

Bike Winnipeg Monthly Meeting

September 10, 2013 – 5:35 to 7:06 PM

Sport for Life Centre, 145 Pacific Ave

Minutes

Directors:

Present: Jeremy Hull (chair), Kevin Miller, Charles Feaver, Loren Brault, Jim Falloon, Bill Newman, Chris Chypyha

Regrets: Kaye Grant, Dave Elmore

Members

Present: Mark Cohoe (Executive Director), Amanda San Filippo (Bicycle Valet Winnipeg), Currie Gillespie, Bev Peters, Jason Carter, Laura Donatelli, Anne Mahdi, Shane Nestruck

1. Welcome and Introductions

- All attendees introduced themselves.

2. Review/Approve the Agenda

- Done by consensus.

3. Approval of Minutes from the previous Monthly Meeting

- The August Monthly Meeting minutes have been posted at bikewinnipeg.ca for 2 weeks. They were briefly reviewed and then approved by consensus.

4. Financial report – Bill

- Bill's *Treasurer's Report* is attached.
- Jeremy's *Budget Variance Report* is attached.
- Executive Director's performance review and back-pay: Jeremy and Loren met with Mark.
Motion to increase Mark's salary by \$300 per month and to retroactively pay him that extra amount for the first 4 months of this fiscal year (April to July): Jeremy. Seconded: Kevin. Approved unanimously.

5. Executive Director's report -- Mark

- Mark's report is attached.

6. Bicycle Valet Winnipeg – Amanda

- Things are going well, but the cost of supplies has exceeded the budget and the large operation at Blue Bomber games has meant too much wear/tear on Amanda's Dad's cargo van and a need for an increased gas allowance.
- Tips are used for volunteer appreciation, but some revenue is also being spent on volunteers.

7. Provincial Issues report -- Charles

- Charles' report is attached.
- Charles is away until Christmas, so Jason will take the lead on the PUB hearings item.

8. Fundraising Committee report – Jeremy

- Jeremy's report is attached. There was a lot of discussion about it.

9. Terms of Reference project – New Committee Structure – Loren & Kaye

- The draft document had been sent to directors.
Please read it and provide feedback, especially if you've been involved in various committees in the past.

10. Proposed Membership Committee – Jeremy

- See Jeremy's Fundraising Committee.
- Kevin will chair the committee. Bill and Currie volunteered to be on it. Anyone else?

11. Annual General Meeting plans, name change

- Our bylaws specify that Tuesday November 26 is the last possible date for our AGM, so that's the tentative date. Bev, Jim, and Mark have started planning. **Kevin will ask directors about their intentions for 2013-2014.**

12. Next meeting

- October Monthly Meeting: **Tuesday, October 8, 2013** at 5:30.

Treasurer's Report – by Bill Newman

Updated on September 14, 2013

This is a brief summary of the financial activity and position of the organization for the month. It includes all items reported to date. Subsequent information may alter the final picture for the month.

Activity for the month of August, 2013

Income

Memberships, interest	\$5.23
Bicycle Valet	2,410.00
Total Income	\$2,415.23

Expenses

Bank fees, annual business fee	\$25.45
Staff contract	1,170.00
Website	50.98
Bicycle Valet	1,792.62
Staff contract	991.00
Operations	731.62
Storage and insurance	70.00
Total Expenses	\$3,039.05
Net income/(loss)	(\$623.82)

Financial position as of 2013-08-31

Cash assets	\$7,445.88
Bike valet receivable	5,370.00
Current liabilities	<u>(2,313.00)</u>
Funds available	\$10,502.88

Fixed assets and inventory \$12,437.13

Retained earnings (net worth) \$22,940.01

Notes:

Bicycle Valet showed a profit of \$617.38 for the month of August. The lack of any other income left us with an overall loss.

More comprehensive financial statements are available online. Contact treasurer@bikewinnipeg.ca if you need additional detail.

Bike Winnipeg Variance Report – by Jeremy Hull

Revenue

- We have received \$2200 less in revenue than projected.
- This is mainly because of lower than projected BVW revenue and less sponsorship/donations than projected.
- Lower than projected BVW revenue is probably because of the timing of payments and/or inaccurate budget assumptions about timing.
- The sponsorship/donations shortfall is because we haven't implemented our sponsorship initiative yet, pending graphic work on sponsorship package, and because our membership drive has been delayed.
- We received more grant revenue than projected because the ACU grant was received early in the fiscal year.

Expenses

- We have \$2800 less in expenses than projected.
- This is partly because we haven't started paying the ED his full salary, as approved in the budget.
- It is expected that this will be corrected in September, including back pay, following the ED performance review.
- We didn't purchase Directors insurance.
- We spent much more on promotion, particularly graphic design related to the new logo, than projected.
- We haven't spent as much on workshops or on BVW expenses as projected.
- BVW has postponed equipment purchases this year and has received more donations than expected.
- BVW expenses will increase once a new staff contract is in place.

