

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Transportation, Energy and Facilities Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: September 17, 2012	
SUBJECT/REPORT NO: Halton Hills Resolution Respecting Paving of (Provincial) Highway Shoulders (PW12067) - (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Daryl Bender Project Manager, Alternative Transportation (905) 546-2424, Extension 2066
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton supports the Ontario Legislature Bill 9 “Public Transportation and Highway Improvement Amendment Act, 2011” which would require the Ministry of Transportation (MTO) to construct paved shoulders on “prescribed” Provincial highways only;
- (b) That the City of Hamilton encourages the Province to consider a minimum width of 1.5m for paved shoulders given that posted speed limits are typically 80 km/hr on such roadways;
- (c) That a copy of the report be sent to the Ontario Minister of Transportation, and copy MPP Norm Miller, Monika Turner of the AMO, and the Clerk of Carling Township;
- (d) That the Outstanding Business Item referring to Halton Hills Resolution respecting paving of highway shoulders be identified as completed and removed from the Public Works Committee Outstanding Business List.

EXECUTIVE SUMMARY

On November 28, 2011 Bill 9 had “First Reading” in the Ontario Legislature. It is a private members Bill brought forward by Norm Miller, MPP for Parry Sound-Muskoka,

which would require the Ministry of Transportation (MTO) to construct paved shoulders on “prescribed” Provincial highways only (Appendix A). The legislation specifically states that paved shoulders are not required “where doing so would be impracticable”. The Township of Carling has requested that all municipalities in Ontario consider supporting this proposed legislation (Appendix B). Mr Miller had brought forward a similar private members Bill in the previous sitting of the Legislature (Bill 100), but that Bill died when a Provincial election was called in the summer of 2011.

Alternatives for Consideration - See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: There may be a request from the Province to cost share the construction of paved shoulders on these prescribed highways. Past precedent is unclear as there are examples of the Province paying all costs for Provincial highways where paved shoulders have been constructed. However, Halton Region sent a letter to the Province dated October 17, 2007 in which Halton Region agreed to pay for the extra costs required for cycling infrastructure on some bridges over the QEW.

The estimated cost of paving 1.5m asphalt shoulders on existing gravel shoulders on both sides of a roadway is \$100,000/km; and with 3 km of Provincial highway identified in the City’s cycling master plan for paved shoulders, the total cost is estimated to be \$300,000.

Since the extra width of asphalt would increase the lifespan of the roadway, the investment serves more than just cyclists’ safety, further justifying it as an MTO expense.

HISTORICAL BACKGROUND

On November 28, 2011 Bill 9 had “First Reading” in the Ontario Legislature. It is a private members Bill brought forward by Norm Miller, MPP for Parry Sound-Muskoka. He had brought forward a similar private members Bill in the previous sitting of the Legislature (Bill 100), but that Bill died when a Provincial election was called in the summer of 2011. The Hamilton Cycling Committee had sent letters to the five Hamilton-area MPPs in December 2010 encouraging them to support Bill 100 (Appendix C).

The Township of Carling has requested that all municipalities in Ontario consider supporting this proposed legislation (Bill 9) and this item was brought before the Public Works Committee through a letter received by Council on February 22, 2012 item #5.6 (Appendix D).

POLICY IMPLICATIONS

The City’s cycling master plan “Shifting Gears 2009” identifies proposed cycling infrastructure on portions of Provincial highways; however, as a master plan, there is flexibility in its implementation. The proposed Provincial legislation, Bill 9, serves to

create a reasonably well-connected cycling network, thus improving cycling safety and promoting cycling. Bill 9 is consistent with the objectives of Hamilton's cycling master plan.

RELEVANT CONSULTATION

This report was discussed internally with Public Works Design (Engineering Services) staff and Public Works Transportation Planning staff. Public Health and Planning and Economic Development staff also reviewed specific sections of the report. The various City staff consulted support the content of this report. This report was also discussed with the Hamilton Cycling Committee and they are strongly supportive of the recommendations.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The currently proposed legislation Bill 9 (Appendix A), is brief and the critical elements state:

- a) that paved shoulders are required on "prescribed" Provincial highways, whereby "prescribed" refers to a list of specific Provincial highways that is yet to be determined and the government would be instructed to identify these prescribed highways (as regulations);
- b) the addition of paved shoulders would be required to be constructed "when there is a significant undertaking to repave or resurface the highway or the portion of it";
- c) the paved shoulder is to be at least one metre wide;
- d) a paved shoulder is not required where it would be impracticable to construct, and
- e) the intent of the paved shoulder is to be shared infrastructure for both cyclists and pedestrians.

