



## City streets rougher, data show

### Repair programs fall behind as time takes heavy toll

*Courtesy of The Winnipeg Free Press*

When it comes to patching potholes and smoothing bumps on city roads, Winnipeg takes the proverbial one step forward, two steps back.

New data show that for every stretch of roadway the city fixes every year, one or more streets fall into a worse state of disrepair.

Between 2009 and 2010, Winnipeg improved 87 of the city's major arteries, including stretches of St. Anne's Road and Portage Avenue, city data analyzed by the Free Press indicate. But during that same time period, 123 other major roadways got worse -- about 11 per cent of all regional streets.

The city is to unveil its latest capital budget tomorrow, which is expected to include more money to fix roads.

However, city politicians caution that a spending boost still won't be enough to deal with the backlog of roads in need of repair. Public works chairman Coun. Dan Vandal (St. Boniface) said the most recent figures estimate Winnipeg would have to spend about \$380 million every year on streets, bridges, and public transit just to keep up with the current need for maintenance.

"That's the conundrum we're in," Vandal said. "We're losing ground."

Every year, the city rates the pavement condition of major arteries such as Portage Avenue and Bishop Grandin Boulevard that see thousands of cars every day. City engineers keep tabs on which ones should be made a priority, and the crummiest, pothole-laden streets with drainage problems are labelled as "poor."

The latest available data obtained through freedom of information show that between 2009 and 2010, 87 stretches

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of roadway slipped from new or good to a "fair" state -- in which they now require rehabilitation and are on the cusp of needing a total overhaul. These roadways include four stretches of Henderson Highway and six sections of Ellice Avenue. Another 36 streets were downgraded from fair to poor, including four sections of Wellington Avenue and three stretches of Concordia Avenue.

While another 753 roads stayed in the same condition over the two-year time period, 192 were rated as fair and 139 were considered in poor shape.

Rod Hamilton, asset management engineer with the City of Winnipeg, said it's a challenge to try to keep good roads in good shape and tend to the long list of roads that need major rehab. In the past few years, he said, city crews have attempted to do minor repairs to streets in good shape to try to prevent bumps and holes from forming.

Hamilton said Winnipeg started doing "mill and fill" in 2004, in which crews shave off the top two inches of pavement and do minor concrete repairs, as a sort of temporary fix so the street can last a few more years before needing major work done.

While it's bought crews more time, Hamilton said there's still a chunk of streets that get worse every year.

"There is a certain percentage every year that will move from fair to poor," Hamilton said. "You have more (streets to do) the next year because they're starting to slip down."

Last year, the city devoted \$32.4 million to repairs of existing streets, back lanes and gravel roads -- \$10.8 million less than the year before.

Vandal said the city spends about five times more on fixing existing roads than it does paving new ones. Even so, he said, the city hasn't done enough to address the backlog and needs to find a solution with other levels of government to pay for the improvements.

River Heights Coun. John Orlikow said the city will continue to fix fewer streets, since budgets have not increased and construction costs continue to rise. Last week, Orlikow voted against Winnipeg's new transportation master plan, which outlines roadway improvements and transit projects over the next 20 years.

Orlikow said Winnipeg should invest in its existing roads before it spends money on new ones.

"We're not managing our old infrastructure at all. We've neglected it and we continue to neglect it," he said. "The fact that more streets are failing than we're actually repairing is just an example it's going to get worse."

**WIN SOME, LOSE SOME**

Every year, the city rates the condition of major roadways and makes a list of which ones will get fixed. Here's a look at the shape of Winnipeg's main arteries in 2009 and 2010:

New	
2009: 107	2010: 59
Good:	
2009: 496	2010: 487
Fair:	
2009: 267	2010: 311
Poor:	
2009: 199	2010: 177



# Canadians willing to pay road tolls, poll suggests

*Courtesy of CBC News*

Danny Potente, a daily user of Canada's newest toll bridge, says he's more than happy to pay for his shortened commute between Laval and Montreal.

"It's literally changed my life," says Potente. "It has cut 40 to 60 minutes off my commute. It's 40 to 60 extra minutes at home."

