Minute No. 450
Report – Standing Policy Committee on Infrastructure Renewal and Public Works - May 29, 2012

Item No. 4 **Amendment to The City of Winnipeg Traffic By-law No. 1573/77 - To effect changes to the regulation of the private use of the public right of way**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

1. That an amendment to The City of Winnipeg Traffic By-law No. 1573/77 (Appendix A), be enacted to achieve the following:

    A. Imposition of time limits for parking at loading zones; specifically, limiting parking to 30 minutes at disabled loading zones and 15 minutes at all other loading zones unless otherwise specified on traffic control devices designating the loading zone and only for the purpose of, and while actually engaged in, loading or unloading;

    B. Authorization for the Chief Operating Officer of the Winnipeg Parking Authority to determine alternative maximum times for parking in loading zones and to set them out on traffic control devices designating the loading zone;

    C. Authorization for the Chief Operating Officer of the Winnipeg Parking Authority to issue permits for contractors and social service providers to park for a period in excess of the time limit in time-limited residential areas;

    D. Authorization for the Chief Operating Officer of the Winnipeg Parking Authority to lift time restrictions temporarily for specific vehicles or specific events on streets where time-limited parking restrictions are not controlled by meters.

2. That the following permit fees be approved, effective July 1, 2012:

    A. Social Service Providers: $150 annually
    B. Contractors: $600 annually
    C. Lifting of Time Restriction – Individual Vehicle: $30 per month
    D. Lifting of Time Restriction – Non-Stadium Zone Special Event: $75 per event

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

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

STANDING COMMITTEE RECOMMENDATION:

On May 29, 2012, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- add the word “annually” in Recommendation 2.A. following the word “$150”
- add the word “annually” in Recommendation 2.B. following the word “$600”
- add the words “Non-Stadium Zone” in Recommendation 2.D. before the words “Special Event” and add the words “per event” following the word $75

and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **To effect changes to the regulation of the private use of the public right of way**

Critical Path: **SPC on Infrastructure Renewal and Public Works, EPC, Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
C. Stewart, WPA	R. Topolniski, WPA	n/a	D Joshi COO

RECOMMENDATIONS

1) That the Traffic By-Law be amended (draft attached in Appendix A) to achieve the following:

   a) Imposition of time limits for parking at loading zones; specifically, limiting parking to 30 minutes at disabled loading zones and 15 minutes at all other loading zones unless otherwise specified on traffic control devices designating the loading zone and only for the purpose of, and while actually engaged in, loading or unloading;

   b) authorization for the Chief Operating Officer of the Winnipeg Parking Authority to determine alternative maximum times for parking in loading zones and to set them out on traffic control devices designating the loading zone;

   c) authorization for the Chief Operating Officer of the Winnipeg Parking Authority to issue permits for contractors and social service providers to park for a period in excess of the time limit in time-limited residential areas;

   d) authorization for the Chief Operating Officer of the Winnipeg Parking Authority to lift time restrictions temporarily for specific vehicles or specific events on streets where time-limited parking restrictions are not controlled by meters.

2) That Council approve the following fees for the following permits, effective July 1, 2012:

   a) Social Service Providers: $150
   b) Contractors: $600
   c) Lifting of Time Restriction – Individual Vehicle: $30 per month
   d) Lifting of Time Restriction – Special Event: $75

3) That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Part of the mandate of the Winnipeg Parking Authority is management of the on-street parking resources within the city – which includes loading zones and residential parking zones.

In accordance with the 2011 WPA Business Plan approved by Council on March 23, 2011, the WPA conducted a review of on-street parking, including loading zones, in downtown and Exchange District in consultation with stakeholders. This consultation, along with many citizen inquiries on other related right of way issues, identified the need for changes to the methods of management of the private use of the public right-of-way under the Traffic By-Law. Changes to the Traffic By-Law are under the oversight of the Standing Policy Committee on Infrastructure Renewal and Public Works.

IMPLICATIONS OF THE RECOMMENDATIONS

Recommendation 1(a) and 1(b) – There are no financial implications to this recommendations.

Recommendations 1(c) and 1(d) – While creation of a new permitting program and temporary lifting of restrictions will generate additional revenue, the level of demand can not be predicted at this time and, as a result, any increases in revenue cannot be estimated.