In recent years, the MTO has already advanced similar action with the construction of paved shoulders of Highway 6 on the Bruce Peninsula and on Manitoulin Island, and the plans for paved shoulders on Highway 6 south of Jarvis. The identification of "prescribed highways" as required in this legislation will provide clarity for Ontario municipalities and residents.

City staff support this proposed legislation because it recognizes the need for cycling infrastructure to be contiguous across the province with a reasonable degree of connectivity. The City's cycling master plan "Shifting Gears 2009" reflects a similar methodology whereby it does not require cycling infrastructure on all roadways, rather a rationalized network. Shifting Gears 2009 highlights specific sections of Provincial highways for which cycling infrastructure is recommended in order to complete a reasonably well-connected cycling network throughout Hamilton. This information could assist the province in the proposed task of identifying "prescribed" Provincial highways.

Shifting Gears 2009 recommends paved shoulders on one Provincial highway in Hamilton: Highway 5 (between Sydenham Rd and Highway 6), about 3 km of roadway.

Shifting Gears 2009 also recommends the creation of multi-use trails along the side of Highway 8 (between the Region of Waterloo boundary and Highway 5), Highway 6 (between Carlisle Road and Edgewood Road), and also on Highway 6 (between White Church Road and the Haldimand border). The plan for these multi-use trails is separate from the matter of paving shoulders, but included herein to describe the local cycling network related to the Provincial highway network. Appendix E shows these roadway segments.

A well-connected and well-designed cycling network is safer and encourages more people to ride a bicycle; furthering the City of Hamilton's promotion of cycling as both a recreational activity and a transportation option, with the goal of improving the health of Hamiltonians.

The proposed Bill 9 specifically recommends a paved shoulder of "at least one metre". Shifting Gears 2009 states paved shoulders to be "at least a modest paved shoulder of 1.5m" and recognizes that paved shoulders also "increase the lifespan of the road since keeping heavier motor traffic away from the edge of the asphalt will reduce the deterioration of the pavement." When constructing paved shoulders, the typical practice in the City of Hamilton (and the former Region) is to construct a paved shoulder of at least 1.5m.

ALTERNATIVES FOR CONSIDERATION

Alternative 1 - City Chooses Not to Send Communication To The Province

The City could remain silent on the issue and choose not to send communication to the Provincial Government regarding Bill 9. This alternative is not recommended because addressing this issue advances cycling safety across the City of Hamilton and the province with a reasonable solution. It is therefore beneficial to be on record as supporting the Bill.

Alternative 2 - City Responds By Not Supporting Proposed Legislation

The City could decide not to support the proposed legislation and send communication to the Province indicating its opposition. This alternative is not recommended because addressing this issue advances cycling safety across the City of Hamilton and the province with a reasonable solution.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ Council and SMT are recognized for their leadership and integrity

Financial Sustainability

- ◆ Address infrastructure deficiencies and unfunded liabilities

Intergovernmental Relationships

- ◆ Influence federal and provincial policy development to benefit Hamilton
- ◆ Maintain effective relationships with other public agencies

Growing Our Economy

- ◆ A skilled and creative labour pool that supports new employers
- ◆ A visitor and convention destination

Social Development

- ◆ Residents in need have access to adequate support services
- ◆ People participate in all aspects of community life without barriers or stigma

Environmental Stewardship

- ◆ Reduce the impact of Hamilton's industrial, commercial Private and Public operations on the environment
- ◆ Aspiring to the highest environmental standards

Healthy Community

- ◆ Plan and manage the built environment
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services)

APPENDICES / SCHEDULES

Appendix A	Ontario Legislature Bill 9
Appendix B	Letter from the Township of Carling re: Pave Highway Shoulders
Appendix C	Letter from Hamilton Cycling Committee re: Pave Highway Shoulders
Appendix D	Letter from the Town of Halton Hills re: Pave Highway Shoulders
Appendix E	Map: Shifting Gears 2009 indicating planned paved shoulders on Provincial Highways

40:1 Bill 9, Public Transportation and Highway Improvement Amendment Act, 2011

Miller, Norm

View the Bill

Bill 9

2011

An Act to amend the Public Transportation and Highway Improvement Act

Note: This Act amends the Public Transportation and Highway Improvement Act. For the legislative history of the Act, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Public Transportation and Highway Improvement Act is amended by adding the following section:

Construction of paved shoulders

Definitions

- 26.0.1** (1) In this section,

"King's highway" includes the secondary highways and tertiary roads designated under this Act; ("route principale")

"roadway" means the part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder. ("chaussée")

Application

- (2) This section applies to every King's highway or any portion of a King's highway that is prescribed by the regulations.