Net Income

- We had projected a net income of -\$420 by the end of July, but our actual net income was +\$212 at that point.

Budget Management Issues

- We need to get our sponsorship package in place and begin soliciting support.
- We need to pay the ED his back pay.
- We need to define the scope and cost of planned workshops and forum/AGM.
- We need to review BVW budget to ensure it can meet its expenses including the new staff contract.
- We need more timely financial statements.

Bike Winnipeg Variance Report: July 31, 2013			
	Year to Date		
	Actual	Budget	Variance
Revenue			
Memberships	165.00	750.00	-585.00
Grants & Contracts	4,500.00	3,187.50	1,312.50
Sponsorships & Donations	30.00	1,125.00	-1,095.00
Fundraising	90.00	0.00	90.00
Interest	2.72	20.00	-17.28
BVW Revenue	4,665.00	8,575.00	-3,910.00
BTWD Admin Fee	2,000.00	0.00	2,000.00
Total Revenue	11,452.72	13,657.50	-2,204.78
Expenses			
Staff contract - base	2,400.00	3,600.00	-1,200.00
Staff bonuses	540.00	1,150.00	-610.00
Bank Fees, Paypal & Legal	54.57	58.33	-3.76
Promotion & Advocacy			
-- general	327.25	0.00	327.25
-- graphic design	1,680.00	0.00	1,680.00
-- printing	230.11	166.67	63.44
-- booth fees	0.00	66.67	-66.67
Web site	160.72	125.00	35.72
Workshops/Forum	0.00	1,031.25	-1,031.25
Prof. Development	100.00	166.67	-66.67
Memberships & Affiliations	0.00	33.33	-33.33
Directors Insurance	0.00	802.50	-802.50
Volunteer Support	0.00	187.50	-187.50
BVW expenses	5,747.23	6,690.00	-942.77
Total Expenses	11,239.88	14,077.92	-2,838.04
BW Net Income	212.84	-420.42	633.26

Bicycle Valet Winnipeg Variance Report: July 31, 2013			
	Year to Date		
	Actual	Budget	Variance
Revenues			
contracts/fees	4,635.00	7,500.00	-2,865.00
grants/sponsorships	0.00	1,000.00	-1,000.00
donations	30.00	75.00	-45.00
Total	4,665.00	8,575.00	-3,910.00
BVW Expenses			
staff			-141.50
contracts	3,463.50	3,605.00	
volunteer support	241.04	500.00	-258.96
operations & supplies	1,010.09	450.00	560.09
insurance	912.60	1,000.00	-87.40
storage	120.00	510.00	-390.00
transportation	0.00	250.00	-250.00
equipment	0.00	375.00	-375.00
transfer to BW core budget	0.00	0.00	0.00
Total	5,747.23	6,690.00	-942.77
BVW Net Income	-1,082.23	1,885.00	-2,967.23

Executive Director's Report – by Mark Cohoe

Memberships: 793
Listserve : 1769
Facebook Likes: 221

Board Business

AGM

Jim Faloon, Bev Peters and I met to discuss plans for our AGM. We discussed the potential to have our AGM occur in the St. Boniface area, and to include some short presentations from St. Boniface cycling organizations and a panel discussion discussing connectivity issues in St. Boniface. The tentative schedule we worked out was as follows:

- 7pm call to order
- 15 minute introductions
- ½ hour board reports
- 15 minutes nominations and votes
- 15 minutes by-law changes
- 10-15 minutes presentation on St. Boniface AT plans
- 60 minute panel discussion on connectivity in St. B (moderated by Mark Cohoe)
 - o Dan Vandal?
 - o St. B. ST Groups (Transition St. B, Rivers West)
 - o MLA
- 60 minute mix and mingle with food and beverages

I am looking into locations in St. B. We would need to approve a budget for food and rentals. The panel discussion could be a template used in future civic election events.

Communications

Web Site Migration

The website is largely converted. We have a volunteer (Anne Mahdi) taking care of event listings (events can be sent to eventlistings@bikewinnipeg.ca). I will complete the final report to ACU this month.

Fundraising

Bicycle Valet - Blue Bombers Bicycle Valet

Amanda has requested a meeting with Bombers admin to discuss expansion of the valet service. We still need to work on the numbers for our proposal. 2

Fall Concert

The bands for the fall concert are now booked, with tickets and posters printed and distributed. I am still working on the following:

- Find Silent Auction Items
- Solicit earned media
- Enlist volunteers

Goals:

- Earn a net profit of \$2,000
- Increase our visibility in the 18-30 demographic
- Promote our projects
- Have fun and celebrate

Membership Drive

In Store Opportunities: This has been put off until membership structure and benefits have been defined.

Sponsorship

Amanda has completed the sponsorship package; I now need to look for a designer to get it ready for print. We have had some designers come forward; I just need to follow up.

