

**First Session - Fortieth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
on  
**Social and Economic Development**

*Chairperson*  
*Mr. Clarence Pettersen*  
*Constituency of Flin Flon*

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**Fortieth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Wednesday, June 6, 2012**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Clarence Pettersen (Flin Flon)**

**VICE-CHAIRPERSON – Ms. Erna Braun (Rossmere)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Ashton, Lemieux, Struthers*

*Ms. Braun, Messrs. Briese, Dewar, Eichler, Helwer, Pettersen, Mrs. Stefanson, Mr. Whitehead*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 31–The Bilingual Service Centres Act*

*Mr. Daniel Boucher, Société franco-manitobaine  
 Mr. Philippe Richer, Association des juristes  
 d'expression française du Manitoba inc.*

*Bill 3–The Highway Traffic Amendment Act  
 (Speed Limits in School Zones)*

*Mr. Doug Dobrowolski, Association of Manitoba  
 Municipalities*

*Mr. Christian Sweryda, private citizen*

*Mr. Charles Feaver, Bike to the Future*

*Ms. Lynne Warda, Winnipeg Regional Health  
 Authority, Injury Prevention Program*

*Mr. Tom McMahan, private citizen*

*Mr. Jon Giroux, private citizen*

*Mr. Anders Swanson, Active and Safe Routes to  
 School Program*

*Bill 5–The Highway Traffic Amendment Act  
 (Inter-City Bus Service)*

*Mr. Doug Dobrowolski, Association of Manitoba  
 Municipalities*

*Bill 27–The Insurance Amendment Act*

*Mr. Frank Zinatelli, Canadian Life and Health  
 Insurance Association*

*Ms. Lindsay Olson, Insurance Bureau of Canada  
 Mr. Scott Feasey, Insurance Brokers Association  
 of Manitoba*

*Bill 32–The Highway Traffic Amendment Act  
 (Powers of Traffic Authorities over Cycling  
 Traffic)*

*Mr. Charles Feaver, Bike to the Future*

*Mr. Jason Carter, Sport for Life*

*Bill 18–The Affordable Utility Rate  
 Accountability Act*

*Ms. Gloria Desorcy, Consumers' Association of  
 Canada, Manitoba Branch*

*Mr. James Beddome, Green Party of Manitoba*

**WRITTEN SUBMISSIONS:**

*Bill 18–The Affordable Utility Rate  
 Accountability Act*

*Peter Miller, Green Action Centre Policy  
 Committee*

*Bill 32–The Highway Traffic Amendment Act  
 (Powers of Traffic Authorities over Cycling  
 Traffic)*

*Dean Kriellaars, private citizen*

*Doug Dobrowolski, Association of Manitoba  
 Municipalities*

**MATTERS UNDER CONSIDERATION:**

*Bill 3–The Highway Traffic Amendment Act  
 (Speed Limits in School Zones)*

*Bill 5–The Highway Traffic Amendment Act  
 (Inter-City Bus Service)*

*Bill 10–The Securities Amendment Act*

*Bill 18–The Affordable Utility Rate  
 Accountability Act*

*Bill 20–The Planning Amendment Act (Inland  
 Port Area)*

*Bill 27–The Insurance Amendment Act*

*Bill 31–The Bilingual Service Centres Act*

*Bill 32–The Highway Traffic Amendment Act  
 (Powers of Traffic Authorities over Cycling  
 Traffic)*

\* \* \*

**Clerk Assistant (Ms. Monique Grenier):** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

I have before me the resignation of Mr. Pettersen as Vice-Chairperson of this committee. Now, before the committee can proceed with the business before it, I must elect a new Chairperson. Are there any nominations for this position?

**Mr. Gregory Dewar (Selkirk):** It's my honour to nominate Mr. Pettersen, Flin Flon, as Chair.

**Clerk Assistant:** Mr. Pettersen has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Pettersen will you please take the Chair.

**Mr. Chairperson:** Okay, our next item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Dewar:** I nominate Ms. Braun.

**Mr. Chairperson:** Ms. Braun has been nominated as Vice-Chair. Are there any other nominations?

Hearing no other nominations, Ms. Braun is Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 3, The Highway Traffic Amendment Act; Bill 5, The Highway Traffic Amendment Act; Bill 10, The Securities Amendment Act; Bill 18, The Affordable Utility Rate Accountability Act; Bill 20, The Planning Amendment Act; Bill 27, The Insurance Amendment Act; Bill 31, The Bilingual Service Centres Act; and Bill 32, The Highway Traffic Amendment Act.

I'd like to inform all in attendance of the provisions and our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting, to consider a bill in the evening, must not sit past midnight to hear presentations, unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6 p.m.

\* (18:10)

As of six this evening, there are 20 persons registered to speak to these bills as noted on the list of presenters before you. Therefore, according to our rules, this committee may not sit past midnight to hear presentations. Considering this, what is the will of the committee?

**Mr. Dewar:** Mr. Chairman, I suggest to the committee that we waive that rule and we sit here, if necessary, past midnight to hear all the presenters.

**Mr. Ralph Eichler (Lakeside):** Yes, we agree with that recommendation.

**Mr. Chairperson:** Therefore, it's been agreed that we'll waive the rule governing the time.

On the topic of determining the order of the public presentations, I will note that we do have out-of-town presenters in attendance, marked with an asterisk on the list. As well, we have had requests from Daniel Boucher and Philippe Richer for Bill 31 to make their presentations in French. We do have translation staff on hand to accommodate consecutive translation.

With these considerations in mind then, in what order does the committee wish to hear the presentation?

**Mr. Eichler:** Typically, we—the rules of the House, usually we call the out-of-town presenters first. So, perhaps, we'll start with those and see how we get from there.

**Mr. Chairperson:** Agreed, everyone?

**Mr. Dewar:** Mr. Chair, I suggest we listen to the French presenters first.

**Mr. Chairperson:** Yes, Mr. Eichler?

**Mr. Eichler:** Yes, we concur with that.

**Mr. Chairperson:** Okay, so we'll consider the French presenters first, followed by the out-of-town presenters. Is that agreed? *[Agreed]*

Before we proceed with presentations, we do have a number of other items—points of information to consider. First of all, if there is anyone else in the audience we—would like to make a presentation this evening, please register with staff at the entrance of the room. Also, for the information of all presenters, while written versions of the presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. Also, in accordance with the rules, if a presenter is not in attendance when their

names is called, they will be dropped to the bottom of the list. If the presenter is not in attendance with their name is called the second time, they will be removed from the presenters' list.

Written submissions from the following persons have been received and distributed to committee members: Dean Kriellaars, private citizen, on Bill 32; Doug Dobrowolski, Association of Manitoba Municipalities on Bill 32.

Does the committee agree to have these documents appear in the *Hansard* transcript of this meeting? [*Agreed*]

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or presenter, I first have to say the person's name. This is the signal of the Hansard recorder to turn the mikes on and off.

Thank you for your patience. We will now proceed with public presentations.

#### **Bill 31—The Bilingual Service Centres Act**

**Mr. Chairperson:** I will now call on Daniel Boucher. This is to make a presentation on Bill 31. Do you have any written materials for distribution to the committee, Mr. Boucher?

**Mr. Daniel Boucher (Société franco-manitobaine):** Yes, I do.

**Mr. Chairperson:** You can proceed with your presentation, Mr. Boucher.

**Mr. Boucher:** Thank you, merci. Bonsoir, good evening. Je suis Daniel Boucher, président-directeur général de la Société franco-manitobaine. Permettez-moi de vous remercier pour cette occasion de vous faire part de nos commentaires sur le projet de loi 31, Loi sur les centres de services bilingues.

À titre d'organisme porte-parole de la communauté francophone du Manitoba, la Société franco-manitobaine est impliquée dans tous les domaines d'activités de la communauté touchant le développement de notre économie, la formation de notre population francophone, l'établissement de liens entre nos communautés rurales et urbaines, la promotion de notre expression culturelle et artistique, la valorisation du français et la promotion des services en français.

Aujourd'hui, au nom de la communauté francophone de la province, la Société franco-manitobaine désire exprimer son appui sans réserve au projet de loi 31, Loi sur les centres de services bilingues, déposé par le ministre de l'Administration locale, Monsieur Ron Lemieux, à l'Assemblée législative le mois dernier.

Comme vous le savez, les francophones du Manitoba jouissent de garanties constitutionnelles en matière de bilinguisme parlementaire, législatif et judiciaire en vertu de l'article 23 de la Loi de 1870 sur le Manitoba. Malgré les défis et les reculs importants causés par la loi intitulée The Official Language Act de 1890 qui a fait de l'anglais la seule langue officielle de l'Assemblée législative, la communauté francophone du Manitoba a continué à progresser et est aujourd'hui un élément essentiel dans le développement de notre province.

Le projet de loi 31 est un autre élément dans une suite logique de prestation de services et la reconnaissance du français dans notre province. Les gouvernements des premiers ministres Roblin, Schreyer, Pawley, Filmon, Doer et Selinger ont tous posé des gestes concrets dans le développement d'une francophonie qui contribue à l'essor de notre province. C'est en effet sous le gouvernement Filmon que la politique sur les services en français a été adoptée en 1989. Cette politique sert d'encadrement pour le gouvernement en matière des services en français. En 1997, le gouvernement a confié au juge Richard Chartier, à l'époque de la Cour provinciale et aujourd'hui à Cour d'appel, le mandat de réaliser une étude au sujet de la politique sur les services en français et des mesures à prendre pour l'améliorer. Ainsi en 1998, le juge Chartier soumet au gouvernement l'étude intitulée Avant toute chose, le bon sens qui est généralement connue sous le nom de rapport Chartier.

C'est à partir des recommandations du rapport Chartier qu'on a vu naître les centres de services bilingues. Ce modèle, qui est décrit dans le projet de loi devant vous aujourd'hui, est reconnu dans l'ensemble du Canada comme étant innovateur, efficace et pratique pour l'offre des services en français. Ces centres constituent des guichets uniques où les citoyens et citoyennes peuvent obtenir, dans la langue officielle de leur choix, des services des gouvernements fédéral, provincial et, dans certains cas, de la municipalité. Selon nous, cette formule est gagnante pour les instances qui reçoivent les services ainsi que pour ceux et celles qui les reçoivent.

Nous aimerions cependant proposer une modification importante à la clause 4(2)c) qui stipule, « le nombre de personnes de la région dont la première langue est le français ou qui parle principalement cette langue à la maison ». Nous aimerions voir une définition plus inclusive comme celle utilisée en Ontario. Au lieu de se limiter à l'énoncé qui parle uniquement de « la première langue parlée est le français », nous aimerions voir un énoncé qui reconnaît que plusieurs nouveaux arrivants n'ont ni le français ni l'anglais comme langue maternelle mais ils ont toutefois une bonne connaissance du français comme langue officielle. Nous considérons que cette définition est plus inclusive et reflète la francophonie manitobaine d'aujourd'hui.

Comme nous l'avons mentionné plus tôt, plusieurs gouvernements ont posé des gestes significatifs dans le développement de la francophonie manitobaine. Nous sommes fiers d'être connus comme une communauté forte non seulement au Manitoba mais également au Canada. En 2007, lors de notre Assemblée générale annuelle, la communauté nous a demandé de travailler vers le développement d'une loi sur les services en français au Manitoba. Les provinces de l'Ontario, de la Nouvelle-Écosse, de l'Île-du-Prince-Édouard et du Nouveau-Brunswick ont déjà emboîté le pas. Nous croyons qu'une suite logique au projet de loi 31 et à toutes les autres avancées importantes que nous avons faites avec les gouvernements qui se sont succédés, nous mènera à une discussion sur un projet de loi qui viendrait englober l'ensemble des initiatives que nous avons mises en place depuis le rapport Chartier et bien avant. Comme le disait l'ancien juge à Cour suprême, l'honorable Michel Bastarache, à une conférence à Saint-Boniface en 2008 et je cite « ...le Manitoba doit aider sa composante francophone à s'affirmer, à vivre, à contribuer. Pour cela, le Manitoba doit offrir des garanties mais aussi, un cadre institutionnel, il faut donc en premier lieu une politique linguistique. »

Le projet de loi 31 est un maillon essentiel dans la chaîne qui lie les différentes composantes de la francophonie.

Je vous remercie pour cette occasion de faire valoir notre point de vue sur ce projet de loi qui représente un moment historique et marquant pour l'ensemble de la communauté francophone du Manitoba.

Merci beaucoup.

\* (18:20)

#### **Translation**

*My name is Daniel Boucher and I'm the chief executive officer of the Société franco-manitobaine. Allow me to thank you for this opportunity to comment on Bill 31, The Bilingual Service Centres Act.*

*As an organization speaking for Manitoba's francophone community, the Société franco-manitobaine is involved in all areas of activity concerning the development of our economy, the training of our francophone population, the establishment of links between our rural and urban communities, and the promotion of our cultural and artistic expression, as well as the affirmation of French and the promotion of French-language services.*

*Today, on behalf of the province's francophone community, the Société franco-manitobaine wishes to express its wholehearted support for Bill 31, The Bilingual Service Centres Act, tabled by the Minister of Local Government, Mr. Ron Lemieux, in the Legislative Assembly last month. As you know, the francophones of Manitoba enjoy constitutional guarantees with respect to parliamentary, legislative, and judicial bilingualism under section 23 of the Manitoba Act, 1870. In spite of various setbacks caused by The Official Language Act of 1890, which made English the only official language of the Legislative Assembly, the francophone community of Manitoba has continued to progress and is today a key element in the development of our province.*

*Bill 31 is another element in the continuum of provision of services and recognition of French in our province. The governments of premiers Roblin, Schreyer, Pawley, Filmon, Doer, and Selinger have all taken concrete action to develop a francophone community that contributes to the development of our province.*

*It was under the Filmon government that the French Language Services policy was adopted in 1989. This policy serves as a framework for the government with respect to French language services. In 1997, the government mandated Judge Richard Chartier, then of the Provincial Court and now in the Court of Appeal, to conduct a study on the French-language services policy and the measures needed to improve it. So in 1998, Judge Chartier submitted to the government the study Above All, Common Sense, which is generally known as the Chartier report.*

*It was as a result of the recommendations of the Chartier report that we saw the development of the bilingual service centres. This model, which is described in the bill before you today, is recognized throughout Canada as being an innovative, efficient, and practical mechanism for offering French-language services. These centres are single windows where citizens can obtain, in the official language of their choice, services from the federal, provincial, and, in some cases, municipal governments. In our opinion, this formula is a winner for the groups that receive these services and for those who receive them.*

*We would, however, like to suggest an important amendment to section 4(2)(c), which provides for "the number of individuals in the region whose first language is French or who speak primarily French at home." We would like to see a more inclusive definition like the one used in Ontario. Rather than limiting ourselves to talking about the first language being French, we would like to see a statement that recognizes that many newcomers have neither English nor French as the mother tongue, but nevertheless have a sound knowledge of French as an official language. We feel that this definition is more inclusive and reflects the Manitoban Francophonie of today.*

*As we mentioned earlier, many governments have taken significant action with regard to the development of the Manitoban Francophonie. We are proud to be recognized as a strong community, not only in Manitoba but in Canada as well. In 2007, at our annual general meeting, the community asked us to work toward the development of a statute respecting French language services in Manitoba. The provinces of Ontario, Nova Scotia, PEI, and New Brunswick have already followed suit. We think that a logical follow-up to Bill 31, and all the other important advances that have been made with various governments, will lead us to discussion of a bill that would encompass the entirety of the initiatives that we have put in place since the Chartier report and well before.*

*As the Honourable Michel Bastarache, the former Supreme Court justice, said at a conference in St. Boniface in 2008, and I quote: "Manitoba must help its francophone component to affirm itself, live and contribute. For that, Manitoba must offer guarantees, but also an institutional framework, and so what is required first is a language policy."*

*Bill 31 is an essential link in the chain that links the various components of the francophone community.*

*Thank you for this opportunity to present our point of view on this bill that represents an historic moment and a milestone for the entire francophone community of Manitoba.*

*Thank you.*

**Mr. Chairperson:** Thank you for your presentation. Do members of the committee have questions for the presenter?

Okay, I'd like to call at this time Philippe Richer. Do you have any written material for distribution to the committee?

**Mr. Philippe Richer (Association des juristes d'expression française du Manitoba inc.):** Je me présente Philippe Richer. Je suis le directeur général de l'Association des juristes d'expression française du Manitoba.

Mes commentaires ce soir seront bref, beaucoup plus brefs que ceux de Monsieur Boucher.

Je représente l'Association des juristes d'expression française du Manitoba. Nous sommes des juristes avec un intérêt pour les questions qui affectent les droits des francophones au Manitoba et au pays. Nous vous rappelons que 5 pour cent de la population manitobaine déclarent le français comme langue maternelle et principale.