Duty to construct

- (3) If any portion of a highway does not have a paved shoulder, the Minister shall construct a paved shoulder on that portion of the highway at the time specified in subsection (4).

Timing

- (4) For the purposes of subsection (3), the construction of a paved shoulder on a highway or any portion of the highway must occur when there is a significant undertaking to repave or resurface the highway or the portion of it.

Width of paved shoulder

- (5) A paved shoulder must extend at least one metre from the roadway of the highway.

Exception

- (6) The Minister is not required to construct a paved shoulder to any portion of a highway where to do so would be impracticable.

Warning sign

- (7) The beginning of a paved shoulder on any portion of a highway must be marked with a ground mounted sign that warns vehicles to watch for pedestrians and cyclists and to be prepared to share the road with them.

Regulations

- (8) The Minister may make regulations prescribing King's highways or portions of King's highways for the purposes of this section.

Same

- (9) If no regulations have been made under subsection (8) within one year after that subsection comes into force, the Minister shall table a report in the Legislative Assembly that provides,

- (a) reasons why such regulations have not been made; and
- (b) a description of the progress that the Minister has made in identifying King's highways or portions of King's highways that will be the subject of such regulations.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Public Transportation and Highway Improvement Amendment Act, 2011.

EXPLANATORY NOTE

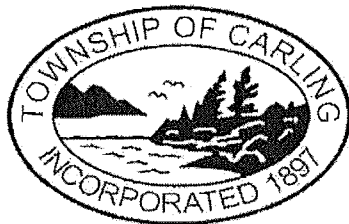
The Bill amends the Public Transportation and Highway Improvement Act by requiring the Minister of Transportation to construct paved shoulders on prescribed highways.

The paved shoulders must extend at least one metre from the roadway of the highway. The construction must occur when the highway or portion of it is significantly repaved or resurfaced. The Minister is not required to construct a paved shoulder where doing so would be impracticable. The beginning of a paved shoulder on a highway must be marked with a sign that warns vehicles to watch for and share the road with pedestrians and

cyclists.

If the Minister has not prescribed highways within one year after this Bill comes into force, the Minister must table a report in the Legislative Assembly that provides reasons why such regulations have not been made and that describes the progress that has been made in identifying highways that will be prescribed.

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The Corporation of
THE TOWNSHIP of CARLING

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December 16, 2011

Mr. Norm Miller, M.P.P.
17 James St.
Parry Sound, ON P2A 1T4

RECEIVED
DEC 20 2011
TOWNSHIP OF ADELAIDE METCALFE

RE: Ontario MPP Introduces Private Members Bill to Pave Highway Shoulders

This is to advise you that Carling Township Council has enacted the following resolution:

11-144

Moved by Councillor Konoval
Seconded by Councillor Gordon

WHEREAS Muskoka MPP Norm Miller has re-introduced his private member's bill which would enhance public safety for the motoring public and promote active transportation in Ontario;

AND WHEREAS if Mr. Miller's bill is passed it would require a minimum one metre paved shoulder on certain provincially owned highways to improve public safety for cyclists, pedestrians and motorists alike;

AND WHEREAS studies in other jurisdictions confirm that where paved shoulders exist, accidents are drastically reduced;

AND WHEREAS there are obvious health benefits for individuals and society in general, as more opportunities are provided to cycle and walk for recreation, or for transportation;

NOW THEREFORE BE IT RESOLVED that the Township of Carling supports for MPP Norm Miller's Private Members Bill to pave highway shoulders;

AND FURTHER that Council of the Township of Carling respectfully requests that all municipalities in the province of Ontario consider supporting the resolution from the Township of Carling;

AND FURTHER that this resolution be circulated to all municipalities in Ontario.

Carried.