Outreach

Events Attended

Sherbrook Street Festival – September 7, 2013.

- This was an excellent event. We talked to lots of people, signed 65+ people up to our mailing list, and were able to introduce the idea of a cycle track on Sherbrook/Maryland to many people. We were also able to connect with community organizations on their turf.

Ciclovia – September 8, 2013

- This was an excellent opportunity, producing donations and 30+ additions for our mailing list. The location near Osborne was not as much traffic as with previous year's locations.

ArtRide

- This partnership with the Winnipeg Arts Council was a huge success. We had our maximum capacity 25 riders and had a waiting list. Everyone enjoyed the opportunity to learn about Winnipeg's public art installations while sharing a lovely ride with fellow enthusiasts. We will definitely look to repeat this, and potentially branch out to other partners with different expertise/interests. Thanks to John Anderson and Mario Bento for volunteering as ride assistants to help with safety on the ride.

Upcoming Events

Border to Beaches Trail Magazine Article Media Opportunity

I've been asked to participate in a media event focused around a Travel Manitoba/Trails Manitoba project that will see journalist and author Nathan Wild riding the Border to Beaches trail as preparation for an article in Adventure Cycling magazine. I will be riding from Birds Hill Park to the Forks along with Nathan and his wife, Melissa Sitter from Trails Manitoba.

Disraeli AT Bridge Grand Opening

Date TBD – To celebrate the opening of the new Disraeli AT Bridge, I have floated the idea of staging a multiple rides converging on the Disraeli to help emphasize the vastly improved connectivity that the opening of this fabulous new facility will bring to the city. I am currently in contact with the City of Winnipeg, have had a quick discussion with Bikes and Beyond, and have solicited some member stories to put a personal touch on things. Ideally, we will be able to organize rides starting from the Forks, City Hall (representing the Exchange District), Point Douglas and Elmwood for the celebration.

Advocacy

September 10, 2013 Meeting of Standing Policy Committee on Infrastructure and Public Works

Item #2 – Award of Contract – Professional Consulting Services for Stage 2 of the Southwest Rapid Transitway Functional Design

Require the functional design to include bicycle and pedestrian overpasses of Pembina, the CN Letellier line, and Bishop Grandin, including separated bicycle and pedestrian facilities for the full length of the transitway.

Item #3 - City of Winnipeg Pedestrian and Cycling Strategies

This Tuesday's meeting of the Standing Policy Committee on Infrastructure Renewal and Public Works includes a motion resolving that the future of a Pedestrian and Cycling Strategy for the City of Winnipeg be placed on the agenda for consideration. I will be speaking as to the need for the city to move forward with these strategies, and in particular pointing out that the cycling strategy in particular must:

- Articulate the need for a safe, cohesive, direct and comfortable bicycle network and quantify the benefits (health, economic, and environmental) attainable if the city agrees to devote the resources needed to provide such a network and compliment it with appropriate education, encouragement and enforcement programming;
- Define a desired network of bicycle infrastructure that ensures all housing, education, employment, shopping and recreation centers can be accessed safely and comfortably by bicycle without the need for excessive detour or delay;
- Set guidelines to ensure that bicycle infrastructure meets present and future demand, and that the particular treatment selected for a given route or segment of the network (such as a separated cycle track, a bicycle lane or a mixed use low speed/low volume roadway) is appropriate for the environment it is placed into and the network role it is meant to meet;
- Identify educational and encouragement programs to maximize the benefit of new or improved cycling infrastructure by ensuring all users of the transportation network (pedestrians, cyclists, transit, freight and private vehicles) know where they will find cycling infrastructure and know what to expect of each other when they encounter it.
- Set time frames for completion of the defined bicycle network and provide estimates for the cost of doing so;

- Identify property easements needed to extend the network into future developments or to remove gaps and barriers in existing neighbourhoods;
- Provide a consistent and transparent methodology to prioritize from amongst various desired projects based on qualifiers such as current and latent demand, improvements to safety, removal of gaps or barriers, cost, or opportunity to tie in with other city projects; and
- Define policy, regulations and procedures that will ensure that the need for safe, cohesive, direct and comfortable pedestrian and bicycle access is reflected in all business conducted by the city and those it contracts out to;

In addition to the cycling strategy, I will use my time before the committee to remind its members and the public that proper infrastructure for cyclist must also be included in two other projects up for consideration at the meeting:

Item #11 - Twinning of Dugald Road

The committee will be reviewing a motion to rehabilitate or reconstruct Dugald Road between Plessis Road and the Perimeter Highway at a cost of \$2.7 million, and that this project be referred to the 2014 budget process. There is an existing pathway parallel to Dugald road running from the rail tracks to Webster Avenue. An extension of this pathway to Perimeter Highway would create a separated bicycle route to The Duff Roblin Parkway trail along the Floodway. This connection would be the only signal controlled access to the trail.

