Agenda – Executive Policy Committee – July 9, 2014

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – July 4, 2014

Item No. 1 Transit By-law

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2014, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That a new Transit By-law (draft attached as "Attachment A" to this report), which makes it an offense for non-payment of transit fare, establishes offences for other inappropriate conduct on the Public Transit System and Rapid Transit Corridor, including violations of rules established by the Director, and outlines fines for a number of offenses, access to the transitway, and includes a provision for banning people from the Public Transit System, and repeals the Rapid Transit Corridor By-Law 49/2012, be enacted.

2. That Council recommend to the Winnipeg Police Board that effective September 1, 2014 the staff establishment of the Winnipeg Police Service be increased by 2 Cadets and that the funding of the associated 2014 operating costs of $48,385 be provided through an appropriation of the Transit Department's Retained Earnings.

3. That Council recommend to the Winnipeg Police Board that provision in the annual operating budget of the Winnipeg Police Service for 2015 and later years in the amount of $85,625 for the additional 2 Cadets (increasing annually for revised contract rates) be referred to the 2015 operating budget process.

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

Agenda – Executive Policy Committee – July 9, 2014

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – July 4, 2014

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2014, 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.

Further, Dave Sauer, on behalf of the Winnipeg Labour Council, submitted a communication in support of the Transit By-law

ADMINISTRATIVE REPORT

Title: **Transit By-law**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Regiec	D. Wardrop	M. Ruta	D. Joshi A/CAO

RECOMMENDATIONS

1. That Council enact a new Transit By-law (draft attached as "Attachment A" to this report), which makes it an offense for non-payment of transit fare, establishes offences for other inappropriate conduct on the Public Transit System and Rapid Transit Corridor, including violations of rules established by the Director, and outlines fines for a number of offenses, access to the transitway, and includes a provision for banning people from the Public Transit System, and repeals the Rapid Transit Corridor By-Law 49/2012.

2. That Council recommend to the Winnipeg Police Board that effective September 1, 2014 the staff establishment of the Winnipeg Police Service be increased by 2 Cadets and that the funding of the associated 2014 operating costs of $48,385 be provided through an appropriation of the Transit Department's Retained Earnings.

3. That Council recommend to the Winnipeg Police Board that provision in the annual operating budget of the Winnipeg Police Service for 2015 and later years in the amount of $85,625 for the additional 2 Cadets (increasing annually for revised contract rates) be referred to the 2015 operating budget process.

4. 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 December 17, 2013, Council approved as part of the 2014 Operating Budget Process a report on "Strategies of Canadian Cities to Enhance Public Safety on Transit". The report included a recommendation that as part of an enhancement to current security and enforcement practices, a comprehensive Transit By-Law be developed for adoption by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

The addition of 2 Cadet positions to the Winnipeg Police Service complement have a financial implication in 2014 of $48,385 for four months to be funded by an appropriation from the Transit Department's Retained Earnings and an annual cost of $85,625 for 2015 and later years.

HISTORY

Background

At its meeting of March 20, 2013, Council directed that Winnipeg Public Service, in consultation with the Winnipeg Police Service and Winnipeg Transit, prepare a comprehensive report on strategies used by other Canadian Cities of roughly comparable size to enhance safety on their public transit systems, including security staffing, if any; and outlining potential options and their associated costs to enhance safety on the Winnipeg transit system, and report back to the Standing Policy Committee.

On December 17, 2013, Council approved as part of the 2014 Operating Budget Process a report on "Strategies of Canadian Cities to Enhance Public Safety on Transit". In addition to proposing an increase in the number of Foot Patrols/Special Constables, the report also included a recommendation for a comprehensive Transit By-law to be developed for adoption by Council in order to strengthen the legal foundation of the Foot Patrols/Special Constables activities as part of an enhancement to current security and enforcement practices.

Transit By-laws from four other Canadian cities of approximate comparable size to Winnipeg were reviewed and used to develop the Transit By-law proposed in this Report.

