transit Corridor By-law**

Critical Path: **SPC on Infrastructure Renewal and Public Works → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Menzies	D. Wardrop	n/a	D. Joshi COO

RECOMMENDATIONS

1. That Council approve the attached Rapid Transit Corridor By-law.

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

REASON FOR THE REPORT

On November 16, 2011, Council approved changes to transit service to be implemented when the Southwest Rapid Transit Corridor – Stage 1 project ("Southwest Transitway") is opened for service on April 8, 2012. A Rapid Transit Corridor By-law is required to regulate use of the rapid transit corridor.

IMPLICATIONS OF THE RECOMMENDATIONS

The Southwest Rapid Transit Corridor is a private facility owned by the City of Winnipeg for the provision of rapid transit services, and is shown in Appendix A of the By-law. A Rapid Transit Corridor By-law is required to regulate the use of the Southwest Rapid Transit Corridor and any future rapid transit corridors developed by the City.

The By-law will be required to be updated as extensions or new stations are added to the Southwest Rapid Transit Corridor, and as other rapid transit corridors are constructed and placed into operation by the City. For example, it is expected that an additional station will be constructed on the Southwest Rapid Transit Corridor near Jubilee as part of the Fort Rouge Yards development.

For the purposes of the Rapid Transit Corridor By-law:

- A **"rapid transit corridor"** includes the transitway, stations, private roadways, and parking lots located within the corridor.

- A **"transitway"** is the physical roadway within the rapid transit corridor upon which public transit vehicles operate, but excludes stations.

- A **"station"** is a place within the rapid transit corridor designed for the loading or unloading of passengers on public transit vehicles operating on the transitway and includes buildings, platforms, access walks or ramps, and pedestrian crosswalks as well as plazas or other public areas associated with the buildings, but excludes the transitway beside or through the station.

The Rapid Transit Corridor By-law:

1. Restricts use of a transitway to public transit vehicles, supervisory and maintenance vehicles operated by the City, emergency vehicles operated by the Winnipeg Fire and Paramedic Service, and vehicles operated by officers of the Winnipeg Police Service.

2. Prohibits any person from walking; running; cycling; travelling on a skateboard or rollerblades; riding an animal or non-motorized vehicle; driving, riding, or being a passenger in a motorized vehicle; or travelling in any other way within a transitway.

3. Permits pedestrians to cross a transitway only at designated pedestrian crosswalks in stations.

4. Prohibits any person from engaging in an activity or behaviour that creates a danger to another person.

5. Prohibits any person from obstructing or interfering with the operation of buses and authorized vehicles on a transitway.

6. Delegates authority to the Director of Transit to:

    a) Authorize other individuals and vehicles to use a transitway in order to effect repairs, service, and maintain a rapid transit corridor.

    b) Authorize vehicles operated by other transportation operators to use a transitway for the purpose of integrating the services provided by such operators with the rapid transit service offered by the City of Winnipeg.

    c) Make rules respecting:

        i) the operation, parking, standing and stopping of vehicles within a rapid transit corridor.

        ii) the activity and behavior of individuals within a rapid transit corridor.

        iii) signage within a rapid transit corridor.

iv) other matters respecting the operation of a rapid transit corridor.

d) Appoint employees or agents of the City as enforcement officers for the purpose of administering and enforcing the By-law.

7. Authorizes, under *The Petty Trespasses Act*, the removal of any individual from a rapid transit corridor who contravenes a provision of the By-law or who contravenes a rule made by the Director of Transit.

8. Specifies fines for:

   a) A contravention of a provision of the By-law ($500 plus costs).

   b) A contravention of a rule made by the Director ($50 plus costs).

9. Outlines an appeal process from an order or a decision made under the By-law to the Standing Policy Committee on Infrastructure Renewal and Public Works.

HISTORY

Background

Construction of Stage 1 of the Southwest Rapid Transit Corridor was completed in December 2011. During the December 2011 – March 2012 period, the stations are being fitted out, commissioning and testing of station and tunnel systems are being conducted, and the training of staff is being undertaken. Rapid transit service will commence at the start of the spring seasonal schedule on April 8, 2012 on a network of routes approved by Council on November 16, 2011. The Rapid Transit Corridor By-law requires enactment by Council prior to the start of rapid transit service.

Rules Made by the Director of Transit

The By-law authorizes the Director of Transit to make rules to ensure the safe operation of a rapid transit corridor and to protect the safety and comfort of individuals using stations and rapid transit vehicles. Examples of such rules include:

- Prohibiting loitering in stations.
- Prohibiting the riding of bicycles, skateboards, and rollerblades on the platforms of stations.
- Designating locations at stations where street-performers/buskers may perform.
- Specifying the time duration that a vehicle can remain parked in a space in a parking lot at a rapid transit station.

Such rules take effect when the Director of Transit has signed and dated a declaration setting out the rules, and when the rules are posted on the Winnipeg Transit website or posted on a sign at an appropriate location in the rapid transit corridor.

FINANCIAL IMPACT

Financial Impact Statement Date: February 3, 2012

Project Name:

Rapid Transit By-Law

COMMENTS:

There are no financial implications associated with this report.

