THE CITY OF WINNIPEG

BY-LAW NO. 49/2012

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;

"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.

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.

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.

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 A/Director of Legal Services/City Solicitor

APPENDIX A – Rapid Transit By-law No. 49/2012