Ce nombre monte à dix pour cent quand on inclut les gens qui déclarent que le français est utilisé comme langue seconde. Aussi, la population francophone augmente avec l'immigration des francophones du nord de l'Afrique.

Nous reconnaissons que les politiques sur les services en français que le gouvernement a mis en place, il y a plus d'une dizaine d'années, desservent les communautés francophones.

Nous reconnaissons aussi que ces services ont contribué à l'épanouissement de la langue dans les diverses communautés desservies.

Finalement, nous reconnaissons aussi que ce projet de loi, en fin de ligne, concrétisera les politiques dans un cadre légal.

Par contre, nous vous rappelons que la Nouvelle-Écosse, l'Île-du-Prince-Édouard, Terre-Neuve et les trois territoires canadiens ont déjà adopté une loi sur les services en français.

Le Manitoba risque de perdre son statut de chef de file. Depuis bien des années, le Manitoba mène en matière de services à la population francophone minoritaire. Nous vous encourageons de garder en vue le but ultime.

La politique sur les services en français suffit pour l'instant. Les francophones sont bien desservis. Par contre, la concrétisation de nos acquis dans le cadre d'une loi compréhensive demeure notre but ultime.

Que cette concrétisation se produise par l'adoption d'une loi compréhensive immédiate ou par étape importe peu. Nous appuyons ce projet de loi sans réserve.

Merci monsieur le Président.

### **Translation**

*I am Philippe Richer and I am the executive director of the Association des juristes d'expression française du Manitoba. My comments will be brief this evening, much briefer than those of Mr. Boucher.*

*Our association is made up of French speaking jurists who are interested in matters that affect the rights of francophones of Manitoba and the country as a whole. We would remind you that 5 per cent of Manitoba's population declare French as their mother tongue and primary language.*

*That number goes up to 10 per cent when you include people who declare that they use French as a second language. In addition, the francophone population is increasing with the immigration of francophones from North Africa.*

*We recognize that the French language service policies that the government put into place more than 10 years ago do serve the francophone communities.*

*We also recognize that these services have contributed to the language flourishing in the various communities served.*

*Lastly, we also recognize that this bill will, in the end, translate these policies into a legal framework.*

*However, we would remind you that Nova Scotia, PEI, Newfoundland and the three Canadian territories have already adopted an act respecting French language services.*

*Manitoba is at risk of losing its status as a leader in this area. For many years, Manitoba has been a leader in terms of services to minority populations. We encourage you to keep the ultimate goal in view.*

*The French Language Services policy suffices for now. Francophones are well served. However, translating what we have acquired into the framework of comprehensive legislation remains our ultimate goal.*

*Whether this occurs through immediate adoption of a comprehensive statute or in stages doesn't concern us greatly. We support this bill unreservedly.*

*Thank you, Mr. Chair.*

**Mr. Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

That concludes the list of presenters requesting translation services.

Are there any other persons in attendance who wish to make their presentation in French? Seeing none, does the committee agree to permit the translation staff to leave for the night? *[Agreed]*

We'll now proceed with out-of-town presenters.

### **Bill 3—The Highway Traffic Amendment Act (Speed Limits in School Zones)**

**Mr. Chairperson:** I will now call on Doug Dobrowolski. This is on Bill 3. Do you have any written material to hand out to the committees?

**Mr. Doug Dobrowolski (Association of Manitoba Municipalities):** Yes, I do. May I request of the committee that I also can speak to Bill 5 as I am the only presenter and I'm out of town.

**An Honourable Member:** Agreed.

**Mr. Chairperson:** Agreed. You can proceed with your presentation, sir.

**Mr. Dobrowolski:** The Association of Manitoba Municipalities would like to state our support for Bill 3, The High Traffic Amendment Act regarding speed limit in school zones.

The AMM has actively lobbied to the Province of Manitoba permit—to prevent municipalities to establish speed zones adjacent to or near schools since the Portage—since the City of Portage la Prairie brought this issue forward at our 2010 annual convention.

The City of Winnipeg has lobbied on this issue also, and it was raised again at our 2011 annual convention. While there—this was a particular concern for schools around the highways, safety is a



concern around any school, rural or urban. Every community in Manitoba wants to ensure people—young people travelling to and from school are safe. We are pleased that the Province has recognized its original decision in order to allow the establishment of reduced speed limits in school zones.

Manitoba has been the only western province not allowed—not to allow local governments to set reduced speeds in schools zones or provincially mandated reduced school speed zones. The City of Saskatoon, for instance, dropped the speed in the school zones from 50 to 30 kilometres an hour in 2002. It applies to all elementary and high schools from 8 a.m. until 5 p.m., Monday to Friday, from September to June.

In 2003, school speed zones, before and after study, the City of Saskatoon reported that 25 per cent of the drivers actually slowed down to 30 kilometres per hour. The average speed around the school zones has dropped from 54.5 to about 44 kilometres per hour. In other words, motorists may still be—sorry, exceeding the speed limit around schools, but they have also slowed down considerably.

Municipalities understand that speed limits are not the only safety factor, however, speed is often the factor in collisions, so AMM believes this is an important step. As well, lower speed limits give motorists time to react and brake in an emergency, such as when a child runs out unexpectedly onto the street. Reducing the speed limit allows more time for motorists and pedestrians to act in hazardous situations that could be—that could avoid a 'tragedy'—tragedy.

The AMM is also pleased that the Province has recognized municipal government as an appropriate authority to set speed limits in school zones. Municipal governments, as the order of government closest to the residents and property owners, have local knowledge and are keenly aware of the public safety concerns. However, it is essential to ensure consistency and avoid a patchwork of speed limits throughout Manitoba. For this reason, we encourage the Province to identify the speed zone limit and daily duration of the speed limit in legislation.

In terms of criteria, we have consulted with our members since municipalities do have a detailed understanding of local traffic patterns and requirements. In order to create or change speed limits there are a number of considerations to review. These considerations include prevailing travel speeds, driver expectation, road classification, traffic

flow and patterns, presence of sidewalks and fencing and school type.

Municipalities are familiar with these characteristics. As well, the Transportation Association of Canada has developed national guidelines that have served as a model in our province. Therefore, municipalities are well equipped to determine their own local criteria where school zones are identified and where speed limits should be enforced.

We are also pleased at the creation of a working group to study traffic safety in school zones. The working group is expected to complete its report later this year. The AMM supports the completion of this study in order to determine the most effective ways of improving safety in school zones, including new guidelines for school area traffic safety.

Municipalities are willing to work with school divisions and undertake measures to improve the safety of school zones. By working co-operatively together, we will ensure that our ultimate goal is achieved—enhanced safety of our students travelling to and from school.

Thank you.

\* (18:30)

**Mr. Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** I just wanted to thank the presenter, and I do want to acknowledge the role of the AMM in lobbying for this and, certainly, I appreciate the ongoing efforts of AMM on many issues. But I do want to give you, your executive and the municipalities, or members of AMM representing all municipalities across the province, a lot of the credit here. You raised it, we did our due diligence and, really, it reflects very much what you said, which is that we believe that the municipalities are in the best position to determine speed limits in school zones. And that will, in fact, be the effect of this bill once it passed. So I wanted again—once again, thank you and AMM for your efforts.

**Mr. Eichler:** Thank you for your presentation. I just have one quick question, and that is in regards to the drafting of the legislation. What role, if any, did AMM play in the drafting of the legislation? *[interjection]*

**Mr. Chairperson:** Mr. Dobrowolski.

**Mr. Dobrowolski:** Oh, sorry. We were consulted on the issue and we gave our comments at that time and were also—which were similar to what I'd given tonight, and so we're presenting again tonight.

**Mr. Chairperson:** Any other questions? So we'll move on to Bill 5.

**Bill 5—The Highway Traffic Amendment Act  
(Inter-City Bus Service)**

**Mr. Chairperson:** Do you have written material for Bill 5?

**Mr. Dobrowolski (Association of Manitoba Municipalities):** Yes, I've handed it out already.

**Mr. Chairperson:** Then continue with your presentation, sir.

**Mr. Dobrowolski:** Thank you. The Association of Manitoba Municipalities would like to state our support for Bill 5, The Highway Traffic Act Amendment regarding intercity bus service.

The AMM has worked on this issue steadily since 2009 when the threat of termination of Greyhound passenger bus service first came to our attention. After Greyhound's announcement, the Province of Manitoba took action to ensure Greyhound Canada continued to provide bus service to many remote communities, though a service-through a service maintenance agreement.

The agreement was extended last year until March 31, 2012, and the AMM appreciates the investment made by the Province to keep the bus service available. However, we have also raised the importance of developing a long-term plan. We took part in the provincial consultation on this topic that resulted in the Manitoba Intercity Bus Project Public Consultation Report.

We also provided input on the proposed changes to the economic regulatory rules for scheduled intercity bus service. This is an important issue to our members. Transportation by bus service is essential for—to the fabric of many Manitoba municipalities. Regular bus service provides an integral link to many rural and northern communities. For many who face mobility or economic challenges the bus is the only means of transportation to connect to larger centres for medical services.

Bus service provides independence and allows people with such challenges to live fuller, more

dignified lives in rural communities. Bus service is also used to move goods across the province. In northern and 'remort' areas of Manitoba, essential medical supplies, water samples from water quality testing and other time-sensitive items are shipped by bus. Mining samples are often transported from the north, and delays can impact local economic development.

It is also important for people to stay connected to friends, family and community. Trips made by bus often allow people to participate in social and recreational activities. For these reasons we appreciate the development of the made-in-Manitoba solution for sustaining rural and northern bus transportation.

The AMM welcomes changes to allow more flexibility to schedule bus service providers to respond to market demands. The proposed changes would also allow new service providers to enter the market more readily. However, AMM would also like to remind the Province that there may not be a viable private sector option for low traffic routes. Remote areas are often on low traffic routes.

Our members have expressed concern that some areas will be left without a transportation option through intercity bus service. For this reason we would encourage the Province to consider financially supporting community sponsored highway passenger services for communities who have essential bus service needs. By allowing other providers, such as Handi-Van operators, more flexibilities in the types of service they provide, communities will hopefully receive better service that meets their needs. This is one of the several options that would be considered to support communities who experience low traffic but who also need and rely on this essential service.

Another consideration is safety. Many of our members, especially in northern Manitoba, are concerned about the safety and level of available service if a new regulatory framework is adopted. The age of the bus fleet, for instance, may affect the safety and economic viability of certain bus routes.

In closing, we support the intent of this legislation. The regulations to this act will have important implications for the communities who depend on intercity bus service. Therefore, we believe the Province of Manitoba should consult with stakeholders, including AMM when drafting regulation. Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Do members of the committee have questions for this presenter?

**Mr. Ashton:** Yes, I want to thank the presenter. I want to also thank AMM for its contribution on this issue and I can assure you of a couple of things.

One is, the regulation will continue in terms of safety. I think that's important to note. I think it's a very good point. We were acknowledging, even with a more flexible economic test, in terms of entry and exit, you know, which has changed. We are going to maintain on the safety.

And, I also appreciate the comments on maintaining service in many of the affected areas. We were actually seeing, just in the last few days, a Brandon-based bus company that has filed application for significant number of the routes that Greyhound has indicated it's vacating. So we're seeing a significant uptake already from the private sector.

And, in addition to the legislation, we will be following up in terms of many of the concerns you indicated in terms of service to many of the affected communities. And, I do want to indicate as well, we have had significant consultations but we certainly appreciate the input of AMM, not only in the initial stages of bringing this legislation forward, but, we certainly will be working close with AMM and municipalities across the province, as we roll out the regulations as well. So I thank the presenter for his comments.

**Mr. Chairperson:** Other questions?

**Mr. Eichler:** No questions, just a comment, and want to thank you for your presentation. And, I think it was well thought out and well done, so thank you for that.

**Mr. Chairperson:** Okay, thank you, Mr. Dobrowolski, for your presentation.

**Bill 3—The Highway Traffic Amendment Act  
(Speed Limits in School Zones)**  
*(Continued)*

**Mr. Chairperson:** Next up, we'll call Mr. Sweryda. This is on Bill 3, Mr. Sweryda. Do you have any written materials for distribution to the committee?

**Mr. Christian Sweryda (Private Citizen):** I do. Should I begin or wait—

**Mr. Chairperson:** No, just wait until they've got their copies, Mr. Sweryda.

Okay, you may start.

**Mr. Sweryda:** Okay. I've just distributed a lot of information here.

I'd like to start off by speaking to the City of Edmonton. I have been in close contact with many municipalities regarding the study I'm doing on school zones. And, I'd like to inform the committee that the city of Edmonton currently does not have a reduced speed in school zones. They are very much similar to our current system here in Winnipeg. And, to do—to justify this, they have been doing very detailed studies on their collision history.

Now, the most imperative point out of this is, Edmonton right now, has 15 per cent less collisions involving elementary-aged children compared to the city of the Calgary, which does have reduced speeds. And, exact quote from the City of Edmonton, is, if I may: The main traffic concerns during school drop-off and pick-up times are congestion, improper turns, and failure to yield to pedestrians. Speed is generally not a major issue.

They also concluded that a reduced speed in school zones creates the perception of safety, without actually creating safety. And, the exact phrase they used is: it creates a false sense of security. And, quite simply, children expect the zone to be safe; they have a perception of safety. They are more liable to run out in the road. They're not trained as well because people expect the road to be slowed down.

Now, Edmonton did trial school zones just to test it, and they found that 89 per cent of traffic did not comply with the reduced limits. Saskatoon had similar findings. When they brought in their reduced speeds, 77 per cent did not comply with the new limit. They also concluded that, by examining collision data, kids are getting hit more outside of the zones than within the zones. They're getting hit on their way to school, not actually in the school zone, on their own streets.

\* (18:40)

And it makes sense when you think about it because in a school zone people have an expectation. Driver expectations are when you pass a school area sign there will be children present. Drivers are more cautious. It's much more easier to spot large groups of children going into a school, as opposed to the lone kid that runs out of their house on a Sunday night in—on a residential street outside of a school zone.

They also found that school zone speed reductions created excessive congestion. Direct quote from the—actually, I don't have it here, it's in your package though, the Edmonton Police Service stated that they were in no position to enforce a reduced speed in school zones, and that the main problem in school zones are not speed. They are more improper turns, congestion, illegal parking, jaywalking; these are the kind of issues in school zones. They said speed is generally not a major concern.

Now I have been in many Winnipeg school zones doing my study here and, it's true, people—you cannot speed when the school is letting out. The congestion itself, they're very—school zones are very self-regulating in this manner. And then when the kids go into school, there's not a kid around. They—the school yards are empty. If there was a single—if the kids were skipping school, they wouldn't be seen near the school yard. And this creates—if the reduced speed applies throughout this time, it's unrealistic, it's not obeyed; it creates disrespect.

And it's true that many other provinces allow municipalities to do as they please. And one traffic engineer in Ontario, the exact word he used for this is "mayhem." He said the municipalities right now can do whatever they want. There is no control by the Province, and one municipality may decide—have pressure from a community group who wants to create the perception of safety and the next city may not. So you get all these different speed zones for identical zones throughout the same province. It's—actually, it becomes a traffic engineering nightmare.

Now, back at home here, I have been aggressively studying Winnipeg's school signing practices. Right here in my hand, I have the list of every school zone sign in Winnipeg. And my findings are actually quite gross. The City of Winnipeg has got numerous school zone signs missing. And many of these signs—most of these signs have been missing for more than three years. Street—and these are not just on residential streets. These are on major roads: Stafford, Concordia, Grant, Henderson Highway. Henderson Highway's actually in your package. These—most of these are elementary schools. The signs have been missing for years.

The City of Winnipeg does not want to hear anything about fixing these. They do not want to meet with me; they do not want to put these signs

back up. And many of these are elementary schools. Like, even on residential streets, there's a school on a street called Doubleday. It's an elementary school; it's a community school. It hasn't been signed in more than three years. When I say three years, I'm going by Google Maps. I compare Google Maps and the image date to what's out there now, currently, and I've been monitoring these for the duration of my study for the last two years, and the signs are consistently not being put up.

I've also compared, now, to three years ago, with the signs that were present, and about 20 to 30 additional signs have gone missing, and only five have been replaced. So the situation is worsening. So the question really is: How much does the City of Winnipeg truly care about our children's safety when you have these kind of issues?

Now, just to give you a statistic. In 60-kilometre-per-hour zones—I have finished my study, concluded. There are 28 school zones in 60-kilometre-per-hour roads, only 13 of which are properly signed; 15 are not. Their average is less than half. Now when I say properly signed, first of all, the signs are completely missing. That's an issue for starters. A lot of times the signs are too small. I've included in your package the City of Winnipeg traffic signing policy which states the size of sign that must be used on larger speed roads and that sign is supposed to be dual signed. Many of them are not; 14 locations are not dual-signed. About—almost 30 per cent of signs in 60 zones are not the required size. The City of Winnipeg has set standards for this, and they don't follow their own standards.

