

Inquiry Report Recommendations

Recommendations Specific to Traffic Safety on the RHVP and LINC

#	Recommendation	Responsibility
1	Implement mechanisms that reinforce traffic safety, particularly traffic safety on the RHVP and the LINC, as a concern and a responsibility of all members of Public Works and as a joint responsibility of the Transportation Operations & Maintenance Division and Engineering Services.	Public Works
1(a)	Designate a Public Works staff person with overall responsibility for the operation, maintenance, and traffic safety of the municipal expressways, reporting directly to the General Manager of Public Works (a "Designated Road Authority Official").	Public Works
1(b)	<p>Maintain the City's existing Parkway Management Committee or another such committee to provide leadership on the safe and efficient operation and maintenance of the LINC and the RHVP.</p> <p>This committee should include:</p> <ul style="list-style-type: none"> (i) management-level staff from all divisions within Public Works whose mandates include responsibility for the RHVP and the LINC, (ii) the General Manager of Public Works, and (iii) the Designated Road Authority Official. <p>Management-level staff on the committee should have the authority to resolve any issues as between divisions of the Public Works department in connection with the responsibility to investigate and recommend countermeasures pertaining to traffic safety on the expressways.</p>	Public Works
1(c)	<p>Develop a guideline document for the management of the operation and maintenance of the LINC and RHVP, which should:</p> <ul style="list-style-type: none"> (i) define the roles and responsibilities of relevant divisions, the management committee, and the Designated Road Authority Official; (ii) provide guidelines based on industry best practices or consultation with traffic safety or other highway management professionals for the overall maintenance and operations of the municipal expressways; 	Public Works

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	<p>(iii) establish reporting requirements to the Designated Road Authority Official, the General Manager, and to Council or to the appropriate standing committee(s) of Council; and</p> <p>(iv) require the creation of project charters for all ongoing, ad hoc, or special projects relating to the RHVP and the LINC, which should include:</p> <ol style="list-style-type: none"> 1. a designated most responsible person, 2. the individuals on a project team, 3. the project manager(s), 4. the project scope, 5. the timelines for the project, relevant stakeholders, 6. consultant retainers and roles of the consultant(s), 7. the roles and responsibilities of the divisions, sections, groups, and individuals on the project team, and 8. desired outcomes of a project. <p>The project charters should state that issues that cannot be resolved at the project team level should be referred to the Parkway Management Committee or another committee charged with responsibility for the RHVP and LINC for a decision.</p>	
2	Adopt processes for a comprehensive traffic safety approach similar to the MTO to monitor and address traffic safety issues that arise on the RHVP and LINC.	Public Works
2(a)	Regularly collect traffic statistics to permit identification of any "hot spots" or other abnormal accident experience.	Public Works
2(b)	Analyze traffic statistics on the LINC and the RHVP on a regular basis by personnel from both the Traffic group and Engineering Services to determine whether further investigation, countermeasures, or other recommendations to the Parkway Management Committee (or another such committee charged with responsibility for the RHVP and LINC) are warranted.	Public Works

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2(c)	Circulate summaries of traffic statistics and the analyses, and recommendations from the Traffic group and Engineering Services in respect of these statistics and the analyses, to the Parkway Management Committee (or another such committee charged with responsibility for the RHVP and LINC) for review on a regular basis.	Public Works
2(d)	The Traffic group and Engineering Services should jointly participate in the management of any traffic safety project whether conducted internally or by an external consultant.	Public Works
2(e)	<p>Develop a practice relating to friction that requires:</p> <ul style="list-style-type: none"> (1) consideration of friction testing in identified "hot spots" areas or areas with an abnormal accident experience, or (2) measurement of friction on a fixed schedule to take advantage of the City's knowledge of existing baseline friction levels on the RHVP, and (3) assessment thereof by appropriate personnel in the Traffic group and Engineering Services, and (4) circulation of the assessment to appropriate personnel in the Traffic group and Engineering Services staff. 	Public Works
3	The Parkway Management Committee should consider whether to undertake a field investigation or survey to determine if the 420 m radius curve between the King Street and Greenhill Avenue interchanges was constructed with a superelevation of at least 6%.	Public Works
4	Clearly delineate the responsibilities of the Public Works divisions, sections, and/or groups, where there are overlapping responsibilities for matters of traffic safety.	Public Works
5	<p>Designate a most responsible staff member where a continuing matter or project crosses departmental, divisional, or other organizational lines within the City.</p> <p>The most responsible staff member should develop a project charter with detail that is proportionate to the scope of the project, to clearly articulate the scope, resources, responsibilities of the divisions, sections, or groups, and the desired outcomes of the project.</p> <p>Settle any difference of opinion regarding the respective roles and responsibilities of staff for a project at the outset in connection with the creation of the project charter.</p>	City Wide

