

4. Road Activity By-Law – Phase One Amendments

Règlement sur les travaux routiers – Modifications de la première étape

COMMITTEE RECOMMENDATIONS

That Council approve:

- 1. the amendments to the Road Activity By-law No. 2003-445 substantially in the form set out in Document 2 and described in this report to come into effect July 1, 2019 and delegate the authority to the General Manager of Planning, Infrastructure and Economic Development and the City Clerk and Solicitor to make minor administrative amendments to the Road Activity By-law No. 2003-445 substantially consistent with this report;**
- 2. the addition of two full-time equivalent (FTE) positions for the Inspections Branch of the Planning, Infrastructure and Economic Development Department, at an approximate annual cost of \$190,000 funded from road cut permit application fee revenue, to address inspection requirements under the Road Activity By-law, as described in this report; and,**
- 3. the purchase of three new vehicles to support the work of Inspections Branch staff in addressing the inspection requirements under the Road Activity By-law at an approximate Capital cost of \$90,000 funded through a one-time contribution from the operating budget of the Right-of-Way, Heritage and Urban Design Service Area, with approximately \$26,000 in annual funding for the operation of the vehicles through road cut permit application fee revenue, as described in this report.**

RECOMMANDATIONS DU COMITÉ

Que le Conseil approuve :

1. les modifications du *Règlement sur les travaux routiers* (n° 2003-445), qui figurent au document 2 ci-joint, décrites dans le présent rapport et devant prendre effet le 1^{er} juillet 2019, ainsi que la délégation des pouvoirs nécessaires au directeur général de la Planification, de l'Infrastructure et du Développement économique et au greffier municipal et avocat général pour qu'ils apportent des changements mineurs d'ordre administratif audit règlement, suivant en l'essence le présent rapport;
2. l'ajout de deux équivalents temps plein à la Direction de l'inspection de la Direction générale de la planification, de l'infrastructure et du développement économique, au coût annuel d'environ 190 000 \$ qui sera financé par les frais pour les demandes de permis de terrassement, afin que la Ville puisse satisfaire aux exigences d'inspection du *Règlement sur les travaux routiers*, comme il est indiqué dans le présent rapport;
3. l'achat de trois nouveaux véhicules pour aider le personnel de la Direction de l'inspection à satisfaire aux exigences d'inspection du *Règlement sur les travaux routiers*, au coût d'immobilisation d'environ 90 000 \$ qui sera financé par une contribution ponctuelle du budget de fonctionnement du secteur d'activités d'Emprises, Patrimoine et Design urbain, et au coût d'utilisation annuel d'environ 26 000 \$ qui sera financé par les frais pour les demandes de permis de terrassement, comme il est indiqué dans le présent rapport.

DOCUMENTATION / DOCUMENTATION

1. Manager's report, Right of Way, Heritage and Urban Design Services, Planning, Infrastructure and Economic Development Department, dated 14 March 2019 (ACS2019-PIE-RHU-0001)

Rapport du Gestionnaire, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 14 mars 2019 (ACS2019-PIE-RHU-0001)

2. Extract of Draft Minute, Transportation Committee, 3 April 2019.

Extrait de l'ébauche du procès-verbal de la Comité des transports, le 3 avril 2019.

**Report to
Rapport au:**

**Transportation Committee
Comité des transports
3 April 2019 / 3 avril 2019**

**and Council
et au Conseil
10 April 2019 / 10 avril 2019**

**Submitted on March 14, 2019
Soumis le 14 mars 2019**

**Submitted by
Soumis par:**

Court Curry, Manager / Gestionnaire

**Right of Way, Heritage and Urban Design Services / Services des emprises, du
patrimoine et du design urbain Planning, Infrastructure and Economic
Development Department / Direction générale de la planification, de
l'infrastructure et du développement économique**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA
VILLE**

File Number: ACS2019-PIE-RHU-0001

SUBJECT: Road Activity By-law – Phase One Amendments

OBJET: *Règlement sur les travaux routiers* – Modifications de la première étape

REPORT RECOMMENDATIONS

That Transportation Committee recommend Council approve:

1. the amendments to the Road Activity By-law No. 2003-445 substantially in the form set out in Document 2 and described in this report to come into effect July 1, 2019 and delegate the authority to the General Manager of Planning, Infrastructure and Economic Development and the City Clerk and Solicitor to make minor administrative amendments to the Road Activity By-law No. 2003-445 substantially consistent with this report;
2. the addition of two full-time equivalent (FTE) positions for the Inspections Branch of the Planning, Infrastructure and Economic Development Department, at an approximate annual cost of \$190,000 funded from road cut permit application fee revenue, to address inspection requirements under the Road Activity By-law, as described in this report; and,
3. the purchase of three new vehicles to support the work of Inspections Branch staff in addressing the inspection requirements under the Road Activity By-law at an approximate Capital cost of \$90,000 funded through a one-time contribution from the operating budget of the Right-of-Way, Heritage and Urban Design Service Area, with approximately \$26,000 in annual funding for the operation of the vehicles through road cut permit application fee revenue, as described in this report.

RECOMMANDATIONS DU RAPPORT

Que le Comité des transports recommande au Conseil d'approuver :

1. les modifications du *Règlement sur les travaux routiers* (n° 2003-445), qui figurent au document 2 ci-joint, décrites dans le présent rapport et devant prendre effet le 1^{er} juillet 2019, ainsi que la délégation des pouvoirs nécessaires au directeur général de la Planification, de l'Infrastructure et du Développement économique et au greffier municipal et avocat général

pour qu'ils apportent des changements mineurs d'ordre administratif audit règlement, suivant en l'essence le présent rapport;

- 2. l'ajout de deux équivalents temps plein à la Direction de l'inspection de la Direction générale de la planification, de l'infrastructure et du développement économique, au coût annuel d'environ 190 000 \$ qui sera financé par les frais pour les demandes de permis de terrassement, afin que la Ville puisse satisfaire aux exigences d'inspection du *Règlement sur les travaux routiers*, comme il est indiqué dans le présent rapport;**
- 3. l'achat de trois nouveaux véhicules pour aider le personnel de la Direction de l'inspection à satisfaire aux exigences d'inspection du *Règlement sur les travaux routiers*, au coût d'immobilisation d'environ 90 000 \$ qui sera financé par une contribution ponctuelle du budget de fonctionnement du secteur d'activités d'Emprises, Patrimoine et Design urbain, et au coût d'utilisation annuel d'environ 26 000 \$ qui sera financé par les frais pour les demandes de permis de terrassement, comme il est indiqué dans le présent rapport.**

EXECUTIVE SUMMARY

Assumptions and Analysis

When work must be done to install, maintain or repair utility services such as water, sewer, gas, electric and telecommunication infrastructure in any part of a City highway, or where repairs or upgrades must be done to the highway itself, this work is regulated by the City's Road Activity By-law (the "by-law"). The by-law applies to all persons working on a City highway, including City departments and persons working for the City under contract.

Generally speaking, the objectives of this by-law are to ensure that work on City highways is coordinated, that impacts on mobility are managed and mitigated, that those working on the City's highways are insured with appropriate financial guarantees and warranties provided for their work, that the work is done safely and in accordance with City standards, and that where work involves excavating a roadway, the City is compensated for the impact this work has on the accelerated decline of the pavement. The by-law requires that where excavation occurs on any part of a highway, a road cut

permit be obtained.