HISTORY

In the WPA business plan, approved by Council on March 23, 2011, the issue of management of loading zones and other aspects of managing on-street parking was raised as an area that the WPA would be focusing on in 2011. In addition to proposed changes to Meter rates and times, the stakeholder consultation carried out by the WPA considered the issue of loading zones.

Concurrently, the Public Works Department began a review of the types of permits issued for various private uses of the public right of way. As part of this review, the WPA was engaged and areas where service to citizens could be improved were identified.

Loading Zones

During the consultation on changes to on-street parking and as a result of discussion with the Provincial Crown Attorney's office, it has become clear that there is a need to better define loading zones and the limits on the usage of loading zones.

The WPA has worked with the Public Works Department in reviewing the provisions of the Traffic By-Law and Highway Traffic Act with a view of more clearly defining what a loading zone

is and how it should be used. As part of an on-going process, in the longer term, we will investigate best practices across North America and, if appropriate, bring recommendations with respect to the management of commercial loading within business districts.

The proposed amendments make it clear that, in order to park legally in a loading zone, a vehicle must not be parked in excess of 30 minutes in a disabled loading zone and 15 minutes in any other loading zone unless the loading zone sign specifies otherwise. The COO of the Winnipeg Parking Authority will be authorized to establish alternative times for specific loading zones and ensure that they are posted on the loading zone signs designating that loading zone.

In addition to complying with the maximum times, vehicles parking in a loading zone must be actively being loaded or unloaded in order to be legally parked. Vehicles parking in a disabled loading zone will also have to display a valid handicapped parking permit.

The proposed amendments will provide greater certainty to the public regarding the appropriate use of loading zones.

Residential Parking – Service Providers

Currently, where parking is time-restricted on a residential street, the Traffic By-Law provides only for issuance of residential parking permits to residents on the street. However, the By-law does not make provisions for service providers such as health care providers or contractors working in these areas who also need to park in excess of the time limit. The WPA has worked with the Public Works Department in reviewing the provisions of the Traffic By-Law in order to develop a regulatory framework to allow for service providers to legally exceed posted residential time restrictions. Further discussion in this regard is contained in Appendix B to this report.

The proposed amendments will allow the WPA to establish a permitting program that will allow qualified service providers and contractors to exceed the maximum parking time limits on all residential streets that have had time limits imposed. All such permits will be subject to a maximum annual time limit of 72 hours in one location. This will balance the need to provide residents of the street with on-street parking with the provision of services by both social service providers and businesses which provide services to residential customers.

Lifting of Restrictions

Currently there is a gap in the regulatory framework relating to temporary lifting of the time-limited parking restrictions posted on a street not controlled through meters. Where specialized construction equipment or material will be left in the right of way, site specific ‘Use of Street’ permits provide for the exclusive use of the indicated portion of the street by the permit holder. For short term use of the right-of-way to store materials or specialized equipment where the exclusive use of the street is not required, an annual ‘Use of Street’ permit allows for short term use of the right-of-way for up to 3 days at any given location, but only where there are no other existing parking restrictions.

These Use of Street permits, administered by the Public Works Department, do not appropriately address the many requests for temporary lifting of time-limited parking restrictions by owners of vehicles where exclusive use of the street is not required, but only an exemption from the posted time limited parking restriction for a specified period of time. Further discussion in this regard is contained in Appendix B to this report.

The proposed amendment will allow the WPA to establish programs that will lift restrictions on parking for particular vehicles and for particular events on a temporary basis. This will balance the need to ensure that residents of a given street have access to the public right-of-way with the occasional need for a lifting of time-limited parking restrictions.

FINANCIAL IMPACT

	2011	2012	2013	2014	2015
Capital					
Capital Expenditures Required					
Less: Existing Budgeted Costs					
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal					
Debt - External					
Grants (Enter Description Here)					
Reserves, Equity, Surplus					
Other - Enter Description Here					
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs					
Less: Incremental Revenue/Recovery					
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts					
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

As demand for service provider permits is unknown, revenue increases cannot be accurately forecast and the financial impact not known.

Original signed by
Kevin Boutilier, CMA
Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department
Public Works Department

SUBMITTED BY

Department: Winnipeg Parking Authority
Division
Prepared by: Colin Stewart
Date: May 9, 2012
File No.

Appendix A

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Traffic By-law.

