



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Hamilton Water Division
and
Transportation Operations & Maintenance Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 10, 2022
SUBJECT/REPORT NO:	Safari Road Petition for Drainage Works and Appointment of a Drainage Engineer (PW22070) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Dave Alberton (905) 546-2424 Ext. 1090 Peter Sniulis (905) 546-2424 Ext. 7646
SUBMITTED BY:	Shane McCauley Acting Director, Water and Wastewater Operations Public Works Department
SIGNATURE:	
SUBMITTED BY:	Kim Wyskiel, Acting Director for Mike Field, Acting Director, Transportation Operations & Maintenance Public Works Department
SIGNATURE:	

RECOMMENDATIONS

That the General Manager, Public Works or designate, be authorized to:

- (a) That the General Manager, Public Works or designate, be authorized to proceed with the drainage works to Safari Road between Kirkwall Road and Valens Road, as requested in the Petition for Drainage Works by Road Authority – Form 2, pursuant to the Drainage Act, R.S.O. 1990, c. D.17, subs. 4(1)(c), (Appendix “A”) received by Council on May 11, 2022;
- (b) That Robinson Consulting be appointed as the Drainage Engineer under Section 8(1) of the Drainage Act, RSO, 1990 c.D.17., to be funded from

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427400-55801 and that a preliminary report under Section 10(1) of the Drainage Act, RSO, 1990 c.D.17 be prepared by the appointed Drainage Engineer for consideration by Council before the end of May 2023.

EXECUTIVE SUMMARY

Due to ongoing flooding issues on Safari Road between Kirkwall Road and Valens Road in Ward 13, TOM has petitioned for a municipal drain to ensure proper drainage and eliminate road flooding in this area. According to the provisions of the Drainage Act, R.S.O. 1990, c. D.17, subs. 4(1)(c), should Council approve proceeding with the drainage works, it is required to appoint an engineer to complete a report outlining options for creating the requested drainage works.

If approved by Council, a preliminary report will be prepared and presented to Council for consideration. This report will contain options including sketched plans of the drainage works, an estimate of the costs, and if applicable, the environmental appraisal and cost/benefit statement.

As outlined in this report, staff are recommending that Robinson Consulting be appointed as the Drainage Engineer under Section 10(1) of the Drainage Act RSO, 1990, c D.17 to complete this work under a roster assignment.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City is responsible for the costs associated with having the appointed engineer complete the preliminary report which are expected to be well within the roster limit of \$150,000. Sufficient funds are available within account number 427400-55801 to undertake this work.

Staffing: N/A

Legal: Council is required to decide to proceed or not with the petition for drainage works received under Section 5(1) of the Drainage Act, RSO, 1990 c.D.17. If it decides to proceed with the drainage works, Council is required to appoint an engineer under Section 8(1) of the Drainage Act, RSO, 1990 c.D.17 to address the petition.

HISTORICAL BACKGROUND

City Council, at its meeting of May 11, 2022 received a Petition for Drainage Works from TOM (the Road Authority, per the Drainage Act RSO, 1990) in the area of 1759 and 1727 Safari Road (attached to Report PW22070 as Appendix “A”). This was referred to Public Works Committee for the preparation of a joint report by TOM and Hamilton Water (HW).

Petitioning for a drain is one of the legal processes available to proponents to establish a legal and adequate outlet for stormwater and/or subsurface drainage as is legislated by the Provincial Drainage Act.

Safari Road, generally between Valens Road and Kirkwall Road, is situated in a low-laying area with wetlands on both sides. Historical flooding of this low-laying segment of roadway and surrounding area has been an issue that has required road closures in the past to maintain public safety. Drainage of the area is via ditching located on adjacent private property.

In October 2021, high-water levels in the area of Safari Road between Valens Road and Kirkwall Road (attached to Report PW22070 as Appendix “B”) was observed by TOM. The water levels submerged a section of Safari Road which forced its closure in November 2021 to ensure safety for the travelling public.

TOM, with support from HW, investigated the flooding to determine the cause and identify means for mitigation. This review identified that two private culverts located on private property, specifically 1759 and 1727 Safari Road are the primary means for drainage. It was observed that both culverts were blocked and appear to be contributing to the high-water conditions. TOM explored the option of repairing the culverts, however they are on private property and are not City assets thereby restricting the City’s ability to make the necessary repairs.

As of June 2022, this portion of Safari Road remains closed since it is still partially submerged and has sustained pavement and road base damage. Additionally, property damage due to flooding has been identified at 1665 Safari Road; and there have been numerous calls from residents and the travelling public inquiring about the status of the road closure.

Since the culverts are privately owned, and there is no Municipal Drain, the City has limited ability to intervene to address the current flooding issue or resolve the historic flooding of Safari Road.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

The Ward 13 Councillor was consulted and agrees with the recommendation.

The following City of Hamilton Departments/Divisions have been consulted in the development of this report:

- Chief Road Official;
- Acting Director of Transportation Operations and Maintenance;
- Acting Director of Hamilton Water; and
- Acting Director of Engineering Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

When a petition is brought forward under the Drainage Act, RSO 1990 c.D.17, Council is required under section 5(1) to decide to either proceed with the drainage works or not. If council decides to proceed, they are required to appoint an engineer under Section 8(1) of the Drainage Act, RSO, 1990 c.D.17 to address the petition.

Petitioning for a drain is one of the legal processes available to proponents (including the City) to establish a legal and adequate outlet for stormwater and/or subsurface drainage as is legislated by the Provincial Drainage Act. In this case, TOM in consultation with HW has initiated the petition as a means to investigate options to mitigate the historical flooding of Safari Road in the area between Valens Road and Kirkwall Road.

While the Engineering Services Division (ES) is looking at other options including raising the road, staff feel it is appropriate to also explore options of creating a new municipal drain.

Robinson Consulting is recommended to be utilized as they are retained under scope specifically for work under the Drainage Act in Roster Category #9 Stormwater Management/ Water Resources Engineering (C12-13-21 - Professional and Consultant Services Roster for the City of Hamilton 2022-2024).

The recommendations in this report do not commit the City to anything other than completing the preliminary report.

Based on the drainage area it is anticipated that the costs associated with the creation of a future drain would be assessed to the City and neighbouring landowners.

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ES is also undertaking a Class Environmental Assessment (EA) associated with reconstructing Safari Road and the anticipated upgrade of road cross culverts. This EA is expected to be completed in 2024, with road reconstruction currently budgeted for 2026. Both the EA and the preliminary Engineering report can run in tandem and ES may benefit from the results of the preliminary report.

Staff will provide options and recommendations to Council that will best address the historical flooding based on the engineer's report as well as options and recommendations based on the Engineering Services Environmental Assessment.

ALTERNATIVES FOR CONSIDERATION

Council could choose to not support the drainage petition. This would require the City to continue to rely on the existing drainage configuration and attempt other works on municipal property to mitigate the ongoing flooding of the roadway. Unfortunately, all attempts to resolve the flooding using traditional means have been unsuccessful, and it is unlikely that the flooding can be resolved without the private infrastructure being properly maintained. As a result, staff do not recommend this alternative.

Financial: The drainage engineer's preliminary report would not be commissioned resulting in cost savings of up to \$150,000. However, it is likely that staff will continue to spend time responding to this issue in the future with limited options for resolution. This staff time, and other interventions (if possible) will result in costs to the City.

Staffing: N/A

Legal: N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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Drainage Engineer (PW22070) (Ward 13) – Page 6 of 6**

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW22070 – Petition for Drainage Works by Road Authority
Form 2

Appendix “B” to Report PW22070 – Location Map