The by-law was passed in 2003 and has not undergone a comprehensive review. Since this time there has also been a steady increase in the amount of work occurring within the City's highways. A review of the by-law and its associated business processes has been initiated to update the regulations and their administration to ensure the City is still meeting the objectives of the by-law. This review is being completed in two phases.

As part of the first phase of the review this report recommends amendments to the by-law including:

- Expanding the applicability of pavement degradation fees to all road classes and expanding the restrictions on cuts into new pavement to all road classes,
- Expanding to all roads classified as collector roads and above the requirement to submit a Traffic Management Plan as part of a road cut permit, as well as the prohibition on work during rush hour periods, to help mitigate impacts on mobility.
- Improving the minimum public notification requirements.
- Increasing the value of the security required as part of a road cut permit to reflect the cost of doing work today.
- Introducing new obligations on developers and builders in certain instances to provide securities for both potential damage to the highway resulting from construction activities, and to facilitate a resurfacing of multiple road cuts to serve their development and improve the overall reinstatement of the roadway.

Document 1 provides an overview of these and other major recommended amendments as part of this report. All of the proposed amendments are recommended to come into effect on July 1, 2019.

Approval for two new full time equivalent (FTE) inspector positions and three new City vehicles is also requested. Together, the recommended amendments and inspector positions will modernize and improve the regulation of work on City highways under the by-law, helping to mitigate the impact such work has on mobility, as well as protecting the City's highway assets.

A report detailing recommended amendments to fees, including pavement degradation fees and amendments necessary to facilitate further improvements to associated business processes will be brought forward at the conclusion of the second phase of the strategic review in 2020.

Financial Implications

The amendments to the Road Activity By-law will result in an estimated \$330,000 in external Pavement Degradation Fee revenues. These revenues will go towards the selective resurfacing program beginning in 2020. PG 4 - Fees collected from City departments will also be used towards selective resurfacing program beginning in 2020, with the exception of PDFs from Public Works and Environmental Services Department (PWESD), which will go towards PWESD's pavement preservation operations.

The additional two FTEs, and the three new vehicles, will be funded from within Right of Way, Heritage and Urban Design Services.

Public Consultation/Input

Consultation has included meeting directly with stakeholder organizations, a list of which is provided in Document 3, to provide an overview of the project and updates on proposed amendments to the Road Activity By-law. To help facilitate the dissemination of information and feedback, a project website providing background information and details of the proposed amendments to the by-law was established. The project website provides a dedicated email for the submission of comments and questions.

A Technical Advisory Committee consisting of representatives from stakeholder organizations whose members are regulated by the by-law was established to provide opportunity for more detailed discussion regarding the proposed amendments. This group met four times in advance of this report and will continue to meet throughout the second phase of the strategic review. City departments subject to the by-law were also consulted and this consultation will continue throughout the second phase of the strategic review.

Generally speaking, there is an understanding of the need to update the by-law as it has not been updated since 2003. Concerns were raised around the imposition of new securities within the development community and the impact these securities would have on the cost of construction projects. There were also concerns raised related to

the City's authority to regulate or refuse to issue a road cut permit where a highway has been recently constructed, reconstructed or resurfaced.

In the context of utilities, concerns were raised around the additional work and cost associated with expanding the applicability of such things as pavement degradation fees, when a Traffic Management Plan must be submitted with a road cut permit, and rush hour work restrictions.

With respect to public notification, staff met with the Federation of Citizen's Associations and they are generally in support of the proposed amendments set out in this report.

Further details related to consultation and feedback can be found in the Consultation section of this report.

Accessibility Advisory Committee (AAC) members were provided with the link to the project website for information purposes and at the time of publication of this report no comments were received.

RÉSUMÉ

Hypothèses et analyse

Les travaux d'installation, d'entretien et de réparation de services publics comme les infrastructures d'eau, d'égout, de gaz, d'électricité et de télécommunications situées à tout endroit d'une route municipale ainsi que les travaux de réparation et de modernisation des routes elles-mêmes sont régis par le *Règlement sur les travaux routiers* de la Ville (le « Règlement »). Celui-ci s'applique à toutes les personnes effectuant des travaux sur une route municipale, y compris les directions générales de la Ville et ses contractants.

De manière générale, le Règlement vise à assurer que les travaux sur les routes municipales sont coordonnés; que leurs effets sur la mobilité sont encadrés et atténués; que les personnes effectuant les travaux possèdent les assurances adéquates et offrent des garanties appropriées pour leur travail; que les travaux sont réalisés de façon sécuritaire et conforme aux normes municipales; et qu'en cas d'excavation de la chaussée, la Ville reçoit une indemnisation pour l'accélération de la dégradation du revêtement causée par les travaux. Le Règlement exige l'obtention d'un permis de terrassement avant toute excavation d'une route.

Le Règlement a été adopté en 2003 et n'a pas encore fait l'objet d'un examen exhaustif. Par ailleurs, depuis cette époque, le nombre de travaux effectués sur les routes municipales a augmenté de façon constante. La Ville a donc entrepris un examen du Règlement et des procédures opérationnelles connexes en vue de mettre à jour les exigences et leur administration pour s'assurer de toujours respecter les objectifs du Règlement. Cet examen se déroule en deux étapes.

Pour la première étape, plusieurs modifications du Règlement sont présentées dans le présent rapport, notamment les suivantes :

- Étendre à tous les types de routes l'application des redevances de dégradation de la chaussée et les restrictions relatives aux travaux de terrassement sur les nouveaux revêtements.
- Étendre aux routes collectrices et à celles de classes supérieures l'exigence de soumission d'un plan de circulation pour l'obtention d'un permis de terrassement et l'interdiction des travaux pendant les heures de pointe, afin d'atténuer les effets sur la mobilité.
- Bonifier les exigences minimales d'avis public.
- Augmenter la valeur du cautionnement exigé pour l'octroi du permis de terrassement, afin de tenir compte des coûts actuels.
- Ajouter de nouvelles obligations pour les promoteurs et les constructeurs dans certaines circonstances, soit de fournir un cautionnement couvrant les dommages potentiellement causés à la route par les activités de construction, de faciliter le réasphaltage en cas de multiples travaux de terrassement pour l'installation de services, et d'améliorer la remise en état globale de la chaussée.

Le document 1 présente brièvement ces modifications et d'autres importantes modifications recommandées. Il est conseillé qu'elles prennent toutes effet le 1^{er} juillet 2019.

Le présent rapport demande également l'approbation de deux nouveaux postes d'inspecteur équivalents temps plein et de trois nouveaux véhicules municipaux. Ensemble, les modifications recommandées et les postes d'inspecteur moderniseront et amélioreront la réglementation des travaux sur les routes municipales en vertu du

Règlement, contribuant ainsi à limiter l'incidence de ces travaux sur la mobilité et à protéger l'infrastructure routière de la Ville.

Un autre rapport, détaillant les modifications recommandées des droits, y compris des redevances de dégradation de la chaussée, et les changements nécessaires pour faciliter d'autres améliorations des processus opérationnels connexes, sera présenté au terme de la deuxième étape de l'examen stratégique, en 2020.