Tanis Yanchyshyn, CA
Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department

SUBMITTED BY

Department	Transit
Division	Service Development
Prepared by:	Bill Menzies
Date:	2012-02-03
File No.	0652-00

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to regulate activities in Rapid Transit Corridors

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the Rapid Transit Corridor By-law.

Definitions

2 In this By-law

"Director" means the Director or Acting Director of Winnipeg Transit;

"enforcement officer" means an individual who has been appointed by the Director to administer or enforce this By-law;

"rapid transit corridor" means an area marked as such on the map which is attached as Appendix A to this By-law, and includes the transitway, stations, private roadways and parking lots located within the corridor;

"pedestrian crosswalk" means an area of a transitway within or beside a station that has been designated by the Director for pedestrians to cross the transitway and which is marked as such by signs and lines painted on the transitway;

"public transit vehicle" means a vehicle used to transport passengers for a fee and which is either

(a) owned by Winnipeg Transit; or

(b) permitted by the Director under clause 8(1)(b) to travel on a transitway;

"station" means a place within a rapid transit corridor that is noted as such on the map attached as Appendix A and which is designed for the loading or unloading of passengers on public transit vehicles operating on a transitway and includes buildings, platforms, access walks or ramps, and pedestrian crosswalks as well as plazas or other public areas associated with the buildings, but excludes a transitway beside or through the station;

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"transitway" means a physical roadway within a rapid transit corridor upon which public transit vehicles operate, but excludes stations;

"Winnipeg Transit" means the department of the City of Winnipeg that has the responsibility for operating the public transit system within the city.

General entry to transitway prohibited

3(1) Unless otherwise permitted by section 4 or authorized by the Director under section 8, no person may enter onto or remain on a transitway.

3(2) Without restricting the generality of subsection (1), no person may walk, run, cycle, travel on a skateboard or rollerblades, ride an animal or non-motorized vehicle, drive, ride in or on or be a passenger in a motorized vehicle, or travel in any other way within a transitway unless permitted by section 4 or authorized by the Director under section 8.

3(3) No person may cross a barrier or fence in order to gain access to a transitway.

3(4) Except within a station and where fences or barriers exist to prevent access to the transitway, no person may be within 2 metres of a transitway.

Certain entries to transitway permitted

4(1) Notwithstanding section 3, the following vehicles are permitted to enter and remain on a transitway:

(a) Public transit vehicles operated by the City of Winnipeg;

(b) Supervisory and maintenance vehicles operated by the City of Winnipeg;

(c) emergency vehicles operated by the Winnipeg Fire Paramedic Service while proceeding to a fire, responding to an emergency call, or transporting a patient or injured person in a life-threatening condition;

(d) vehicles operated by officers of the Winnipeg Police Service while on duty.

4(2) Notwithstanding section 3,

(a) an individual may cross a transitway at a pedestrian crosswalk;

(b) employees and other individuals, and their vehicles, may cross the transitway at Brandon Avenue in order to attend to the business located at 569 Brandon Avenue.

Dangerous behaviour prohibited

5 No person may engage in an activity or behaviour or do anything in a rapid transit corridor that creates a danger to the person or another person.

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Obstruction of transitway operation prohibited

6 No person may obstruct or otherwise interfere with the operation of buses and authorized vehicles on a transitway and, without restricting the generality of the foregoing, no person may:

(a) place objects or substances in a transitway that could hinder, impede, obstruct or otherwise interfere with the operation of public transit vehicles and other vehicles that are authorized to be on a transitway;

(b) permit animals to enter or remain on a transitway.

Highway Traffic Act, Streets and Traffic By-laws applicable

7 Except to the extent that they are inconsistent with this By-law or with rules made or actions taken by the Director pursuant to authority granted by this By-law, the provisions of the Streets By-law, the Traffic By-law and *The Highway Traffic Act* apply to vehicular traffic and to roadways within a rapid transit corridor, and a violation of a provision of those by-laws or that Act constitutes an offence under this By-law.

Powers of Director

8(1) The Director is authorized to permit individuals and vehicles to enter and remain on a transitway. Without restricting the generality of this authority, the Director may authorize the following to enter and remain on a transitway:

(a) employees or agents of the City of Winnipeg and their vehicles;

(b) employees or agents of an energy or telecommunications service provider, and their vehicles, in order to install, repair, maintain and service their facilities or conduct other operations;

(c) vehicles used to transport passengers for a fee and operated by other transportation operators, including

(i) intercity bus lines;
(ii) shuttle bus services;
(iii) charter bus services;
(iv) special event public transit services;
(v) bus services operated between the Winnipeg and other municipalities pursuant to an intermunicipal service sharing agreement;

for the purpose of integrating the services provided by these operators with the rapid transit service offered by the City of Winnipeg.

8(2) In granting an authorization under subsection (1), the Director may

(a) impose conditions on the authorization including, but not limited to, limiting the times of entry, providing notification of entries, and requiring the provision of an indemnity; and

(b) negotiate and execute agreements with the owners or operators of vehicles with respect to the entries onto a transitway.