According to a new poll, Potente is not alone.

Half of Canadians surveyed in an online poll conducted exclusively for CBC News by Leger Marketing said they would be willing to pay road tolls if it would ease gridlock and shorten their commute.

Road tolls have long been a taboo topic for many politicians, but it appears Canadians are not as averse to the idea.

By taking the toll bridge from his home in Laval into Montreal, Potente only drives 1.2 kilometres to work and pays up to \$2.40 each way. The cost adds up to about \$1,200 a year, but Potente says it's well worth it.

"My time is extremely valuable," says Potente. "If there was an option to pay more to save me even more time, absolutely no doubt about it [I would pay more]."

On average, city commuters appear willing to pay up to \$3 a day for road tolls, according to the poll.

## Tolls favoured on new roads

Using tolls on new bridges or roads, such as the new Laval-Montreal bridge, was seen in a far more favourable light than those placed on already aging infrastructure.

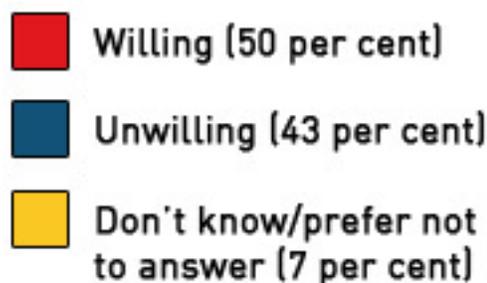
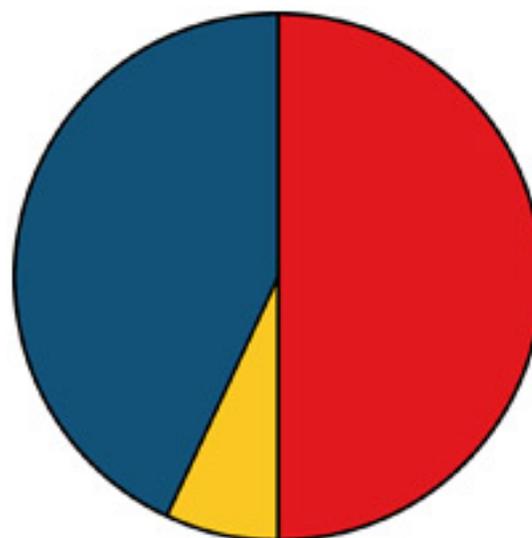
Seventy-six per cent of those surveyed in Toronto, Montreal and Vancouver said tolls would be acceptable on new bridges or roads to pay for the cost of building them.

By comparison, only 56 per cent of the city dwellers deemed it acceptable to add a toll to an existing bridge or road to pay for needed repairs.

Using tolls to pay for transit upgrades garnered even less support, at 47 per cent.

Whereas road and bridge tolls are more commonplace in Europe and the United States, only 18 tolls exist across Canada — the majority of which are for bridges and tunnels straddling the Canada-U.S. border.

## Willingness to pay for tolls



With cash-strapped governments struggling to pay for growing and crumbling infrastructure, that could soon change.

And the Leger poll suggests that many Canadians living in congested cities would be open to the idea. Most of those surveyed agreed that the use of tolls would place the "financial burden where it belongs."

## Pessimism about future

Few Canadians expect smoother commutes on the horizon.

More than a third of those living in Toronto, Montreal and Vancouver suspect it will worsen. A mere one in 10 believe it will become more pleasant.

Adding new lanes, overpasses and ramps is no longer an option to improve road congestion, warns Ottavio Galella, a traffic expert and engineer who touts tolls as a way to help change motorist behaviour.

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"We need a completely different approach to get rid of gridlock in our cities," says Galella.

Galella says Canada is trailing behind other countries in the push for toll roads, which could help reduce strain on roads and increase overall efficiency.

Most commuters in Canada's largest cities agree that road tolls would encourage drivers to take public transit, according to the poll.

In fact, nearly three-quarters of city drivers were willing to switch to public transit, if it saved them time.

Mixed opinions on transit

The question remains whether public transit could handle such a shift.