If enacted by Council, the attached draft Transit By-law would become effective immediately.

A comprehensive Transit By-law is required to regulate the use of the Public Transit System, including the Southwest Rapid Transit Corridor - a private facility owned by the City of Winnipeg for the provision of rapid transit services as shown in Appendix A of the By-law.

Transit By-law Overview

The By-law makes it an offense for non-payment of transit fare and outlines fines for a number of offenses related to:

- Conduct on the Public Transit System and Rapid Transit Corridor
- Access to the transitway and transit stations
- Provision for banning persons

The Transit By-law includes the following key features:

1. Makes payment of a transit fare or use of transit fare product mandatory.

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

3. Prohibits any person from obstructing or interfering with the safety of a Bus Operator and/or the operation of transit vehicles.

4. Prohibits any person from damaging or vandalizing transit property, which includes buses and other vehicles.

5. Prohibits any person from staying more than 90 minutes in a transit shelter or being in a transit terminal or loop, except for the purpose of boarding a bus

6. Prohibits any person from carrying a firearm on transit property and vehicles, unless he or she is a Police Officer.

7. Prohibits drinking alcoholic beverages or inhaling intoxicants on transit property.

8. Prohibits any person from carrying a container of explosive, flammable or toxic materials on transit property.

9. Incorporates key elements of the Rapid Transit Corridor By-law as follows:

    a) 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.
    b) 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.
    c) Permits pedestrians to cross a transitway only at designated pedestrian crosswalks in stations.

10. Delegates authority to the Director of Transit to:

    a) Appoint employees or agents of the City of Winnipeg as by-law enforcement officers for the purpose of administering and enforcing the By-law.
    b) Authorize other individuals and vehicles to enter and remain on transit property and a transitway in order to effect repairs, service, and maintain a rapid transit corridor.
    c) Authorize vehicles used to transport passengers for a fee and operated by other transportation operators to enter transit property and a transitway for the purpose of integrating the services provided by these operators with the public transit property offered by the City of Winnipeg.
    d) Make rules respecting:
        i) The operation, parking, standing and stopping of vehicles within transit property and a rapid transit corridor.
        ii) The activity and behavior of individuals within transit property and a rapid transit corridor.
        iii) Signage within transit property and a rapid transit corridor.
        iv) Other matters respecting the operation of the public transit system and a rapid transit corridor.
    e) Authorize specific activities that would be illegal on transit property if unauthorized, including selling or distributing items, placing advertisements, busking or performing, and operating vehicles on the transitway.

11. 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 a rule made by the Director of Transit.

12. Authorizes the Director to ban an individual who has committed a criminal offense, violated the Narcotics Control Act or contravened the By-law from transit property and a rapid transit corridor for a period of time specified in the ban.

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

14. Specifies fines for minor offences in the amount of $100 plus court costs imposed by the Provincial court system. (Defacing transit property by writing, drawing, painting, scratching or etching, etc. has a fine of $200.) An offender has an early payment option; by paying half of the fine plus court costs within 15 days he or she will not be further prosecuted for the offence. The more serious offences (including fighting, interfering with safety of a Bus Operator or the operation of a Transit vehicle, causing a safety concern for a transit passenger, using a vehicle to block or interfere with operation of a transit vehicle, and interfering with the operation and safety of the transitway) do not have a specified fine attached and can only be dealt with by the court.

Enhanced Security Measures

With the enactment of the proposed Transit By-Law and the increased presence of Special Constables, Winnipeg Transit's ability to proactively address and triage potential risks will be enhanced. With this, improved safety on Winnipeg's Transit system is expected, but not without a corresponding increase in demand for support from the Winnipeg Police Service (WPS). As such, support for increased Winnipeg Police Cadet services from Winnipeg Transit will help address the expected increase in demand for WPS services. The 2014 cost of two additional Cadet's commencing on September 1, 2014 has been identified as being $48,385, and $85,625 annually thereafter by WPS. If approved by the Winnipeg Police Board, this amount of funding from Winnipeg Transit will be accommodated through the Department's Retained Earnings in 2014, and referred to the 2015 WPS budget process for consideration.