And, of course, to be expected, photo radar are seen in many of these zones. It creates the perception there's a speeding problem, but the real problem is our signing. Now, when Grant Avenue got called into question and became an issue, Grant—Sergeant Staff Safioles, said at the time, that all the speeders on Grant, in that school zone, were coming off of Nathaniel Street. He—his exact words were, they're still speeding like crazy and they're all coming off Nathaniel. Well, the sign was missing down in that direction. So, if all the speeders in one school zone are coming from one cross street, wouldn't the City think to check the sign there and see if it's present. It's not present. If you go out behind Grant Park mall and to Hector street and through Nathaniel onto—to get onto Grant, which is not an unreasonable path to take, there's no sign. It's been missing for—it's been one of the ones that's been missing for four years.

Now, the other issue I'd like to bring to your attention is Winnipeg police have done studies—they claim to have done studies—they went out in a school zone on Day Street. They—it was a Sunday night it turns out. They took speed readings and they said that they—there was a very high instance of speeders; there was a big problem with speeding.

Well, first of all, they went out on a Sunday night. So this is no indication of what problem we may have during school times. Also, they—sorry—excuse me—Day Street is one of the locations that's missing a school zone sign. And, the only support Winnipeg police have given for this reduced limit, is that, of people exceeding the current 50-kilometre-per-hour limit, there's been no mention of accidents or issues related to safety. It's only been, people are exceeding the current limit. How do you solve a speeding problem by lowering the limit further?

And, the reason we have speeding problems is quite obvious. Winnipeg is the only city in Canada, not just western Canada, Canada, that will never place a speed limit sign on the median of a divided road. We also very much lack provincial standard in this regard, which is the complete opposite of other provinces.

Now, this lack of dual signing, creates a problem of people speeding into school zones. They don't know they are in reduced speed. The worst one is Corydon. The sign on Corydon—it's in the package—the sign is twice as far off the road as it's allowed to be. It's not in the median. It's the only sign for the speed reduction. After you go through there, there's four school zones all in row. As predicted, all four of them are heavily photo-enforced. So, as you can see, that's where our problem is.

Now, back to Edmonton. I would like to mention that, of the collisions involving children, they found that most collisions do involve during school times because the children are most active. But, the surprising fact was, most of these collisions occurred outside of school zones. The number was something like 80 or 90 per cent. They are occurring on the road to the school. And, that's not surprising because there's less expectation for children compared to the school itself.

Now, I've been studying Winnipeg school crosswalks, I'm not even going to get into the issues of the mess of that signing, but, the fact is, over half of them are outside of school zones. Children are going to have no protection from those issues, going

to and from school, and that's where they're most vulnerable.

Now, back to Edmonton, in that regard, what they've also—what they've done is they create community safety zones. Some schools, where there's an issue on the road specifically, they will lower the speed limit of that road; it will be a community safe zone. It's not just specific to the schools. Some residential streets, where there's problems, have become 40. We don't have any 40-kilometre-per-hour speed zones in Winnipeg. That's a problem. That's one of the solutions if there's a problem on a specific street.

And, the other issue now is the 30-kilometre-per-hour limit—it's unrealistic. A traffic engineer in Ontario told me that the Ontario government's looked at this and they've reached a compromise. Their school zone speed limits only go as low as 40. They said it's because 30 is unrealistic, but they still want to create some perception of safety, so they only allow them to go to 40 as a compromise. This way, there's still somewhat compliance for it.

Now, the other issue is, if we have this reduced speed, the signing will probably be as bad as it is now; it will be a mess. Photo radar will run rampant—

**Mr. Chairperson:** Excuse me. Your time has expired so we'll now open to questions.

Any questions from the committee?

**Hon. Jon Gerrard (River Heights):** Chris, you've done an amazing amount of work. You know, is this part of a thesis or it just because you were so dedicated to improve safety in Winnipeg?

**Mr. Sweryda:** Yes it's—you know what—many people have looked at this and they've said it looks like a thesis project. I'm not just studying school zones; I'm studying every sign in the city. And, yes, it is because of safety. It doesn't take a rocket scientist to know how bad the signing is in Winnipeg. I observed that and I started studying it and the more I studied, the more the City of Winnipeg tried to obstruct me from obtaining data, the more committed I became.

**Mr. Chairperson:** Any other questions?

**Ms. Erna Braun (Rossmere):** Thank you very much for your presentation; all the work that you've done. I particularly appreciate the Winnipeg's worst signed school zone and it happens to be in my constituency. So thank you for the information.

**Floor Comment:** Thank you. It's one of many.

**Mr. Chairperson:** Mr. Sweryda? Okay, that concludes your presentation? Thank you.

\* (18:50)

**Bill 27—The Insurance Amendment Act**

**Mr. Chairperson:** We'll now proceed to the next out-of-town presenter. It's Mr. Zinatelli and Mr. Senft. It's on Bill 27.

Okay, it's my understanding you want to do a joint presentation or—?

**Mr. Frank Zinatelli (Canadian Life and Health Insurance Association):** Well, Mr. Chairman, I will be doing the introductory remarks, and Mr. Senft will assist when the question and answer period begins, if that's okay. Mr. Senft is in the audience.

**Mr. Chairperson:** We'll need leave for that. *[Agreed]*

**Mr. Chairperson:** *[interjection]* Mr. Zinatelli. Yes, I have to recognize you every time you speak, Mr. Zinatelli.

**Mr. Zinatelli:** Thank you, Chairman.

**Mr. Chairperson:** Okay. You can start with your presentation.

**Mr. Zinatelli:** I am Frank Zinatelli, vice-president and general counsel of the Canadian Life and Health Insurance Association.

I would like to thank the committee very much for this opportunity to contribute to its review of Bill 27, The Insurance Amendment Act. I've already introduced Mr. Senft, who is assistant vice-president and senior counsel with the Great-West Life Assurance Company, where he focuses on insurance issues. With your permission, Chairman, I would like to make some introductory comments.

The Canadian Life and Health Insurance Association represents life and health insurance companies accounting for 99 per cent of the life and health insurance in force across Canada. The industry provides products which include individual and group life insurance, disability insurance, supplementary health insurance, individual and group annuities, including RRSPs, RIFs and TFSAs and pensions.

The industry protects more than 26 million Canadians and over 45 million people internationally. The life and health insurance industry makes benefit payments of \$2.2 billion a year to Manitoba residents. It has almost \$17 billion

invested in Manitoba's economy, and it provides employment to about 6,800 Manitoba residents. Mr. Chairman, 84 life and health insurance providers are licensed to conduct life and health insurance business in Manitoba, and five of them have their headquarters in the province.

Mr. Chairman, we welcome this opportunity to appear before the committee as it seeks to develop its report to the Legislature. The main message that we would like to convey this evening is that the life and health insurance industry is very supportive of Bill 27. We will now comment briefly on some of the key aspects of the bill from our perspective.

Most important, the bill would update parts 5 and 6 of The Insurance Act, which govern insurance products issued by life and health insurance companies in the province. These parts govern a wide variety of contractual matters. Manitoba is a leader in this area and began with some modest but useful changes in 2007. However, there had not been a complete revision of part 5 and 6 since 1962 and 1970, respectively, and this applies across Canada actually.

As a result, the current provisions have not kept pace with changes in the marketplace and its evolving needs, including new products, new sales and delivery methods, and new technologies, as well as more sophisticated insurance consumers and insurance industry practices. In order to continue to be effective, the current provisions of the act need to be brought up-to-date, and we are pleased to see that Bill 27 accomplishes this.

The updating of The Insurance Act will allow consumers and insurers to operate under modern legislation. The amendments in the bill will bring greater disclosure and strengthen the rights of insurance consumers in Manitoba. For example, persons covered under group insurance will have the right to obtain a copy of the group insurance policy. The statutory conditions in individual accident and sickness contracts which state many of the important rights and responsibilities of both the consumer and the insurer, and which must be included in insurance contracts, are clarified and updated.

Uninsured will have additional time to reinstate his or her individual insurance contract without evidence of insurability. If a policy were to restrict the consumer's ability to designate a beneficiary, the insurer will be required to advise the consumer by using a conspicuous bold type warning.

We are pleased to see that the update will recognize the importance of electronic means of communication in insurance including its use for designation of beneficiaries. This is an important matter in order for companies to carry on business efficiently, and as consumers demand, in a modern society.

We are also pleased to see the inclusion of a limited privilege for insurers to undertake self-assessment compliance audits.

Another important aspects to note about part 5 and 6 of the act, is that similar provisions are contained within the insurance legislation of all common-law provinces and territories in Canada. As I noted earlier, until very recently, there had been no update of these.

We are pleased to see that Manitoba has taken into consideration the approach being adopted by other provinces and that Manitoba amendments are very much consistent with the changes other provinces are making or considering. It is important to have as much harmonization as possible in the life and health insurance legislation across Canada. This will ensure, for example, that an employer with employees in multiple Canadian jurisdictions, can provide the same group coverage to its employees under a single group insurance policy, and that consumers who move between provinces can expect and rely on the insurance laws of one province to be consistent with another.

We will now turn to one matter where we believe that Bill 27 does not go far enough. The life and health insurance industry believes that it is critically important to ensure that employees on long-term disability are protected in the event of a plan sponsor's financial stress or insolvency. History has shown that when an employer becomes insolvent, and its LTD plan is uninsured, disabled employees can sometimes lose their benefits. The most recent example of this involves the disabled employees of Nortel, who now have to rely on government assistance to meet their needs.

Currently, Canadians have very little protection in uninsured arrangements to support ongoing LTD claims in the event of an employer's bankruptcy. Bill 27 would require that employers that provide income replacement, due to disability, sickness or disease, that is not underwritten by an insurer, must disclose to the employees, before or at the time the benefits are offered, that the benefits are not underwritten by an insurer regulated under The

Insurance Act, but are an unsecured financial obligation of the employer.

While such a provision recognizes the problem, experience in other provinces shows that such requirements have done little for those on LTD when there is a bankruptcy. We believe that the best route to address the protection of those on LTD, is to require that all LTD plans be offered on an insured basis. This provides the maximum protection for disabled employees and ensures that they are paid, regardless of their plan's sponsor's financial situation.

With insured plans, the risk and financial liabilities for providing the LTD benefits, are transferred to the insurer. The insurer's responsibility, with respect to disability benefits, continues even when the plan's sponsor experiences financial difficulties or after the plan is terminated. Indeed, after a plan's sponsor's bankruptcy, the insurer will continue benefits for disabilities that began while the group policy was in force.

The federal government has taken action to address this issue under the Canada Labour Code now before parliament. The amendments would require federally regulated private sector employers that provide benefits to their employees under long-term disability plans, to insure those plans, subject to certain exceptions. Since the federal provisions only apply to companies under federal jurisdiction, such as banks, transportation and communication companies, this means that to truly solve this ongoing problem, provinces must pass their own legislation requiring that all LTD plans be offered on an insured basis.

To conclude, Chairman, the industry greatly appreciates this opportunity to participate in the committee's review of Bill 27, The Insurance Amendment Act.

Once again, we would like to reiterate the life and health insurance industry's strong support for the bill, and we look forward to contributing to the government's consultations with stakeholders when regulations are developed further to the legislative amendments.

We would be pleased to answer any questions that you may have. Thank you.

\*(19:00)

**Mr. Chairperson:** Thank you for your presentation.

Questions. We'll go with Mr. Struthers, the honourable minister.

**Hon. Stan Struthers (Minister of Finance):** Thank you very much, Mr. Zinatelli, and let me begin by welcoming you to Manitoba, and thanking you for your hospitality when we met in your office on some of these very issues. I also want to welcome Mr. Senft to the Legislature as well.

I want to be clear that we really appreciate the work and the advice that your members, you and your membership, has given us in developing this bill and I also want to commend you for working with our finance officials, and my pledge is that that will continue as regulations are looked at. We appreciate that advice. I think it's important to make sure we understand how important the financial services sector is across the board to our province. It is a—I think sometimes people don't understand just how big of a sector that is in Manitoba. And I want you to know that the advice that you've given us has strengthened the consumer protection parts of this bill, that I think will benefit Manitobans. So thank you very much for coming here this evening and thanks for your ongoing work on this issue.

**Mrs. Heather Stefanson (Tuxedo):** Thank you, Mr. Zinatelli, for being here, and nice to meet you, and thank you for coming in from out of town to present tonight.

You did mention in your presentation that it sounds like most—many of the other provinces have already moved in the direction that this bill going. Is that correct?

**Mr. Zinatelli:** Thank you for the question.

Indeed, there are only a limited number of provinces that have moved forward with this. Effectively, the work began with Manitoba, as I indicated, and they made some of the amendments that were required to the two parts back in 2007. But then, Alberta and British Columbia kind of picked up the file, in a sense, and they said, well, let's try to do the whole thing; let's try to do both parts. And they have completed that work now. And, those amendments will come into force on July the 1st of 2012. So they're not yet enforced, but we're getting very close.

**Mrs. Stefanson:** You mentioned the LTD plans should be offered on an insured basis. Is that also something that is included in Alberta and other provinces?

**Mr. Zinatelli:** No, indeed, the only example of where this is currently almost done is the federal initiative, and we as an industry have taken this

position and are recommending similar changes in all the provinces. But, as I said, only the federal government is moving forward at this time. We are hopeful that it will happen in other provinces soon.

**Mrs. Stefanson:** Thank you very much for that.

And just one last question: Are there other things that are maybe not in this bill that other jurisdictions have proceeded with that you would also like to see that would bring us sort of in line with the way other provinces have gone?

**Mr. Zinatelli:** I think Manitoba has captured the large bulk, you know, I don't want to say 100 per cent, but 99 point something per cent of the changes that are occurring across the country or that are being considered across the country. I think this will make Manitoba's as up-to-date legislation as anywhere.

**Mr. Chairperson:** Thank you for your presentation.

No further questions? Thank you.

Next up we'll call Ms. Olson. Do you have any written material, Ms. Olson, to be distributed?

**Ms. Lindsay Olson (Insurance Bureau of Canada):** No, I don't.

**Mr. Chairperson:** Then you can continue.

**Ms. Olson:** Thank you.

Chair and members of the committee, my name is Lindsay Olson, and I am the vice-president for Insurance Bureau of Canada for British Columbia, Saskatchewan, and Manitoba, and it is my pleasure to be here tonight to speak to Bill 27, The Insurance Amendment Act.

As you know, Insurance Bureau of Canada is a national trade association representing Canada's private sector home, business, and car insurers. We are a voluntary organization, and yet our membership represents 90 per cent of the property and casualty insurance market in Canada. And, as the name of our organization would suggest, we have a strong and long-standing interest in this act and the issues at hand.

The P and C insurance industry has a significant presence in Manitoba. In 2010, the last full year of numbers that we have at this point, it wrote over \$630 million in premiums, paid \$488 million in claims and \$50 million in taxes.

Now, with respect to the act, I won't get into the long history and the legal history that brought us to this renewal of the act except to point out that there



were issues identified in 2003 when the Supreme Court of Canada made decisions in two landmark cases, known as KP Pacific Holdings Limited v. Guardian Insurance Company of Canada and Churchland v. Gore Mutual Insurance Company. And these findings changed insurance in Canada. These decisions effectively made the fire part of the BC Insurance Act inapplicable to multiperil policies. And yet, while the cases emanated from British Columbia, these cases had far-reaching application to insurance acts all across the country.

Since 2003, Insurance Bureau of Canada has called for the modernization of insurance statutes in Canada and, since it afforded a chance for legislative changes, we have also been advocating for the harmonization of provincial insurance acts. Harmonization makes sense in light of the fact that a great number of insurance companies operate in more than one jurisdiction. IBC supports this objective because consistent rules across provincial boundaries confer benefits to everyone, to consumers, to regulators, and insurers in terms of enhanced clarity and reduced costs of doing business.

Here in Manitoba, consultations with the industry have been going on in one form or another for quite a number of years. With Alberta and British Columbia becoming the first two Provinces to formally harmonize their respective insurance acts, we renewed our call with other western provinces, and we were recently informed that the Saskatchewan government is also embarking on a review of its insurance act with a goal to harmonizing with its western counterparts. So we are extremely pleased to see Finance Minister Struthers table Bill 27 in the Legislature. With Bill 27, the Manitoba Insurance Act would be harmonized with Alberta and British Columbia, at least when it comes to the contractual obligations for the latter.

Before I go any further, I do want to point out the very positive working relationship that we've had with the Manitoba superintendent of insurance and his office. We have always found a willingness to work with us in this endeavour and in others. It is clear to us that Bill 27 is a culmination of a much-sustained consultative process on their part and they've worked diligently with the industry over the years and they need to be commended for their efforts.

