SUMMARY SUBMISSION OF FRANK MOTORS

**CLOSING - PART OF PUBLIC LANE
NORTH OF NOTRE DAME AVENUE,
EAST OF LYDIA STREET**

FILE DAC15/2013

Frank Motors appears in support the recommendation of the Lord Selkirk - West Kildonan Community Committee.

Reasons for Lane Closing - Public Safety

The Lane closing was proposed as a matter of public safety to curtail:

(a) speeding;
(b) risk to pedestrians;
(c) drug sales/use;
(d) solicitation of prostitution;
(e) graffiti; and
(f) vandalism.

This Application has received support from the community as shown by the petition of residents of the neighbourhood and the Biz Patrol Report, both included in the Community Committee Administrative Report. The Biz Patrol Report confirms the presence of a sex trade in the area, graffiti and use of the Lane as a shortcut.

During the course of the Community Committee hearing, attention was brought to the amount of truck traffic in the Lane, which is a safety concern. There are too many trucks accessing the Lane from Lydia Street. Accessing the Lane from Lydia streets creates risk to pedestrians. These trucks cannot access the Lane without driving over City of Winnipeg or private property. Visibility is limited on entry and exit.

At the Community Committee hearing, Frank Motors advised that Committee that it would not build over the Lane if the Committee considered access to be an issue (which is not).

Responses to Keltek Submissions

A. Access

Closure of the Lane would not materially interfere with access to Keltek's loading. See the letter of Eric Roeder (Bison Transport) attached as Schedule "A". The only safe means for a truck or tractor-trailer combination less than 60 feet to deliver to the Keltek's property is to back into the Lane from Kate Street. This will not be affected by closing the Lane. After backing in to the Lane, trucks may then exit forward back on to Kate Street. See photos at Schedule "B".

B. Compensation for Injurious Affection

There will be no or only minimal injurious affection to the Keltek property if the Lane is closed.

1. There will be no interference with safe and proper deliveries to Keltek or the use of its doors;

2. use of a public lane as a loading zone for extended periods of time is not a basis for a claim; and

3. if access is still an issue, Frank Motors is prepared to gate the Lane and give Keltek an easement for access during normal business hours, provided that trucks enter and leave the Lane from Kate Street only.

C. Other Measures

Mirrors in the Lane to assist with trucks driving into the Lane from Lydia Street have been suggested. The mirrors would have to be placed on City of Winnipeg property or Frank Motor's property and maintained. Frank Motors does not support the installation of mirrors to continue unsafe access to the Lane and will not accept responsibility for placement or maintenance of mirrors.

Additional lighting in the Lane has also been suggested. The Lane is already well lit at the T-intersection and additional lighting would be an unreasonable nuisance to residents.

Response to Administration Comments

Frank Motors has always cleared the Lane of snow itself as this area is necessary for its business. Frank Motors will continue to do so if the Lane is closed.

Conclusion

Frank Motors submits that the recommendation of the Community Committee be approved and that the Lane be closed in accordance with the application.

SCHEDULE "A"

Recruiting:
800.GO.BISON
recruit@BisonTransport.com

Head Office:
1001 Sherwin Road
Winnipeg, Manitoba
Canada R3H 0T8
204.833.0000 p
204.833.0112 f
800.668.4321

Mississauga:
5850 Shawson Drive
Mississauga, Ontario
Canada L4W 3W5
905.564.5614 p
905.564.5827 f

Calgary:
234090 Wrangler Road
Rocky View, Alberta
Canada T1X 0K2
403.444.0556 p
403.203.5707 f

Edmonton:
80 Liberty Road
Sherwood Park, Alberta
Canada T8H 2J6
780.416.7736 p
780.416.6327 f

September 12, 2014

To whom it may concern,

I am a provincially certified Class 1 and Class 3 driving instructor, as well as being a certified Professional Driver Improvement Course and Long Combination Vehicle Instructor in Manitoba. I have created and taught many safe driving courses and have helped numerous companies achieve award-winning levels of fleet safety. I have helped to create and deliver Manitoba Public Insurance mandated driver training programs and am currently employed as a Driver Development Instructor and safe driving course designer with Bison Transport. I have over 25 years of experience relating to truck driving and safety.

I am familiar with the land subject to the Application and with access to the loading areas of the Frank Motors and the Kelsey Sportswear/Keltek properties.