Item # 12 – Extension of William B Clement Parkway

Require extension of existing trails on both sides of the parkway to ensure access to this vital transportation corridor.

Item # 13 – Twinning of Shaftesbury Boulevard

Remind the committee of the need to include separated bicycle and pedestrian infrastructure as per the city's AT Network and policy. Remind them that at the December 4th, 2012 meeting of the Assiniboine Community Committee where I discussed the potential for a trail between Grant and Bard Pl., that plan was ruled out by the administration because of CPTED issues related to the isolation of the pathway (which would have passed between two high schools). By that same logic, the much longer and far more isolated Preston Trail within Assiniboine Forest cannot possibly be considered as an appropriate substitute for a bicycle path and sidewalk along a rehabilitated Shaftesbury.

City of Winnipeg 2014 Budget Consultations

We will have to put together a formal submission to the city's 2014 budget consultation process. The deadline is September 30, 2013.

Bike Box/Two Stage Turn Queue Boxes

I've had to hold off on this until September/October.

I will be initiating a meeting to discuss design, safety and communications/education needed to implement bike boxes and two stage turn queue boxes in Winnipeg. The goal will to reach a consensus that we can take to the City of Winnipeg.

Sherbrook Bicycle Lanes/Cycle Tracks

- I will continue to work with West Broadway Community Organization (whom I had previously confused with the West Broadway BIZ), West Broadway BIZ, West End BIZ and other organizations to publicize, define and promote the cycle tracks concept for the Sherbrook/Maryland Corridor
- I will make this the basis for an MEC grant application.
- I am working on two options for the segment from Wellington Crescent to Notre Dame
 - o Conventional Right Hand Cycle Track
 - o Left Hand Cycle Track
- I am looking into a road diet for the segment from Notre Dame to Logan
 - o Center left turn lane
 - o median
 - o 2 motorized travel lanes
 - o 2 conventional bike lanes
 - o Bus bays for transit stops
- Additional information will include
 - o Pros/Cons of each option
 - o Destinations Decision Matrix
 - o Rudimentary Benefit/Cost Analysis
 - o Short Business Case Document
- I've met with Councillor Smith

- o Offer of money & help
- I have asked to make a presentation in front of the West End BIZ Board Meeting, and am hoping that they will add me to their October agenda.
- Leah McCormick from the West Broadway BIZ has asked me to make a presentation at their AGM in November.
- I have asked to make a presentation to the West Broadway Community Organization as well.
- We will also work on a Community Engagement Plan that will include:
 - o Stakeholder Presentations
 - o Resident Surveys
 - o Business Surveys
 - o Business Intercept Surveys
 - o Public Information Displays

PTH 101 AT Overpass

We still need to put together and send in an official response. I spoke to an East St. Paul resident about the various options at Ciclovía, and he has indicated that he will work with his neighbours to push for a routing that would link Birds Hill to the Northeast Pioneers Greenway along the Raleigh right of way rather than along the Rothesay/Mowatt right of way.

Disraeli/Northeast Pioneers Greenway Connection

I still need to complete and send this out. Basically, it looks like the best option would be to install a half signal at the intersection of Stadacona & Riverton. At Riverton & Watt, the existing pedestrian corridor should either be replaced with a half signal or upgraded to that cyclists can activate the crossing.

2014 Civic Election Strategy

We need to start thinking about a strategy for the upcoming 2014 civic election (October 2014). The strategy should include:

- A platform of infrastructure projects
- Partnerships with other organizations
- Policy Changes
 - o Safety
 - o Cycling Skills Training
 - o Encouragement Programming
- Communications Strategy
- Public Engagement
- Candidate Questionnaires
 - o Candidate Endorsements?
 - o Volunteer Canvassing Teams?

City of Winnipeg Developments

Disraeli AT Bridge

The date of the official opening has been pushed back. See *Outreach* section (above) for plans for celebration planning.

Omand's Creek Trail BNSF Rail Crossing

Work to install the gated rail crossing has been put back until 2014, meaning we are stuck with the baffles until next year.

Priorities for the next Meeting

- McPhillips Hydro ROW Greenway Project
 - Sherbrook Cycle Track
 - Bicycle Valet Proposal
 - Fall Concert
 - Membership Drive
 - U of W bikeway connections
- AGM planning

Fundraising Committee Report – by Jeremy Hull

Jeremy, Amanda and Mark met on Aug 26 (Kaye and Chris were unavailable) and dealt with the following:

1. Membership Drive

It was agreed that we need to define what we mean by `membership` before we can proceed with a membership drive. Jeremy emailed the board asking for approval to form a temporary committee to look at three options and make recommendations to the board:

- Membership by a set fee and pays for a lifetime membership
- Membership by a set fee and pays for an annual membership
- Donations pay for an annual membership. Donors may be given the option of checking a box to accept membership

At this point responses have been received from four directors (not including Jeremy) , all supporting the motion and Kevin has volunteered to sit on the committee. Amanda is to contact Currie Gillespie to see if he would be willing to sit on the committee as well.

