

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: May 3, 2011	
SUBJECT/REPORT NO: Wrong Way Parking (PED11067) (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe, General Manager Planning and Economic Development Department	PREPARED BY: Marty Hazell 905-546-2424 Ext. 4588 William Young 905-546-2424 Ext. 2469 Kerry Davren 905-546-2424 Ext. 6009
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED11067 (Wrong Way Parking) be received for information; and,
- (b) That the item titled “Wrong way parking rule” be identified as complete and removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

On October 5, 2010, the former Economic Development and Planning Committee directed “...*That, staff work with Hamilton Police Services in exploring the best enforcement regime for the “wrong way” parking rule on local residential streets when safety hazards are present.*”

This Report responds to this directive and recommends no change to the current practice of enforcing only upon complaint or when a safety hazard is present, except that Hamilton Police Services have agreed to adopt the City’s complaint based approach to enforcing this By-law provision.

Alternatives for Consideration – See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

On October 5, 2010, the former Economic Development and Planning Committee approved the following motion by Councillor Brian McHattie:

“Whereas, throughout the City of Hamilton, many vehicles are parked facing the wrong way (i.e. against the flow of traffic), and;

Whereas, in almost all cases these vehicles are not causing safety hazards, and;

Whereas, this parking rule is only enforced upon complaint by Hamilton Parking Services, often driven by a neighbourhood dispute, and;

Whereas, Hamilton Police Services also enforce this parking rule from time to time.

That, staff work with Hamilton Police Services in exploring the best enforcement regime for the “wrong way” parking rule on local residential streets when safety hazards are present.”

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

The Hamilton Police Services, Public Works (Traffic), Risk Management, and Legal were consulted in the preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The City of Hamilton Parking By-law (By-law 01-218) requires that vehicles be parked facing the direction of traffic flow in the adjacent lane (referred to as the ‘wrong way’ parking rule). The intent of this provision is to promote safe driving practices by discouraging motorists from crossing opposing lanes of traffic when entering/exiting a parking space, thereby reducing the potential for collisions.

Since the 1960's City staff's practice for this By-law provision is to enforce only upon complaint for local residential streets as traffic volumes are light and forcing people to park on the correct side could promote such unsafe/undesirable activities as block-circling, U turns and turning around using other's driveways, etc. Proactive enforcement occurs on one way streets and arterial/collector streets (where there are solid yellow or white dividing centre lines) where parking on the wrong side/facing the wrong way is likely to create an unsafe situation. However, the Hamilton Police Services (HPS) enforces this By-law provision proactively on all streets as part of their routine patrols.

In 2010, staff received almost 300 requests for enforcement of the wrong way rule. City staff and the Hamilton Police Services issued 120 parking tags for this violation in 2010.

Councillor McHattie and others have expressed the concern that public complaints and requests for enforcement are more often than not, driven by neighbourhood disputes rather than safety problems, and that proactive enforcement by the HPS is not necessary from a public safety perspective.

A 2009 survey indicates that Hamilton's approach to enforcing on local residential streets is much more lenient than other Ontario municipalities, as all 15 municipalities¹ that responded to the survey indicated they enforce the 'wrong way' parking rule on a proactive basis for all roadways.

City staff discussed this matter with senior management of the HPS who acknowledge that a complaint based approach to enforcement of the wrong way rule on local residential streets is reasonable. Therefore, the HPS has advised that they will adopt the City staff's long-standing practice of enforcing only upon complaint on local residential streets, but to continue proactively on major arteries and collector roads.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

While it is unfortunate that drivers are often ticketed due to neighbourhood disputes, continuing with the existing By-law and enforcement practices is recommended as staff believe it is important to investigate wrong way parking complaints to ensure that a safety hazard is not present regardless of the fact that the accident risk is low. In staff's opinion the current practice has been working well and the fact that Hamilton's approach to enforcement is lenient when compared to other municipalities indicates a customer service based approach to the issue.

¹ The 15 municipalities that responded to the survey included: Oakville, Kingston, Kitchener, Belleville, Ottawa, Peterborough, Niagara Falls, Stratford, London, Mississauga, Milton, Thunder Bay, Richmond Hill, Vaughan, St. Catharines.

Notwithstanding, changing the By-law to allow wrong way parking on local residential streets would not contradict the Highway Traffic Act, and the potential for traffic safety problems is minimal as volumes and travelling speeds are lower in these areas. A review of accident statistics for the City of Hamilton found no instances where wrong way parking was cited as the cause of an accident on a local residential street. However, the disadvantages to this would be:

- refusing to respond to almost 300 requests for enforcement annually,
- lost revenue from enforcement in the order of \$4,000 annually; and,
- a perception that the City is not performing due diligence with respect to traffic safety concerns may increase the risk of lawsuits against City.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

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

Healthy Community - enforcing “wrong way” parking in unsafe situations contributes directly to the Corporate goals for a healthy and safe Community.

APPENDICES / SCHEDULES

N/A

MH/WY/KD:dt