Répercussions financières

Les modifications au Règlement généreront environ 330 000 \$ en recettes externes provenant des redevances de dégradation de la chaussée, qui seront consacrées au programme de réasphaltage sélectif de 2020. Les redevances perçues auprès des directions générales serviront aussi à ce programme, à l'exception de celles perçues auprès de la Direction générale des travaux publics et de l'environnement, qui seront affectées aux activités de préservation de la chaussée de cette direction.

Les deux équivalents temps plein supplémentaires et les trois nouveaux véhicules seront financés par Emprises, Patrimoine et Design urbain.

Consultation publique et commentaires

Pendant la consultation, le personnel municipal a notamment rencontré directement les organisations intéressées (dont la liste figure dans le document 3) afin de leur présenter l'examen et de les informer des modifications proposées. Pour faciliter la transmission d'information et la rétroaction, il a également mis en ligne une page Web qui contient des renseignements généraux sur l'examen et les modifications proposées ainsi qu'une adresse courriel exclusive à laquelle le public peut soumettre ses commentaires et ses questions.

Un comité consultatif technique, formé de représentants d'organisations intéressées dont les membres sont assujettis au Règlement, a été mis sur pied pour favoriser les discussions approfondies sur les modifications proposées. Le comité a tenu quatre réunions avant la production du présent rapport et continuera de se réunir pendant la deuxième étape de l'examen stratégique. Les directions générales de la Ville qui sont visées par le Règlement ont également été consultées et le seront tout au long de la deuxième étape.

De manière générale, on juge que le Règlement doit être révisé, car il ne l'a pas été depuis 2003. Les acteurs du secteur immobilier ont cependant émis des réserves concernant l'imposition de nouveaux cautionnements et les répercussions que ceux-ci auraient sur le coût des projets de construction. Des participants à la consultation se sont aussi questionnés sur le pouvoir qu'a la Ville d'imposer des exigences ou de refuser un permis de terrassement dans les cas où la route a été récemment construite, reconstruite ou réasphaltée.

En ce qui concerne les services publics, des réserves ont été soulevées à propos du travail et du coût supplémentaires associés à l'expansion de l'application de diverses exigences, comme les redevances de dégradation de la chaussée, des cas où un plan de circulation doit accompagner la demande de permis de terrassement, et des restrictions relatives aux travaux pendant l'heure de pointe.

Pour ce qui est des avis publics, le personnel a rencontré la Fédération des associations civiques d'Ottawa, qui s'est dite généralement d'accord avec les modifications proposées dans le rapport.

Les activités de consultation et les commentaires reçus sont présentés en détail dans la section *Consultations*, plus bas.

Le personnel a également fourni l'URL de la page sur l'examen aux membres du Comité consultatif sur l'accessibilité pour qu'ils puissent se renseigner. Au moment de publier le présent rapport, aucun commentaire de leur part n'avait été reçu.

BACKGROUND

The City of Ottawa has over 12,200 lane-kilometres of highway. These highways are vital to residents, businesses and visitors providing vehicular, bicycle and pedestrian travel throughout the city. At the same time, these highways serve as the conduit for utility services including water, sewer, gas, electric and telecommunication infrastructure.

Installation, maintenance, repair and upgrading of these utility services, as well as connections to them as part of development is ongoing and necessary as Ottawa grows and intensifies. Similarly, work on City highways is continual as new elements such as trees, signs or street furniture are added, or the highway itself is resurfaced or reconstructed.

All of this work may disrupt mobility within communities, impact commuting and obstruct access to abutting businesses and residences. Where the work involves excavating or cutting the highway, care must be taken to ensure its proper and timely reinstatement, as improper repairs can result in uneven and deteriorating surfaces affecting drivers, cyclists and pedestrians. Such issues are exacerbated where cuts are made in close proximity to one another, for instance where multiple utility service connections are installed for a development, such as shown in figure 1 below.



Figure 1 - Road Cut for Development Servicing

Notwithstanding the quality of a reinstatement, cuts within the asphalt roadway have a demonstrated impact on the accelerated decline of the road, reducing the life cycle of the pavement. These cuts may occur as part of development construction, or through the activities of the City or utility companies.

Existing Road Activity By-law

The City's Road Activity By-law No. 2003-445 (the "by-law") is the principal by-law used to regulate work on the City's highways, including all portions of it from lot line to lot line. It classifies work as road activity, being the temporary occupation of the highway for work not involving any excavation, and road cuts, being a cut into any part of the highway made by any means. While the by-law provides for regulations related to both types of work, a road cut requires a permit before this type of work may be undertaken. The by-law applies to anyone undertaking work that qualifies as a road activity or road cut, including work done by City staff and utility companies.

The purpose of the by-law is to ensure work on highways is done properly, safely and with minimal disruption to the public, while protecting the interests of the City and its

assets through regulations that enable City staff to:

- (a) coordinate and track the location and timing of work on highways;
- (b) mitigate the impacts on pedestrian, cyclist and vehicle mobility resulting from work on highways;
- (c) prevent costs, damages or liability resulting from work on a highway being transferred to the City and residents;
- (d) reference standards for the conduct and quality of work on a highway; and,
- (e) require persons cutting into highways to guarantee their work, and where the cut is made into the paved roadway, to compensate the City for the impact such cutting has on the lifespan of the pavement.

For both road cuts and road activity the by-law sets out requirements related to the notifications of staff and the public in advance of the work, and the context under which a person may request approval to temporarily close a road for the purposes of undertaking the work. On arterial roads and roads with bus routes restrictions on work during peak traffic periods are also provided to help avoid impacts on rush hour traffic.

With respect to road cuts the by-law provides additional regulation around the permit application requirements, including the provision of insurance and security by the applicant. Fees are set out for the permit and its renewal, as well as for inspections undertaken by staff during the period of November to April, when weather conditions may not allow for the work to be immediately completed and the cut must be temporarily reinstated until conditions improve.

Where a road cut involves cutting into the asphalt roadway (as opposed to the other elements of the highway such as the sidewalk and boulevard) of an arterial road the by-law also requires that a pavement degradation fee be levied. This fee, which is calculated based on a rate relative to the age of the road and the size of the cut, exists to provide a level of compensation for the accelerated decline in the life of the road as a result of the cut.

Where an applicant wishes to cut into an arterial road that has been constructed, reconstructed or resurfaced within the previous three-year period, the by-law provides for an additional review. As part of this review staff look at whether the need for the cut

meets one of the defined criteria within the by-law, such as due to an emergency or to facilitate development. Where it does not, the by-law does not allow for a permit to be issued.

Regulations related to how a road cut may be undertaken, the placement of traffic control devices, and the standards for reinstatement of the highway are also provided. The by-law requires that a road cut permit holder guarantee their work for a period of three years following its completion, during which time the permit holder must make any necessary repairs.

Review of the Road Activity By-law

The Road Activity By-law (the “by-law”) was passed in 2003 as part of the harmonization of the former municipal by-laws. Save for annual increases in fees to address inflation, the by-law has not been updated. At the same time, the amount of work that is occurring each year on the City’s highways is generally increasing, as new communities come online, neighbourhoods intensify, and existing infrastructure is maintained or updated.

A review of the by-law and its associated business processes was initiated to determine what amendments and administrative changes are necessary to ensure the by-law is still meeting its purpose, and enabling staff to safeguard the City’s assets and minimize disruption to the public by effectively managing work on highways. Recognizing also that work on highways is necessary for the growth and vitality of the city, the review includes an assessment of what improvements can be made to service delivery for road cut permit holders and persons subject to the by-law.