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8(3) The Director may make rules that are not inconsistent with this By-law respecting

(a) the operation, parking, standing and stopping of vehicles within a rapid transit corridor;

(b) the activity and behaviour of individuals within a rapid transit corridor;

(c) signage within a rapid transit corridor; and

(d) other matters respecting the operation of a rapid transit corridor.

8(4) A rule made under subsection (3) takes effect when

(a) the Director has signed and dated a declaration setting out the rule or rules which states that the rule or rules are made under subsection (3); and

(b) the rule or rules are posted on the Winnipeg Transit website or are posted on a sign at an appropriate location in the transit corridor.

8(5) The Director may take actions and implement measures not inconsistent with this By-law in order to

(a) facilitate the movement of transit vehicles and authorized vehicles on a transitway;

(b) ensure or enhance the safety and enjoyment of users of a rapid transit corridor; and

(c) ensure the appropriate functioning of a rapid transit corridor.

8(6) The Director may appoint employees or agents of the City of Winnipeg as enforcement officers for the purpose of administering and enforcing this By-law.

General powers of administration and enforcement

9 The Director and enforcement officers may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for these purposes, have the powers of a designated employee under *The City of Winnipeg Charter*.

Removal of individuals from rapid transit corridor

10(1) A person who

(a) contravenes a provision of this By-law; or

(b) contravenes a rule made by the Director;

is not authorized to be in a rapid transit corridor and is trespassing. In addition to initiating a prosecution for a violation of this By-law, the Director or an enforcement officer is authorized to order such a person, verbally or in writing, to leave a rapid transit corridor immediately.

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10(2) A person who has been ordered to leave a rapid transit corridor under subsection (1) but refuses to comply with the order is guilty of an offence.

10(3) The Director or an enforcement officer is hereby authorized to act under *The Petty Trespasses Act* to apprehend without a warrant a person who has been ordered to leave a rapid transit corridor under subsection (1) but has failed to comply with the order. After apprehending such a person, the Director or an enforcement officer must take the person to the nearest justice as soon as reasonably practicable to be dealt with according to law.

Fines for contravention

11(1) A person who contravenes a provision of this By-law commits an offence punishable upon summary conviction by a fine of no less than $500.00 in addition to court costs, surcharges and other costs imposed by the Province of Manitoba.

11(2) A person who contravenes a rule made by the Director is guilty of an offence punishable upon summary conviction by a fine of no less than $50.00 in addition to court costs and surcharges imposed by the Province of Manitoba.

Appeal of order or decision

12 If *The City of Winnipeg Charter* permits an appeal from an order or a decision made under this By-law, the appeal may be made to the the Standing Policy Committee on Infrastructure Renewal and Public Works.

12(2) If Council establishes an administration fee for an appeal under subsection (1), it must be paid before the City Clerk is allowed to accept an appeal.

Appendix A part of By-law

13 Appendix A, which is attached hereto, forms part of this By-law.

DONE AND PASSED, this day of , 2012.

_____
Mayor

_____
City Clerk

Approved as to content:

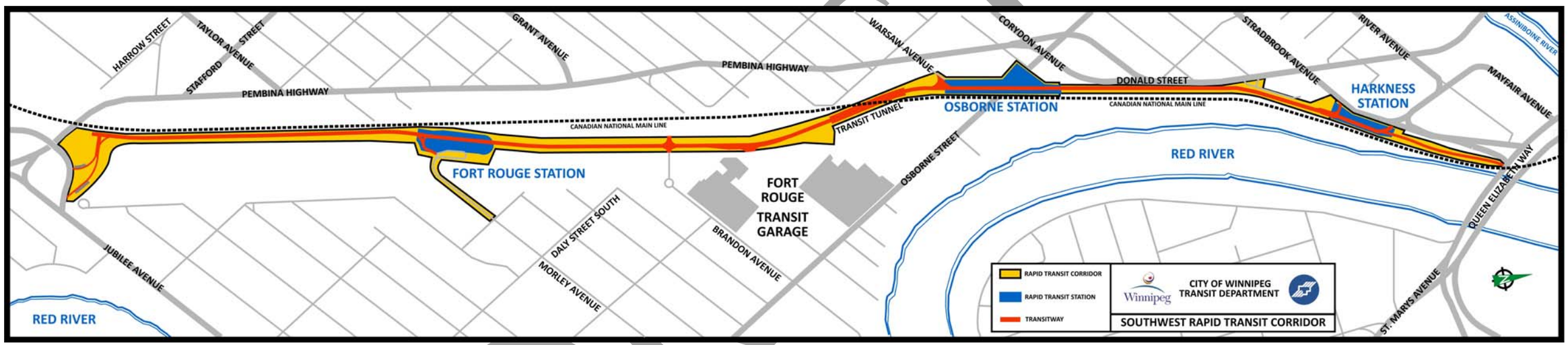
_____
Director of Winnipeg Transit

Approved as to form:

_____
For Director of Legal Services/City Solicitor

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“APPENDIX A”



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