In my opinion and based on my experience, the proposed lane closure would not limit the ability of trucks and tractor trailer combinations of less than 60 feet in total length to make deliveries to the Kelsey/Keltek property. It is also my professional opinion that accessing the land from Lydia Street is improper as it requires the driver to drive over city and/or private property. This is evidenced by the damage to the grass and curb that is currently present.

Even if there were no changes to the laneway, the safest access possible would be for a straight truck (or tractor-trailer combination of less than 60 feet in total length) to turn north onto Kate St. from Notre Dame Ave. and then back into the lane from Kate St. This would allow laneway delivery to either the Frank Motors and the Kelsey Sportswear/Keltek properties, and would allow the truck to drive out forward back onto Kate St. with much less possibility of hazard. This method would also permit full laneway access to the Frank Motors and the Kelsey Sportswear/Keltek properties if there were a lane closure made as proposed.

Recruiting:
800.GO BISON
recruit@BisonTransport.com

Head Office:
1001 Sherwin Road
Winnipeg, Manitoba
Canada R3H 0T8
204.833.0000 p
204.833.0112 f
800.668.4321

Mississauga:
5850 Shawson Drive
Mississauga, Ontario
Canada L4W 3W5
905.564.5611 p
905.564.5827 f

Calgary:
234090 Wrangler Road
Rocky View, Alberta
Canada T1X 0K2
403.444.0556 p
403.203.5707 f

Edmonton:
80 Liberty Road
Sherwood Park, Alberta
Canada T8H 2J6
780.416.7736 p
780.416.6327 f

As this method is advised whether the laneway is closed off or not, it is my belief that no additional delivery costs would be incurred regardless of development. In addition, the Frank Motors and the Kelsey Sportswear/Keltek properties would still have regular vehicular or pedestrian access either from the laneway from Kate St. or from the North-South laneway between Kate and Lydia.

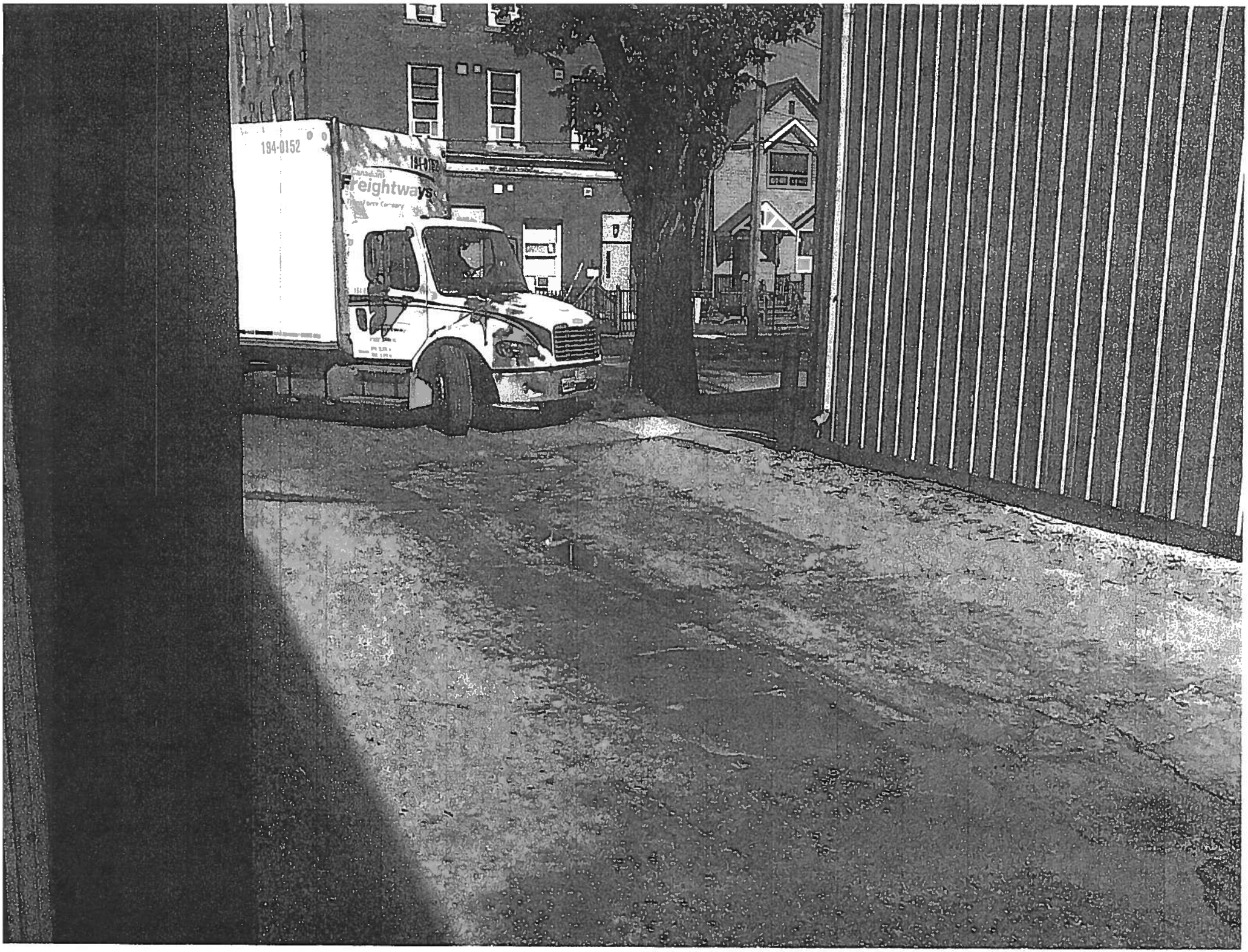
I do not believe that my safety recommendations would pose any undue difficulty outside the parameters of what is normally expected from a professional driver delivering in the City of Winnipeg and would certainly use this method if I were delivering there myself, even if there were no changes to the lane, so it is my professional opinion that there would be no additional hardships if there were a lane closure made as proposed.