The review consists of three interconnected and simultaneous projects:

- (a) the review of the Road Activity By-law,
- (b) a comprehensive business process and financial review, and,
- (c) the transition of construction related road cut inspection responsibilities from the Transportation Services Department’s Traffic Services to the Inspections Branch of the Planning, Infrastructure and Economic Development Department (PIED).

Road Activity By-law Review:

Staff are evaluating both the current regulations and the overarching regulatory framework of the by-law. This includes an assessment of how road activity and road cuts are regulated. Additionally, whether the existing regulations related to insurance, securities and indemnification are sufficient to protect the City from financial loss and liability, as well as ensuring responsibilities for the proper reinstatement of the highway rests with the right person. Current enforcement tools are also being reviewed to determine whether they are sufficient to allow staff to adequately address infractions, protect the City's assets and minimize disruption on highways.

Staff undertook a review of best practices from other municipalities in both Canada and the United States to benchmark common practices in the regulation of work on highways. This provided a measure as to whether the proposed regulatory changes are reasonable in light of what other municipalities are requiring.

Comprehensive Business Process and Financial Review

Current fees and business practices to assess how and when fees are applied, what they cover, and how they are collected, as well as how the City administers the requirements of the by-law are being reviewed. Included in this is an evaluation as to whether the current fee structure and business process allows the City to effectively and efficiently recuperate its cost in administering work on highways. Such considerations also require an assessment of how these fees are set relative to other fees that may be charged by the City to a client seeking to complete work on a highway.

Specifically regarding pavement degradation fees (PDF), this project includes a review of the existing fees, as well as how and when these are applied to determine whether changes are necessary to best enable the City to recover the costs associated with the impact road cuts have on the integrity of the roadway pavement and its reduced service-life.

KPMG was engaged by staff to undertake a preliminary review of existing business processes and provide high level recommendations as to what changes could be implemented to make business processes more efficient and effective, while improving service delivery. KPMG also undertook a review of several Canadian municipalities of comparable size, specifically Toronto, Calgary and Montreal, to assess their fee models

in relation to permits for work on highways, and specifically pavement degradation fees. In the context of pavement degradation fees, information was also collected on the factors and methodology used by these other municipalities to develop the pavement degradation fee rates, and on which classes of road these fees are applied.

Transition of construction related road cut inspection responsibilities

Presently all inspection responsibilities related to the by-law rest with Traffic Services within the Transportation Services Department. This includes monitoring traffic control at work sites, inspecting the reinstatement of road cuts when completed, conducting inspections in response to service requests made in relation to work sites and road cut reinstatement, and finally the inspection of road cuts at the end of their warranty period. As a result, Traffic Services staff are responsible for inspecting issues related to both the impact of work on mobility (both in the context of road activity and road cuts), and the quality of road cut reinstatements.

With the steady increase in the work on highways and related inspections the transition of construction related inspection responsibility for road cuts to the Inspections Branch of the Right-of-Way, Heritage and Urban Design Service Area of the Planning, Infrastructure and Economic Development Department is recommended. The intent of this transition is to place responsibility for the inspection of road cuts with the service area responsible for other development and construction related inspections, leaving Traffic Services to focus on issues related to mobility. Ultimately, this will help augment the oversight of work as more staff will be dedicated to inspection related duties.

Phases of the Road Activity By-law Review:

The by-law review is being completed in two phases. The first phase is focused principally on addressing issues of immediate operational importance. These are those issues that staff see as needing review and change as soon as is practically possible, taking into consideration the associated business processes that need to be developed, staff training necessary to implement these issues, as well as the capacity of stakeholders to adapt. In addition, the first phase has focused on a review of the impact of road cuts resulting from development.

This report sets out the recommended amendments to the Road Activity By-law based on this first phase of review. Recommendations with respect to the creation of two new

full time equivalent (FTE) positions, as well as funding for new vehicles are also requested as part of the staff transition of responsibility for construction related inspections. If approved, these new FTE positions will form part of a group of three inspectors responsible for road cut inspections to augment the oversight of road cuts and their reinstatement.

The second phase of the review is focused on the comprehensive assessment of the financial and business processes associated with the by-law, as well as monitoring the implementation of amendments recommended in this report and documenting any issues. This includes a review of current fees, as well as whether new fees should be introduced for administrative functions, such as the processing of requests to temporarily close highways when road activity or road cuts are undertaken. Specifically regarding pavement degradation fees (PDF), KPMG has recommended a review of the model used to calculate PDF, as well as the amount of PDF to be charged.

Business processes and the related fees in place to administer the by-law will also be reviewed as part of this second phase to determine where and how service delivery can be improved, and made more efficient. This includes assessing the benefit and structure of different road cut permit streams based on the type of work, such as a large installation of utility infrastructure as opposed to the connection of a service to a development, and in turn whether these streams warrant different road cut permit administration fees relative to the effort needed to review, approve and inspect them.

As part of this second phase, in addition to monitoring the application of the by-law in light of the proposed amendments set out in this report, new business processes will be developed to support their implementation. Any issues identified as part of the monitoring exercise, as well as any issues not otherwise addressed in this report will be included as part of the second phase in a report targeted for 2020.

DISCUSSION

Recommendation 1 – Amendments to Road Activity By-law

The following describes the recommended amendments to the Road Activity By-law as part of the first phase of the review. All of the proposed amendments are set out in Document 2 of this report.

Document 2 contains a copy of the existing Road Activity By-law with the proposed

amendments reflected as either additions or deletions. Amendments proposing the addition of text are shown in the location they are proposed to be added and are underlined. Amendments that propose the deletion of existing text show the text as stricken. Recommendation 1 of this report also allows staff who are drafting the amending by-law to make any minor adjustments to the text or meaning of the by-law in order to maintain consistency with the intent of Council as reflected in this report.

Expanded Application of Pavement Degradation Fees

As noted above, pavement degradation fees (PDF) are levied when cuts are made into the roadway pavement of certain roads. Specifically, Schedule A of the by-law lists arterial road segments to which PDF apply. This list of road segments has not been updated since the by-law was passed in 2003.

The fees themselves are based on per square metre rates linked to the age of the roadway pavement. Table 1 below shows the 2019 PDF rates:

Table 1 – Pavement Degradation Fees – 2019 Rates

| Pavement Age (years) | 2019 Pavement Degradation Fee Rates (per metre squared) |
|-----------------------------|--|
| 2 years or < | \$37.00 |
| >2 to 4 | \$30.85 |
| >4 to 7 | \$24.80 |
| >7 to 10 | \$15.50 |
| 10 or more | \$6.15 |

The City's application of PDF to arterial roads comes out of the approach taken by the former Regional Municipality of Ottawa-Carleton. Specifically, a study commissioned by the former Region aimed to inform a pavement degradation fee structure to compensate the former Region for the impact of road cuts on its pavement infrastructure.

Historically PDF were applied based on an inspection of the size of the road cut

following its reinstatement, and the road cut permit holder was invoiced for payment. In 2013 the collection of PDF ceased due to the administrative burden of assessing and collecting PDF, relative to the low amount of revenue generated. To illustrate this, in its highest year, between 2003 and 2013 approximately \$30,000 in PDF was collected. During this time PDF was applied to work done by other City Departments, specifically regarding sewer and water works.