FINANCIAL IMPACT

Financial Impact Statement

Date: June 26, 2014

Project Name:
Transit By-law

First Year of Program **2014**

	2014	2015	2016	2017	2018
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	$ 48,385	$ 85,625	$ 88,159	$ 89,923	$ 91,721
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 48,385	$ 85,625	$ 88,159	$ 89,923	$ 91,721
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 48,385	$ 85,625	$ 88,159	$ 89,923	$ 91,721

Additional Comments: Above costs reflect the annual operating cost estimate to the Winnipeg Police Service of the addition of two Cadet positions. The 2014 financial impact will be funded by an additional appropriation from the Transit Department's Retained Earnings. Funding for 2015 and future years is referred to the 2015 operating budget process for the Winnipeg Police Service and the forecasted costs include inflationary and contract increases as appropriate.

original signed by Tanis Yanchishyn, CA
Manager of Finance and Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department
Winnipeg Police Service
Corporate Support Services

SUBMITTED BY

Department	Transit
Division	Operations
Prepared by:	Alex Regiec, Operations Planner
Date:	June 26, 2014

ATTACHMENT A

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to regulate conduct on and with respect to the City's public transit property

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

PART 1 - INTRODUCTION

Short title

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

Purpose

2 The purpose of this By-law is to regulate the conduct and activities of people using the transit system operated by Winnipeg Transit in order to promote

(a) the safety, well-being, comfort and convenience of passengers and employees on the transit system;

(b) the safe and efficient operation of the transit system; and

(c) the collection of payment by users for the use of the transit system.

Definitions

3 In this By-law

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

"enforcement officer" means

(1) an officer of the Winnipeg Police Service, including a Winnipeg Police Service Cadet, or

(2) an individual who has been appointed by the Director to administer or enforce this By-law and who has been appointed a special constable for this purpose;

"operator" means an employee of Winnipeg Transit who is engaged in operating a transit vehicle;

"passenger" means an individual who is being transported on a Transit vehicle;

"passenger shelter" means a shelter located on a street or on property owned or leased by the City of Winnipeg for the comfort and convenience of individuals waiting to board a transit vehicle and does not include a transit station;

"pedestrian crosswalk" means an area of a transitway within or beside a transit 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;

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

"token" means documentation or an object that has been determined by Council or its delegate to be the equivalent of a fare when submitted to a representative of Winnipeg Transit;

"transfer" means a printed document or electronic equivalent issued by an employee of Winnipeg Transit to a passenger which indicates that the passenger has paid a transit fare or used a transit fare product in accordance with section 5 and is entitled to a ride on a transit vehicle within a limited period of time without the need to pay a fare or use a transit fare product;

"transit fare" means the amount of money determined by Council or its delegate to be required to purchase a ride on a transit vehicle;

"transit fare product" means a mechanism determined by Council or its delegate to authorize one or more rides on a transit vehicle and includes

(a) a transfer;
(b) a transit pass;
(c) an electronic fare;
(d) a token;
(e) a ticket;

"transit pass" means a document or electronic equivalent determined by Council or its delegate to authorize an individual to obtain rides on transit vehicles for a specified period of time, in a particular area of the city of Winnipeg or on particular transit routes;

"transit property" means all real and personal property which is used to provide or support the provision of public transit passenger services within Winnipeg and includes

(a) transit vehicles;
(b) passenger shelters;
(c) transit stations;
(d) transit terminals or loops; and
(e) garages and depots owned or operated by Winnipeg Transit that are used to provide or support transit services;

"transit 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. It 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 that runs beside or through the transit station;

"transit terminals or loops" means private property owned or leased by the City of Winnipeg and used by transit vehicles to wait or to turn around;

"transit system" means the regularly-scheduled and special events transit services available for use by the general public but does not include vehicles operated as part of the Handi-Transit accessible service;

"transit vehicle" means a vehicle operated by or on behalf of Winnipeg Transit to transport passengers;

"transitway" means the physical roadway within the Rapid Transit Corridor upon which public transit vehicles operate, but excludes transit stations;

"valid", in relation to a transit fare product, means that it is not revoked, expired, forged, altered or counterfeited, as determined by an operator or enforcement officer;

"Winnipeg Transit" means the department of the City of Winnipeg that has been assigned the responsibility of operating the transit system.