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	The project charter should also indicate that issues that cannot be resolved at the project team level will be referred to a pre-determined senior level for a decision.	
6	Management should ensure that staff receive regular, practical, and job-specific training on the Code of Conduct, as updated, and best practices for working collaboratively where divisions of Public Works have overlapping responsibilities.	Public Works

Recommendations on the Culture within Public Works

#	Recommendation	Responsibility
7	Include competencies such as collaboration, cooperation, transparency, and accountability in performance documents to ensure that staff are clear about their duties and the desired behaviours of individuals across the organization.	Public Works
8	Ensure middle managers receive training and attend leadership conferences that address leadership competencies, including transparency and escalation.	Public Works
9	Public Works staff should receive training on communicating respectful disagreement and/or other contentious issues to their colleagues, in a manner consistent with the existing requirements set out in the 2020 Code of Conduct.	Public Works
10	Implement processes such as 360 reviews and employee surveys to measure whether Public Works staff in leadership roles are practicing collaboration, cooperation, transparency, and accountability.	Public Works
11	Establish policies, procedures, or standard practices stipulating that when Public Works staff require intervention from a superior, staff's request(s) for that intervention should be clear, explicit, and in writing.	Public Works
12	<p>Strengthen existing policies, procedures, and channels by which Public Works staff can bring forward concerns that they do not feel comfortable speaking about with their supervisors, including:</p> <ul style="list-style-type: none"> (i) an internal complaint procedure, (ii) and/or internal whistleblower policies, and (iii) ensure that staff have confidence in such procedures. 	Public Works

Recommendations for Information Sharing and Communication Among Staff

#	Recommendation	Responsibility
13	<p>Each division of Public Works should maintain a library of all consultant and other third-party reports, staff reports to Council and formal internal reports (including collision statistics and analyses, consultant retainer agreements and project proposals). This library should be:</p> <ul style="list-style-type: none"> (i) accessible to staff in all divisions within Public Works, (ii) catalogued and retained in a manner which is easily accessible to staff within the division, (iii) accessible to the General Manager of Public Works, the Designated Road Authority Official, and the City Manager, and (iv) maintained in accordance with the City's confidentiality provisions and all applicable privacy legislation. 	Public Works
14	<p>Implement a formal project tracking process for any case where multiple divisions in Public Works are working jointly to implement directions from Council. The General Manager of the Public Works department should be responsible for designating which divisions are in leading and supporting roles.</p> <p>This tracking process could include:</p> <ul style="list-style-type: none"> a) guidance or process for escalating any issue of the delineation of responsibilities to the General Manager, a process by which the General Manager formally assigns responsibility for each action item approved by Council, including those resulting from staff and consultant reports, to an appropriate division within Public Works for implementation; and b) additional safeguards for situations in which managerial staff, such as directors or managers, take primary responsibility for overseeing projects, consultant engagements, and/or consultant assignments. 	Public Works
15	<p>Implement formal expectations and requirements for directors and managers within Public Works in their transition to retirement or in planned departures to ensure that institutional knowledge is not lost with the retirement or departure of senior staff.</p>	Public Works