It is recommended that Schedule A be deleted, and PDF be applied on all highways classified as local, collector, major collector, arterial and city freeway under the Official Plan for the City of Ottawa. The expanded application of PDF is based on the recommendation of KPMG, which in reviewing how other Canadian municipalities apply PDF (or a similar type of fee) identified that the application of these fees to all roads was, in the case of those municipalities reviewed, a consistent approach. Specifically, the municipalities of Toronto, Calgary, Montreal, Vancouver, Halifax, London, and Hamilton apply a similar fee to all roads.

It should be noted that this recommendation is the first step towards a more fulsome review of the PDF model that will be occurring as part of the second phase of the review, where a comprehensive review of the fee structure and method of application will be reviewed. In the interim, the recommendation is to expand the application of PDF to all roads classified as local and above under the Official Plan, and reinstitute the collection of PDF based on the existing rate structure shown above in Figure 2.

As part of the reinstatement of PDF collection, it is proposed that PDF be collected at the time of application, based on an estimation by the applicant of the size of their proposed road cut. With this method staff would audit reinstatements to check the estimated size of the cut against the final reinstatement.

By collecting PDF at the time of application and performing random audits, staff can prioritize inspections and use their time more efficiently, helping to ensure that with the expanded application of PDF, the corresponding increase in administration remains manageable. To this end, staff are also recommending as part of this first phase that the by-law be amended to require, where PDF are applicable, that the minimum payment be based on a cut size of no less than five square metres. This helps to eliminate the need for the inspection of small road cuts to validate the size represented on the road cut permit application.

It is very difficult to identify what can be expected as to the amount of PDF collected each year. Not all road cut permits are for work within the roadway portion of the highway, and the amount of work within the roadway as opposed to other areas of the highway varies from year to year. Ultimately, it depends on the nature of the work, and the location of existing services within the highway. This said, to provide some indication of potential annual PDF amounts and assuming a conservative estimate that 50% of the 5334 road cut permits issued in 2018 were for cuts into the roadway portion of the highway, and assuming an average pavement age of between five and seven years at a rate of \$24.80 per square metre, based on a minimum cut size of five square metres, this would equate to an approximate annual collection from external clients of \$330,000.00 in PDF. Any PDF revenue collected from external clients will be held in an account by Asset Management for the selective resurfacing program beginning in 2020.

The by-law is applicable to work done by or on behalf of the City, and historically where applicable, PDF was paid by other City Departments. As such going forward PDF would be paid out of the budgets of other City departments. The collection and use of PDF will be part of the overall fee review as part of the second phase of the review. In the interim PDF collected from City departments will be held in an account by Asset Management for the selective resurfacing program beginning in 2020, with the exception of PDF from Public Works and Environmental Services Department (PWESD), which will be held in an account to go towards PWESD's pavement preservation operations.

Expanded application of Restrictions on Cuts into New Pavement

Where an arterial road listed on Schedule A of the by-law has been constructed, reconstructed or resurfaced within the previous three years, the by-law provides that a road cut permit may only be issued in certain circumstances, and even in such circumstances, subject to a review by staff to determine whether the means of undertaking the road cut represent the least disruptive approach.

The intent of restricting cuts into pavement that is no more than three years old is to promote the coordination of utility infrastructure placement with the City's capital resurfacing and reconstruction projects, thereby minimizing disruption to the public and helping to maintain the integrity of the roadway. However, under the existing by-law these restrictions are limited to arterial street segments listed in Schedule A.

As with PDF, it is recommended that the application of these restrictions be expanded

to all roads classes as defined in the Official Plan, as the objective of these restrictions is equally applicable to any road. This approach is consistent with other municipalities that also have such restrictions, including Calgary, Toronto, Montreal, Halifax, and Hamilton.

It should be noted that as part of this first phase no changes are recommended to the by-law provisions under which road cuts are permitted within three years of a highway's construction, reconstruction or resurfacing. Currently the by-law provides staff with the authority to issue a road cut permit provided staff are satisfied that the proposed work must be done, and alternatives that reduce the extent of any excavation have been explored. One instance where such authority is exercised by staff is in the context of the installation of services for existing or new development. The by-law also identifies exemptions related to emergency works, the repair of fluid or gas leaks, works necessary because of a major interruption in service, or the necessary repair or maintenance of existing underground works.

While staff work to coordinate new development with capital projects involving the reconstruction or resurfacing of a highway, and work with utilities through a variety of means to coordinate their work, unforeseen circumstances such as those noted above remain, and the by-law should provide such flexibility. This said, running concurrently with the second phase of the review will be an assessment as to whether greater restoration requirements are warranted, and what the parameters of such requirements should be when road cuts are made into highways that have been constructed, reconstructed or resurfaced within the last three years.

Traffic Management

While work on the City's highways is necessary for the improvement or maintenance of services to residents and businesses, or for the growth of the city, it can affect mobility. As part of administering this work staff must be able to assess the impacts proposed work has on vehicular, cyclist and pedestrian movement. From a health and safety perspective, staff must also ensure that work by different persons does not overlap, or conflict with other events or activities occurring at the same time.

To ensure staff can effectively manage and mitigate the impact of work on mobility, the by-law requires the submission of Traffic Management Plans (TMP) as part of a road cut permit application. This provides staff with further information on the location,

duration and timing of the work on a highway, and enables staff the opportunity to place conditions on a road cut permit to mitigate any impacts.

Presently, a TMP is only required where work occurs on a street segment listed in Schedule B of the by-law, which sets out arterial roads, and collector roads with bus routes. As a result, a TMP is not required where a road cut is proposed on a collector or major collector road that does not have transit service. Effectively, this means that no TMP is required on roughly 1444 kilometers of the approximately 1885 kilometers of major collector and collector highways within the City. A TMP provides information to assess and mitigate the potential impacts work may have on mobility, it is therefore recommended that a TMP be required as part of a road cut permit application on all highways classified as collector and above under the Official Plan for the City of Ottawa. This is generally consistent with the requirements of other municipalities such as Toronto, Calgary, Halifax, Montreal and Vancouver.

The existing by-law provides for peak hour restrictions between 7 a.m. and 9 a.m. and 3:30 p.m. and 5:30 p.m. when work is prohibited on those highways listed in Schedule B, unless permission has been granted by staff. The intent of these restrictions is to ensure that no work is occurring during weekday rush hour periods.

It is recommended to expand the application of these peak hour restrictions to all highways classified as collector roads and above. The proposed application of peak hour restrictions is generally consistent with what is required in other municipalities.

It is recommended that the p.m. peak hour period be extended from 5:30 to 6:00 p.m., based on the current duration of heavy traffic volumes during evening rush hour periods. To ensure flexibility in the ability to respond to individual circumstances, where peak hour restrictions may be warranted on local roads, it is recommended the by-law provide staff the authority to impose such conditions as part of a road cut permit on a case-by-case basis. It is recommended that the peak hour restrictions be limited to weekdays only, excluding statutory holidays, when rush hour volumes are present. The existing by-law does not specify on which days these requirements apply.

Lastly, amendments to the by-law's traffic control requirements are recommended. It is proposed the current section of the by-law that requires the placement and maintenance of warning devices, barricades and traffic signs as part of a road cut be broadened to require anyone working on a highway comply with the Ministry of Transportation's

Traffic Manual Book 7 and applicable Provincial traffic regulations, and Provincial occupational health and safety regulations. This provides staff added authority to require compliance with the necessary traffic control requirements by all persons working on a highway, whether as part of a road cut or road activity, better ensuring the safety of those doing the work and those traveling past the work site.

