

Order No. 41/16

**APPEAL OF A HIGHWAY TRAFFIC BOARD DECISION
FILE NO. 3/002/178/AB/15
PROVINCIAL TRUNK HIGHWAY NO. 2,
IN THE MUNICIPALITY OF SOURIS-GLENWOOD**

March 21, 2016

BEFORE: Susan Proven, P.H.Ec., Acting Chair
Régis Gosselin, B ès Arts, MBA, CPA, CGA, Chair
The Hon. Anita Neville, P.C., B.A. (Hons.), Member

SUMMARY

By this Order, the Public Utilities Board (Board) varies a Highway Traffic Board (HTB) decision and approves the application for the installation of a temporary access with a top width of 12m for a period of 5-years, and the relocation of the existing access with a top width of 15m.

BACKGROUND

On September 22, 2015 Pembina Consumers Co-op (2000) Ltd. (PCC) submitted an application to the HTB for the construction of a building, paved parking area, two access driveways and the removal on an existing access driveway (Commercial) onto Provincial Trunk Highway No. 2 at Lots 2-15, Block 110, Plan 60, S.W. ¼ 4-8-21W in the Municipality of Souris-Glenwood.

The HTB conducted a hearing on November 4, 2015 on the matter. On November 17, 2015 the HTB approved the construction of the building and paved parking area (HTB Permit No. 306-15). Additionally, the application to construct two access driveways and the removal on an existing access driveway (Commercial) onto Provincial Trunk Highway No. 2 was denied.

The Manitoba Public Utilities Board (Board) heard the matter at a public hearing held at 1:30 pm, Tuesday January 19, 2016 in the City Hall of Brandon, Manitoba. Immediately prior to the hearing, Board Chair Gosselin, Panel Chair Proven and Board Member Neville viewed the property, highway and the streets adjacent to the appellant's property.

Pembina Consumers Co-op (2000) Ltd. (PCC):

Mr. Marcel Lesage, General Merchandise Division Manager, advised that the PCC plans to build a new building on the site in order to serve existing customers and to attract new business to the Co-op. Mr. Lesage testified that, once the new building is operational, it is anticipated that there could be a “40-times increase” in transactions on-site. Product is delivered to the site and then picked up by customers; these include contractors with their vehicles. PCC customers and trucks delivering products to PCC currently enter and exit the site via a single 50 ft access. Mr. Lesage presented a blue-print site plan, which was designated as Exhibit #9.

Product from suppliers is currently being delivered by truck, which include B-trains.

A B-train is a combination of commercial vehicles composed of a truck tractor and a lead semi-trailer; followed by another semi-trailer, attached to a fifth wheel coupler mounted on the rear of the first semi-trailer, and has a maximum length of 27.5 meters.

At the present time, when a B-train accesses the site, it must be parked diagonally across the existing access with part of the B-train still on PTH #2.

Mr. Lesage noted that PCC does not own the property west of the PCC yard. The Co-op could not use that existing access on a 12-month basis because of the condition of the access during the spring season.

While the HTB has suggested that the existing access could be widened, PCC is concerned that a single access could contribute to the “stacking” of B-train commercial vehicles on to PTH #2. The term stacking, refers to multiple long-combination vehicles being in a queue along the side of a roadway.

Given the existing building configuration combined with the approved new building on the site, if a B-train commercial vehicle attempts to access the PCC yard to unload, it would still have to be parked diagonally across the parking lot. This would result in a mix of commercial, pedestrian, forklift, and private vehicle traffic on the site; this mix would represent a safety risk. Mr. Lesage stated that a B-train would not be able to turn around within the planned footprint. The Co-op plans on demolishing some of the buildings in a few years but the new building's construction will start early in 2016. PCC intimated that it may be possible to use the 6th Street access for private traffic access, thus reducing the flow of vehicles on the widened single access envisioned by the HTB, and potentially limiting the impact of a B-train parked on the HTB proposed single access driveway.

Manitoba Infrastructure and Transportation (MIT):

Mr. Eric Christiansen, representing MIT, submitted a Google Earth site photo which was designated as Exhibit #8 and a written MIT submission, which was designated Exhibit #10. PTH #2 is classified as a primary arterial highway; this is the second highest Manitoba highway system classification with volumes in excess of 1500 vehicles per day. Mr. Christiansen explained that the higher the classification of the road, the less desirable "obstacles" or interfaces between business and the highways become. Because of increased crash risk, MIT is very reluctant to increase the number of access points onto this highway. He also explained that the speed limit changes from 50 km/hr to 100 km/hr within 3-blocks west of the PCC location. MIT contended that an increase crash risk could result since traffic would be unfamiliar with the new access configuration, find it complicated, and could collide with the accesses. Mr. Christiansen testified that MIT initially believed 2 access points existed within the PCC footprint, but now recognizes that this is not the case. MIT does not support access points wider than 50 feet. MIT is not convinced that a B-train could not turn around within the new site plan. However, the Department is prepared to work with PCC in establishing realistic turning radiuses' using CADD software modelling.

The two parties agreed to attempt arriving at a negotiated solution before February 15, 2016. Mr. Lesage expressed concern that a costly construction delay could result if a negotiated solution could not be reached quickly.

On March 17, 2016, PCC and MIT were able to arrive at a negotiated solution and have requested PUB direct the Highway Traffic Board to issue a new permit which is consistent with the agreement language and parameters agreed to by PCC and MIT.

BOARD FINDINGS

The Board thanks the parties for their contributions.

The Board considered the recommendation of PCC and MIT, and has decided in favour of directing the Highway Traffic Board to issue a new permit which is consistent with the agreement language and parameters agreed to by PCC and MIT.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website at www.pub.gov.mb.ca.