So here we are with Bill 27. As I already mentioned, we are very pleased with this bill. As you

are all well aware, this is a significant piece of legislation that makes substantial changes to the provincial Insurance Act. For this reason, I will keep my comments to the issues that we see as most important, dealing mainly with the sections impacting contracts of insurance, which will become the new part 3.

However, there are a couple of other changes that we consider to be market conduct issues that we are also pleased with. One is the fact that the act makes the leap to the 21st century and perhaps beyond by allowing for electronic communication, and this is a welcome change. The other is the decision to add some language to deal with privileged information and insurance compliance self-evaluated audits.

Consumer protection is a cornerstone of the act and I would like to specifically mention the important measures for consumers contained therein. The appraisal process currently found in section 121(1) would be replaced by a dispute resolution process in the revised act. Additionally, the new act, at section 136.5, would ensure coverage for innocent co-insureds by restricting the criminal or intentional-act exclusions such that it would not apply to an insured whose claim was triggered by the intentional acts of a co-insured. Another measure is the change of the limitation period for first-party claims in respect to loss or damage to the insured property, and now that will be a consistent two years.

Regulation powers: As some of you might have noted, the proposed act contains a number of provisions that will ultimately be determined by regulation. While a regulation-making power allows for a statute to be more responsive to changing realities in the marketplace, it is one that we believe must be used judiciously. And we are confident that the level of consultation that has existed so far will be maintained as the government moves to adopt the regulatory regime underpinning the act.

\* (19:10)

Exclusions to fire: With Bill 27, the current treatment of fire coverage would be significantly amended to address what we call fire following. Currently, The Insurance Act lists the instances where an insurer can exclude fire coverage from a policy. For example, current exclusions are in place for fires caused by riots, civil commotion, war, invasion, among others. If Bill 27 passes, the new insurance act will provide exclusions to be valid only when prescribed. In our view, changes to the

regulatory environment for insurance need to balance some goals that include ensuring that the insurance coverage people need is always available at an affordable price, and maintaining the ongoing financial ability of private sector insurers to provide compensation when it is most needed.

In Alberta and British Columbia, IBC has made numerous representations regarding the causes of fire where an exclusion to the policy—or exclusion to the fire coverage should be allowed. When the new insurance act in both provinces comes into force on July 1st of this year, consumers will find the exclusions that were formerly in the act. As well, both governments have allowed exclusions to fire following—or fire coverage arising from terrorism in commercial insurance contracts. And Alberta has also allowed for an exclusion to fire coverage in personalized contracts when caused by terrorism, but only when nuclear, biological, chemical, and radioactive weapons are involved. And we, actually, are quite confident British Columbia will be also adopting regulatory language to this effect.

This concludes my brief remarks, and I would just like to thank you again for your time tonight. And I'd be happy to answer any questions. Thank you.

**Mr. Chairperson:** Thanks for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Struthers:** Thanks, Ms. Olson. I simply want to say thank you for the input that you've had in this bill. And there hasn't been changes to The Insurance Act of Manitoba for 70-some years. We thought it was time to do something with the act, and your organization—the Canadian organization, and, I must say, your membership in Manitoba—took a leadership role in this, and I very much appreciate the work that they've done. I also appreciate the comments you made about our superintendent and our finance staff. I look forward to a good relationship with your members and our staff, because your advice makes the bill better. I'm sure your advice will make regulations better as well. So I appreciate the working relationship we've got going, and thank you very much for coming to Winnipeg and making your presentation.

**Mrs. Stefanson:** I just wanted to thank you, too, Ms. Olson, for making the trip here to Winnipeg and for your presentation tonight. And I don't really have any questions for you. I think you outlined many of the

questions that I would've asked, or answered them already in your presentation. I think you made some very good, valid points along the lines of what the regulations will come out with. And I will hope that you will be involved in those regulations moving forward to ensure that some of the things that you have brought forward this evening will be included, because I know that they're very important for the Insurance Bureau of Canada and so that they will be included in the regulations. So thank you very much for that, and I look forward to our ongoing meetings and for you being a part of the regulatory process too. Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Any further questions? Thank you.

This concludes the list of out-of-town presenters I have before me. Are there any other persons in attendance who wish to present from out-of-town? Seeing none, we will proceed with the remaining presenters on the list.

Before that, a written submission from Peter Miller, Green Action Centre, on Bill 18 has been received and distributed to committee members. Does the committee agree to have this submission appear in the *Hansard* transcript of this meeting? *[Agreed]*

### **Bill 3—The Highway Traffic Amendment Act (Speed Limits in School Zones)** *(Continued)*

**Mr. Chairperson:** I'll now call Charles Feaver on Bill 3. Sir, do you have any written materials for distribution to the committee?

**Mr. Charles Feaver (Bike to the Future):** I do, I have some materials. And I'd also like to ask whether I can present on Bill 32 as well. I'm registered for that. I could do the two in sequence, they're on similar—the same act.

**Mr. Chairperson:** Agreed? *[Agreed]*

**Mr. Feaver:** So this is for Bill 32, then.

**Mr. Chairperson:** You may proceed.

**Mr. Feaver:** Good evening. Thank you. My name's Charles Feaver, I'm the chair of the Bike to the Future task force on provincial policies and I want to talk to you about cycling 'safeting'—safety issues in relation to the two—Bill 3, for starters.

Bill 3 has been presented, as I understand, to allow authorities to establish school zones and manage the speed of traffic within those zones. We enthusiastically endorse that concept, but we recommend that The Highway Traffic Act and its regulations be amended to encourage lowering of speed limits to 30 kilometre per hour in broader zones to—in order to ensure a safe travel by foot and by bicycle to schools, community centres and shopping centres.

Bike to the Future strives to encourage more people to choose to ride their bikes more often. However, we find that many Winnipeggers tell us that they would like to bike but they do not feel safe riding in our traffic, so they drive a vehicle instead.

I'm here to talk about lower speed limits because there is world-wide recognition that lower speed limits in urbanized areas make cycling and walking a lot safer. The World Health Organization and the United States National Highway Traffic Safety Administration have both found that lower speed limits in urban areas improve the health of pedestrians, both in terms of the number of accidents and their severity. Newtonian laws dictate that doubling a vehicle's speed quadruples both the stopping distance and the kinetic energy that it delivers when it hits something. Driver response times further increase stopping distances.

When pedestrians or cyclists are hit, the likelihood of death increases exponentially with speed. Five per cent of pedestrians will be killed by a car travelling at 32 kilometres per hour; 45 per cent of pedestrians will be killed by a car travelling at 48 kilometres per hour; 85 pedestrians will be killed by a car travelling 64 kilometres per hour. A small decrease in road speed, therefore, results in a large decrease in pedestrian fatalities. This has been demonstrated in communities which have lowered speed limits.

The European Union Transport and Tourism Committee has recommended 30-kilometre-per-hour speed limits for residential areas, with the specific goal of reducing by 60 per cent the number of children under 14 years old killed by motorists.

A study by Vision Scientists at Royal Holloway, University of London, found that at vehicle speeds faster than 20 miles per hour, primary school age children may not be able to tell that a car is approaching in a road-crossing scenario. The studies 'outlowans' how a speed illusion can mean that all pedestrians and/or drivers at junctions, can

underestimate the speed of faster vehicles and may, in some cases, fail to see them at all.

Adult pedestrians can make accurate judgments for vehicles travelling up to 50 mile per hour. But primary school age children become unreliable once the approach speed goes above 20 miles per hour. Slower speeds in school zones are a great idea, but low speed zones have to be big enough to allow kids to walk to school, and they should also include the other places that kids and families walk to frequently.

In Europe, 30-kilometre-per-hour speed limits are a key component of sustainable travel policies in Denmark, Belgium, Germany the Netherlands, Norway and Sweden. In the UK, there is a popular movement promoting 20 is plenty.

I lived in Oxford, both before and after the establishment of a 20-mile-per-hour zone in that city. As a cyclist, I felt much safer when motorists no longer tried to accelerate to 30 miles per hour on an open stretch downtown, particularly after green lights. Drivers were calmer, more careful and travelling closer to the speed of the bicycles. As a motorist, it did not take noticeably longer to get through the congested area of town and it was much more relaxed, a—less stressful to drive, because no one was pushing to go faster.

\* (19:20)

A Bristol city council study showed that slowing speed limits in that town from 30 miles per hour to 20 miles per hour contributed to increasing cycling and walking by 12 per cent. So this added to the safety impact of the reduced speed because with more cyclists and more pedestrians, drivers tend to be more careful than when there's just a few of them on the road. It's a win-win for both, well, for pedestrians, cyclists and drivers.

There are many advantages to 30-kilometre-per-hour zones for motorists. For one, there are fewer injured car travelers. There were 22 per cent fewer casualties in Portsmouth after two years of wide-area, 20-mile-per-hour limits, 23 per cent fewer among drivers and 31 per cent fewer among passengers. Elderly drivers had 50 per cent fewer injuries and 40 per cent fewer injured passengers. It lowers costs, as crashes fall in severity and frequency, so do settlements and repair bills; this lowers insurance premiums. It reduces fuel use and CO<sub>2</sub> emissions. Less fuel is burnt as a result of less

acceleration and more people getting around by walking, cycling and public transport.

In German 30-kilometre-per-hour zones, car drivers use 12 per cent less fuel. That number would be considerably higher here because people tend to drive much bigger vehicles here than they do in Germany.

Cleaner air: Motorists breathe air which is three times more polluted than at the side of the road so they're the first to benefit from less pollution on the road.

And finally less parents' taxi duty. Safer duty allows children to travel more independently—sorry—safer roads allows children to travel more independently, improves their life skill and frees up parents for more productive activities. In the UK, studies show that 30 per cent of the morning rush hour traffic consists of parents delivering kids to school.

There are provisions for reduced, restricted speed zones in the Manitoba Highway Traffic Act today and in the regulations, but utilization to date has been very limited, particularly in Winnipeg. The government needs to establish a policy framework that will result in a prevalence of low-speed zones within residential areas and on routes with significant pedestrian or cyclist traffic. This will have a life-saving impact on those who walk or bike today, but the effectiveness of the policy should be evaluated by measuring the extent to which more Manitobans choose active transportation for short trips instead of on relying on their cars and trucks for every outing. That simple policy change would provide an extraordinarily rewarding long-term health impact, and make Manitoba cities a nicer place to live.

In conclusion, the document that has been circulated to you outlines our specific recommendations respecting this bill and this issue.

**Mr. Chairperson:** Thank you for your presentation.

Do members of the committee have any questions?

**Mr. Ashton:** Just a comment. I've had the opportunity to meet with Bike to the Future in the past and I certainly appreciate the presentation today, and I particularly appreciate the point you've raised about the connection to lower speeds and safety. That's certainly the intent in terms of school zones and certainly all the available evidence to this point to a direct correlation. So I certainly appreciate the

very well-documented and researched presentation at this evening's committee.

Thank you very much.

**Mr. Eichler:** Yes, thank you for your presentation, very informative and well thought out. So thank you for that.

**Mr. Chairperson:** Thank you.

I guess you'll continue with Bill 32?

**Bill 32—The Highway Traffic Amendment Act  
(Powers of Traffic Authorities over  
Cycling Traffic)**

**Mr. Feaver:** We recognize that this legislation was designed to facilitate the establishment of active transportation facilities by local governments in Manitoba. Bike to the Future believes new bike lanes and bike routes will help encourage more people to bike more often and we strongly endorse legislation to make that possible.

However, I want to bring to your attention two kinds of concerns we have with Bill 32. There are amendments here to The Highway Traffic Act that may actually restrict cycling, and there are amendments concerning life-and-death issue for cyclists which have been omitted.

Section 5 of this bill addresses where cyclists should be positioned on the road. The rules with respect to position on the road are the most important life-and-death issue for cyclists. Amendments to section 145(5) move the key wording about as close as practical—practicable to the right-hand edge or curb of the roadway out of the act and into regulations. This wording is well established in North American laws and precedents, and hard-baked into cycling safety education curricula. We understand the need to have a flexible system to establish new rules for new facilities introduced in the future. However, we do not want to see different wording than as close as practicable for ordinary roads in the regulations now, or in the future, unless there is a move in multiple jurisdictions to carefully and well-considered better wording. We, therefore, ask that you amend Bill 32 so that as close as practicable to the right-hand edge or curb of the roadway be stated in the legislation as the default rule, with exceptions to be defined in the regulations.

We also ask for the government's firm commitment to consult with us as key stakeholders in preparing any regulations that effect our position on the road.

Amendments to section 145(6) reiterate the rule about cyclists riding in single file. This is dangerous, because bicycles riding single file on the right-hand side look like their signaling to faster vehicles to pass them in the same lane. As a result, motorists typically do try to go by in the same lane whether or not they have enough room for safe passing distance. Drivers tend to confuse share the road with share the lane. In most lanes, there is not enough room for a car and a bicycle, especially if there's a big vehicle in the adjacent lane.

Manitoba's drivers have to be instructed how to pass bicycles properly. This is absolutely critical to us. We need an amendment in this bill to section 114(1) that defines safe passing distance as at least one metre when vehicles overtake bicycles, in accordance with over 20 jurisdictions in North America that have established at least three feet or one metre as a safe passing distance. This is becoming a new standard in North America, and we strongly urge you to bring it to Manitoba now. Combined with an effective education and signage program, this amendment will save the lives of cyclists in Manitoba. It might have saved Violet Nelson's life. There will be thousands of Manitobans cycling this summer counting on drivers approaching from behind to give them safe passing room. Please make this amendment now. Do not wait for the next fatality.

If drivers overtake properly, in many cases the single-file rule makes sense. However, for groups of cyclists travelling together, the single-file rule is extremely dangerous. Picture a dozen cyclists travelling single file, which makes a string of cyclists 36 metres long, at minimum, proceeding down the road. If they are riding on the right, a motorist approaching from behind might think the cyclists are signalling faster traffic to go by. Unfortunately, if a big vehicle proceeds to pass and there is another big vehicle in the adjacent lane, either coming or going, there will not be sufficient safe passing distance and cyclists will be pushed into the ditch. It is much safer for groups of cyclists to ride side by side within a single lane and for traffic to pass them as they would any other slow-moving traffic. This is the world standard. Every weekend, hundreds of Manitoba cyclists are forced to break this single-file rule to protect their own safety. We need an amendment or a regulation that allows groups of cyclists to ride occupying a single lane to give them a safe alternative when they're riding on the road.

Cycling will be safer when drivers and cyclists share a common understanding of where a bicycle should be positioned on the road and how motorists should pass a bicycle. First step is to spell it out correctly in the legislation and regulations. Please don't leave us with unsafe rules, particularly if you promote cycling as a healthy activity in Manitoba.

\* (19:30)

Amendments to section 90(1) would allow local authorities to prohibit bicycles from travelling on certain routes or require bicycles to travel on certain routes. While we understand the intent to steer various types of traffics into different lanes, you must not give carte blanche powers to locally elected representatives with little or no cycling experience to regulate where cyclists ride. You must ensure that local authorities can only exercise their powers within a well-designed provincial policy framework which specifically guarantees the right of cyclists to ride on any public road.

There are local authorities in other jurisdictions that have banned cyclists from roads and required that they use an adjacent cycle path. It sounds like common sense, but it's dangerous. Not all cycle paths are safe for all cycling situations. For instance, the path along Wellington Crescent near Assiniboine Park is great if you want to go for a ride with your kids. However, if you are commuting or training, travelling at 25 kilometres per hour or faster, that path is not a safe choice. The road is the place to be.

Please assure us that you will add an amendment to this bill clearly stating the right of a cyclist in Manitoba to select the safest and most convenient route on public roads.

Cyclists in Manitoba are frequently reminded that they get little respect from some motorists. These motorists may think that biking is unusual behaviour that doesn't deserve room on the road. We are concerned that Manitoba's legislation, safety education and enforcement do little to change that perspective. Manitoba cyclists are riding to be healthy, burn less fuel, create a more livable environment, and put less demand on public facilities, but they are very vulnerable to other road users. All parties in the Legislature have spoken out in support of active transportation. We appreciate that support, but we need members of the Legislature to act now to amend this law to make bicycling safer now. For us this is a matter of life and death. Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee?

Thank you, then. You may step down.

**Bill 3—The Highway Traffic Amendment Act  
(Speed Limits in School Zones)**  
*(Continued)*

**Mr. Chairperson:** Next up can we have Dr. Lynne Warda? This is on Bill 3.

Do you have any written materials, Dr. Warda? Yes? You may continue.

**Ms. Lynne Warda (Winnipeg Regional Health Authority, Injury Prevention Program):** Thank you, Mr. Chair. This presentation is on behalf of the Winnipeg Regional Health Authority's Injury Prevention Program, which has a mandate to prevent injuries among Winnipeg residents. One of our priority areas is vulnerable road users: pedestrians and cyclists. I have been a medical consultant for this program, also called Impact, since 1998. I also practise as an emergency physician at the Children's Hospital where we see a toll of injuries such as these every day.