Please feel free to contact me if any questions arise.

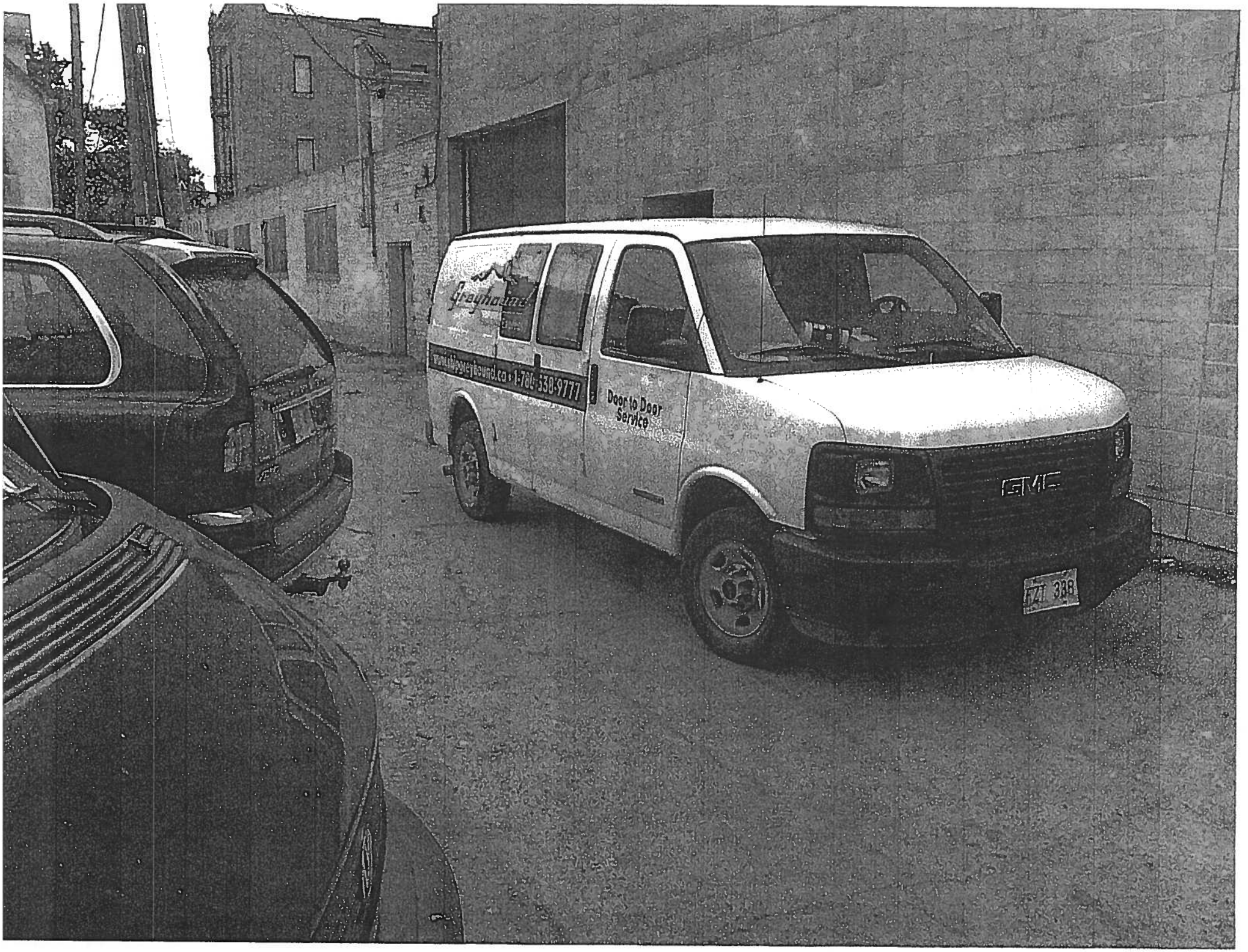