2. Fall Concert

Mark has lined up three bands for our fall fundraising concert, Oct 9 and is working on publicity. (See attached poster) Everyone is encouraged to visit the Bike Winnipeg Facebook Page and share the event with others.

3. Bicycle Valet Winnipeg/Bombers Proposal

Mark and Amanda have done a lot of groundwork for a proposed new contract arrangement with the Bombers for Bike Valet services. Amanda is to arrange a meeting with Colline of the Wpg Football Club where Mark and Amanda will discuss their ideas for a revised contract for Bicycle Valet Winnipeg that will look at locations for bike parking, equipment and facility needs and increased financial support to BVW. Mark will contact Melissa from the U of M Development office to invite her to participate in the discussions. Colline & the Bombers have been very supportive of BVW. It is expected that a formal proposal or contract will be prepared following this meeting.

4. Grant Opportunities

Mark described 5 possible grant opportunities, the most immediate being the MEC Advocacy & Awareness Grant, and the MEC Capacity Building Grant, with application deadlines on Sept. 10. (These are national grants, as opposed to the local MEC funding we have received in the past.) The others are the Aviva Community Fund (Sept 23), the BTAC grant (may not still be in operation), and the Norco Advocacy Grant (Nov 1 – may be a renamed version of the BTAC grant). The MEC and Norco grants appear to be the most promising. We discussed a few projects that we might want to seek funding for:

- **Developing and Implementing a Campaign for the 2014 Civic Election.**
- **Forming a Community AT Advisory Committee to replace the now secretive and ineffective City committee.**
- **Organizing and Delivering Cyclist Skills and Safety Courses.** This proposal is largely developed but needs fine tuning and to be put into an appropriate format for various potential funders.

Mark is to work on these proposals with help from Jeremy and Dave Elmore.

5. Sponsorship Package

At this point we just need to get a graphic designer to finalize the package, and then get it put on the web site and start contacting potential sponsors. Amanda is to put out a call for potential designers. We will then review applications and hire someone to do the design work.

6. Merchandise

We talked about various options from T-shirts to bike lights to helmets. Amanda suggested that bike light giveaways are a good option because everyone is happy to take one and they generate discussion about the sponsors.

BIKE WINNIPEG PRESENTS
PEDALLING
FOR THE PEOPLE
A FUNDRAISING CONCERT
FEATURING
MISE en SCENE
INDICATOR INDICATOR
and **FEDERAL LIGHTS**

Wednesday, October 9th, 2013
West End Cultural Centre

\$15 Advance
\$18 Door

Tickets available at:
Music Trader, West End Cultural Centre,
MEC, or online through www.bikewinnipeg.ca



More People Biking More Often



LORDE
behance.net/allanlorde

Provincial Issues Report – by Charles Feaver

We continue the struggle to get a standing at this fall's PUB hearing into MPI's plans for 2014. We want to provide significant input into the safety education provided by MPI to Manitoba drivers. We are collaborating with the Consumers' Association of Manitoba (CAC) to get standing to bring up issues that are important not just to cyclists, but to all vulnerable road users.

Manitoba law stipulates that all Manitobans are insured by MPI if they are involved in an accident with a motor vehicle, even those who aren't in a motor vehicle at the time.

As a result of its monopoly, MPI's costs each year are directly related to safe driving behaviour of all Manitoban drivers. Furthermore, the Province has delegated to MPI responsibility for educating drivers. We want greater accountability at MPI for effective road safety education of all drivers. We want them to be required to focus on the serious consequences of bad driver behaviour.

The MPI lawyer has responded to our efforts by refusing to answer our interrogatories, and arguing we should not be allowed to participate in the hearing as collaborators with the CAC.

Working with James Benson, our pro bono lawyer, and the CAC, we have drafted the attached letter asking the PUB to reject her arguments, and let us work with the CAC to show how MPI could be doing a much better job of managing road safety for all Manitobans. The letter is fairly lengthy, but I have attached it because it provides a good description of the process we are going through.

The hearings start on September 24th. We have to do a lot of work to file material before then.

There has been no action from the Provincial Government on cycling issues. It has been a disappointing summer. We complained to the caucuses in the spring that the Province was not doing anything, and that remains true.

We have been invited by the Provincial Government to consult on the regulations concerning bike lanes, position on the road, and municipal powers, which are required under the amendments to the Highway Traffic Act passed last year. We have been provided with limited background information, but what we have received does not give us any cause for concern. We have invited MCA to join us at those consultations.

Attached is the letter from BW/CAC to the PUB.