Enforcement

While currently the by-law provides an administrative framework for obtaining a road cut permit, as well as reference to City standards as to how the work must be done and the quality of reinstatement of the highway, it lacks sufficient tools for staff to enforce these requirements and hold a road cut permit holder accountable for their work.

With respect to road cut permit holders, where they fail to comply with the by-law there are presently two options available to staff; administer a fine, and where the non-compliance involves the failure to satisfactorily reinstate the highway, undertake the work and recuperate the cost through the security posted by the road cut permit holder.

While the ability to issue fines is a necessary element of the by-law's administration, amendments are recommended to clarify the authority to issue, modify, suspend, revoke and refuse permits as another means of promoting compliance with the by-law. Specifically, it is recommended that the by-law include clear language authorizing the General Managers of either the Planning, Infrastructure and Economic Development or Transportation Services Departments to:

1. Issue a road cut permit subject to such conditions as is considered appropriate, and at any time alter, revoke or add conditions to a road cut permit;
2. Suspend or revoke a road cut permit if there are reasonable grounds to believe the work poses a danger to persons or property, the road cut permit was issued in error or on the basis of false information, or there are issues of non-compliance; and,
3. Refuse to issue a road cut permit until the applicant has explored less invasive and disruptive options for performing the work, completed work or rectified matters of non-compliance related to previously issued road cut permits, paid any outstanding fees or costs owing to the City, or demonstrated an understanding of his or her responsibilities under the by-law and applicable legislation to perform

the work safely and in accordance with the City's standards.

In making this authority clear, staff are better able to ensure work is done safely and in accordance with the by-law, while setting clear expectations for those persons seeking to work on a highway.

The inclusion of authority to issue stop work and corrective work orders, as well as to collect and require the production of documentation as part of an inspection is recommended. With this authority staff would have the ability to issue orders to cease actions that do not conform to the by-law, and where necessary, order corrective action. Staff would also have the necessary authority to require the production of documents, such as evidence related to the type of asphalt used, to ensure compliance with City standards. The addition of this authority is in keeping with the approach to by-law enforcement prescribed in other City by-laws, such as the Site Alteration By-law (By-law No. 2018-164).

Securities

Comprehensive changes are recommended as to when security for work must be posted, and from whom this security is collected. These recommendations are guided by the objective of ensuring the City is holding security from the right party for the right amount.

In the context of development there may be multiple road cut permit holders who have performed work to service a building, as well as damage to the highway from construction activities. Presently the by-law lacks the ability to obtain a guarantee from a developer or builder to coordinate the reinstatement or repair of the highway, and furthermore provides no authority for staff to require from a developer the broader resurfacing of multiple cuts to improve the overall quality of the roadway reinstatement. The result, particularly along local roads where infill development is prevalent, is a significant patchwork of road cut reinstatements impacting the surface rideability of the road.

In addition to securing work done under a road cut permit, to obtain a guarantee from a developer or builder to maintain and if necessary repair the abutting highway, and to provide for a resurfacing of road cuts associated with their development, amendments are recommended which:

1. Continue to place the responsibility on the road cut permit holder to properly reinstate the work in accordance with the by-law;
2. Hold a developer or builder accountable to repair any damage to the highway abutting their property, maintain it in a satisfactory condition throughout the duration of construction, and where associated road cuts are undertaken, provide for the permanent reinstatement of these cuts within the boulevard (with the road cut permit holder providing for the permanent reinstatement of the cuts within the roadway, and the temporary reinstatement of cuts within the boulevard); and,
3. Provide staff the authority to require a developer to provide for the resurfacing of multiple road cuts associated with their project where the number of cuts exceeds a defined threshold, and the cuts are within a maximum distance of each other.

To achieve this, changes to the amount of security taken as part of a road cut permit, as well as the introduction of two new instances where staff may require security from a developer or builder as a guarantee with respect to their obligations identified above, are recommended.

The existing amount of security required to be posted as part of a road cut permit was set in 2003 when the by-law was passed, and has not increased. For a single road cut permit, an applicant must post a minimum of \$2500 as a guarantee for the work. Should the road cut permit holder fail to properly carry out the work, and the City is forced to act, it would have \$2500 available to mobilize and perform the work. While the amount of work under a road cut permit may vary, based on current standing offer rates this amount would not be sufficient to cover the cost of reinstating a standard three-metre wide service trench extending from the roadway to a property line.

In determining an amount that is sufficient to cover the cost of the work should the City have to draw upon the security, the average cost of reinstating a service trench to a residential development was determined. This involved reviewing the size and content of the boulevard abutting the lots of all residential infill developments undertaken in 2017 (i.e., developments that fell below the threshold of requiring Site Plan Control Approval at that time). In each instance the cost of reinstating the boulevard along the width of the building (which may have included a driveway, sidewalk and curb), as well as a three-metre wide trench extending across two lanes of traffic (approximately 8.5

metres) was calculated using current standing offer rates. From this an average reinstatement cost was determined to be approximately \$3000 for the reinstatement of the roadway portion, and \$3000 for the reinstatement of the boulevard.

It is recommended that the amount of security required for an individual road cut permit be no less than \$6000, and where work is confined to either the roadway or boulevard, the amount required be no less than \$3000. This amount of security provides the City with financial protection based on a common type of road cut (i.e., the installation of services). As compared to requiring securities based on the value of the work proposed under each road cut, the proposed approach provides certainty for road cut permit applicants while being administratively efficient.

In keeping with the above proposed increase in the context of an individual road cut permit, recommended increases in the amount of security that may be posted to cover either a defined number of road cut permits, or an unlimited number of permits that are still within their warranty period are also proposed. The opportunity to post a larger security at a reduced, pro-rated amount provides a more efficient means of doing business for utilities or contractors who continually apply for road cut permits, and represents an acceptable risk to staff, as the City may draw upon a larger amount to cover the cost of doing any necessary work. Table 2 below provides an overview of the new minimum required amounts of security proposed:

Table 2 – Road Cut Permit Security – Comparison of Current and Proposed

| Existing | Proposed |
|--|--|
| \$2,500.00 (per permit) | \$3,000.00 for roadway (per permit) \$3,000.00 for boulevard (per permit) |
| \$25,000.00 (up to 10 permits in warranty period) | \$50,000.00 (up to 20 permits in warranty period) |
| \$50,000.00 (unlimited permits in warranty period) | \$100,000.00 (unlimited permits in warranty period) |

During construction on private property, regardless of whether the project includes any associated road cuts, there may be a risk of damage to the abutting highway. Heavy machinery may damage asphalt roads, sidewalks and grass boulevards, and materials left in the boulevard may also result in damage.

It is recommended that the by-law be amended to require the developer or builder to: maintain the highway so as to allow safe passage; repair any damage to the highway as a result of construction; maintain and rectify any deficiencies in the temporary reinstatement of a road cut within the boulevard; and at the conclusion of construction, permanently reinstating any road cuts in the boulevard.

The benefit of dividing such responsibility between the road cut permit holder and the developer or builder is that with construction lasting for months or even years, the road cut permit holder (following the completion of the permanent reinstatement of the roadway, and temporary reinstatement of the boulevard to the City's satisfaction) may begin their warranty and move on to other work. Meanwhile, the developer or builder can maintain and reinstate the abutting highway following construction.