Employer responsible for actions of employee

4 For the purposes of this By-law, where an individual is acting under the direction of his or her employer or principal in contravening this By-law, both the employer or principal and the individual are guilty of the contravention.

PART 2 – PAYMENT OF TRANSIT FARES

Payment of fare or use of fare product mandatory

5(1) Subject to subsection (2), no person may obtain a ride on a transit vehicle without either

(a) tendering in valid Canadian or United States currency the amount of a transit fare; or

(b) using a valid transit fare product;

at the time of boarding the transit vehicle.

5(2) Notwithstanding subsection (1), Council may exempt individuals or groups from the operation of subsection (1). Where Council has acted under this subsection, the Director is authorized to establish evidence that must be provided or displayed by an individual in order to qualify for the exemptions established by Council.

Misuse of transit fare products

6(1) An individual must not use or attempt to use an invalid transit fare product to obtain a ride on a transit vehicle.

6(2) An individual must not lend, give or sell to another person a transit fare product that is identified on its face as non-transferable.

6(3) An individual must not use or attempt to use, as his or her own, a transit fare product that is identified on its face as non-transferable which was issued to someone else.

6(4) An individual must not use or attempt to use a transit fare product that is being used by another person at the same time.

PART 3 – CONDUCT ON TRANSIT PROPERTY

Prohibited conduct on transit property

7(1) An individual must not do any of the following on or in any transit property:

(a) litter;

(b) apply graffiti to any transit property;

(c) spit, urinate or defecate;

(d) consume an alcoholic beverage;

(e) inhale a solvent or other intoxicating inhaled substance;

(f) smoke, or carry a lighted cigar, cigarette, pipe, e-cigarette, or e-cigar;

(g) without the prior written permission of the Director, sell or attempt to sell any item, goods or services, including a newspaper, magazine, or merchandise;

(h) without the prior written permission of the Director, play a musical instrument or sing, offer or stage a live musical performance;

(i) occupy a position or act in a manner that interferes or likely to interfere with the safety of an operator or the safe and effective operation of the transit vehicle;

(j) carry a container of explosive, flammable or toxic material, except a cigarette lighter;

(k) carry a firearm, unless he or she is a police officer;

(l) carry a prohibited weapon or restricted weapon, as those terms are used in the Criminal Code of Canada and regulations pursuant thereto;

(m) cause a disturbance or interfere with the comfort or convenience of any other person;

(n) operate any electronic device that is designed to produce sound, including a radio, CD player, iPod, or cell phone, unless the sound from the device is conveyed to the person by a set of earphones or earbuds and does not create a disturbance or a nuisance for other passengers;

(o) use or operate any of the following:

(i) unicycle, bicycle, tricycle or push scooter;
(ii) roller skates, in-line skates or roller blades;
(iii) a skateboard;
(iv) subject to subsection (2), a motor vehicle, including an electrically-powered or battery-powered vehicle;

(p) spill or permit to be spilt any food or drink;

(q) fight or engage in a physical altercation;

(r) engage in an activity or behaviour or do anything that creates a danger to an individual including the individual engaging in the activity or behaviour;

(s) without the permission of the Director, print, write, draw, paint, scratch or etch on transit property, including the interior or exterior of a transit vehicle;

(t) without the permission of the Director, affix any advertisements, notices, words, letters, symbols, names, pictures, geometric figures, numbers, phrases, slogans, stickers or sentences upon transit property, including the interior or exterior of a transit vehicle;

(u) cause damage to any transit property.