**PUBLIC
INTEREST
LAW
CENTRE**



**CENTRE
JURIDIQUE
DE
L'INTÉRÊT
PUBLIC**



**AN INDEPENDENT
SERVICE OF
LEGAL AID
MANITOBA**



**L'AIDE JURIDIQUE
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September 3, 2013

The Public Utilities Board of Manitoba
Mr. Hollis Singh, Executive Director and Board Secretary
400-330 Portage Avenue
Winnipeg, MB R3C 0C4

Dear Mr. Singh:

Re: MPI 2014/2015 GRA

In a letter dated August 28th, 2013, MPI objected to the Consumers' Association of Canada, Manitoba Branch (CAC MB) and Bike Winnipeg's application for joint intervenor status at the upcoming 2014/2015 General Rate Application. Bike Winnipeg and CAC MB appreciate the opportunity to reply to these objections.

The appropriateness of the forum

At the outset, Bike Winnipeg would like to clarify that its initial application for intervenor status was prompted by PUB Order No. 157/12 from December 3, 2012, wherein the PUB ordered the following:

"A Road Safety Research Technical Conference take place to discuss Road Safety matter, involving interveners and community partners, to be held on or before March 31, 2013." (emphasis added).

Although the Technical Conference was subsequently rescinded in PUB Order No. 22/13 on March 7, 2013, Bike Winnipeg was nevertheless pleased with numerous findings within the Order, including the following excerpts:

"Further and as also expressed in [Order No. 157/12], the Board seeks the furtherance of MPI's goal, as reflected in its Corporate Strategic Plan, that it will become a community leader and act as the central repository to facilitate the sharing of data amongst stakeholders for research and making informed decisions, and to take a more active role in Road Safety research."

"At present, only 1.5% of Basic rates are dedicated to Road Safety initiatives which, in the view of the Board, may be too low."

"Instead, the Board identifies the following specific issues relative to

Road Safety that it will seek to explore with MPI at the 2014 General Rate Application hearing, to take place in the fall of 2013:

...Adequacy and effectiveness, or otherwise, of spending to reduce the severity and frequency of vehicle collisions with cyclists"

In addition, Bike Winnipeg noted the PUB's statements regarding the mandate of the Board to examine road safety within the GRA process:

"The Board finds that these issues relative to Road Safety fit within the Board's mandate regarding MPI for the following reasons:

- Road Safety expenditures comprise a portion of Basic's expenses;
- MPI has identified that it intends to become a leader in the area of Road Safety, which will entail changes to:
 - The nature of its Road Safety efforts; and
 - The amount of the expenditures incurred for Road Safety initiatives;
- MPI has already advised that it is reviewing the possibilities of revamping the Drivers' Education System and expending funds for infrastructure;
- Different and/or increased Road Safety expenditures carry with them the potential for claims cost savings for Basic;
- Changes to expenses and potential savings to Basic both directly affect Basic rates. "

(emphasis added)

It was based on these Orders that Bike Winnipeg submitted its application for intervener status in June of 2013.

On July 15, 2013, PUB Order No. 77/13 denied Bike Winnipeg's specific application for intervener status but recommended that it continue its participation in the GRA process through collaboration with other interveners:

"...Further, it is the Board's view that the issues identified as being of interest to BW could be brought forward and pursued together with one of the other interveners, be it CAC, CMMG or CAA." (emphasis added)

In addition, Order 77/13 re-affirmed the relationship between expenditures (such as those for road safety) and the rate base needed to meet those expenses:

"The Board believes that cycling safety is an issue of significant import and does relate to rates..."

Bike Winnipeg has been following the directions in Order 77/13 in good faith. Bike Winnipeg

met with CMMG and CAC. Based on their similar interests and goals,¹it was determined that a joint intervention between Bike Winnipeg and CAC would be both mutually beneficial and cost effective.

Consistent with the spirit and intent of Board Orders 157/12 and 77/13, the objectives of CAC MB and Bikes Winnipeg were to:

- shed further light on issues that the PUB had identified to be of “significant import”;
- do so in a cost effective manner; and,
- minimize the potential for conflict of interest for legal counsel for CAC MB given the potential that final positions on closing might differ for CAC MB and Bikes Winnipeg.

Efficiency & Cost

As originally stated in the August 15, 2013 letter, there are no additional costs associated with this joint intervention. The cost will be the same whether the work is done by counsel for CAC alone or between counsel for CAC and counsel for Bike Winnipeg. With regard to any time expended that exceeds designated expenses, both counsel for CAC and counsel for Bike Winnipeg intend to provide their services pro bono.

With regard to the issue of efficiency, it is anticipated that the expertise that Bike Winnipeg brings to the issue of cyclists' safety should reduce the time required in preparing for these matters. In addition, the time required for the proposed cross examination and closing submissions by Bike Winnipeg is expected to add no more than 1.5 hours to the proceedings.

Denial of Original Application

In the MPI letter of August 28, 2013, it is submitted that the CAC/Bike Winnipeg joint intervention should not be granted because Bike Winnipeg's application for intervener status was denied in Order 77/13 and because the Board's Rules of Practice and Procedure require that applications for intervener status be made on or before the date prescribed in the notice of public hearing.