I'll start by saying that we are very pleased to see the introduction of Bill 3 and see this as a very positive step for road safety, particularly for child pedestrians and cyclists, but also for crossing guards, for community members, and for school staff.

Speed accounts for about 25 per cent of all fatal collisions and 15 per cent of serious injury collisions in Manitoba. In the past 10 years, almost 8,000 pedestrians and cyclists have been involved in motor vehicle collisions, including almost 170 deaths. In 2010, there were 399 pedestrians killed or injured in traffic collisions. Of these, 14 were killed and 32 were seriously injured. Thirty-one per cent of pedestrian victims were children and youth 19 years and under. At the Children's Hospital Emergency Department we see approximately 140 pedestrian and cyclist injuries every year with about a third having moderate to severe injuries, and 15 per cent requiring hospitalization.

Speed reduction is a key strategy for reducing the risk of injury for pedestrians and cyclists. Child pedestrian injuries are more frequent on roads with higher posted speed limits. The risk of fatal injury for pedestrians of all ages increases dramatically at speeds greater than 30 kilometres an hour as you have heard and you see in the handout. The first

figure shows that a pedestrian struck at about 30 kilometres an hour has a 5 per cent risk of death, that rises to about 25 per cent at speeds around 40 and up to 85 per cent risk of death at speeds around 50.

Speed also has an important influence on active transportation, as you have also heard. Research shows that neighbourhood traffic speeds can either promote or inhibit walking and biking to school. School speed zones can be an effective strategy to increase the number of students walking and biking to school, but this effectiveness is significantly enhanced with the addition of traffic calming measures, and also the presence of crossing guards.

If active transportation of children is to be promoted, we should reduce speeds and use traffic calming measures, as well as crossing guards, to maximize the impact. We are concerned that limiting speed reduction to school zones may not have the desired impact.

First, we would like the committee to consider whether to include playground zones in this bill. Alberta and BC have included playground zones and school zones together and other jurisdictions are considering speed reduction in child activity zones.

Second, studies of the effectiveness of school speed zones have been mixed. Several Canadian studies have documented poor compliance with school and playground speed limits.

For example, in Saskatoon we heard there's only about 23 per cent compliance with their 30-kilometre-an-hour zones, however, the introduction of school zones did achieve an overall 10-kilometre reduction in speed to 45 kilometres an hour. School and playground zones in Calgary had much better compliance, with mean speeds very close to the speed limit of 30 kilometres an hour, but they still recorded 10 per cent of drivers with speeds more than 40.

There are proven strategies that increase driver compliance and effectiveness of these zones. These include: traffic calming road modifications designed to lower speeds where the speed humps are the most effective and economical; speed zones that are greater than 200 meters in length; active enforcement; fencing parallel to the zone; specific types of signage, such as flashing lights; speed display devices; and the presence of crossing guards. I've included a copy of a recent Calgary study which nicely summarizes the research on this and provides Calgary data for school and playground zones.

Given that municipalities will be making local decisions regarding implementation, we hope that the province will introduce specific policy guidance to incorporate proven countermeasures such as these, which could significantly increase the effectiveness of reduced speed zones across the province.

The Transportation Association of Canada has created a guidance document for school and playground zones to ensure uniformity, consistency and the use of best practice. Alberta has used these guidelines in a guidance document designed for their municipalities. We urge Manitoba to do the same.

While school and playground speed zones may enhance community safety in terms of targeted speed reduction, even greater benefits could be achieved with a broader strategy to reduce residential speed limits to—from 50 to 40 across Manitoba. This approach would have the added benefits of promoting physical activity, increasing active and sustainable transportation, reducing obesity and other health problems, and resulting in numerous environmental benefits.

Every one-kilometre reduction in mean speed results in a 2 to 3 per cent reduction in injury collisions. That means that reducing speeds from 50 to 40 could result in substantial reduction in injuries. Several 'jurisdictions' in Canada have already implemented 40-kilometre speed limits and others are in the process to allow this under their highway traffic regulations.

Similar to the rationale for school speed zones, a lower residential speed limit decreases stopping distances, lowers impact speeds and lowers the number of collisions, property damage, injuries and deaths. A number of research studies document the effectiveness of reducing residential speed limits. I will provide just a few examples of these studies.

After 30 kilometre own-kilometre an hour zones were introduced in London, these zones experienced a 42 per cent reduction in fatalities. In 1988, the town of Baden, Austria reduced speeds to 30 kilometres an hour and reduced road injuries by 60 per cent. In the late 1970s, Danish residential speeds were reduced to 30 kilometres an hour and traffic calming measures were introduced. This led to a 72 per cent reduction in injuries. In 2004, the city of Helsinki reduced speed limits from 50 to 40 and from 40 to 30 kilometres an hour for an estimated 15 per cent reduction in injury costs, 15 per cent reduction in fatalities, and a savings of 5 million euros per year.

\* (19:40)

Lower speed limits can lead to a reduction in traffic-speed collisions and injury collisions. However, research evidence indicates that changing the speed limit alone is not sufficient. Traffic-calming measures, enforcement strategies, and driver-behaviour-change strategies are required for maximum impact.

In closing, we urge the Manitoba government to not only facilitate and encourage school and playground zones but to consider a broader and more intensive speed reduction strategy that could have significant road safety and health benefits.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee? Thank you.

Next up we have Mirjama Roksandic. Mirjama Roksandic. Her name will drop to the bottom of the list.

Todd Dubé will not be speaking next, we're advised.

Next up is Tom McMahon. Do you have a handout, Mr. McMahon?

**Mr. Tom McMahon (Private Citizen):** I do.

**Mr. Chairperson:** Okay.

**Mr. McMahon:** I wore my biking shirt just so—

**Mr. Chairperson:** You may continue.

**Mr. McMahon:** I did sign up as a private citizen. I'll speak briefly as a private citizen. I am co-chair of Bike to the Future. Charles gave our presentation on behalf of the organization. We support his presentation. We're pleased.

We're very pleased to hear the WRHA support the call for lower speed limits as well. We're very pleased to hear the WRHA cite important studies and experience in Europe where bicycling is far more popular, practised, than probably anywhere in North America.

Rather than go through the different points that Charles has already gone through, I thought I would bring to your attention a couple of things. What we're circulating are letters that Bike to the Future has written to various ministers and public health officials on some of the issues that you're dealing with in Bill 3 and Bill 32.

Part of what I've circulated is a summary of a report from the Toronto medical officer of health

recommending for Toronto that there be reduced vehicle speed limits to 30 kilometres per hour on residential streets and adopting a city-wide speed limit of 40 kilometres per hour on all other streets unless otherwise posted. You've heard how important this is to safety. You know, I think, that two cyclists have died on Manitoba roads in the last three months.

To convey our main message about Bill 3, we request that the government, the Legislature, expand its application of slower speed limits. With respect to Bill 32, we're nervous. We really don't understand how it promotes cycling, if it does, at all. We are very nervous it will allow municipalities to ban us from streets. We don't know how it's going to play out. We're nervous. We don't know what's going to be in the regulations. We have had useful, productive, constructive meetings with the minister's staff. We do believe that we will have some input into the regulation-drafting process.

But our overall message is this: Between Bill 3, between Bill 32, between the government budget and what it spends on highway construction versus what it spends on active transportation infrastructure, this government, this Province can do more. This Province can do better for promoting active transportation, walking and biking. We can do better in terms of bike infrastructure and paths. We can do better in terms of laws that make biking and walking safer in this province. We can do better in terms of promoting the health of Manitobans and reducing health-care costs, improving productivity of Manitoba's workers. We can do better in terms of reducing traffic congestion, in reducing the wear and tear on Manitoba roads. All of this can be done with better bike infrastructure.

We can do better in terms of tourism. All of us on Bike to the Future practise bike tourism. I just got back from Chicago, Charles just got back from India; where we go, we bike. We know that there is a growing and a very large bike tourism industry. Let's bring tourists to Manitoba—flattest place on earth to bike, beautiful places to bike in this province. Let's bring them here. Let's create the infrastructure that makes it possible.

So that's our message. We can do more. We can do better. We can do it in a cost-efficient manner and we're nervous.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee? Thank you, oh—sorry.

**Mrs. Stefanson:** Sorry, Mr. Chair. I just noticed that—Mr. McMahon, I want to thank you for your presentation, but I noticed you're also down for Bill 32. I know we've allowed others as well to present on both. Is—

**Floor Comment:** I won't be speaking twice.

**Mrs. Stefanson:** Oh, you're not going—okay.

**Mr. Chairperson:** Next up is Jon Giroux.

Do you have any written material, sir?

**Mr. Jon Giroux (Private Citizen):** Yes, I do.

**Mr. Chairperson:** Okay. You can continue.

**Mr. Giroux:** Okay. Bear with me. I have to stand on my tippytoes for this and, also, bear with me once again: I'm—I have a bit of a cold, so I'm—my presentation might be a little bit mumbly.

But I, too, am a cyclist and I am totally against the reduced speed limit. I believe Winnipeg is congested. Reducing a speed in Winnipeg is going to be a disaster. It's going to—collisions are going to skyrocket. And Winnipeg—I'll tell you, if you reduce those—the school zones to 30 kilometres, you're going to have issues. You're going to have collisions rise.

You can look at Saskatoon and say, well, Saskatoon has reduced school zones, but Saskatoon is not Winnipeg. Winnipeg is—has a massive amount of school zones—259, and unlike other cities, that's why you shouldn't compare Winnipeg to other cities, Winnipeg has their school zones on major roads. It would be extremely dangerous to drive 30 kilometres an hour on Bishop Grandin. Yet a school zone is on Lagimodiere. You're going to go from 80 to 30 without getting a collision? I guarantee you collisions will rise.

I don't believe Winnipeg should be compared to other cities, whether it's Canada or the United States or in Europe. Winnipeg has very unique problems. It's an old city that was planned around rivers and its design is—it's outdated. We have an outdated traffic system which causes collisions. Speed is not an issue here; collisions are an issue. Collisions happen when roads are congested. If you do the calculation of your average speed in Winnipeg, you're driving from—if you go from Perimeter-St. James, Perimeter-Transcona, you're looking at a peak time, you're looking at 45 minutes and at 45 minutes, your



average speed per kilometre is 14 kilometres per hour. Yet we have such a high amount of collisions.

Bishop Grandin does not have a major collision problem. The Perimeter doesn't. Yet these streets do. We already have what's in place. We're already going slow. You look outside on Broadway. How many red lights do you see? You look at over Broadway where, what's that, Gordon Bell is. Where are the accidents? You know. I can tell you that Winnipeg had the safest school zones around. I guarantee you that because of this. Or almost every road we have, like a major road, Lagimodiere for one, Portage Avenue and many others, have school zones in them. You're going to have a high increase of accidents because of that.

Drivers in Manitoba are already required to drive a safe and prudent speed around children. Speeding is also, like I said, because of lights and everything else, speeding is also impossible in school zones at peak time due to congestion and reduced—and a reduced speed would be unnecessary. It would cause delays outside of peak times.

\* (19:50)

Considering that we do not—and I'm very serious here, we do not—have accidents to speak of in school zones. Considering how many school zones there are, we already have the safest roadways. In all my life and research, I don't recall people—that being a problem. It is so rare that MPIC has no collision data in school zones. That is how rare this is. Because of our congestions, right?

For example, Academy Road. You have—it's a major throughfare. It's 50 kilometres an hour, yet it's bumper-to-bumper traffic, because one issue is congestion. We have—it's two lanes, but only one lane could be used, because there's parking there. That forces people to take the side streets and drive around those school zones. It's so bad that they had to add those bumpers on those side streets, because—if we only planned our city properly, we wouldn't have this problem.

And that's the thing. You know, we already have—here's what we have already, okay? We got tons of red lights and stop signs, patrols, crosswalks, parents, schools, and education in place that is making our schools safe. And for me to drive—let's say I work a night shift—30 kilometres at 4 a.m. in an 80 zone, or even a 50 or 60 zone, on a main drag would be ridiculous. And another—one last thing I'll say is, you know, Lagimodiere, 80 to 30; Grant, 70

to 30; you know, Fermor, 70 to 30—you know, even driving at a safe distance, five, let's say five, cars away—this car's doing 70, this car's doing 70, this car slams on his brakes to do 30—bang. There's no time to react, right? So that's what you're going to be up against. You're going to have an extreme amount of accidents because of this. Proper planning is what we need. It's not a speed issue; it's proper planning. You know, like, that's what we have.

I think I might be done here. Yes. So unlike—I'll just end it by saying, unlike other cities, Winnipeg is the only, one of the only cities, that has this problem. Two hundred and fifty-nine school zones, and there's at least one school on every major road. Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee? Thank you.

Next up is Anders Swanson. Do you have any written material, Mr. Swanson?

**Mr. Anders Swanson (Active and Safe Routes to School Program):** I do, but I work for an environmental organization and our printer went kaput so I've got one for every two. I apologize. I think it purposely only prints one out of every two things that you ask it to. It's an environmental printer.

**Mr. Chairperson:** You may continue.

**Mr. Swanson:** Thanks. I, too, have a sore throat so forgive me.

So I'm here on behalf of the Active and Safe Routes to School Program. My personal background is I sat on the Province of Manitoba's Active Transportation Advisory Group. I had the chance to speak to some of you about the whole gamut of things that the Province is looking at doing for Active Transportation. I just want to say thank you. This is one of the first ones I've seen percolating up to the top. And if you were to do only one, I think this is one of the more important ones, so. And I also respect the idea of learning by doing. I wouldn't have put this together if you hadn't put this bill on the table. So whatever form it is, I think it's a positive step forward. I also sit on the City of Winnipeg's active transportation advisory group, again, as a private citizen. I've been doing some work over the last two years in—it's been really fun working in smaller municipalities—Thompson, St. Malo, Pinawa, Headingley, Morden, literally all over the place, meeting with municipal officials about some of the challenges, opportunities all having to do with multi-stakeholder engagement. And schools are always a

sort of a centre, or a core, a heart, of a community, and it's very important to sort of work from them out, also, from a transportation engineering perspective.

The document that you have in front of you, or at least one out of every two of you has in front of you, has four recommendations in it. Three of them are specific to legislation and policy, and the fourth one is just a sort of real cautionary note because of the history of school zones in Manitoba.

So I'm just going to start with—very quick, just make sure everybody's on the same page—I'm not a transportation engineer, but I've been sitting in meetings with one for long enough, and I've probably done more courses in bicycle-focused transportation engineering and pedestrian-focused transportation engineering than your average transportation engineer.

And the basic rule is this, when it comes to signage—especially regulatory signage, not necessarily cautionary signage—is that you design the road, you check and see what people do on it as natural behaviour, and you sign—or sorry, you build the road, check and see what people do on it. What 85 per cent of them are doing, you sign the speed limit for that. That's just basics. Otherwise, what ends up happening is you have the police having to go chase down every third person to give them a ticket. Pretty simple.

About 30 years ago, the Province of Manitoba had a sort of—was at a fork in the road. What ended up happening—and this is also about the same time that we started driving a lot more than we used to.

And I know I'm not allowed to ask questions, but I'm going to ask a rhetorical one at the table anyways. Don't put up your hand, but how many people here used to walk or bike to school? I've done this in numerous presentations across the board, and it's almost everybody. And then the question that follows is, do your grandkids or your kids do it? And the statistics are really bad in that way. And the reason is because, essentially, cars. All the statistics in my line of work are always pointing at that. And cars mean speed, essentially, especially to a little kid.

A few decades ago, Manitoba had a choice, basically. What they ended up happening was they used to have school zone signs up all over the place, and we relied on those signs and people's willingness to kind of travel slowly and their sort of formerly driver behaviour, as my grandpa drives or—in order to obey those rules. And what was happening is that

compliance was dropping and dropping. So they assessed it, and then rather than deciding to put in the traffic calming measures that were spoken of before, looking at it as a holistic planning process, they decided to yank them out.

Now, that decision actually makes sense. It works with traffic engineering. If people aren't complying, you want to yank it out to make sure that doesn't happen. But, of course, the question there is, what was the priority? Was the priority the vulnerable road user, or was the priority sort of making sure that things mash with the rules?

I'm very much a process-oriented person, so I'm going to look at this in sort of detail. It might be boring for some of you, but I think it's important, so I'll just go quickly through the four recommendations.

The first one—basic stuff, it's already been said before about why it's important, the reality of children being put at high risk of injury or death—but the fact that planners and engineers require access to a gamut of tools, regulatory or otherwise, in order to bring speeds down to a comfortable and safe level.