7(2) Subclause (o)(iv) does not apply to a motorized mobility aid, as that term is defined in *The Highway Traffic Act*.

7(3) An individual must wear clothing covering his or her torso above and below the waist at all times while on or in transit property.

Prohibition on interfering with boarding or disembarking

8 An individual must not occupy a position or act in a manner that interferes or is likely to interfere with the boarding or disembarking of passengers from a transit vehicle.

Prohibition on blocking transit vehicles

9 An individual must not, and the owner of a vehicle must not permit it to be used to, block or interfere with the movement of a transit vehicle.

Conduct on transit vehicles

10 An individual must not do any of the following on or in a transit vehicle:

(a) cross the safety line near the front of the vehicle while the vehicle is in motion;

(b) enter or leave or attempt to enter or leave a transit vehicle while it is in motion or when the operator has declared it unsafe to do so;

(c) project any part of his or her body or anything through any

(i) window,
(ii) closed door, or
(iii) door in the process of closing;

(d) place his or her feet upon a seat or seat-back cushion;

(e) unless permission to do so is first received from the operator, bring aboard an article of any kind that

(i) obstructs the aisle;
(ii) prevents a seat from being used by a passenger or
(iii) hinders the safety of other passengers;

(f) unless the operator authorizes it, bring a bicycle on a transit vehicle;

(g) bring on board any animal that is not in a cage or kennel, except a dog trained for and used to guide the visually impaired, the hearing impaired or persons with other disabilities.

Use of passenger shelters and transit stations

11 Since passenger shelters and transit stations are intended for use by individuals waiting to board a transit vehicle, an individual must not remain in a passenger shelter or transit station for longer than is reasonably required to board a transit vehicle in order to reach his or her destination and, in any event, for longer than 90 minutes.

Conduct in garages, loops

12(1) An individual must not enter property used by Winnipeg Transit for repair and maintenance or storage of transit vehicles except for the purposes of conducting business or other matters on the site.

12(2) An individual must not enter or be in a transit terminal or loop except for the purpose of boarding a transit vehicle, and the owner of a vehicle must not permit the vehicle to enter or be in a transit terminal or loop unless the vehicle has entered by accident and leaves the transit terminal or loop at the earliest opportunity.

PART 4 – OPERATION OF RAPID TRANSIT CORRIDOR

General entry to transitway prohibited

13(1) Unless otherwise permitted by section 14 or authorized by the Director under section 18(2), no person may enter onto or remain on a transitway.

13(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.

13(3) The owner of a vehicle must not permit it to enter onto or remain on a transitway unless the vehicle has entered by accident and leaves the transitway at the earliest opportunity.

13(4) No person may cross a barrier or fence in order to gain access to a transitway.

13(5) Except within a transit station or where fences or barriers exist to prevent access to the transitway, no person may be within 2 metres of a transitway.

13(6) The offences in subsections (2) and (3) do not apply if the person or vehicle has been permitted by section 14 or authorized by the Director under section 19(2) or if the person or vehicle has entered by accident and leaves the transitway at the earliest opportunity.

Certain entries to transitway permitted

14(1) Notwithstanding section 13, the following vehicles are permitted to enter and remain on a transitway:

(a) transit vehicles;

(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.

14(2) Notwithstanding section 13,

(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.

Obstruction of transitway operation prohibited

15 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.

Streets and Traffic By-laws applicable

16 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 and the Traffic By-law 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.

PART 5 – ADMINISTRATION AND ENFORCEMENT

Director's general powers

17(1) The Director may take actions and implement measures that are not in conflict with this By-law and are consistent with its purpose in order to

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

(b) ensure or enhance the safety and enjoyment of users of the services provided by Winnipeg Transit; and

(c) ensure the efficient functioning of Winnipeg Transit including the rapid transit corridor.

17(2) Where this By-law provides that an activity is only permitted if permitted or authorized by the Director, the Director may permit or authorize the activity if it is consistent with the purpose of this By-law.

