Minutes - Executive Policy Committee - May 5, 2004

REPORTS

Minute No. 325 CNR Transcona Yards Midway Walkway
File EP-1.2

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee laid over consideration of the April 21, 2004 Council Motion and requested the Administration to contact the Canadian National Railway (CNR) in an effort to resolve the issue of reopening the Midway for public access.

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DECISION MAKING HISTORY:

Moved by Councillor Eadie,

That the April 21, 2004 Council Motion be laid over and that the Administration be requested to contact the Canadian National Railway (CNR) in an effort to resolve the issue of reopening the Midway for public access.

Carried

COUNCIL DECISION:

On April 21, 2004, Council ruled automatic referral of the following motion to the Executive Policy Committee:

Moved by Councillor Wyatt,
Seconded by Councillor Smith,

WHEREAS the Midway Walkway through the CNR Transcona Yards has been used by the community of Transcona for over 90 years as an access point between North Transcona and South Transcona;

AND WHEREAS the Midway has been crucial for the community of South Transcona to access services such as shopping, schools, work, transit, church, community clubs, the swimming pool, the library, and parks;

AND WHEREAS the Midway is a 'lifeline' for the community of South Transcona as the CN Transcona Yards spans over 2 miles and has no other north/south access points to cross;

AND WHEREAS the right to walk the CN Midway is protected under The Prescription Act, which became part of Manitoba Statutes when the Province joined confederation in 1870, and is referred to as 'easement by prescription' and that these rights can only be taken away by a court of law;

AND WHEREAS the City of Winnipeg is responsible for the planning, maintenance and design of walkways and transportation access for neighbourhoods, and that the unilateral decision by the CNR to close the CN Midway runs contrary to the provisions of The Prescription Act;

THEREFORE BE IT RESOLVED that Council ask the Administration to immediately contact the CNR and request that they reopen the Midway for public access, and failing a positive outcome of this; request, the Administration initiate legal proceedings against the CNR to preserve and defend the rights of all Winnipeg citizens to use the CN Midway as guaranteed under The Prescription Act.