I want us to be very careful about separating the implementation phase from the legislative phase. Right now we're at the legislative phase. I'm—I get to be involved in some task force, committee-type things that are going to be looking at some of the detailed stuff, but right now—and I think there was quite a consensus there that—the need to extend this beyond just the school zone is very, very important. From a planning perspective, it's very important. The work that we do from Active and Safe Routes to School is—we're at the ground level. We're working with stakeholder groups—oh, sorry, I make sure I'm on the record. We're working with stakeholder groups, working in towns where, for example, the chief of police and the asset manager of transportation haven't met before. They're sitting around a table to look at children's mobility.

And the implementation phase is a whole kettle of fish. There's all kinds of people who may or may not be for schools zones for various reasons, and the reality is that that takes a lot of work. But if the legislation isn't in there, then what happens if the wording isn't in there for creating such things as playground zones, community safety zones, 20 or 30 zones—which, over the last eight months that I've spent documenting active transportation infrastructure in Europe, I can tell you is everywhere and

it works—without the ability to plan for it, you sort of handicap the process, and that's just as simple as this.

You have a school and you have a daycare down the block and you have a park down the block further past that, and maybe 7-Eleven is across the road. If you're really looking at children's mobility from a safety perspective, like, a logistical, the details-oriented thing, you would want to look at perhaps traffic-calming that stretch. And if you don't have the regulatory framework that allows you to do that, or even something to call it, you can't.

What's interesting is that a city or a town in Manitoba could already put in a school zone before this bill went in. From what I can tell, from talking to a whole gamut of professional people, there's a lot of confusion about The Highway Traffic Act, a lot of confusion about what's actually possible or not. But I think, from—I think what I've decided is that—and this is very strange—is that they could have done it, but they have to do it on a case-by-case basis, going before The Highway Traffic Board, and that's mentioned here in this document. That's not the way to do planning. That's sort of—what that means is that if you decide to do something, you're kind of on the outside looking in. You'd be asking for an exception.

So, again, I want to thank you folks for doing this for school zones, because, honestly, it wouldn't have happened if you hadn't have done it this way. My point, though, is that you need to extend it, and I think that point has been made by a few people.

\* (20:00)

The second recommendation is to remove the need for a municipality to appear before the Highway Traffic Board in order to implement enforceable reduced-speed zones. That's very, very important. Québec does it that way. If you look at the details of how a municipality can decide, within its local traffic authority, how to set speed limits of new designs that it's done—traffic-calmed areas, residential areas—it's sort of a negative option kind of thing where it's really easy to do it. You just kind of send in a letter, and you send in your plan, and then it's pretty much guaranteed that it'll go through, whereas in our case—and this is increasingly difficult the smaller the municipality is that you have. Imagine a small municipality without even a planner or an engineer on staff having to put together the case to go to the traffic board in order to maybe or maybe not get something that they've done all the designs for. Right? I'm just asking you to make it possible.

Third one is—it's—this may sound silly, but I've been looking at this for five or six years at various—I can only look at The Highway Traffic Act for so long before my eyes start bleeding, and then I'll take a break and come back and look at it again. It's really hard to read. It's like reading the Bible in Hebrew or something, but—when you don't speak Hebrew. And I keep looking at it, and what I've noticed is that other districts do a really, really good job of interpreting for the municipalities and making it easy for them.

So what you have in there—sorry, that's in French, but I couldn't find an English version—but, again, Québec is great for this, putting together very easy to understand documents that, you know, in some places the Zamboni driver is also the mayor is also the person who does the planning for the roads. Honestly, I don't know if any of you, especially [*inaudible*].

But the point is is that they have a difficult time interpreting The Highway Traffic Act, knowing what they can do and knowing what are within the realm of possible. And when it's a life-or-death situation, which it is, especially for somebody who's this high going to school or somebody crossing the road from a provincial park to the campground where you can't sign it for—you can sign it cautionary signage. Again, cautionary signage, however, is not enforceable, and it also doesn't encourage you to put in the money to make it so that people always comply.

And then the very last recommendation I have—and this is, again, outside the legislative framework—I just want to—and I would've stayed away from this now, but because it's so important we need to put it in here. It was mentioned before, but is the idea that you need to make it so that a driver from wherever they are and whether they've seen that sign or not, is most likely to be doing that safe speed in that area, and the only way you can do that is by doing things to the road cross-section; there's no other way that works.

And that was the failure of the first school zone law that we had, the one that got repealed. So I just want to make sure that somewhere, somehow, municipalities will be having some sort of support. Municipalities are in a—tell you, it's a tough boat when you have to put in a school zone, and you have to decide between that school zone and that flooding repatriation or that watershed program or—anyways, that's a whole kettle of fish. I'll let you deal with that—the final—the best way that they can be supported. But I'm telling you, if they can draw on

some sort of fund that's specific to this, they will, and it will be popular.

I think that's about it because everybody else made such good presentations.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee?

Okay, thank you.

### **Bill 18—The Affordable Utility Rate Accountability Act**

**Mr. Chairperson:** Next up on Bill 18, we have Gloria Desorcy. Do you have any written material?

**Ms. Gloria Desorcy (Consumers' Association of Canada—Manitoba Branch):** No, I don't.

**Mr. Chairperson:** Okay, you may continue.

**Ms. Desorcy:** Good evening. On behalf of the Manitoba Branch of the Consumers' Association of Canada, I would like to thank you for the opportunity to share some comments on Bill 18 this evening.

CAC Manitoba believes that the principles of affordability and accountability are very important in setting utility rates for consumers—vital, in fact. And so we support the intent of Bill 18. And really, my purpose here today is to offer some thoughts about things that we hope the Province will keep in mind as they roll the intent of this bill into the reality of affordable rates and accountable utilities.

First of all, we start to think about what would be, you know, how would this actually come to be. And so we decided that we already in Manitoba have a great tool for achieving these goals, and that is the transparent, public rate-setting process before the independent tribunal of the Manitoba Public Utilities Board. This board is already responsible for setting electricity, natural gas and auto insurance rates. And CAC Manitoba urges the Province to enhance the role of this board to include the achieving of the goals in Bill 18, and if it is necessary to enhance the reach of the Public Utilities Board in order to do that, then we encourage the Province to do that as well.

We also wanted to flag a couple of things that we believe need to be kept in mind, or some challenges that we think might be encountered. Our experience in trying to compare, for example, any utility across jurisdictions—but let's take, as an example, auto insurance rates. It's kind of like comparing apples and oranges sometimes. Different jurisdictions, some have public auto insurance, some

have private auto insurance. The basket of coverage that, you know, they call the basic is different in every province. The deductible is different. The way they handle extension insurance is different. All of these things can make it difficult to make a meaningful cost comparison across jurisdictions. But it is necessary to seek a meaningful cost comparison if we really want to talk about affordability and accountability.

A second challenge that we think might arise is maintaining equity amongst consumers. So, when you're looking at a bundle of three utility rates, I think it's important—we think it's important to keep in mind, that this may not impact all consumers uniformly.

So, for example, in a year like this, where you have auto insurance rates going down, natural gas rates going down, electricity rates could go up, and we might still have the affordable bundle. But you may have consumers—most consumers use electricity, of course, but you may have electricity-using consumers who don't use natural gas—tons of them outside of Winnipeg and, you know, in rural areas. You may have electricity-using consumers who don't drive cars, or you may have all-electric consumers who don't drive cars. So, if electricity rates go up, you may see a consumer who is not seeing any rate go down. And maybe electricity rates only go up a bit, but all electric consumers use so much electricity, so many kilowatt hours, that their bill may be go up significantly.

And so we just wanted to flag some of these things. We urge the Province to keep those principles of equity amongst consumers and a meaningful comparison across jurisdictions in mind, as you are rolling out this legislation.

So, in conclusion, we support the intent of this bill as long as it, in no way, diminishes the role of the Public Utilities Board, and we don't believe it will. We see it as an opportunity to perhaps increase the role of the Public Utilities Board, and we really look forward to learning how these laudable goals would be achieved through concrete regulation that will benefit all Manitobans. Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee?

**Mr. Struthers:** Thank you very much. I appreciate your—the thought that you put into this, and coming and making your presentation.

You've—you put your finger on a couple of challenges that we've—that we have been thinking about as well. One, of course, is trying to get a bundle together that is not apples and oranges across the provinces in Canada.

What did you think of our proposal to get an independent third party in place to do that work on our behalf, rather than the government doing it, having somebody, third party, tendered to do that work, and try to come up with something that is standard and measurable and equitable for consumers?

**Ms. Desorcy:** Well, certainly, having an independent third party do it is a great idea. I think we totally support that. And, we feel, again, that this may be a role for the Public Utilities Board because they have the experience in rate setting. They understand the—they have experience, also, in comparing jurisdictions. We also hope that any process that would, you know, set rates, or would try to achieve these goals, would include public participation, and—so, that, you know, other—so that consumers and organizations that represent not just consumers but all aspects of the utility marketplace, right, could participate.

**Mr. Chairperson:** Thank you for your presentation.

Any further questions?

**Mr. Reg Helwer (Brandon West):** Thank you for your presentation this evening.

I'm interested in your comments about the Public Utilities Board and wondering if this act might not actually seem to remove some of the influence of the Public Utilities Board, because it does talk about the Minister of Finance presenting the plan to change the rates, as opposed to, any reference at all, to the Public Utilities Board.

\*(20:10)

**Ms. Desorcy:** Well we certainly hope that's not the case. We looked at it and we felt that, you know, this really was—sorry, the perfect role for the Public Utilities Board, and we really hope that the Public Utilities Board is going to be a part of this, is going to retain its role and responsibilities, and perhaps, if necessary, have enhanced roles and responsibilities. So I think we would definitely—we would not support—in any way diminishing that role or those responsibilities.

**Mr. Chairperson:** Thank you for your presentation.

Next up on Bill 18 is James Beddome. Do you have any written material, sir?

**Mr. James Beddome (Green Party of Manitoba):** No, I do not.

**Mr. Chairperson:** Okay. You can start.

**Mr. Beddome:** Well, thank you very much for allowing me to present today. I guess I'll start by saying I do appreciate what this bill's trying to do, but I think it's problematic in a number of manners—for a number of reasons, primarily, simply to argue for the lowest cost. I mean, no one's going to argue that we want to have reasonable costs and we don't want to needlessly gouge Manitobans. However, to simply argue that we should have the lowest cost in every province doesn't look at the holistic picture. It doesn't consider the broad picture. So—and it doesn't also consider the economic impact. So let me use one or two examples.

I don't know how many times I became livid because I read a press release from this government which claims we're doing our part on poverty because we have the lowest electricity rates in North America. There may be a grain of truth to that because lower electricity rates does mean lower rates for people who have limited incomes. However, the largest net beneficiaries of that will be middle- and upper-income people, people who have large houses who consume a lot of electricity.

Let me give you another example. What is low-cost electricity delivered to our economy here in Manitoba? So I met with Peter Miller, at one time of TREE, Time to Respect Earth's Ecosystems, and I asked him: You've researched this a lot. You've been in a lot of Public Utilities Board hearings. Have you ever looked to see are there any industries that are actually coming to Manitoba because of our low-cost electricity?

He said: Interesting you ask that question. In fact, we ionize almost all of North America's salt here in Manitoba. That is one industry that he can use as an example. However, he had hired a consultant to look into it, and the consultant determined the roughly half a dozen employees, he'd be better to pay them a hundred thousand dollars per year rather than giving one company extremely cheap electricity here in North America where they can unduly benefit.

So once again I want to preface this: I'm not saying let's rack the rates and stick it to Manitobans. No, that's not what I'm saying. But what I'm saying is

you have to look at the broader context. You can't just look at, is it the lowest rate? You have to look at a whole variety of factors. And to give you one example, there's going to be a push here in Manitoba to increase our rates of our electricity if this government continues with its preferred hydro development plan, which essentially means spending about \$20 billion more on hydro development. It's likely going to cause rates to go up and, in fact, that's been backed up by the Public Utilities Board, among others.

One of the things that the public—*[interjection]* Wow, I'm locking the doors closed here. That was—the room's closed. You guys are going to lock me in. Anyway, all right. But one of the—must have been a wind draft or something. Anyways, nice little break here.

But one of the things I wanted to point out about the Public Utilities Board is it's not able to review capital plans. Capital plans become the purview of the government. For instance, right now in Keeyask, the environmental application for that dam indicates that there will be a public review of some sort to look into the cost implications of it. I've heard nothing about when that's going to happen, if it's going to be the Public Utilities Board, how it's going to be done.

Let's give you another example. We're looking at automobile insurance. Let's say we had a terrible hailstorm come across Manitoba, damage a ton of vehicles. At the end of the day, that likely means premiums have to go up. And, you know, that's maybe not great for Manitobans, but we can't control the weather. If a hailstorm comes across, then that might mean our premiums are going to have to go up for a short term. I mean, this is the problem with simply trying to argue the lowest rate. You need to look at the broader picture. You need to look at what's reasonable, what's affordable. You need to consider the broader economic impacts. What is this going to do for Manitoba's economy? Is it really, you know, bringing people here? What does the affordability advantage offer in terms of benefits, but also there are some drawbacks; granted, perhaps less, but there are still some drawbacks.

That's all I really have to say on this bill, and I thank you very much for your time.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee? Yes? Honourable Minister.

**Mr. Struthers:** James, you always make your opinions very well-known and articulate well. Thank you very much for coming in and helping us with this today.

**Mr. Beddome:** Any chance you might consider amending the bill there, Minister Struthers?

**Mr. Helwer:** Apparently you can't ask them questions there, James. Good to see you again. You're always very passionate, and I appreciated your presentation. Interested on your comments about capital plans and the review of those. I did present a private member's bill; it's still possibly active, but I think someone needs to continue speaking to it so it can carry on to second reading, and I'd encourage you to encourage the minister to do so.

But, in terms of the basket of this type of thing, do you see the benefits for the average Manitobans, or you made comments that it's more the middle class and may, in fact, handicap some of the poorer Manitobans.

**Mr. Beddome:** I think there are some benefits for Manitobans. I'm not arguing that we don't want to keep rates affordable. What I'm arguing is that it has to be seen from a broader perspective because there might be a variety of factors. So just to be the cheapest province in the country I don't think is necessarily what we want to be, you know. We're really cheap, and, you know, I think there are better things that we can sell of Manitoba, that we've got smart, passionate people that—you know, I think there's something else we can argue.

So I don't deny that there are benefits and we should do what we can to keep rates low, and that includes when, you know, you talk about capital plans. And my positions are relatively well known, and I've got a 20-page submission that we put in on Bipole III you can read that outlines a lot of our position. So, I mean, I'm not going to elaborate into detail on those.

I think there are a variety of factors where you have to start assessing, you know, each market individually and you have to look at a variety of the factors in the market, understand that market, how it goes. I mean, I think the previous presenter from the Consumers' Association dealt with that very well with insurance. They might have different premiums, different policy terms, et cetera, et cetera, so he can't just say, are we the lowest, because if the coverage that you offer is better, and I know this has been a

matter of contention, for instance, the max payout that MPI offers versus the max payout that a private insurer might offer, then you're not comparing apples to apples. You may be cheaper but the net benefits received aren't as good.

So I'm just saying you have to look at the broader picture when you're trying to compile this report year over year. I think it's a good idea to compile a report year over year, but you've got to look at the broad picture.

**Mr. Chairperson:** Further questions?

**Mr. Helwer:** Yes, you also referred to, I guess, the commercial sector and some of the hydro rates we have there. Now, this particular bill just speaks to the consumer market, and I'm cautious that, you know, we may have to look at the commercial sector, in fact, subsidizing the consumer market to maintain some of these low rates, and that may be detrimental to some of our expansion in Manitoba.

**Mr. Beddome:** I think that's something that certainly has to be investigated. I don't think I can give—I mean, this is something that you have to look at in a lot of detail. But industrial users generally I think are paying a slightly lower rate than average consumers of Manitoba, Manitobans. Although, you know, there's a variety of arguments that you could make in regards to that.

**Mr. Chairperson:** Further questions?

Thank you.

**Bill 27—The Insurance Amendment Act**  
(Continued)

**Mr. Chairperson:** Next up on Bill 27 is Scott Feasey. Do you have any written materials, Mr. Feasey?

**Mr. Scott Feasey (Insurance Brokers Association of Manitoba):** No, I don't.

**Mr. Chairperson:** Okay, you may begin.

**Mr. Feasey:** Thank you, Mr. Chairman, ladies and gentlemen of the Legislature, those here in official capacity as well as civil servants.

My name is Scott Feasey, I'm the vice-president of commercial sales for Ranger Insurance, past vice-president of the Insurance Brokers Association of Manitoba, and I'm here to present some very general remarks on behalf of our association. Unfortunately, Dave Schioler, who many of you know, is not here.

He finds himself in Ottawa ardently speaking to many of your fellow colleagues.