Eric M. Roeder, CACE

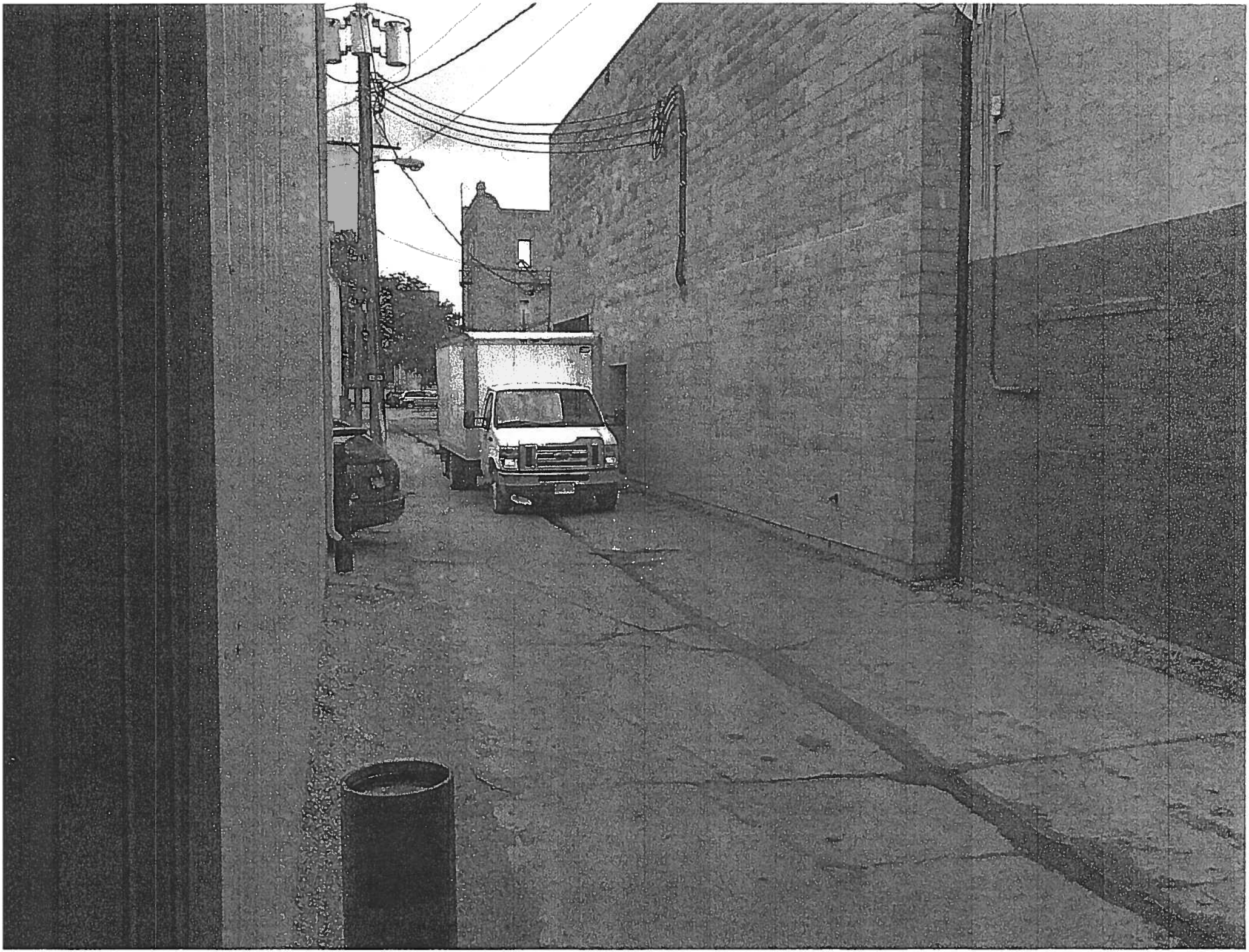