Yours truly,

Beth Schreiner

Beth Schreiner
Office Assistant

cc. All municipalities



Hamilton

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Public Works Department

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Daryl.Bender@hamilton.ca (e-mail)

December 9, 2010

Hon. Tim Hudak,
Niagara West - Glanbrook MPP

RE: Bill 74 and Bill 100

The Hamilton Cycling Committee (HCyC) which advises Hamilton City Council on matters related to cycling, has reviewed Ontario Bill 74 put forward by Cheri DiNovo (MPP Parkdale-High Park, NDP) and Ontario Bill 100 submitted by Norm Miller (MPP Parry Sound-Muskoka, PC). Bill 74 legislates a minimum required distance for drivers to maintain when passing cyclists and Bill 100 supports the construction of paved shoulders on provincial roadways. The two pieces of proposed legislation would compliment each other by expanding cycling infrastructure and, where a paved shoulder does not exist, the separation legislation would serve to create the desired margin of safety.

We, as committee members, are urging Hamilton area MPPs to continue the approval process initiated earlier this year for both Bills through to Royal assent and full implementation. Both Bills are another step required to enhance the safety of current and future cyclists.

Cycling related deaths and injuries in Ontario are a clear indication that cyclists are vulnerable road users. Accordingly, cycling is perceived by many as a high-risk activity on roadways.

Support for this amendment to the Ontario Highway Traffic Act (HTA) is supported by the following:

1. The "Green Paper for an Ontario Bicycling Policy" (Share the Road Cycling Coalition, 2010) recommends amending the HTA to include a one metre (3 feet) passing law.
2. In 1998, a report by Dr. William Lucas, Regional Coroner for Ontario, recommended amending the HTA to "clarify how bicycles interact with other traffic on our roads..." This clarification would "likely significantly reduce risk of injury and death".
3. "3 FEET" legislation has been passed in approximately 17 U.S. states as a means to educate motorists and making cycling safer in both urban and rural settings.

The Hamilton Cycling Committee urges you to support Bill 74 and Bill 100 as tangible indications of your desire as an MPP to enhance the safety of all cyclists within an environment that promotes and encourages a healthy lifestyle.

Sincerely,

Walter Furlan, Hamilton Cycling Committee Chair

copy:
Cheri Di Novo, MPP Parkdale-High Park
Norm Miller, MPP Parry Sound-Muskoka
Mayor R. Bratina, City of Hamilton
Gerry Davis, Hamilton Public Works, General Manager



TOWN OF
HALTON HILLS
Working Together Working for You!

January 31, 2012

Mr. Norm Miller, M.P.P.
17 James Street
Parry Sound, ON
P2A 1T4

Dear Mr. Miller,

Re: Council Resolution regarding Ontario MPP Introduces Private Members Bill to Pave Highway Shoulders.

Please be advised that Council for the Town of Halton Hills at its meeting of Monday, January 23, 2012, adopted the following:

Resolution No. 2012-0025

WHEREAS Muskoka M.P.P. Norm Miller has re-introduced his Private Member's Bill to Pave Highway Shoulders, which would enhance public safety for the motoring public, and promote active transportation in Ontario;

AND WHEREAS if Mr. Miller's bill is passed it would require a minimum one metre paved shoulder on certain provincially owned highways to improve public safety for cyclists pedestrians and motorists alike;

AND WHEREAS studies in other jurisdictions confirm that where paved shoulders exist accidents are drastically reduced;

AND WHEREAS there are obvious health benefits for individuals and society in general, as more opportunities are provided to cycle and walk for recreation, or for transportation;

AND WHEREAS the Township of Carling passed a resolution to support M.P.P. Norm Miller's Private Members Bill to pave highway shoulders;

AND WHEREAS the Township of Carling requested that all municipalities in the Province of Ontario consider supporting the resolution;

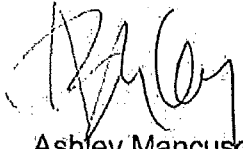
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NOW THEREFORE BE IT RESOLVED:

THAT the Town of Halton Hills supports the Private Members Bill to pave highway shoulders.

AND FURTHER THAT a copy of this resolution be forwarded to the Township of Carling, Mr. Norm Miller, M.P.P., and to all municipalities in Ontario.

Yours truly,



Ashley Mancuso
Council and Committee Services Coordinator

c Ontario Municipalities

Shifting Gears 2009 Proposed Cycling Network

Paved Shoulders planned
for Provincial Highway
(3 km)

Multi-Use Trail planned
along Provincial Highways
(18.5 km)

- Legend
- Proposed Bike Lane
 - Proposed Multi-Use Path
 - Proposed Signed Route (shared on-street)
 - Proposed Paved Shoulder
 - Existing Bike Lane
 - Existing Multi-Use Path
 - Existing Signed Route (shared on-street)
 - Existing Paved Shoulder
 - ESCAPMENT