To help guarantee that these obligations are carried out by a developer or builder, it is recommended that the General Manager of the Planning, Infrastructure and Economic Development Department (PIED) be given the authority to require the posting of a Right-of-Way (ROW) Damage Deposit at the time of building permit issuance, for all projects requiring a grading and servicing plan except where a security in relation to protecting the abutting highway has been collected through another means, such as a site plan control or subdivision agreement. Even in such instances, it is not proposed to require the deposit in the context of the construction of porches, decks, verandahs or smaller scale accessory structures, save for those instances where the extent and context of these projects (for example a large porch proposed immediately beside the lot line abutting the boulevard) presents a risk of damage to the highway. Additionally, this deposit would not be collected as part of building permit applications arising out of emergency situations such as repairs due to fire, flood or natural disaster. Following construction and an inspection by staff, the deposit would be returned.

The intent of this deposit is to hold a financial commitment to maintain and repair the abutting highway when the construction is of a size or context that it presents a real risk of damage to the abutting highway. The amount of the ROW Damage Deposit is recommended to be \$3000 for each unit that has its own frontage along the highway

(e.g., a building permit for a semi-detached dwelling would include a ROW Damage Deposit of \$6000). This is based on the amount determined for the boulevard security in the context of an individual road cut permit. To avoid taking multiple securities to cover work within the same area, where a ROW Damage Deposit is obtained, it is recommended there be no requirement to post the \$3000 boulevard security as part of a road cut permit associated with the development.

The collection of a deposit in similar circumstances is done by other municipalities. In Toronto a municipal road damage deposit is taken as part of a building permit (with exceptions similar to those set out above), the amounts for which are approximately \$2600 per residential property, and \$6420 per commercial or industrial property. In Vancouver, damage deposits vary depending on the size of the project, and thus the potential damage to the abutting highway. For single and semi-detached homes, the amount held is approximately \$2000.

Resurfacing of Road Cuts by Developer

Amendments are also recommended that authorize staff to require a developer or property owner to undertake a resurfacing of road cuts associated with the development to the extent directed by the General Manager of PIED. The existing by-law under section 12(e) authorizes the General Manager to require on a case-by-case basis, that a road cut permit holder resurface an area larger than the area of the actual road cut. In such instances, a road cut permit holder must mill the top layer of asphalt to a depth of 40 mm and replace it to the limits directed by the General Manager. The intent of this requirement is to allow the General Manager to direct a broader area of reinstatement, for example to keep new asphalt joints outside of vehicle wheel paths or to provide for a single resurfacing of multiple cuts.

In the existing by-law authority there are no criteria around the application of this requirement. This additional work has an impact on cost and the time it takes to complete the project, making it difficult for clients to plan and price their activities. The existing authority may also only be applied with respect to a road cut permit holder, meaning there is no efficient means of coordinating the resurfacing of multiple cuts done by different road cut permit holders associated with a development project.

Specifically, in the context of infill development, where there is no requirement for Site Plan Control Approval, there is no opportunity to require a resurfacing from the

developer. Amendments are therefore recommended to authorize the General Manager to require a property owner (i.e., developer) to resurface road cuts made as part of the development.

As to when the General Manager would exercise this authority, it is proposed where there is a need for at least three (3) separate excavations associated with the development. Where this threshold is met, the General Manager would require the resurfacing of all road cuts within 12 metres of each other to the extent of the nearest lane, centreline or curb line of the particular cut. These limits are demonstrated in Figure 2.

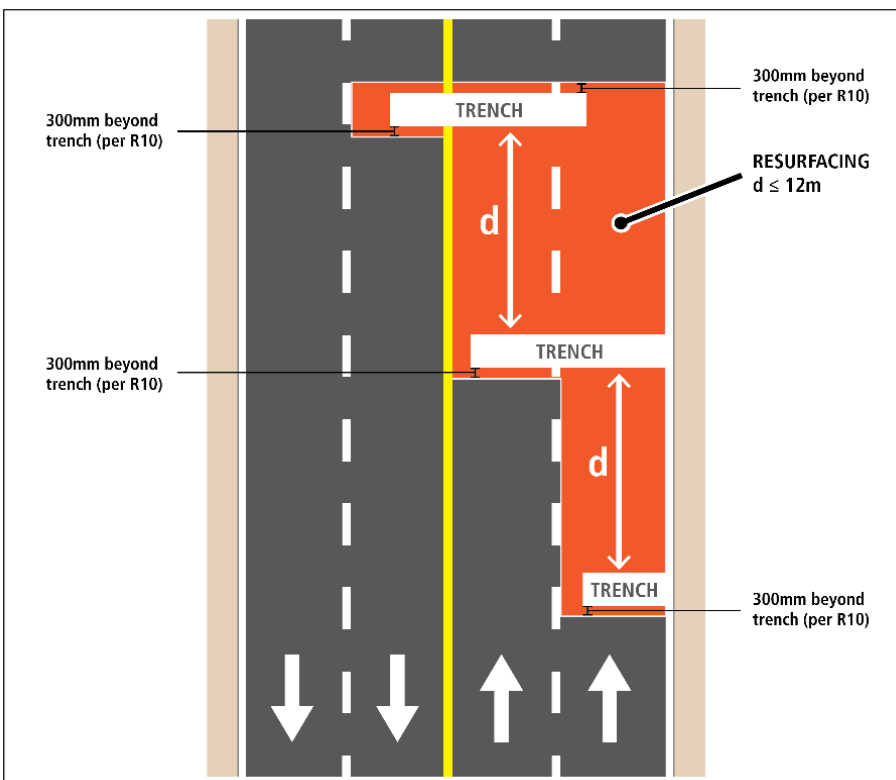


Figure 2 - Extent of Resurfacing Requirement for Development

The intent of requiring a resurfacing where a development includes three (3) or more excavations is to ensure a resurfacing in the context of larger scale developments, while not imposing these added costs on smaller projects. Similarly, the resurfacing of all cuts within 12 metres of each other is based on a standard from Toronto, and is considered a fair distance that meets the objective of improving the reinstatement of multiple road

cuts within close proximity, while not triggering the resurfacing of a wider area where road cuts associated with a development may be spaced out at considerable distances apart.

It should be noted that it is not recommended that these criteria be included within the by-law. Instead it is recommended to continue to allow the General Manager to exercise discretion to develop consistent and clear expectations that allow for adaptation and modification based on monitoring the extent to which these initial thresholds improve the quality of restoration. As a starting point the above criteria strike a fair balance to improve the reinstatement quality of road cuts associated with development. If approved, staff will monitor the implementation and success of these requirements. Furthermore, during phase two of the review, resurfacing criteria in the context of all road cuts, including City works and larger utility installations will be reviewed.

As a matter of business process, staff will work to identify the need for a resurfacing at the time of Grading and Servicing Plan review. However, as development progresses there may be road cuts undertaken as utilities not originally shown on the Grading and Servicing Plan are installed. The existing by-law requires that where a resurfacing is required, staff must notify the permit holder at the time of permit issuance. While this is fair in the context of a road cut permit holder, it leaves no opportunity for staff to require a resurfacing where at the conclusion of development there are three or more excavations. As such, it is recommended that this requirement be removed from the by-law.

