



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 31, 2015
SUBJECT/REPORT NO:	Lane Closure Policy (PW13021a) - (City Wide) (Outstanding Business List)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Rich Shebib (905) 546-2424, Extension 3909
SUBMITTED BY:	Gerry Davis, CPA, CMA General Manager Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Temporary Lane Closure Policy (Appendix "A" to Report PW13021a) be approved;
- (b) That the Temporary Lane Closure Policy be implemented as of January 1, 2016 and that any existing lane closures be grandfathered until the expiry of the existing road occupancy permit or approved traffic management plan time period;
- (c) That the Outstanding Business List item related to Lane Closure Policy be identified as complete and removed from the list.

EXECUTIVE SUMMARY

At its meeting of November 5, 2012, Public Works Committee directed staff to report back with a policy for temporary lane closures. The report was to include timelines for lane closures and consequences if timelines are not met.

A report and policy (PW13021) was brought to Public Works Committee on March 27, 2013, but was referred back to allow for:

- consultation with the Planning and Economic Development Department and the development community,
- further review of the proposed fee, and
- a more broad review of the proposed penalties.

The policy now being recommended will include the implementation of a new permit fee of \$50.00 per lane per day. This policy will not apply to lanes on local roads that have no signed restriction.

Those that occupy a lane without a permit will be required to pay a fine of \$100.00 per lane per day calculated from the time they are found to be occupying the road without a permit, or from the date of permit expiry. The Municipal Enforcement Section has been made aware of this new policy and has agreed to enforce when necessary.

Currently Corridor Management issues approximately 600 Road Occupancy Permits per year. With the cooperation of Municipal Law Enforcement, this number is expected to grow once staff begins enforcing those occupying roads without permits.

Alternatives for Consideration - See Page 3

FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: A conservative projection for 2015 estimates revenues of approximately 30,000 - \$50,000 which will assist in offsetting operating costs.

Staffing: The Municipal Enforcement Section has agreed to assist with enforcement of this policy. Therefore, additional staff is not required to implement the policy at this time.

Legal: N/A

HISTORICAL BACKGROUND

Several unauthorized extended temporary lane closures at a number of locations in the City of Hamilton resulted in complaints being received by both City Councillors and the Public Works Department. To address these concerns at the November 5, 2012, Public Works Committee, staff was directed to develop a Temporary Lane Closure policy and to include timelines and consequences if timelines are not met.

A report and policy (PW13021) was brought to Public Works Committee on March 27, 2013, but was referred back for further review.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

In order to implement the permit fee on a consistent basis this policy is being put forward.

The adoption of a lane closure policy is consistent with the Corporate Strategic Plan for reasons identified in the section below "Alignment to the 2012 - 2015 Strategic Plan".

RELEVANT CONSULTATION

Internal consultation took place with Development Engineering as well as Municipal Law Enforcement. External consultation took place with Hamilton-Halton Home Builders Association (which included A.J. Clarke, Starwood Homes, Losani Homes, Marz Homes). The group was in agreement with intent of the temporary lane closure policy. Their only concern raised was that streets in newly developing neighborhoods not be affected by this policy. As roads in new neighbourhoods are not assumed, they will not be affected by this policy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The current Road Occupancy Permit provides permission to temporarily occupy a lane or sidewalk for up to a two week period. Due to its low permit fee of \$50.00 and no cost for renewal, it can result in occupancies for extended periods, subjecting the city to liability, traffic congestion, and an inability to address the situation. As a result staff are recommending a new Temporary Lane Closure Permit and Fine be introduced.

Other municipalities in Southern Ontario such as Niagara Region, Brantford, Guelph, and Waterloo charge a flat fee of approximately \$100.00. City of Toronto charges a per lane, per day fee of \$52.00 which is similar to the proposed City of Hamilton Temporary Lane Closure Permit Fee.

A report and policy (PW13021) was brought to Public Works Committee on March 27, 2013 but was referred back to allow for:

- *Consultation with the Planning and Economic Development Department and the development community*

Staff attended a Hamilton-Halton Home Builders Association (HHHBA) City Liaison Committee meeting. The only concern raised was that streets in newly developing neighborhoods not be affected by this policy. As roads in new neighbourhoods are not assumed, they will not be affected by this policy.

- *Further review of the proposed fee*

The current Road Occupancy permit has an associated \$50.00 permit fee and is good for occupancies up to a two week period, with no charge for an extension. The new permit fee would apply on a per lane per day basis. This would therefore help to influence shorter occupancies.

- *A more broad review of the proposed penalties*

Currently there are no consequences to those applicants who extend their occupancy beyond the original permit. The new policy will implement a fine for non-compliance. It is recommended that a three month communication and education period be introduced in which warnings will be issued rather than tickets. The Municipal Law Enforcement Section has been made aware of this new policy and has agreed to enforce when necessary.

Staff therefore recommends the adoption of this temporary lane closure policy to not only discourage applicants from occupying roads longer than necessary, but also to reduce liability claims, traffic congestion, transit delays, and associated pollution emissions.

ALTERNATIVES FOR CONSIDERATION

Council may elect to deny the development of this Temporary Lane Closure Policy. There is currently no control or penalties for unauthorized lane closures which results in unnecessary long term occupancies. The status quo in dealing with extended closures will result in unsatisfactory results.

ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

Appendix A: Temporary Lane Closure Policy