Recommendations on Staff's Reporting Obligations

#	Recommendation	Responsibility
16	Public Works staff should receive continuing education on their relationship with Council.	Public Works
17	<p>Public Works staff should conduct themselves with transparency and give their best advice to Council.</p> <p>Supplement the Council/Staff Relationship Policy to provide that:</p> <ul style="list-style-type: none"> (i) staff must not conceal or manipulate information in dealings with Council, (ii) staff must conduct themselves with integrity, courtesy, and respect at meetings of Council, and (iii) staff must refrain from making statements carelessly which would have the result, intentionally or otherwise, of misleading Council or the public. <p>Public Works staff should receive training that if staff have concerns about a proposed course of action, it is their role to identify objections in an objective manner and to communicate those objectives to Council as appropriate.</p>	Public Works
18	Make it explicit in the Code of Conduct, Council/Staff Relationship Policy, and/or another City policy that staff must place the interests of objective, accurate, and timely reporting of information to Council, including information that may not be received favourably by Council, ahead of their own self-interest and/ or concerns for the reaction of Council or the public to such information.	City Wide
19	<p>Develop a policy that tracks any commitments made by staff to Council outside of formal processes.</p> <p>If a commitment is made to Council by staff outside of the formal process, staff must inform the General Manager of Public Works about this commitment to ensure the General Manager is aware of the commitment and can take steps to ensure it is met.</p>	Public Works
20	<p>Develop a policy that stipulates:</p> <ul style="list-style-type: none"> (i) that staff should make efforts to correct the record with Council in a timely manner if and when they learn that inaccurate information has been provided to Council, (ii) a clear process for staff to report material errors in staff reports to Council or committees of Council, and 	Public Works

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	(iii) if staff are uncertain as to how to correct the record with Council or about the materiality of an error, they should escalate the issue to their superior.	
21	<p>Stipulate in the Code of Conduct that City staff have an obligation to report if they have reasonable grounds to believe that a staff member (or “employee” as defined in the 2020 Code of Conduct) has concealed, withheld, and/or misrepresented facts or information to Council.</p> <p>Develop a policy regarding the mechanisms for staff to bring reports of this nature to the immediate attention of their superior and leadership of the department, or to an alternative individual in the event that a staff member’s immediate superior is the subject of the report.</p>	City Wide

Recommendations for Staff Communications with the Media and Public

#	Recommendation	Responsibility
22	Provide in the Code of Conduct that City staff shall endeavour to be truthful and accurate at all times when speaking with the media and public.	City Wide
23	<p>Provide media training for staff identified as media spokespersons which should include:</p> <ul style="list-style-type: none"> a) the importance of making accurate and truthful statements to the media; and b) the need to ensure that any inaccuracies are corrected promptly when identified and the proper procedure to so do. 	Public Works
24	<p>Stipulate in the Code of Conduct that if staff become aware, or have reason to believe that another member of City staff has misrepresented facts or information to the public and/or media, they have an obligation to bring this information to the attention of their superior.</p> <p>Put a process in place to escalate such misrepresentations to directors, who should then pass the information on to corporate communications staff and the City Manager for review.</p>	City Wide

Recommendations on Consultant Engagements and Assignments

#	Recommendation	Responsibility
25	<p>Clearly document all consultant engagements within Public Works in a retainer agreement which identifies:</p> <ul style="list-style-type: none"> (i) the responsible City staff contact for the assignment, (ii) the scope of the assignment, and (iii) the anticipated timelines for the assignment. <p>Where an assignment emanates from the City’s roster program, and there is no retainer agreement for the project, document the consultant’s engagement through a consultant proposal.</p>	Public Works
26	<p>Create a project charter for each consultant assignment within Public Works, with detail proportionate to the scope of the project.</p>	Public Works
27	<p>Each division of Public Works should maintain a log of all consultant engagements, assignments, and/or projects, which is accessible to all other City staff.</p>	Public Works
27(a)	<p>The log of consulting engagements should contain information about:</p> <ul style="list-style-type: none"> (i) the governing retainer agreement and/or project charter, (ii) the purpose of the consulting engagement, (iii) whether the consulting engagement is responsive to a Council motion (and if so, details of that motion), (iv) the staff member(s) responsible for the consulting engagement, and (v) the status of the consulting engagement. 	Public Works
27(b)	<p>Update the log of consulting engagements once a consulting engagement is completed to reflect that the consultant report and covering staff report has been uploaded into the library of reports (referenced in recommendation 13).</p> <p>If no consultant report is finalized further to the consultant engagement, record the rationale for this decision on the log.</p> <p>If staff do not present a staff report to Committee or Council in connection with the consultant engagement, record the rationale for this decision in the log.</p>	Public Works