Director's authority to make rules

18(1) Without limiting the Director's authority under section 17, the Director may make rules that are not in conflict with this By-law and are consistent with its purpose, respecting

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

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

(c) signage within transit property and the rapid transit corridor; and

(d) other matters respecting the operation of the public transit property and the rapid transit corridor.

18(2) A rule made under subsection (1) 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 this section; and

(b) the rule or rules are posted on the Winnipeg Transit website or are posted on a sign at one or more appropriate locations on transit property or in the transit corridor.

18(3) An individual who contravenes a rule made by the Director commits an offence.

Director's powers re transit property and rapid transit corridor

19(1) Without restricting the general nature of section 17, the Director is authorized to permit individuals and vehicles to enter and remain on transit property and the rapid transit corridor.

19(2) Without restricting the general nature of subsection (1), 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 inter-municipal service sharing agreement;

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

19(3) 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 transit property, including the transitway.

Appointment of enforcement officers

20 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.

Powers of enforcement officers

21 Enforcement officers may take steps to administer and enforce this By-law in accordance with *The City of Winnipeg Charter* including issuing common offence notices for violations or contraventions of this By-law.

Providing identification mandatory

22(1) For the purpose of enforcing this By-law, an enforcement officer is authorized to request that an individual provide his or her name, address and date of birth or produce a valid form of identification sufficient to identify the individual.

22(2) An individual who has been requested under subsection (1) to provide his or her name, address and date of birth or produce a valid form of identification sufficient to identify the individual must comply with the request.

Removal of individuals

23(1) An enforcement officer is authorized to request that an individual who contravenes a provision of this By-law or a rule made by the Director leave a rapid transit corridor or transit property.

23(2) An individual who has been requested to leave a rapid transit corridor or transit property under subsection (1) must comply with the request.

23(3) Officers of the Winnipeg Police Service are hereby authorized to act under *The Petty Trespasses Act* to apprehend without a warrant an individual who has been requested by an enforcement officer to leave a rapid transit corridor or transit property under subsection (1) but who has failed to do so. After apprehending such an individual, an officer must take the person to the nearest justice as soon as reasonably practicable to be dealt with according to law.

Banning individuals from transit system

24(1) The Director may prohibit an individual who has committed a criminal offence or violated the Narcotics Control Act on transit property or has contravened this By-law or rules made by the Director from entering onto any transit property for a specified period of time or until a specified date.

24(2) Before acting under subsection (1), the Director must give consideration to the severity of the contravention or contraventions, the circumstances surrounding the contravention or contraventions and the individual's history of previous contraventions.

24(3) A decision under subsection (1) must be in writing and must set out

(a) the reasons for the order or decision;

(b) a statement that there is a right to appeal the order or decision, and the procedure to be followed for appealing it;

(c) the person or hearing body to which the appeal may be taken; and

(d) the date before which any appeal must be filed.

24(4) A decision under subsection (1) must be served on to the individual

(a) by personal service; or

(b) by mailing it by registered mail or delivering it to the individual's residence at the address provided by the individual.

A decision served by a method set out in clause (b) is deemed to have been served on the individual on the third day after the day it is mailed or delivered.

24(5) A decision under subsection (1) may be appealed to the Standing Policy Committee on Infrastructure Renewal and Public Works, or such other standing policy committee as is responsible for Winnipeg Transit, by filing an appeal in writing with the Office of the City Clerk within 14 days of the date is it served on the individual.

24(6) A decision under subsection (1) takes effect on the date it is served on the individual; it is not stayed pending an appeal.

24(7) Officers of the Winnipeg Police Service are hereby authorized to act under *The Petty Trespasses Act* to apprehend without a warrant an individual who is found on transit property after being prohibited from entering onto transit property under this section. After apprehending such an individual, an officer must take the person to the nearest justice as soon as reasonably practicable to be dealt with according to law.

24(8) An individual must not contravene a prohibition from entering transit property made under this section.