Nearly half of commuters in Canada's biggest cities felt like their public transit system is running at maximum capacity and can't handle more riders.

When asked about the state of their respective transit systems, Torontonians and Montrealers were split in their opinions.

Six out of 10 Montrealers surveyed think their public transit is in good shape, whereas only half that number of Torontonians felt the same, according to the poll.

But most city commuters believe that a portion of road tolls should go toward public transit.

"I really don't see any bad in tolls," says Potente. "It will get people off the roads. And this green initiative is obviously not going away."

*Two separate Leger Marketing online polls were conducted for CBC News. Figures referring to residents of Canada's three largest cities — Vancouver, Toronto and Montreal — are based on a survey of 500 residents in each city conducted Nov. 11-15.*

*Data referring to Canadians is based on a survey conducted Nov. 14-16 of 1,500 residents across the country.*



## The MHCA Welcomes New Members !

### Southwood Ventures Inc.

Kas Wiens  
Box 370  
Grunthal, MB R0A 0R0  
Ph: (204) 434-6651  
Cell: (204) 371-5315

Email: [kwiens@southwoodventures.com](mailto:kwiens@southwoodventures.com)  
Web: [www.southwoodventures.com](http://www.southwoodventures.com)  
Additional Information: Construction of roads, lagoons, municipal sewer & water, aggregate hauling; residential basements & septic systems; general excavation and earthwork using excavators, dozers and rock trucks.



### Nichol Commercial Licensing Inc.

Lynn Nichol  
114 Regent Avenue West  
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Ph: (204) 777-6700

Fax: (204) 224-5655  
Email: [contactus@nclnet.ca](mailto:contactus@nclnet.ca)  
Web: [www.nclnet.ca](http://www.nclnet.ca)  
Additional Information: Transportation consulting firm providing fleet management, and safety & compliance services, as well as industry related products.

Featuring articles from one of Winnipeg's largest law firms, Thompson Dorfman Sweatman, an MHCA member and a firm which is engaged by many in our industry.

## Securing Payment on Provincial Highway and Transportation Construction Projects

by Jon Wooley, Thompson Dorfman Sweatman LLP

As many in the heavy construction industry are aware, working on a government project has its special challenges (as well as opportunities).

One challenge is figuring out how to secure payment when working as a sub-trade on a government project - and in particular, the construction of highways. Section 3(2) of The Builders' Liens Act makes it clear that there are no lien rights under that Act with respect to highways. The section reads as follows:

### ***Act not to apply to provincial highways, etc.***

*3(2) This Act does not apply to or in respect of work relating to or contracts of the Crown with respect to the construction, repair or maintenance of highways, bridges, air strips, docks and ferry terminals under the control and management of the Crown.*

This has left some unpaid sub-trades and suppliers frustrated and feeling as though they have been legislated out of a remedy. However, there is help out there. The Highways and Transportation Construction Contracts Disbursement Act (the 'HTCCD Act') is not as well-known as The Builders' Liens Act, but it does provide some of the same protection offered by a Builder's Lien.

### *The HTCCD Act applies to the following contracts:*

*...a contract between the department [Department of Transportation and Government Services] and a contractor for the construction or improvement of a transportation facility including a highway, bridge, airstrip, dock and ferry terminal.*

The HTCCD Act allows an unpaid sub-contractor to register its claim with the Department of Transportation and Government Services (the 'Department'). The HTCCD Act states that where a sub-contractor gives notice of such a claim prior to the holdback being released to the contractor, the Department will: (a) hold the money until the parties agree on how it should be paid out; (b) pay it into court; or (c) appoint a trustee to deal with the matter. If the Department appoints a trustee, the monies paid to the trustee shall constitute a trust fund as provided in section 4 of The Builders' Liens Act.

The trustee will advertise in the Manitoba Gazette for any other claimants to the holdback, then circulate a notice of intended distribution of the holdback fund to all claimants and to the contractor. If any party objects to the schedule prepared by the trustee, they will have 30 days to apply to a judge of the Court of Queen's Bench to vary or alter the schedule.