Instructor, Driver Development

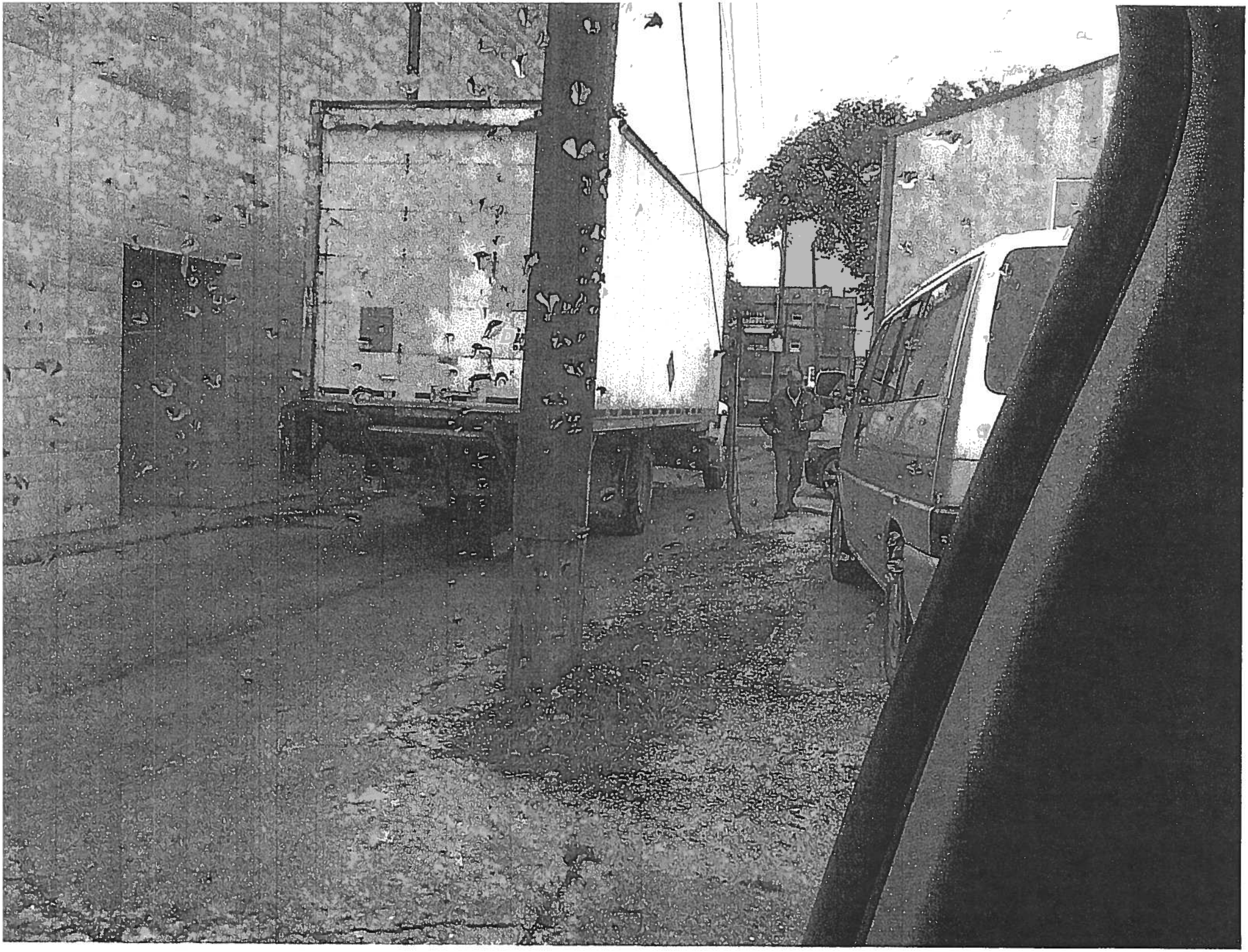
SCHEDULE "B"


