



Hamilton

CITY OF HAMILTON

**PUBLIC WORKS DEPARTMENT
Engineering Services Division**

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: March 18, 2013	
SUBJECT/REPORT NO: Development of Lane Closure Policy (PW13021) - (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Rich Shebib (905) 546-2424, Extension 3909
SIGNATURE:	

RECOMMENDATION

That the Lane & Sidewalk Closure Policy, attached as Appendix "A" to Report PW13021, be approved for implementation on roadways when construction related temporary lane closures exceed the current two week Road Occupancy Permit period.

EXECUTIVE SUMMARY

At it's meeting of November 5, 2012, Public Works Committee directed staff to report back with a policy for lane closures, associated with construction safety related issues. The report was to include timelines for lane closures and consequences if timelines are not met. The purpose of this policy is to ensure coordination, approvals and fees are consistent across all types of road permits in order to regulate temporary lane and sidewalk closures.

This policy will be used to implement a new user fee of \$100 per day previously approved for 2013 by Council on November 28, 2012 (Report FCS12080). This user fee applies after the two week Road Occupancy Permit expires.

Alternatives for Consideration - See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: A conservative projection for 2013 estimates revenues of approximately \$2,000 to \$5,000 which will assist in offsetting operating costs.

Staffing: No additional staff are required to implement this policy.

Legal: N/A

HISTORICAL BACKGROUND

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

The current Road Occupancy permit has an associated \$50 user fee and is good for occupancies up to a two week period. Currently there are no consequences to those applicants who extended their occupancy beyond the original permit.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

In order to implement the road user 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 with Development Engineering and City Legal Staff is on-going with regard to the procedures and processes.

ANALYSIS / 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 and no cost renewal, it can result in occupancies for extended periods.

As a result staff are recommending a new sidewalk or lane occupancy permit. This new permit will include the less than two week encroachment as well as the long term occupancy.

Staff therefore recommends the adoption of this lane closure policy to not only discourage applicants from occupying lanes longer than necessary, but also reduce congestion, delays, and pollution emissions.

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Currently the Corridor Management Section within the Public Works Department issues approximately 650 Road Occupancy Permits a year for all construction related activities on both sidewalks and roadways.

The new policy would see the \$100 per day fee applied to those road or sidewalk occupancies that extend beyond the original two week window. This would only apply to development and/or private construction related permits, not films shoots, special events, etc.

ALTERNATIVES FOR CONSIDERATION

Council may elect to deny the development of a lane closure policy. There is currently no control or penalties for long term lane closures which results in unnecessary long term occupancies. The status quo in dealing with extended closures may 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:
Reduced lane closures will result in less congestion and improved transit times.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents:
Less congestion equals less idling vehicles which results in a reduction of pollution emissions.

APPENDICES / SCHEDULES

Appendix "A" - New "Temporary Lane & Sidewalk Closure Policy"

THE CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT ENGINEERING SERVICES DIVISION POLICY and PROCEDURES

POLICY NO:

SUBJECT: Temporary Lane & Sidewalk Closure Policy

ELIGIBILITY:

PROCEDURE:

1) Purpose

The purpose of this policy is to regulate temporary lane closures for development and private construction activities, while maintaining a balance of safety and efficiency of public road users while minimizing the risks of damage to the right-of-way.

2) Guideline

The Corridor Management Section in the Public Works Department maintains primary responsibility for ensuring the public can safely and effectively use City of Hamilton roadways. Therefore, Corridor Management must approve any change to the normal operation of all roadways and will coordinate the use of the public right-of-way on the basis of maintaining proper traffic control and operation throughout the City.

- (a) A "Temporary Road Occupancy Permit Application" must be submitted a minimum of five working days in advance.
- (b) Permit fees are required prior to approval, and may be requested as a letter of credit when occupancy is for an extended period of time. Fees are as approved in the existing User Fee Bylaw.
- (c) The applicant will be liable for, and shall indemnify and save harmless the City for, any damages or injuries which may arise through the execution of the work for which the permit is issued. The applicant when requested shall provide proof of public liability insurance naming the City of Hamilton as an added insured.

3) General Conditions

- i. Permits will be issued with a signature from the Public Works Department, Corridor Management Section. Permit is not valid until signed by and returned by fax by applicant.
- ii. Cash, Cheques, or Visa and Master Card are accepted. Cheques should be made payable to the City of Hamilton.
- iii. It is the Applicant's responsibility to ensure that the permit is on-site at all times and available for review by City of Hamilton Enforcement Staff.
- iv. In addition to the processing fee above, the Applicant will be responsible for reimbursing the City for any lost revenue from occupying a parking meter space,

and the applicant is responsible for the validation, meter bags, and payment at the Hamilton Municipal Parking System office.

- v. Applicants are subject to a late fee of \$500 per day should occupancy of the lane extend past the approved time period.
- vi. The right-of-way must be left in the same condition or better as existed at time of permit issue. All damage to city property shall be made good or paid for.
- vii. The applicant will be liable for, and shall indemnify and save harmless the City for, any damages or injuries which may arise through the execution of the work for which this permit is issued.
- viii. All signing/delineation must conform with the Ministry of Transportations' Book 7 Signing Requirements for Temporary Conditions at the applicant's cost, and a plan must be submitted prior to occupancy.
- ix. The applicant when requested shall provide proof of \$2,000,000 public liability insurance naming the City of Hamilton as an added insured.
- x. Occupancy is only permitted on the condition that the requirements of the City By-laws are complied with.
- xi. All works must be in accordance with and subject to the approval and satisfaction of the General Manager of Public Works.

DIRECTOR APPROVAL: _____

APPROVED DATE: _____

REVISED DATE: _____