While the HTCCD Act does not provide the same level of



protection as a lien, it affords an unpaid sub-trade or supplier some protection when working on a Department contract.

What the HTCCD Act does not do is provide any level of protection to the prime contractor if faced with non-payment by the Province. This is somewhat understandable, as the need for security for payment diminishes greatly when dealing with the Province (although these days one never knows...)

As always, the devil in these matters is in the details, so if you have any questions with respect to the HTCCD Act or with respect to any other legal matters, we'd be happy to hear from you.

*Jon's practice is largely focused on construction law, providing litigation, dispute resolution and advisory services. He can be reached at 204.934.2367 or by e-mail at [jmw@tdslaw.com](mailto:jmw@tdslaw.com).*

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## Don't Get BRIC'd In

*By Peter Hall, Vice-President and Chief Economist of Export Development Canada*

Canadian exporters are scanning the globe for business opportunities like never before. Frustrated by weak demand in traditional export markets and a high Canada-US exchange rate, outward-looking businesses have expanded their perspective. There's lots of buzz about fortunes to be made in BRIC countries. But too often, the talk stops there. Where are the solid opportunities beyond the BRICs?

Adventurous Canadians often look first at the industrial makeup of a country. That's a good start, but in lesser-known nations, there are lots of other considerations. Political characteristics can make or break a rock-solid business opportunity. Economic and demographic factors are key to determining the durability of a foreign venture. And knowledge of the business climate can help to diminish or eliminate the worry of getting substantial commitments tied up in an impossible labyrinth of domestic regulations and requirements. In these three broad groupings, what are the factors to watch for?

Gauging political climate is simplified by existing tools. The World Bank's 'Worldwide Governance Indicators' rate countries on factors including political stability and the rule of law. Also, classification of a given country's political system is another critical determinant of political stability. Based on these criteria, Uruguay, Poland and Qatar all score highly. A number of other promising countries rank in mid-range, requiring further analysis of their political specifics. Mongolia scores well for its regime type (full democracy), but its Governance Indicators are sliding, a down-trend worth monitoring. In contrast, Indonesia faces governance challenges, but has a solid rising trend in recent years.

Economic and demographic indicators are manifold. Size of national GDP and population are good starting points. There are a decent number of sub-BRIC nations with populations exceeding 0.5% of global population and economies that generate around 0.5% of global GDP. Two standouts are Indonesia and Turkey. Consumer purchasing power and GDP per capita are also key measures, with not a few sub-BRIC nations ranking in the World Bank's 'high income' category.

The Global Competitiveness Index and the World Bank "Doing Business" reports are great gauges of business climate. By



these measures, four sub-BRIC countries fall within the top third with Qatar a standout. With the exception of South Africa, African countries do not perform as well in this area.

Who makes the list? Based on these criteria, fourteen nations including Colombia, Ghana, Indonesia, Mongolia, Nigeria, Panama, Philippines, Poland, Qatar, South Africa, Thailand, Turkey, Uruguay and Vietnam. Individually, these smaller emerging "Building Blocks" offer a mixed bag of risk and reward, but collectively they are impressive, with a combined GDP already half that of China's.

Is Canada active in these countries? Absolutely. Six of these countries imported over \$500 million in goods from Canada in at least one of the last five years. Others are smaller, but have very impressive growth rates. On the investment front, seven of these countries have accumulated a total of over \$500 million in Canadian direct investment in recent years, with four of these topping over \$1 billion.

The bottom line? There is a long list of countries that get little limelight, but have a radiance all of their own. Those who have discovered these well-kept secrets are already basking in the glow.

# CPC Express

November 2011



## CentrePort Moves Forward with Rail, Road Projects

**CENTREPORT CANADA** released its 2010-2011 annual report last month at a meeting with its nominating agencies where the corporation also outlined its development plans for the coming year.

Highlights of CentrePort activity that is underway include:

- Planning for the development of a common-use rail facility on the CentrePort footprint. The initiative will enhance CentrePort's tri-modal transportation advantage – on-site access to international rail, trucking and air cargo carriers.
- Creating a special planning area (SPA) for CentrePort to allow for expedited land-development approvals, providing investors with another advantage to locating on the footprint. The SPA is part of a platform of single-window incentives that include access to Foreign Trade Zone (FTZ) benefits.
- Ramping up joint marketing efforts for serviced land as water and wastewater servicing comes online. The first stage of servicing, 1,100 acres, is expected to move to the tender later this year for in-service in 2012.