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

Traffic By-law amended

1 The Traffic By-law No. 1573/77 is amended by this By-law.

Definition added

2 The following definition is added to subsection 2(2):

"disabled loading zone" means that portion of the roadway adjacent to the curb designated as such by traffic control devices.

"loading zone" means that portion of the roadway adjacent to the curb designated as such by traffic control devices.

Clause 26(b) amended

3 Clause 26(b) is amended by replacing "*Where*" with *"Subject to section 26.1, where*".

Section 26.1 replaced

4 Section 26.1 is replaced with the following:

PARKING PERMITS

26.1 (1) The Chief Operating Officer of the Winnipeg Parking Authority is authorized, in accordance with Schedules 10 and 12 of this By-law, to issue Residential Parking Permits, Visitor's Residential Parking Permits, Contractor's Permits and Social Services Provider's Permits.

(2) Notwithstanding clause 26(b) but subject to clause 26(a) and subsection 26.1(3), a vehicle that has been issued and is displaying so that it is visible from outside the vehicle

(a) a Residential Parking Permit,

(b) a Visitor's Residential Parking Permit,
(c) a Contractor's Parking Permit, or
(d) a Social Services Provider's Parking Permit

and is parked or stopped on a portion of a street where a traffic control device has been placed that limits the length of time during which a vehicle may be parked on all or a portion of the street, is not subject to the limitation or prohibition on parking or stopping signified by that traffic control device.

(3) Notwithstanding that a vehicle has been issued and is displaying a Contractor's Parking Permit or a Social Services Provider's Parking Permit, the exemptions from limitations or prohibitions on parking or stopping granted by subsection (2) do not apply to the vehicle if it has been parked on that block for a total of 72 hours or more during the course of a calendar year.

Section 28 amended

5 Section 28(b) is replaced with the following:

(b) in a loading zone, unless

(i) the vehicle is standing for a period of time no longer than the time period specified on the traffic control devices designating the loading zone or, where no time period is specified on the traffic control devices designating the loading zone, for longer than 15 minutes; and

(ii) the vehicle is actually being loaded or unloaded;

(c) in a disabled loading zone, unless

(i) a permit issued pursuant to Section 124.3 of The Highway Traffic Act *for that vehicle is displayed within the vehicle so that it is visible from outside the vehicle*; *and*

(ii) the vehicle is standing for a period of time no longer than the time period specified on the traffic control devices designating the loading zone or, where no time period is specified on the traffic control devices designating the disabled loading zone, for longer than 30 minutes; and

(iii) the vehicle is actually being loaded or unloaded;

Section 32.1 added

6 The following is added after section 32:

LIFTING OF RESTRICTIONS

32.1 (1) Subject to this section and the provisions of this Schedule 13, in response to an application or on his or her own initiative, the Chief Operating Officer of the Winnipeg Parking Authority may in writing issue a temporary exemption from restrictions on the length of time a vehicle may be parked. The temporary exemption may be issued with respect to:

(a) a particular vehicle; or

(b) all vehicles within a specified area during the happening of a particular event.

(2) Notwithstanding clause 26(b) but subject to clause 26(a), a traffic control device that limits the length of time during which vehicles may be parked on all or a portion of the street is not applicable to

(a) a particular vehicle to which a temporary exemption has been issued under clause (1)(a) and displaying a valid permit denoting this fact; or

(b) any vehicle parked in a specified area with respect to which a temporary exemption has been issued under clause (1)(b).

32.1 (3) A temporary exemption does not apply to a vehicle that weighs more than 3700 kilograms.

32.1 (4) A person who applies for a temporary exemption must pay any application fee or other fee established by Council with respect to the temporary exemption. However, where a designated employee considers that the event with respect to which a temporary exemption granted is of benefit to the community, he or she may waive the fee with respect to the temporary exemption.

Schedules 12 and 13 added

7 The following schedules are added following Schedule 11:

SCHEDULE 12 TO THE TRAFFIC BY-LAW NO. 1573/77 OF THE CITY OF WINNIPEG

CONTRACTOR PARKING PERMITS AND SOCIAL SERVICE PROVIDER PARKING PERMITS

A. <u>Eligibility</u>

1. Subject to the provisions of this schedule, the Chief Operating Officer of the Winnipeg Parking Authority may issue a parking permit for any vehicle registered in the name of an individual or company engaged in the business of the provision of

(a) contractor services, including carpentry, plumbing, gas fitting, roofing and electrical work; or

(b) social services, including home care, occupational therapy and speech therapy.