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27(c)	<p>The directors of each division should review this log with the managers reporting to them at regular intervals.</p> <p>In turn, the General Manager of Public Works should review this log with the directors in Public Works at regular intervals.</p>	Public Works
28	<p>Develop a policy that establishes the principles for dealing with external consultants that includes:</p> <ul style="list-style-type: none"> (a) a process to encourage the sharing of information and reports of relevance to all City staff (including the establishment of the library as proposed in recommendation 13); (b) processes to document changes in scope (minor or material); (c) appropriate communication channels for discussions with consultants working on City projects; (d) processes for prioritization of consultant recommendations (based on urgency and/or effectiveness); (e) guidelines for when City staff may request changes to consultant reports; (f) processes for the finalization of consultant reports; (g) procedures stipulating that councillors should have equal access to information; and (h) processes and a culture that emphasizes shared ownership of consultant reports. 	Public Works
29	<p>Ensure that staff who learn from a consultant of a risk to the health or safety of the citizens of Hamilton connected to the RHVP or LINC follow up with the consultant to obtain an informed understanding of the risk, whether or not the risk falls into the definition of "imminent" set out in the existing City policies on the disclosure of consultant reports to supervisors and/or Council.</p> <p>Staff should use their professional judgement, exercised in good faith and in consultation with their superior and the General Manager of Public Works where appropriate, to make recommendations to mitigate, remove, or otherwise address the risk.</p>	Public Works

Recommendations on Staff Reports

#	Recommendation	Responsibility
30	<p>Provide in the 2021 Council/Staff Relationship Policy that:</p> <ul style="list-style-type: none"> (a) staff reports must be objective and identify a full range of options for Council to consider with the risks and fiscal impacts of each option clearly and fully presented; (b) it is not the role of staff to pre-empt discussion by Council, even if staff are of the view that a proposed course of action is not feasible or realistic; and (c) staff should express such views in the staff report for Council's review and consideration. 	City Wide
31	Staff should receive training on how to draft clear, accurate, objective, and comprehensive staff reports to Committee and Council.	City Wide
32	<p>Circulate a draft of any staff report to the project teams, divisions, and/or departments with involvement in the issue for their review and input on the content of the report.</p> <p>The Code of Conduct should be clear that if staff see anything in the draft report that they question or that raises concerns during their review, they should reach out to the drafter of the report. If their questions or concerns are not subsequently addressed, the staff person who raised the issue should escalate them to someone more senior within their division or department.</p>	City Wide
33	Expand the 2021 Council/Staff Relationship Policy to stipulate that staff reports should not be shared or disclosed in draft form to an individual councillor unless expressly authorized by Council.	City Wide
34	Council should not either formally or informally delegate an issue of traffic safety on the LINC or RHVP to a subset of individual councillors, including those whose wards are contiguous to the expressways, outside delegation to a standing committee.	City Wide
35	<p>If a councillor requests information from a staff person on a matter of general significance, the requested information should be provided to all Council members.</p> <p>Provide in the Code of Conduct that staff should make every effort to ensure that each councillor has the same information.</p>	City Wide
36	Develop a policy to address procedures, processes, and best practices for staff reports that summarize consultant reports (together with recommendation 30), with a view to the following principles:	Public Works

#	Recommendation	Responsibility
	<ul style="list-style-type: none">(a) where City staff summarize a consultant report, they have an obligation to do so accurately and comprehensively (in accordance with recommendation 17);(b) if a consultant report is complex or technical in nature, the consultant should provide an executive summary of the report for staff to utilize in their staff report, rather than for staff to attempt to summarize or explain the findings of the report. The consultant should be available to speak to the relevant Committee or to Council and to respond to questions and issues that arise, particularly if the consultant's report is lengthy or complex; and(c) consultant reports should be appended to staff reports or be made available at the request of councillors. If the consultant's report deals with traffic safety on the RHVP or the LINC, it is highly preferable for the report to be made available to councillors in advance of the Committee or Council meeting where the corresponding staff report is presented and for the consultant to be present to speak to Council about the substance of the consultant's findings and the consultant's recommendations to avoid any misunderstanding.	