Although it is true that Bike Winnipeg's original application for intervener status was denied, this does not prevent the PUB from granting the CAC/Bike Winnipeg joint intervention.

As articulated above, Order 77/13 states that:

“... it is the Board’s view that the issues identified as being of interest to BW could be

¹ Bike Winnipeg seeks to examine MPI’s ability and commitment to preventing accidents to vulnerable road users in order to reduce morbidity and mortality; CAC seeks to test MPI’s effectiveness in delivering prevention interventions that will reduce the need to raise rates in the short and long terms.

brought forward and pursued together with one of the other interveners, be it CAC, CMMG or CAA." (emphasis added)

In addition, Rules 3(2) and 21(c) of the Board's Rules of Practice and Procedure state the following:

3(2) "In any proceeding, the Board may dispense with, vary or supplement any of the provisions of these rules".

21(c) "In any proceeding the Board may, on condition or otherwise: ... order such other amendment as may be necessary for the purpose of hearing and determining the real questions and issues in the proceeding. "

Based on Order 77/13 and Rules 3(2) and 21(c), any limitations within the Rules which would prevent an application as a joint intervener were dispensed of or amended by the Board's direction in Order 77/13.

In the alternative, should it be found that the limitations on applying for joint intervener status were not lifted by Order 77/13, it is submitted that, based on Rules 3(2) and 21(c), the PUB has jurisdiction to dispense with these limitations and allow the CAC MB/Bike Winnipeg joint intervention.

Number of Information Requests

In terms of the number of information requests submitted by CAC MB/Bike Winnipeg, it is our view that the information requests submitted were relevant and, given the complexity of the issues, were reasonable in number. All questions relate to the central rate making question of whether the proposed road safety expenditures of Manitoba Public Insurance are prudent and necessary.

The information requests submitted regarding the number, cost and severity associated with accidents are relevant to establishing clear measures for ensuring quality program evaluation. In addition, an examination of the methodology used to direct and implement communications and marketing efforts is necessary to evaluate program effectiveness. The information requests submitted regarding data, including the requested formats, are an attempt to elucidate gaps, trends and ratios for the benefit of the Board's decision making.

Regarding the MPI objection that the number of information requests exceed those submitted by CMMG, these ratios are not relevant to the issues before the PUB. The parties have different interests, and require different information to properly address those interests. The information requests submitted are focused on matters which are directly relevant to the rate base which is derived from revenues and expenditures. Whether or not an information request is relevant and material to the matter before the PUB should be the deciding factor,

not whether one party requests more than another.

It also bears repeating, as originally stated in CAC's and Bike Winnipeg's August 15, 2013 letter, that the information requests were developed by CAC MB and Bike Winnipeg in conjunction. Counsel for CAC MB devoted 14 hours to the development of the information requests. CAC MB and Bikes Winnipeg jointly formed the opinion that they were relevant and necessary for the Board's determinations. Absent a compelling case that the proposed information requests are irrelevant or immaterial, MPI is obliged to provide full response to information requests from a party with full intervenor standing. Allowing MPI to avoid producing the information in time for consideration at the PUB hearing would unfairly curtail the ability of CAC MB to make a full presentation of its interests before the Board.

The Potential for Conflict of Interest for CAC MB Counsel

In Board Order 77/13, the PUB quite properly brought forward the possibility of Bike Winnipeg working "together with one of the other interveners":

"...Further, it is the Board's view that the issues identified as being of interest to BW could be brought forward and pursued together with one of the other interveners, be it CAC, CMMG or CAA."

Of course, those contemplating any collaborative or joint effort must be alert to the very real risk for legal counsel in circumstances in which she or he is asked to represent two parties who may have different perspectives on different issues. In the event legal counsel represents more than one party and these parties ultimately take different positions, there is a real risk that legal counsel will have to withdraw and that both parties will either be left without counsel or have to retain new counsel at a very late date. This is the dilemma posed by the request by the PUB that Bike Winnipeg consider pursuing its issues together with another intervenor.

In order to minimize the risk for conflict of interest, CAC MB and Bike Winnipeg developed the concept of the joint preparation of relevant and material information requests followed by a time limited cross examination and closing argument to be conducted by counsel for Bike Winnipeg. In their view, this is the best way to minimize the risk that counsel for CAC MB might have to withdraw in the event of a conflict.

The Test

The textbook cited by MPI is a general example of factors used in determining intervenor status; however, Bike Winnipeg notes that the tests for granting intervenor status are set out in Rule 27 of the PUB's own Rules of Practice and Procedure.

Taken together, the original application, the information presented during the pre-hearing conference, the CAC/Bike Winnipeg letter of August 15th and the above noted Orders regarding the relevance of road and cycling safety are sufficient to meet the test outlined in the PUB Rules of Practice and Procedure.