This has been a long time in coming, and I would be remiss if I didn't remark on and thank past ministers, MLAs and those involved in the process as well as the current government and civil servants and especially acknowledge the guidance, direction, efforts and co-operation we've received from Mr. Scalena and Mr. Moore and their fellow staff in regards to this. I've had the opportunity to review some transcript in regards to this proposed legislation, and there are some very salient points made by Honourable Minister Struthers, Mrs. Stefanson and Mr. Gerrard, respectively.

My remarks are extremely brief and general in nature. I'm not going to speak about specifics here as the lady and gentleman before me from their respective associations have ably done so. Obviously, this is very positive progress for individual brokers and the brokers association of Manitoba. We believe this legislation will provide a far better platform for the delivery of risk management services and insurance solutions for all Manitobans.

\* (20:20)

Inherently involved in this process, as well as the legislation, is the transparency, and more transparency to us means a more informed consumer and a more informed consumer will allow for a better buying process for the insurance, as well as an understanding of that. Transparency brings that consumer protection.

Lastly, we believe that government still has a very positive role to play, and we thank you very much for bringing this forward in executing your mandate. And we look very much forward to co-operating and collaborating further with the respective parties involved in this, and we thank you very much.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee?

**Mr. Struthers:** Thank you very much, Scott. I appreciate you coming and speaking with us. I also want to say that I very much appreciate your kind words about Jim Scalena and the staff. I am very fortunate to have very good staff who've done a lot of work on this. I also think that that has been good collaboration with your members and our staff, and I look forward to that working relationship as we look

at regulations and other issues that we deal with co-operatively. So thank you very much for that.

**Mrs. Stefanson:** And I, too, Scott, just wanted to thank you for being here tonight, taking time out of your schedule to present on behalf of the Insurance Brokers Association of Manitoba—and just look forward to your continued involvement through regulations and everything else that will come forward with respect to this bill.

**Mr. Chairperson:** Any further questions? Thank you.

**Bill 32—The Highway Traffic Amendment Act  
(Powers of Traffic Authorities over  
Cycling Traffic)  
(Continued)**

**Mr. Chairperson:** Next up under Bill 32 we have James Carter—

**Floor Comment:** Jason.

**Mr. Chairperson:** I'm sorry: Jason Carter. It's a long day.

Do you have any written material? Okay, you may begin. Have some water, it's hot.

**Mr. Jason Carter (Sport for Life):** Thank you, Mr. Chairman.

**Mr. Chairperson:** You may start.

**Mr. Carter:** Well, as we—sorry.

My name is Jason Carter. I am the current president of the Manitoba Cycling Association. The Manitoba Cycling Association is a non-profit entity associated with Sport for Life. I represent about 900 current members, of which about one-third of those are kids. And one for every kid, there's a parent or a parent and a half, or however that ratio works.

I also represent more people that are involved in cycling. I represent people who are involved in putting on the Pan Am Games, people who are involved in making or helping Brandon make its application for Canada Games in 2017 and people who are involved in influencing good behaviours on part of kids, the wearing of helmets which is mandatory for all at MCA programs and people who, for instance last night, the lineup of kids watching a criterium race that we put on at—in Assiniboine Park. And all their kids were, faces dropped, wondering how fast these kids were going.

We also work very closely with Bike to the Future. I would like to offer my support for the

presentations of Mr. McMahon and Mr. Feaver. As well, we have corresponded, quite closely, quite often, with Dr. Warda, who is an excellent epidemiologist, of course, and we support the Bill 3 reduction in speed.

Now why would a cyclist report—support a reduction in speed in the school zones? That's because me, as a middle-aged fellow, who, unfortunately, is around 200 pounds, I cycle at an average speed of 32 clicks per an hour, 32 kilometres per hour. I am slow; I am probably the slowest one in my racing group. Fast, old guys, right. My kid, my child, 15 years old—in that race that I mentioned last night, he sprinted at 63 kilometres per hour. A bike path is designed for 20 clicks per hour. If I'm 200 pounds, travelling at 32 K, my son at 170 pounds, travelling at 50 K on a bike path designed for 20 K; with a kid like this, what is going to happen? Simply put, we cannot produce quality athletes, national-calibre athletes, or Olympic-hopeful athletes, based on bike paths, cycleways, and lanes. We need roads, and we need to have a presence on roads.

So that brings us to a problem. In the documents that I pointed out, I'm mostly concerned about pages 6, 7, and 8, but I'd like to refer you to this document, the attachment No. 1, at the back of this document. And this is how cyclists ride in this province, and everything you see here is within the current provisions of The Highway Traffic Act. These people on the right are riding in single file, and while they're riding in single file that person in the front is breaking the wind. He is poking a hole in the wind. He or she is poking a hole in the wind, I should say. What's going to happen? That person's going to get tired. We live in a very windy province. We actually call that Manitoba hills in cycling lore; we like to think about trying to calculate how high we can go, how much altitude we can go in climbing feet, if we're pressing against a Manitoba wind. But that person on the front is going to get tired, and they're going to pull out to the left and they're going to drop back. That is passing that is within the current provisions of The Highway Traffic Act, right? Now, look at this little scrub little diagram I have at the bottom that I put there, a little X there, that represents a car. Can that car safely pass those two lines? If that car moves up, about even with the second last person there, that creates a dangerous situation. Suddenly, there's a cyclist on the front and two cyclists on the side. So that car is going to fall back. That lane is closed. The only way that car can pass is to do a half lane change or a full lane change.



Now, let's look at this diagram—No. 2, this one. This is illegal. This is what our clubs do. This is safer. This is double line or two abreast or side-by-side cycling. The two middle lines are riding side by side. They're going along nicely. They're still taking up, as you notice the car down there, the full lane. Just like in the previous picture, when they get tired, they go to the outside. They drop back and rotate in. Now, this is safer than, actually, the other one. The car is blocked off. The car cannot squeeze in beside each other—beside the cyclists. There's also another practical part of this. Imagine this table here, not two sets of tables sitting side by side, but one set of tables that stretches down to the commissaire at the end of the road, okay? And now I'm a car; this table is down here, and I want to get around. I want to get over to one of these—to the fireplace over here. How do I do it? I have to wait for this full line to go, but if I have the two lines set together that takes less time; I have less to wait. And if I want to get around this line, I make an effective pass all the way up. And this is what we want.

We want cars to make effective passes just like they do for any other relatively slow-moving vehicles. This is what we want. We want cars to follow the dotted line. We want co-operation with vehicles. Now, why would a reasonable, rational person put themselves two abreast, three abreast, four abreast, and block themselves, physically use themselves, to stop vehicles from squeezing in beside them? And that is because they want safe passing distance. Safe passing distance—this is what is missed, as Mr. Feaver pointed out. This is what is missed in Bill 32. This is what we described to the minister's staff. And this is what we think, from the knowledge we have of talking to the people involved, would have saved Mr. Arne Johnsrud's life.

\* (20:30)

On March 19th, he was in Ste. Anne. He left Lorette. He travelled on the shoulder westbound—on eastbound, I'm sorry—on the shoulder with his friend. No problems there. Plenty of room on that shoulder for that 10 K. Dawson Road is gravel, so you have to take one of those \$5,000 bicycles and ride on the road. He turned south going towards Steinbach.

They're riding like the act says they should. One is in front; one is behind. They're wearing helmets. They have space between them, and they are on the shoulder. But the shoulder's about to peter out, as too often happens with cycling paths and shoulders.

They're badly maintained, badly repaired; they go in and out. You have to weave in and out. In and back and forth and back and forth. Very dangerous. So they're about to negotiate going over onto the road. By the way, it's two lanes on that road—two lanes. A clear flat day. Flat sunlight. There's no sun in anybody's eyes.

But they're going around there, and a residential cement truck flattens Mr. Johnsrud. He goes into the ditch. That truck continues on in that first lane past the first rider, brushing his shoulder. And then it stops in the second lane.

One metre safe passing distance: that is what legislation we think will help us. We need to create a habit. We need to create a habit in drivers. We don't want to bash drivers. We just want co-operation. We want them to simply take that driving wheel and turn it and make an effective pass. And that's where we'll get safety. That's one major way that we'll—can get safety, and that's what we'll promote after transportation in our province. That's what we believe.

And that's what's happened in 20 other US jurisdictions; they've realized this. And in Nova Scotia, they've realized this and other municipalities.

But Bill 32 is silent on that point, and that is a mistake for—in our view.

**Mr. Chairperson:** Excuse me, your time is up, sir.

**Mr. Carter:** Thank you very much.

**Mr. Chairperson:** Okay. Is there any questions from the committee? Thank you.

Next up, we have Anders Swanson, but he's not here, so we'll continue with Mirjama Rokсандic. She's been called once already. Mirjama Rokсандic. So we'll take her name off the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Dewar:** Well, I suggest that we deal with the bill in groups related to the sponsoring ministers, so I would suggest that we deal with Bill 3 and 5; then bills 10, 18, and 27; and finally bills 20, 31, and 32.

**Mr. Chairperson:** Agreed? *[Agreed]*

So we'll proceed with bills 3 and 5; then 10, 18, and 27; and then 20, 31, and 32.

During the consideration of a bill, the table of contents, the preamble, the enacting clause, and the title are postponed until all other clauses have been considered in their proper order. Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, or amendments to propose. Is that agreed? *[Agreed]*

We will now proceed to clause-by-clause considerations of the bills.

**Bill 3—The Highway Traffic Amendment Act  
(Speed Limits in School Zones)**  
*(Continued)*

**Mr. Chairperson:** Does the minister responsible for Bill 3 have an opening statement? Go ahead.

**Mr. Ashton:** Just briefly, this does follow the lead of a number of other jurisdictions based on the principle of reduced speeds in school zones and will give municipalities the ability to establish the current reduced-speed zones without going to the Motor Transport Board.

And I do also want to stress, too, it also allows municipalities to deal with issues that do reflect the fact that school zones are often used not just during school periods as well. And the experience of other jurisdictions is that, again, each municipality will be in a better position to decide themselves, you know, what is appropriate.

So that's the intent of this, just to improve safety with reduced speeds in school zones and allow municipalities to make those decisions.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Eichler:** No.

**Mr. Chairperson:** Okay. We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clause 6—pass; enacting clause—pass; title—pass. Bill be reported.

Or shall the bill be amended—oh, forget that. Okay. Thank you.

**Bill 5—The Highway Traffic Amendment Act  
(Inter-City Bus Service)**  
*(Continued)*

**Mr. Chairperson:** Does the minister responsible for Bill 5 have an opening statement? Go ahead.

**Mr. Ashton:** This will establish a more flexible regulatory regime for intercity bus service and will maintain full regulation for safety and will provide a more sustainable bus service for intercity travel in Manitoba.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Eichler:** No.

**Mr. Chairperson:** We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clauses 6 and 7—pass; clause 8—pass; clauses 9 through 13—pass; clause 14—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 10—The Securities Amendment Act**

**Mr. Chairperson:** Does the minister responsible for Bill 10 have an opening statement?

**Mr. Struthers:** No, thanks.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mrs. Stefanson:** No.

**Mr. Chairperson:** We thank the member.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 through 8—pass; clauses 9 through 12—pass; clauses 13 and 14—pass; clauses 15 and 16—pass; clause 17—pass; clause 18—pass; clauses 19 through 23—pass; clauses 24 through 26—pass; clauses 27 and 28—pass; clause 29—pass; clauses 30 through 32—pass; clauses 33 through 36—pass; clauses 37 and 38—pass; clauses 39 through 42—pass; clauses 43 through 46—pass; clauses 47 through 49—pass; clauses 50 through 53—pass; clause 54—pass; enacting clause—pass; title—pass. Bill be reported.

\* (20:40)

**Bill 18—The Affordable Utility Rate  
Accountability Act**  
(Continued)

**Mr. Chairperson:** Does the minister responsible for Bill 18 have an opening statement?

**Mr. Struthers:** I don't.

**Mr. Chairperson:** Does the critic for the official opposition have an opening statement?

**Mr. Helwer:** No.

**Mr. Chairperson:** Clauses 1 through 6—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 27—The Insurance Amendment Act**  
(Continued)

**Mr. Chairperson:** Does the minister responsible for Bill 27 have an opening statement?

**Mr. Struthers:** No.

**Mr. Chairperson:** Does the critic from the official opposition have an opening statement?

**Mrs. Stefanson:** No.

**Mr. Chairperson:** Clauses 1 through 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; clause 8—pass; clauses 9 and 10—pass; clauses 11 and 12—pass; clause 13—pass; clauses 14 through 17—pass; clauses 18 and 19—pass; clauses 20 through 22—pass; clause 23—pass; clause 24—pass; clauses 25 and 26—pass; clause 27—pass; clauses 28 and 29—pass; clauses 30 through 32—pass; clauses 33 and 34—pass; clause 35—pass; clauses 36 and 37—pass; clauses 38 through 40—pass; clause 41—pass; clause 42—pass; clauses 43 and 44—pass; clause 45—pass; clauses 46 and 47—pass; clauses 48 and 49—pass; clauses 50 and 51—pass; clause 52—pass; clause 53—pass; clauses 54 through 56—pass; clause 57—pass; clause 58—pass; clause 59—pass; clauses 60 through 65—pass; clauses 66 through 70—pass; clauses 71 and 72—pass; clauses 73 and 74—pass; clause 75—pass; clause 76—pass; clauses 77 and 78—pass; clauses 79 and 80—pass; clauses 81 through 85—pass; schedule B—pass; schedule C—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you.

**Bill 20—The Planning Amendment Act  
(Inland Port Area)**

**Mr. Chairperson:** Does the minister responsible for Bill 20 have an opening statement?

**Hon. Ron Lemieux (Minister of Local Government):** I do.

**Mr. Chairperson:** Continue.

**Mr. Lemieux:** Los Angeles: nothing; New Jersey: nothing. In the second period.

Thank you, Mr. Chair.

**Mr. Chairperson:** Okay, we thank the minister.

Does the critic for the official opposition have an opening statement?

**An Honourable Member:** No.

**Mr. Chairperson:** We thank the member.

Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 31—The Bilingual Service Centres Act**

**Mr. Chairperson:** Does the minister responsible for Bill 31 have an opening statement?

**Mr. Lemieux:** No, thank you, Mr. Chair.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**An Honourable Member:** No.

**Mr. Chairperson:** No? We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 8—pass; schedule—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 32—The Highway Traffic Amendment Act  
(Powers of Traffic Authorities over  
Cycling Traffic)**

**Mr. Chairperson:** Does the minister responsible for Bill 32 have an opening statement?

**Mr. Lemieux:** No, thank you, Mr. Chair.

**Mr. Chairperson:** Okay, we thank the minister.

Does the critic from the official opposition have an opening statement? Continue? Yes, continue.

**Mr. Stuart Briese (Agassiz):** I—just a short comment on this bill. I didn't hear, outside of a letter from the municipalities, very much support for this bill here, so I'm somewhat hopeful that by the time it hits third reading, the minister will have taken another look at it and cleaned up some of the areas of concern in it.

Thank you.

**Mr. Chairperson:** Thank you, Mr. Briese.

Clauses 1 through 3—pass; clause 4—pass; clause 5—pass; clauses 6 and 7—pass; enacting clause—pass; title—pass. Bill be reported.

This concludes the business before us. The hour being 8:50, what is the will of the committee?

**Some Honourable Members:** Rise.

**Mr. Chairperson:** Rise. Committee rise.

**COMMITTEE ROSE AT:** 8:50 p.m.

### WRITTEN SUBMISSIONS

Re: Bill 18

Green Action Centre comments on Bill 18

THE AFFORDABLE UTILITY RATE  
ACCOUNTABILITY ACT

June 11, 2012

Peter Miller, Chair  
Green Action Centre Policy Committee

This Committee meeting came as a surprise to us at Green Action Centre, as we did not see posted on the government website Monday evening a notice of the meeting [tonight] and understood there was to be 48 hours notice. We also have our AGM scheduled this evening, which prevents my attendance in person. Hence this hasty brief. We would welcome an opportunity to elaborate our findings in the next few days. [Note: version 1 of this brief was delivered to committee on June 6. This is an update, which adds proposed amendments to Bill 18 and other edits.]

Green Action Centre has intervened in a number of Manitoba Hydro and Centra Gas rate hearings before the Public Utilities Board (under our previous name Resource Conservation Manitoba or RCM). Our interventions have been based on principles of sustainability, equity and affordability for rates, policies and programs as well as the objectives of maintaining the health and economic contributions of one of Manitoba's prime assets, hydroelectric power delivered by a crown utility. A statement of our views in the context of Manitoba Hydro's last rate hearing can be found in our final submission to the PUB at <http://greenactioncentre.ca/2011/green-and-fair-energy-rates-for-manitoba-hydro/>.

Our key comment is that Bill 18 is not ready to go forward as it stands. Unlike most of the other bills introduced in this session, Bill 18 does not reflect consultation with experienced people and a nuanced response to issues. Hence our key recommendation is:

EITHER withdraw Bill 18 from the current session

OR make a fast and furious overhaul to recognize the multiple benefits and criteria for sound, equitable, affordable and sustainable energy policy and incorporate them into the bill.