194-0152
Freightways


FASTFRATE
FASTFRATE
G.V.W. 15,000KG
TARE 6,773KG 27813
FAS FRATE

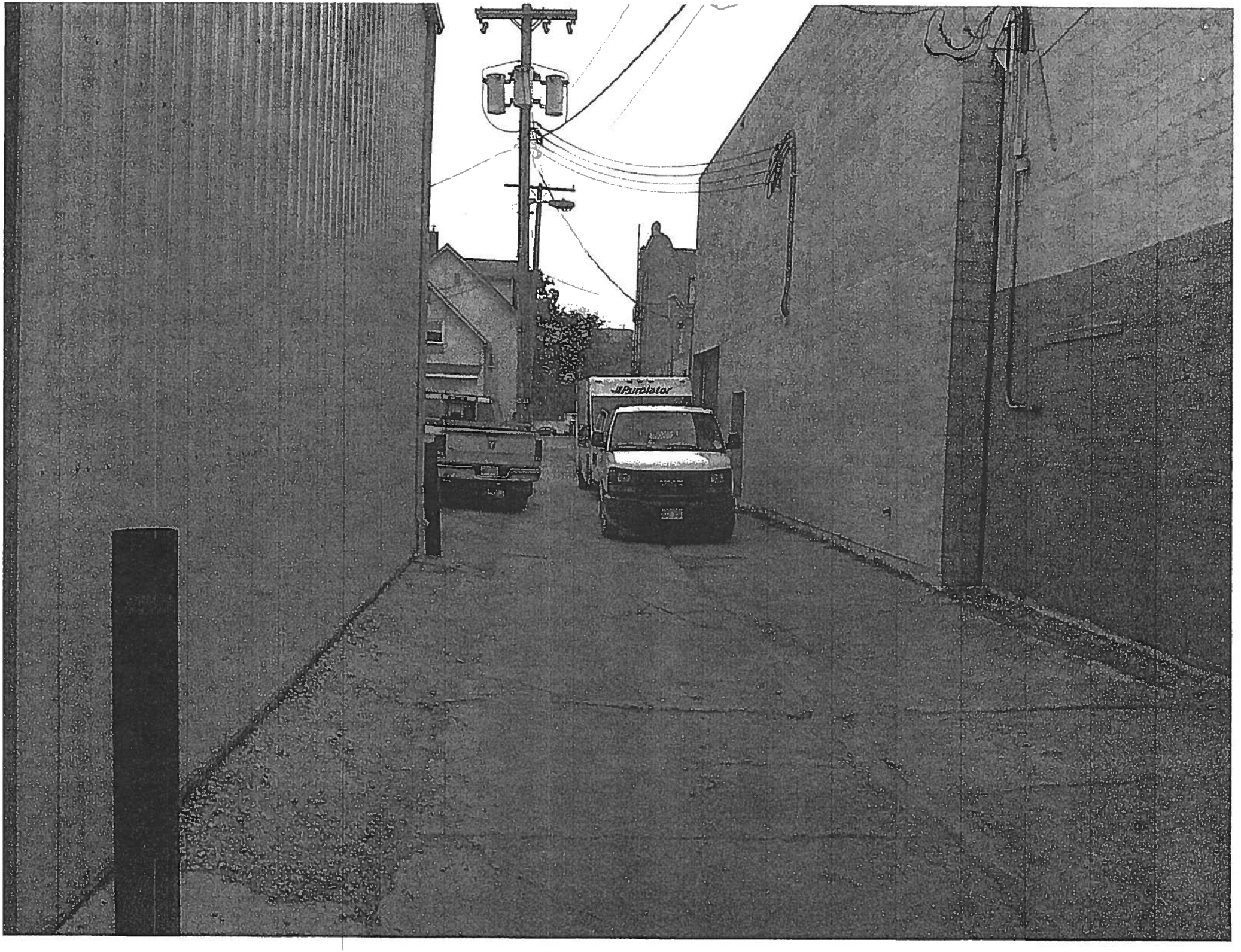

Greyhound
Door to Door
Service
GMC






Purolator
ISO 9001:2008

Purolator


Purolator