2. The Chief Operating Officer may not issue a contractor permit for a vehicle that weighs more than 3700 kilograms.

B. Application Procedure

3. In order to obtain a Contractor or Social Services Provider permit, the applicant must provide to the Chief Operating Officer of the Winnipeg Parking Authority:

(a) a copy of the vehicle registration;

(b) evidence that the vehicle is used for the provision of contractor services or social services; and

(c) payment of an annual permit fee.

C. Improper Use of the Permit

4. Where a Contractor or Social Services Provider permit has been issued for a vehicle but is not displayed so that it is clearly visible from outside the vehicle, the person to whom the permit was issued is guilty of an offence and is liable, upon summary conviction, to a fine set out in the Voluntary Payment of Fines By-Law.

5. Where a Contractor or Social Services Provider permit is displayed so that it is clearly visible from outside the vehicle but the vehicle to which the permit is issued has been parked on that block for a total of 72 hours or more during the course of a calendar year, the person to whom the permit was issued is guilty of an offence and is liable, upon summary conviction, to a fine set out in the Voluntary Payment of Fines By-Law.

SCHEDULE 13 TO THE TRAFFIC BY-LAW NO. 1573/77 OF THE CITY OF WINNIPEG

TEMPORARY EXEMPTION FROM PROVISIONS REGULATING TIME-LIMITED PARKING

A. Eligibility

1. When considering whether to issue a temporary exemption under section 32.1 of this By-law, the Chief Operating Officer must:

(a) take into account the purposes for which the restrictions from which a temporary exemption is proposed were instituted and the extent to which the temporary exemption is likely to undermine these purposes; and

(b) weigh the reasons for the proposed temporary exemption against the importance of the purposes for which the restrictions from which a temporary exemption is proposed were instituted.

B. Application Procedure

2. In order to obtain a temporary exemption referred to in section 1 with respect to a particular vehicle, the applicant must provide to the Chief Operating Officer of the Winnipeg Parking Authority:

(a) a copy of the vehicle registration;

(b) the reasons for the proposed temporary exemption; and

(c) payment of a permit fee.

C. Improper Use of a Permit

3. Where a written temporary exemption has been issued for a vehicle, the Chief Operating Officer may issue a permit indicating this fact.

4. Where a permit referred to in section 4 has been issued for a vehicle but the permit is not displayed so that it is clearly visible from outside the vehicle, the person to whom the permit was issued is guilty of an offence and is liable, upon summary conviction, to a fine set out in the Voluntary Payment of Fines By-Law.

Voluntary Payment of Fines By-law amended

8 Schedule A of the Voluntary Payment of Fines By-law No. 789/74 is amended by adding the following:

Failing to display Contractor's Permit or Social Services Provider Permit under Schedule 12, Traffic By-law	*10*	*5*
Exceed 72 hour annual maximum under Schedule 12, Traffic By-law	*70*	*35*
Failing to display Temporary Lifting of Parking Restrictions Permit under Schedule 13, Traffic By-law	*10*	*5*

DONE AND PASSED, this day of , 2012.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief Operating Officer
Winnipeg Parking Authority

Approved as to form:

_____
For Director of Legal Services and City Solicitor

APPENDIX B – DETAILED DISCUSSION

Social Service Providers/Contractors

Current provisions of the Traffic By-Law do not allow for the following groups to exceed the posted time restrictions on residential streets:

- Social service providers such as home care, physical therapists, etc; and
- Contractors/home repair services including but not limited to plumbers, gas fitters, etc.

The services provided by these groups typically require remaining at the residence in excess of two hours. At the present time these service providers have to either interrupt their work to move their vehicle or, if possible, contact the WPA to request a temporary Lifting of Restrictions (LORs) on each occasion. Neither of these are practical options for many contractors or service providers.

Recommendation

The recommended course of action is to amend the Traffic By-Law to allow for an annual permit program for social service providers and contractors/home repair services to exceed posted time restrictions on residential streets in all existing residential parking zones.