I'll make the case for the above on the basis of Hydro policy. By lumping three "utilities" together, one might say in rebuttal, "Although hydro rates may be slightly higher than a comparator, we can compensate by lowering gas or insurance rates." But that is not sound policy. Each should be determined on its merits.

### KEY CRITICISMS OF BILL 18 AS IT STANDS

1. Crowns have multiple benefits and criteria for evaluation, which must be balanced and synergies found. This legislation prioritizes one above all others, which may not be the most important. For our views on some of the multiple benefits of Manitoba Hydro, see pp. 2 ff. of RCM/TREE's final submission to the last electricity rate hearing, available at <http://greenactioncentre.ca/2011/green-and-fair-energy-rates-for-manitoba-hydro/>.
2. The Manitoba Hydro Act already mandates "economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power..." The act also stipulates that Hydro must recover its costs through rates. What further requirement would the legislation put on Hydro if it is already delivering its mandate as economically and efficiently as possible and recovering its costs, if Hydro Quebec or BC Hydro manages to come in cheaper? A number of the options one can think of would create mischief. Here are two.
  - a. *The provincial government subsidizes rates from the tax base to bring them under the competitor.* Is this something the province can afford and should it be a funding priority, given all the other demands on the provincial budget and provincial deficit?

- b. *Manitoba Hydro is forced to cancel its "decade of investment" in new northern generation (Keeyask, Conawapa) and transmission in case its planned 3.5% annual rate increases cause its rates to exceed, say, those of Hydro Quebec.*

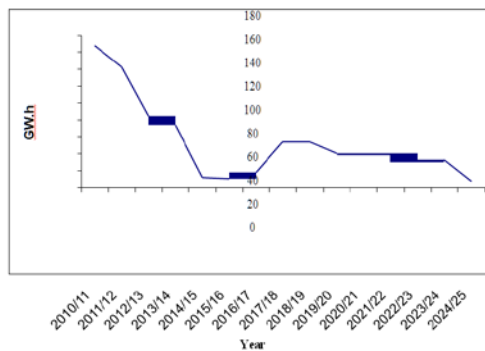
Hydro argues that rates must escalate well above inflation to provide a sound capital base for the enormous debt it must take on to fund major new generation and transmission required to fulfill new export contracts. These future exports are then expected to provide revenues that can once again lower the cost of power to Manitobans as they are rewarded during a subsequent "decade of return."

Should MH defund its expansion plans in order to maintain short term lower rates? Given expanding domestic usage, the export subsidies from existing export revenues will continue to diminish in the absence of new generation and the Manitoba advantage of hydro export earnings flowing into our economy will dry up, necessitating higher rates (or tax subsidies) farther out. We prosper on the foundation of past capital investments, e.g. Limestone and other generation and transmission from decades ago. Should we abandon that strategy if short term rates come in somewhat higher than in another jurisdiction?

3. The concept of lowest rates is problematic and the wrong focus if the goal is affordable electricity.

- a. Customers pay bills, not rates. Bills are a function of how much power is consumed, not rates alone. Hence it is quite possible for a utility to have lower rates and higher bills on average than another utility for comparable customers if customers' homes are inefficient. In a period of increasing costs, Hydro might try to cut its Power Smart investments in order to curb rate increases, but that won't necessarily lower bills for customers in drafty, uninsulated homes. Indeed there is evidence that such a Power Smart curtailment is exactly what Hydro intends to do. See Figure 1 below from evidence at the last General Rate Application hearing, taken from p. 13 of <http://greenactioncentre.ca/wp-content/uploads/2011/07/PUB-Hydro-Final-argument.pdf>.

Figure 1: Manitoba Hydro's Planned DSM Savings



- b. Rates are not singular but structured with a basic monthly charge and (for residential customers) one or more energy charges. Green Action Centre (formerly RCM) has advocated Power Smart rates to complement Manitoba Hydro's Power Smart conservation programs, so that rates work in concert with rather than in opposition to conservation goals (by removing the subsidy for excessive power consumption). In general, this means a lower basic charge and first block charge and a higher tailblock charge. A good example is the tariff of Seattle City Light (appended). The PUB has in the past ordered and Manitoba Hydro begun in halting fashion a move in this direction. [See, for example, Hydro's Energy Conservation and Innovation goal in its Corporate Strategic Plan, with the strategy to "Use rate design and targeted price signals to encourage energy efficiency."] Under such a rate structure, the cost of power per kWh will vary depending upon the levels of consumption. Such inverted or inclined rates (which we call Power Smart rates) provide an added incentive for conservation. They also provide a more equitable distribution of export profits to all citizens rather than bestowing them primarily on high users.
4. The current bill, despite its title, fails to insure affordable energy for low-income Manitobans. Affordable energy is energy that is within your financial means, i.e. that you can pay for. It is an income-relative concept. One common threshold used to define affordable energy is that the cost of home heating and electrical service should be no higher than 6% of family income as one component of housing costs. There is nothing in the present Bill 18 to insure that a 6% energy burden will not be exceeded by some families. If

the intent of the bill is to insure that energy is affordable for all Manitobans, it requires provisions to control the energy burden faced by some low-income families. See <http://greenactioncentre.ca/content/electricity-how-affordable-is-cheap/>. The Seattle City Light tariff (appended) illustrates both Seattle's inclined (inverted) rate structure and residential rate assistance schedules for low-income customers that better insure affordability. There are other ways to achieve this result as well.

We would be pleased to help formulate amendments to Bill 18 that would try to steer clear of the above difficulties but cannot do so in the time available tonight. In brief, though, the bill should incorporate qualifications that the goal of affordability should not compromise sustainability and long-term planning, the financial health of Manitoba Hydro, investments in conservation and advancements in renewable energy and the electrification of transportation. Moreover the goal of affordability should specifically focus on the effectiveness of measures to reduce the bills of low-income Manitobans.

#### ADDENDUM: POSSIBLE AMENDMENTS TO ADDRESS THE IDENTIFIED SHORTCOMINGS OF BILL 18

1. Customers pay bills, not rates, and an affordability goal should aim to lower the former.

##### Proposed amendments:

- a. Change the bill title to one of the following: *The Affordable Utility Bill Accountability Act* or *The Affordable Utility Accountability Act*
  - b. Substitute "*bills*" for "*rates*" in the first two WHEREAS clauses.
  - c. Note that this substitution is not required in the numbered sections of the bill because the term "costs" is used instead of "rates." This permits a strategy of lowering costs by providing assistance in conservation measures rather than manipulating rates.
2. A utility bill is not affordable if it exceeds a family's ability to pay. This circumstance is most likely to pertain to low-income persons and families who are slightly above welfare thresholds or otherwise not subscribed to social assistance, which covers utility bills. Hence an

affordable utility act should explicitly address this segment of the population.

##### Proposed amendments:

- a. Renumber the existing paragraph in section 1 as 1(1)
- b. Add a second subsection 1(2) as follows:
  - 1(2) The regulations mentioned in 1(1) shall
    - i. include a comparison of utility costs for low-income families (e.g. below the LICO 125 or 150 threshold);
3. Power Smart rates that encourage conservation have higher tailblock rates reflecting marginal costs. Hence high consuming customers will have a different cost structure than low consuming customers. The cost comparison should be between homes that have undertaken efficiency retrofits. There should also be a comparison of the proportion of housing stock that has been retrofitted to established efficiency standards and the efficacy of available retrofit programs.

##### Proposed amendment:

Add a second sub-subsection under 1(2) as follows:

- ii. include a comparison of utility costs for homes that have been retrofitted to established standards, the percentage of homes that meet those standards, and the opportunities available to retrofit inefficient homes;
4. Manitoba's public utilities, and Manitoba Hydro in particular, offer multiple benefits to the province, face multiple demands, and have multiple criteria for success. All crowns are subject to the Principles and Guidelines of Manitoba's Sustainable Development Act. Manitoba Hydro's Corporate Strategic Plan (<https://www.hydro.mb.ca/corporate/csp/2011/index.html#/1/>) identifies the following nine strategic goals:
    1. Improve safety in the workplace.
    2. Provide exceptional customer value.
    3. Strengthen working relationships with Aboriginal peoples.
    4. Maintain financial strength.

5. Extend and protect access to North American energy markets and profitable export sales.
6. Attract, develop, and retain a highly skilled and motivated workforce that reflects the demographics of Manitoba.
7. Protect the environment in everything that we do.
8. Promote cost effective energy conservation and innovation.
9. Be recognized as an outstanding corporate citizen and a supporter of economic development in Manitoba.

Reasonable rates are but one component of Goal 2 - exceptional customer value. More important is reliability of power supply. It is exceedingly important that the lowest utility cost goal for residential customers not compromise reliability, safety, corporate financial strength, environmental protection, energy conservation and innovation, Manitoba's economic development, and future energy supply and services.

Proposed amendments:

- a. Change the first two WHEREAS clauses as follows:

WHEREAS, by reason of Manitoba's ownership of Manitoba Hydro and the Manitoba Public Insurance Corporation, Manitobans should benefit, both now and in the future, from affordable electricity, home heating and automobile insurance services that are fair, sustainable and reliable;

AND WHEREAS maintaining low costs for these products, when sustainably used, will help ensure Manitoba remains an affordable place to live, work and raise a family;

- b. Amend section 2 as follows:
  - i. Renumber the existing paragraph as subsection 2(1)
  - ii. Add subsection 2(2) as follows:
 

2(2) In formulating a plan for lowering the cost of the utility bundle, the Minister of Finance shall

    - a. ensure that the plan is consistent with the Principles and Guidelines of

Sustainable Development, with the legislated mandates of the crown corporations and with the goals of their corporate strategic plans.

- b. consider targeted conservation and bill assistance measures as strategies to augment utility bill affordability for those in need.

**Appendix: Current residential rate tariffs (regular and low-income) for Seattle City Light.**

Seattle City Light is a publicly owned, hydro-based electric utility, like Manitoba Hydro, with strong sustainability and affordability mandates reflected in their rates and rate structures. Rates are exceptionally low for moderate consumers and elderly, disabled and low-income customers. We believe this is an excellent model for Manitoba.

**Rates Effective January 1, 2012**

([http://www.ci.seattle.wa.us/light/Accounts/Rates/ac5\\_rt2k24.htm](http://www.ci.seattle.wa.us/light/Accounts/Rates/ac5_rt2k24.htm))

**Seattle City Light Rate Schedules – Effective January 1, 2012**

Rate Class	All Months
------------	------------

**Residential: City [RSC]**

First Block *	\$ 0.0476	kWh
End Block **	\$ 0.0987	kWh
Base Service Charge per Day	\$ 0.1192	X30 = \$3.576 per month

**Residential Elderly/Disabled & Low-Income: City [REC/RLC]**

First Block *	\$0.0200	kWh
End Block **	\$ 0.0366	kWh
Base Service Charge per Day	\$ 0.0597	X30 = \$1.791 per month

\*\$/kWh: first 10 kWh/day in Summer (April-September); first 16 kWh/day in Winter (October-March)

= first 300 kWh/month in Summer; first 480 kWh/month in Winter

\*\*\$/kWh: all additional kWh/day

**Compare current Manitoba Hydro residential rates (April 1, 2012)**

First Block***	\$0.0677	kWh
Second Block***	\$0.0677	kWh
Basic Service Charge	1/30 = \$0.2283/ day	\$6.85 (\$13.70 over 200 amp)

\*\*\*Note: MH now has a single energy rate and thus no separate blocks. Formerly MH set the first block size at 900 kWh/month with no difference between summer and winter.

### Marginal Value of Energy to consumers (MVE)

Seattle City Light (SCL) uses the Marginal Cost of Energy to the system (generation and transmission to the city) and to consumers (adds distribution and customer costs as well). SCL also computes environmental adders for MVE to capture externalities that contribute to societal costs but would not otherwise be reflected in rates. The most significant adder is the cost of CO2 production in the regional grid, estimated at \$40/ton. (For details of methodologies and policies and a justification of the use of marginal costs in planning and rate-setting to determine MVE see Chapter 4 of *Adopted Cost of Service and Cost Allocation Report - 2007-2008*. Found at <http://www.ci.seattle.wa.us/light/news/Issues/RateProc/Docs/Adopted%20COSACAR%202007-2008%20FINAL.pdf>.)

\* \* \*

Re: Bill 32

Dear HTA Legislative Committee,

I am writing in response to the proposed amendments of the HTA (Bill 32) regarding cycling traffic. I strongly support amending the act to allow for increased cycling traffic on the roadways of Manitoba, while concomitantly improving the safety of cyclists (which the statistics clearly support that improved cyclist safety comes from improved cyclist and driver behaviour).

1. Any amendment should, first and foremost, not impede the use of active transportation methods in our society for benefit of the health and welfare of our population. Certainly, amendments which limit cycling traffic could have a detrimental impact on the health of the public, as well as prevent certain people from gainful employment/schooling that choose or are limited to the use cycling as a primary means of conveyance. This must be considered in any revision to the HTA.

2. I support the separation of bicycles from "other conveyances", however, the term bicycle is a limited term, as there are tricycles for instance on the road. This is a minor point but worth considering. Is there another catch phrase?

3. In reference to the proposed amendment, the allowance for a "traffic authority" or municipalities to each have specific bylaws for limiting cycling activity (and therefore different rules across municipalities) creates a possibility of non-uniform cycling rules which would create;

3a. Nonuniform rules would create confusion regarding where one can ride, and hence produce an impediment to cycling, as route planning for cycling would become problematic unless **all** municipality specific cycling by-laws are transparent, published and accessible. For instance, this would impact fund-raising cycling groups such as the "MS ride to Gimli" or Habitat for Humanity Rides among others. Consideration for the negative impact on this needs to be made, and and consultation with these fund raising groups should be performed.

3b. Nonuniform rules could create restriction of cyclist from certain roadways (trans-canada, major highways, etc) has strong negative impact for 1) competitive cyclists, 2) rural commuters and even 3) bicycle couriers. Consultation should be made with Sport Manitoba, and between governmental departments relating to the commerce issues of this amendment. Also, there are well known and published guides to cycling in Manitoba - the impact of these changes on these well-established routes needs to be explored specifically.

3c. Nonuniform rules could create a barrier to cycling related tourism in the province where exploring the province by cycling would become problematic and easier to be avoided if cyclist were banned from certain roadways (cyclists traveling through Manitoba, or intra-Manitoba tourism cyclists). Consider consulting with tourism groups and departments.

I would recommend that a uniform policy be created regarding cyclist transport on roadways rather than a potential Hodge-podge of rules.

4. A safe passage rule should include a minimum of distance (1 meter perhaps). For instance, if a vehicle is traveling at 60 km/hr at the right edge of bicycle lane and the cyclist is traveling at the left edge of the bicycle lane for pothole or debris related issues - then this would be hazardous. A 1 m min would prevent such problems (also see point 7).



5. Road posting of information specific to municipalities would be inadequate since cycling routes need to be planned **a priori** and not during the mode of travel! So ALL municipalities would need to have a roadway posting online for access to all cyclist prior to hopping on the bike.

6. The issue of riding side by side on designated bicycle paths needs to be addressed - even if this is adjacent to a roadway.

7. Bicycle lane markings are not visible in the winter. How is this issue to be addressed and this relates back to making a safe passing distance (item 4 above). Also the amendment allows for restricted travel during season - this could have serious implications for reducing the growing winter/fall/spring cycling activity.

8. These changes should be coherent and consistent with other cyclist safety acts being proposed, and as importantly the issue of selective enforcement of HTA by policing services needs to be addressed for consistency.

Finally, it would have been helpful to have more time to respond.

Yours truly,  
Dean Kriellaars, Ph.D. CEP

\* \* \*

Re: Bill 32

June 4, 2012

Clerk of Committees  
251 Legislative Building  
450 Broadway  
Winnipeg, MB R3C 0V8

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to express our support for Bill 32: The Highway Traffic Amendment Act (Powers of Traffic Authorities over Cycling Traffic).

The AMM is pleased the amendments will allow municipalities to make bylaws to regulate bicycle traffic, and adapt them to the needs of their communities. These amendments will likely have a greater effect in urban municipalities, where municipalities will be able to take on a role in managing traffic flows in their streets and neighbourhoods.

Since municipal governments are the order of government closest to residents, they have a detailed understanding of local traffic patterns and routes. We are also pleased that municipal governments have been recognized as the appropriate authority to determine where to integrate bicycles with motor vehicles.

The AMM appreciates the government's commitment to support cycling as it provides benefits to the environment and supports healthy living. Municipalities are pleased to provide safe opportunities for recreation in their communities.

Sincerely,  
Doug Dobrowolski  
President  
Association of Manitoba Municipalities

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**