Should the PUB choose to follow the test in *Kadr*, the following points are offered in rebuttal:

1. Is the proposed intervener directly affected by the outcome?

Bike Winnipeg notes that MPI's rate base is necessarily derived from the revenues and expenditures of the organization, both in the short and long terms.

According to s. 74 of the *MPIC Act*,² MPI insures Manitoba residents. All cyclists and vulnerable road users who are Manitoba residents and involved in an accident with a motor vehicle are, *prima facie*, entitled to benefits.

In addition, the PUB has the authority to issue orders to fix just and reasonable individual rates and to fix just and reasonable standards or service. The issue before the PUB is not simply about rates; rather, it is rates for service.

Manitoba cyclists are therefore directly affected by the potential order by the PUB regarding the bodily injury benefit expenditures to victims and any expenditures made for the prevention of collisions, morbidity and mortality. These matters directly affect the rate base and are therefore appropriate for the current proceedings.

Bike Winnipeg notes that in the past the PUB has granted standing to the Manitoba Bar Association with a view to its intention to represent the perspective of accident victims.

2. Does there exist a justiciable issue and a veritable public interest?

CAC, Bike Winnipeg, and MPI are in agreement on this point. Yes, there is.

3. Is there an apparent lack of any other reasonable or efficient means to submit the question to the Court?

It is agreed that the PUB may ask any question that any intervenor could ask itself; however, the PUB is faced with the challenge of becoming experts from the point of view of a stakeholder's interests. One purpose of interveners is to assist the Board in discovering these interests in order to come to a decision.

² The Manitoba Public Insurance Corporation Act, C.C.S.M. c. P215 74(1) Subject to this Part, a victim who is resident in Manitoba at the time of the accident, and any dependant of the victim, is entitled to compensation under this Part if the accident occurs in Canada or the United States. (emphasis added)

Bike Winnipeg has a particular expertise in area of road safety of cyclists and this expertise will assist the PUB in its deliberations.

4. Is the position of the proposed intervener adequately defended by one of the parties to the case?

MPI's statement that "road safety, as a general issue, has a marginal impact on the rates set by the Board" has already been implicitly rejected by the Board in a series of prior decisions including Order 157/12. However, the statement also suggests that MPI's road safety public education programs have a marginal impact on reducing the number and severity of accidents, and in turn, the expenditures required for PIPP benefits. On its face, such a statement appears to beg further exploration of whether the proposed road safety expenditures of MPI are prudent and reasonable.

With regard to cyclists, the collective interests of whom are not represented by another party, Bike Winnipeg aims to elucidate such apparent complacency towards the prevention of morbidity and mortality of vulnerable road users. To our knowledge, no other intervener has yet to emphasize this position.

5. Are the interests of justice better served by the intervention of the proposed third party?

To the extent that the rate base better reflects the interests of all insured residents of Manitoba, including the expenditures required for interventions that strive to minimize the number and severity of accidents to victims, fairer rates will be set with the admission of the CAC/Bike Winnipeg collaboration.

6. Can the Court hear and decide the case on its merits without the proposed intervener?

Whether Bike Winnipeg has participated in the past is irrelevant as to whether it can contribute in the present. As the PUB recognized in Order 77/13, there is clear value in finding an effective vehicle by which Bikes Winnipeg can participate in this proceeding.

Conclusion

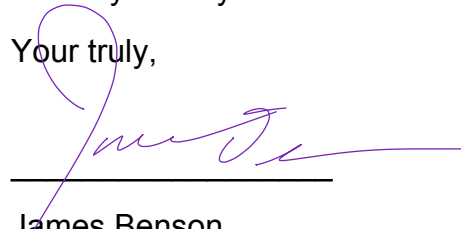
CAC MB and Bike Winnipeg ask that the PUB refuse MPI's objections to CAC MB and Bike Winnipeg's application as joint interveners in the 2014/2015 GRA and that it require MPI to respond in full to the information requests submitted.

In the alternative, Bike Winnipeg submits that CAC, as an accepted intervener in the GRA process, should not be prejudiced by a refusal of joint intervention with Bike Winnipeg. The information requests submitted included matters of relevance and materiality to CAC's interests and and affects CAC's ability to participate fully in the hearings.

Finally, regardless of the outcome of this particular matter, Bike Winnipeg respectfully submits that as we approach the 20th anniversary of the MPI no-fault regime, timely, plain language epidemiological and efficiency reports about road safety activities be required of MPI for the benefit of all Manitobans.

Thank you for your consideration of these comments.

Your truly,



James Benson
Barrister & Solicitor

&

BYRON WILLIAMS
DIRECTOR

BW/sk

Attachments

cc: CAC, Ms. Gloria Desorcy
MPI, Ms. Kathy Kalinowsky
Board Counsel, Ms. Candace Grammond
All other interested parties, by email only