Fines for contravention

25(1) A person who contravenes a provision of this By-law referred to in Appendix B, which is attached to and forms part of this By-law, is guilty of an offence and is liable, upon summary conviction, to a fine in the amount set out in Appendix B, plus mandatory fees and costs as provided by *The Summary Convictions Act*, for the contravention of that provision.

25(2) Notwithstanding subsection (1), a person who contravenes a provision of this By-law referred to in Appendix B may pay a discounted fine in the amount of half of the fine amount set out in Appendix B, plus mandatory fees and costs as provided by *The Summary Convictions Act*, within 15 days following the date the offence notice alleging the contravention was issued, and thereafter will not be prosecuted for the contravention.

25(3) A person who contravenes any provision of this By-law that is not referred to in Appendix B is guilty of an offence and is liable, upon summary conviction, to a minimum fine of $500.00 plus mandatory fees and costs as provided by *The Summary Convictions Act*.

Appeal of order or decision

26(1) 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 Standing Policy Committee on Infrastructure Renewal and Public Works.

26(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.

PART 6 - MISCELLANEOUS

Appendices part of By-law

27 Appendices A and B, which are attached hereto, form part of this By-law.

Repeal of By-law

28 The Rapid Transit By-law No. 49/2012 is hereby repealed.

DONE AND PASSED, this day of , 2014.

_____
Mayor

_____
City Clerk

Approved as to content:

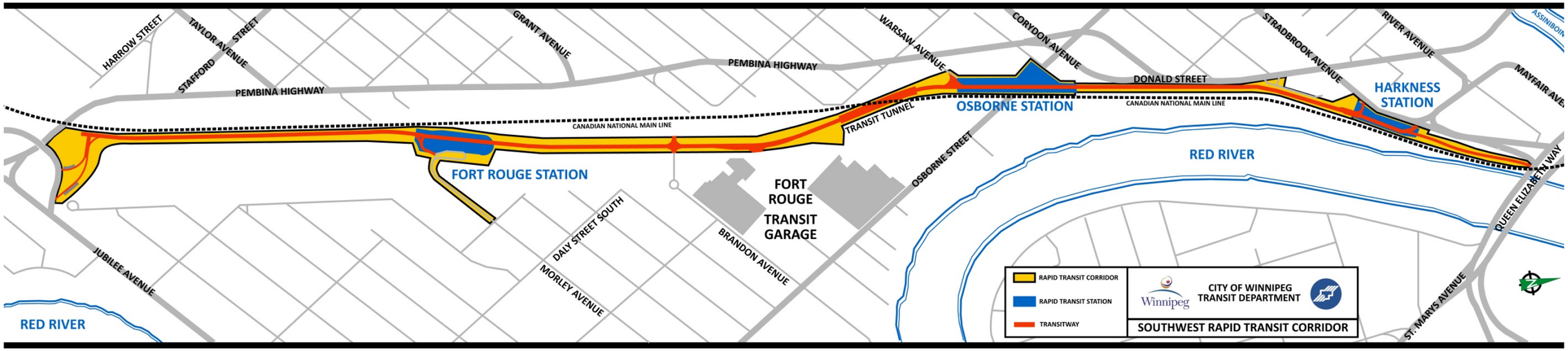
_____
Director of Winnipeg Transit

Approved as to form:

_____
For Director of Legal Services/City Solicitor

“

APPENDIX A”


HARROW STREET
TAYLOR AVENUE
STREET
STAFFORD
PEMBINA HIGHWAY
GRANT AVENUE
PEMBINA HIGHWAY
WARSAW AVENUE
CORYDON AVENUE
DONALD STREET
STRADBROOK AVENUE
RIVER AVENUE
ASSINIBOIN
MAYFAIR AVE
HARKNESS STATION
CANADIAN NATIONAL MAIN LINE
CANADIAN NATIONAL MAIN LINE
TRANSIT TUNNEL
OSBORNE STATION
OSBORNE STREET
RED RIVER
FORT ROUGE STATION
FORT ROUGE TRANSIT GARAGE
DALY STREET SOUTH
MORLEY AVENUE
BRANDON AVENUE
JUBILEE AVENUE
RED RIVER
QUEEN ELIZABETH WAY
ST. MARYS AVENUE
RAPID TRANSIT CORRIDOR
RAPID TRANSIT STATION
TRANSITWAY
Winnipeg
CITY OF WINNIPEG TRANSIT DEPARTMENT
SOUTHWEST RAPID TRANSIT CORRIDOR