The permits will include a limitation on parking on the same block for more than a total of 72 hours in a given calendar year. This will prevent permit holders using the permit to circumvent provisions of the Traffic By-Law in order to park equipment in front of their own residence. It will also prevent individuals who work in or near residential areas from obtaining an annual permit to allow them to use the residential streets as a parking lot.

Permit Program – Social Service Providers

Permits will be issued based on submitted applications and payment of the annual fee. Permits will be issued under the following guidelines:

- Proof of work in a social service provider capacity, such as:
    - Letter from WRHA confirming vehicle owner is currently employed in home care capacity and is required to attend clients in multiple locations throughout the city; or
    - Letter from employing agency, such as a school division, that the vehicle owner is a social service provider that is required to attend to multiple work locations within the city;
        - In addition to the letter, such service providers will also require proof of membership in a recognized professional association (such as the

Manitoba Speech and Hearing Association, which regulates speech pathologists) that governs social service providers.

- Permit will allow vehicle to be parked in excess of the posted time restriction on residential streets;
- Each permit will be linked to a specific licence plate, and will not be transferable; and
- Permit does not exempt the holder from obeying all other posted traffic and parking regulations.

Permit Program – Contractors/Home Repair Services

Permits will be issued based on submitted applications and payment of the annual fee. Permits will be issued under the following guidelines:

- Proof of work as a contractor or home repair service provider:
    - Where the vehicle is not registered to a company, a letter from company providing home repair services indicating that the vehicle owner is an employee or sub-contractor of that company and provides home repair services within the city; and
    - All service providers will also require proof of current journeyman certificate and/or membership in a recognized trade association such as the Manitoba Home Builders Association or the Manitoba Renovation Contractors Association.
- Permit will allow vehicle to be parked in excess of the posted time restriction on residential streets;
- Each permit will be linked to a specific licence plate, and will not be transferable. Separate permits will be required for trailers in addition to vehicles; and
- Permit does not exempt the holder from obeying all other posted traffic and parking regulations.

Lifting of Restrictions

Situation

Currently, there is no practical way to allow individuals or groups to to exceed posted time or other parking restrictions on unmetered city streets in a variety of situation, including the following: A construction company renovating a building where the project is expected to last for a number of weeks, requiring a vehicle to park in excess of either posted time restrictions; or

> A funeral, graduation ceremony, Folklorama pavilion or other community event is scheduled to take place in a location where the surrounding streets may have posted time restrictions and on-site parking is not sufficient to accommodate the expected attendance.

In the interests of customer service, currently, the WPA will, upon request, agree not to enforce time restrictions in specific situations. However, this is done on an ad hoc, case by case basis and does not have the necessary framework that would ensure consistency and predictability.

Recommendation

The recommended course of action is to amend the Traffic By-Law to allow for the creation of a formal program and process for the granting of Temporary Lifting of Restrictions (LOR).

Lifting of Restrictions – Individual Vehicle Basis

Permits will be issued based on submitted applications and payment of a permit fee. Permits will be issued under the following guidelines:

- Application must include a letter outlining the location and the requested time for the LOR, including start and end dates;
- Application must be received a minimum of 72 hours in advance of the start of the requested period of the LOR;
- Permit will allow vehicle to be parked in excess of the posted time restriction on streets where such a time restriction is posted;
- Each permit will be linked to a specific licence plate, and will not be transferable; and
- Permit does not exempt the holder from obeying all other posted traffic and parking regulations.

In many instances, currently requested LORs for individual vehicles will be addressed by Recommendation 1(c) (proposed amendments to the Traffic By-Law which will provide for service provider permits), but there will continue to be a need for LORs in excess of the 72 hours allowed by the proposed service provider permit.

Lifting of Restrictions – Community Events

It is proposed that exemptions from parking restrictions will be issued based on submitted applications and payment of the fee. Exemptions will be in writing and will be issued under the following guidelines:

- The application must indicate the community event for which the LOR is requested, including the start and end times of the event;
- Application and payment of the required fee must be received a minimum of 24 hours in advance of the start of the requested period of the LOR;
- Where the event is considered of benefit to the community, the WPA may waive the requirement for payment of the fee associated with establishment of a temporary LOR;
- The LOR will allow vehicles to be parked in excess of the posted time restriction on specified residential streets for the duration of the event; and
- The LOR will not exempt vehicles from obeying all other posted traffic and parking regulations.