The \$17-million water and wastewater servicing agreement, announced in July by CentrePort, the Province of Manitoba, City of Winnipeg and RM of Rosser, was a significant milestone.

The agreement covers a 1,100-acre area within CentrePort that is located west of Brookside Boulevard and north and south of Inkster Boulevard.

Industrial land in this area is already in high demand, with more than 50 acres sold to date and new manufacturing and warehousing operations under construction.

CentrePort has been working closely with real estate partners' CB Richard Ellis and DTZ Barnicke in marketing the Brookside area land – efforts that will be stepped up as serviced land becomes available. CentrePort is also working with Cushman & Wakefield, Colliers International and Winnipeg Airports Authority to market available lands.

Another key milestone in 2010-2011 was the progress made on building the new divided highway, CentrePort Canada Way, which will further open up CentrePort for



**CENTREPORT CANADA WAY (CCW)** is a \$212-million, 10-kilometre divided expressway that is the largest highway construction project in the history of Manitoba. CCW is now more than 60 per cent complete and the next phase of construction is expected to go to tender soon.

A cost benefit analysis of the project estimates that efficiencies created by CCW could save truckers and motorists at least \$220 million and as much as \$450 million over the next 25 years by reducing fuel costs, time lost and motor vehicle accidents.

[www.CentrePortCanada.ca](http://www.CentrePortCanada.ca)



# WORKSAFELY MHCA

News Weekly

Construction Safety Excellence™

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## We're Training in Your Region!

We are holding training in Brandon from November 28<sup>th</sup> to December 2<sup>nd</sup>, located at St. Johns Ambulance

1325 Princess Ave  
Brandon, MB, R7A 0R4

COR Leadership in Safety Excellence	November 28 <sup>th</sup> - 29 <sup>th</sup>
COR Principles of Safety Management	November 30 <sup>th</sup>
COR Auditor	December 1 <sup>st</sup> - 2 <sup>nd</sup>

**To register for training or for more information, please contact Becky at [becky@mhca.mb.ca](mailto:becky@mhca.mb.ca)**

Please note that a minimum of 6 students is required to hold the training. WORKSAFELY policy states cancellation must be made at least two business days in advance, otherwise full course fee charge will apply.



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**MHCA**

Ph: 204-947-1379 Fax: 204-943-2279

- ALSO AVAILABLE:**
- Safe Work Procedures — November 28th @ 6:00 PM
  - Workplace Safety Committee — November 29th @ 6:00PM
  - COR Auditor Refresher — November 30th @ 6:00 PM

# WORKSAFELY

Construction Safety Excellence™

## Training Schedule

### Register by:

- » Email: [safety@mhca.mb.ca](mailto:safety@mhca.mb.ca)
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NOVEMBER 2011	
November 10	Excavating & Trenching (1/2 day AM)
November 10	Flagperson (1/2 day PM)
November 14-15	COR™ Leadership
November 16	COR™ Principles
November 17-18	COR™ Auditor
November 21-22	Train the Trainer
November 23	WHMIS (1/2 day AM)/ TDG (1/2 Day PM)
November 24	COR™ Auditor Refresher (1/2 day AM)

DECEMBER 2011	
December 5-9	COR™ Training Week - Winnipeg
December 12-13	Train the Trainer
December 14	WHMIS (1/2 day AM)/ TDG (1/2 day PM)
December 16	Excavating & Trenching (1/2 day AM)
December 16	Flagperson (1/2 day PM)

Winter Roads Training Week	
December 5-9	Thompson, MB

COR Training Week	
December 12-16	Riverton, MB

### REMINDER:

*WORKSAFELY* requires at least six people registered to deliver the course.

Customized training is available for your specific requirements.

Call the *WORKSAFELY* Office at (204) 947-1379 for more information.