APPENDIX B
Transit By-law Specified Penalties

OFFENCE SUMMARY		
Section	**Summary Description**	**FINE***
5(1)	Ride bus without tendering payment or without using valid transit fare product	$100.00
6(1)	Use or attempt to use revoked, expired, forged, invalid or altered transit fare product	$100.00
6(2)	Lend, give or sell a non-transferable transit fare product	$100.00
6(3)	Use or attempt to use as his or her own a non-transferable transit fare product issued to someone else	$100.00
6(4)	Use or attempt to use a transit fare product that is being used simultaneously by another person	$100.00
7(1)(a)	Litter on transit property	$100.00
7(1)(b)	Apply graffiti to transit property	$100.00
7(1)(c)	Spit, urinate or defecate on transit property	$100.00
7(1)(d)	Consume alcoholic beverage on transit property	$100.00
7(1)(e)	Inhale solvents on transit property	$100.00
7(1)(f)	Smoke or carry a lighted cigar, cigarette, pipe, e-cigarette or e-cigar	$100.00
7(1)(g)	Sell, or attempt to sell, any item, good or services on transit property	$100.00
7(1)(h)	Play a musical instrument, sing, offer or stage a live musical performance on transit property	$100.00
7(1)(j)	Bring a container of explosive, flammable or toxic material (except a cigarette lighter) on a transit property	$100.00
7(1)(k)	Carry firearm on transit property	$100.00
7(1)(m)	Cause a disturbance or interfere with comfort or convenience of a transit passenger	$100.00
7(1)(n)	Play electronic device on transit property	$100.00
7(1)(o)	Use or operate a bike, unicycle, roller skates, skateboard or motor vehicle on transit property	$100.00
7(1)(p)	Spill or permit to be spilt any food or drink on transit property	$100.00
7(1)(s)	Print, write, draw, paint, scratch or etch on transit property	$200.00
7(1)(t)	Advertise without permission on transit property	$100.00
7(3)	Fail to wear appropriate clothing on transit property	$100.00
8	Interfere with boarding or disembarking from transit vehicle	$100.00
10(a)	Cross safety line in transit vehicle	$100.00
10(b)	Leave or attempt to leave while transit vehicle in motion	
10(c)	Project part of body through a transit vehicle's window, closed door or door in process of closing	$100.00
10(d)	Place feet upon a seat or seat-back cushion on a transit vehicle	$100.00

* Does not include court costs and fees.

10(e)	Bring an article aboard a transit vehicle which obstructs an aisle, prevents a seat from being used, or hinders the safety of other transit passengers	$100.00
10(f)	Bring a bicycle aboard a transit vehicle, unless authorized by the Bus Operator	$100.00
10(g)	Bring unsecured dog or unconfined animal aboard a transit vehicle	$100.00
11	Remaining in a Transit Shelter longer than 90 minutes	$100.00
12	Enter a transit garage or loop except to board transit vehicle	$100.00
13(1)	Enter transitway without permission	$100.00
13(2)	Travel on transitway without permission	$100.00
13(3)	Allow one's vehicle to travel on transitway without permission	$100.00
13(4)	Cross barrier or fence to transitway	$100.00
13(5)	Be within 2 meters of unprotected area of transitway	$100.00
18(3)	Fail to obey a rules made by Director	$100.00
22(2)	Failure to provide identification information in any statement to enforcement officer	$100.00
23(2)	Refusal to leave transit property	$100.00