Authority for the General Manager to require the developer or property owner to post security for the resurfacing, and enter into a standard commitment to the City setting out their agreement to undertake the work is also recommended where there is no associated Site Plan or Subdivision Agreement. Regarding the amount of the proposed security, as the extent of the resurfacing will vary by project, it is recommended the by-law specify a minimum rate of \$50 per square metre. This rate is based on an assessment of current standing offer rates as to the cost the City would pay if it were to do the work. A requirement to post security and enter into an agreement would be identified to an applicant at the time of Grading and Servicing Plan review.

Insurance

Other recommended changes to road cut permit administration include that the

minimum insurance policy coverage be increased from two to five million. This amount is in keeping with the level of risk this type of work represents, and ensures a road cut permit holder has the necessary financial means should a claim or need to indemnify the City arise.

Road Cut Completion Report

A requirement to submit a road cut completion report within ten working days of finishing the work under a road cut permit is also recommended. The content of this report would be at the discretion of the General Manager of PIED, and it would enable staff to collect key information on the work, including when notification took place and when the work was completed. The report would also serve as a trigger for staff to inspect the work and ensure it was satisfactorily completed. Aside from gathering key metrics, this report will help staff to prioritize inspection work as part of the by-law's administration.

Permission to Temporarily Close a Highway

Under the existing by-law no road cut permit holder may completely close a highway to motor vehicle traffic or one direction of motor vehicle traffic on a divided highway without the permission of staff. Such a requirement ensures the submission and review of additional traffic control measures and detour plans as well as specific control over when the temporary closure may occur. Missing from this section of the by-law is the requirement to obtain such approval in the context of road activity work, as well as any work that will close a cycling lane, or one direction of either cycling or motor vehicle traffic on an undivided highway.

The inclusion of these additional parameters is recommended to ensure the closure of at least one direction of either motor vehicle or cycling traffic for the purposes of any work, whether as road activity or as part of a road cut permit, is not undertaken without specific permission from the City.

Improved Staff and Public Notification

The existing by-law requires there be notification to staff at least two (2) working days in advance of a road cut, or of road activity that will impact mobility on a highway listed in Schedule B. Where the work will cause a significant disruption to traffic, the City or a Public Utility, or requires the rerouting of buses, five (5) working days' notice in advance

of the work commencing must be given to staff.

Similarly, where work will affect private property or its access, at least two (2) working days' notice of a road cut or road activity must be provided to residents of the affected property. At least two (2) working days' notice must also be provided to all residents and businesses beside or near the work when the work is of a major nature or duration and will cause general inconvenience. The by-law also sets-out the minimum content of these notices.

Amendments to these notification requirements are proposed to provide clarity around when notification must be provided, to provide greater notification timelines where there is the potential for greater impacts to mobility, and to improve the content of these notices. These proposed changes are based in part on discussions with utility stakeholders around their notification practices to determine what is proving to be effective, as well as timelines used in other municipalities.

The proposed amendments are described below and are illustrated in Document 4.

For both road activity and road cuts, where the work requires permission to temporarily close a highway (i.e., motor vehicle or bicycle traffic must detour to a different highway) or reroute buses, it is recommended staff be provided at least 15 working days to process these requests, and provided at least two (2) working days' notice in advance of the work start date should it be cancelled. These timelines are necessary for staff to undertake the processing, internal circulation and review of such requests, and to adapt should the work not actually occur. Where the work must be postponed, it is recommended staff be provided with two (2) working days' notice of the postponement, at which point the process of reviewing and circulating the request for a new date would be undertaken again.

For road activity, it is recommended staff are notified at least two (2) working days in advance of the work commencing where it will impact mobility on a highway classified as collector and above under the Official Plan for the City of Ottawa. For the public, where road activity will affect private property or its access, it is recommended at least two (2) working days' notice be provided to the resident, tenant or business of the affected properties.

For road cuts, where the work requires the temporary closing of a highway (as

described above), the rerouting of buses, the closing of a sidewalk with a detour (as opposed to the accommodation of pedestrians through the worksite), or the work will take longer than seven days to complete, it is recommended that at least 10 working days notice be provided to staff (except where a request has already been made to temporarily close a highway or reroute buses), residents, tenants, businesses beside or near the work, as well as the Ward Councillor. In all other instances, it is recommended at least two (2) working days' notice to staff, as well as residents, tenants or businesses beside or near the work be required in advance of the work commencing.

Where work under a road cut is stopped and left in a temporary state for three (3) or more months, for example as part of a seasonal shut-down over the winter, a further notification to both staff and the public in accordance with the above timelines is recommended in advance of the work re-commencing.

In addition to the existing requirements related to the content of these notices, it is recommended the by-law require notice to the public be bilingual, in writing, and identify a contact that is available at any time throughout the duration of the work. Similar requirements are proposed for the project sign that the by-law currently requires be posted at the work site.

With these changes, staff will have the necessary time to process requests to temporarily close a highway or reroute buses, and the public will have greater notice in advance of larger projects that have an impact on mobility, or that directly affect their property, while being kept informed should the work cease over the winter months. These changes will also benefit those undertaking the work by providing clear expectations of those instances where notice is required. It should be noted that road activity and road cuts considered emergencies under the by-law are not subject to the notification provisions.

Warranty Length

Under the existing by-law a road cut permit holder must guarantee their work for a period of three years following its completion. This means that during this time the permit holder is responsible for any repairs resulting from settlement or surface deterioration of the reinstatement. At the end of this period, following an inspection to ensure the work is to the satisfaction of the City, the road cut permit holder may request a return of their securities.

Following a review of the warranty length in other municipalities, a reduction in the warranty length from three (3) to two (2) years is recommended. In light of recommended increases in the amount of existing security and the introduction of new security, this represents a fair opportunity to help reduce the potential financial burden represented by these proposed changes.

Administrative Changes

In addition to the above, Document 1 sets out other amendments of an administrative nature or to clarify language necessary for the effective implementation of the above described changes as well as existing sections of the by-law. These include changes to definition of General Manager, identifying the General Managers of the Planning, Infrastructure and Economic Development as well as Transportation Services Departments (in light of regulations around mobility) as having the authority currently vested with the General Manager under the by-law. Minor changes to the submission requirements for a Traffic Management Plan are also included to ensure staff have sufficient information to review these documents. Lastly, the ability for the notification requirements of the by-law to be fulfilled by someone other than the person undertaking the road cut or road activity is proposed to address situations where work is done under contract with the City, and the City provides the necessary public notification.

Implementation

The extent to which the proposed amendments are successful in enabling the by-law, and by extension staff to achieve the purpose and objectives of the by-law is directly tied to their implementation. With the by-law not having been updated since 2003 and with a number of extensive changes proposed to improve the regulatory and administrative oversight of road activity and road cuts, it is recommended that recommended amendments come into effect on July 1, 2019. All road cut permit applications received up to and including June 30, 2019 will be subject to the existing by-law.

In having these amendments come into effect at a later date, the City is better positioning itself to achieve compliance as this gives staff the time necessary to establish the supporting business processes, including changes to IT systems to integrate these new requirements, and staff training. At the same time, this provides a period of notice and opportunity for education to persons subject to these new

requirements. Lastly, some of these proposed amendments, while justifiable to ensure the proper protection and regulation of the City's highways, create new or additional work, time and financial impacts, this additional time provides a reasonable opportunity for persons subject to the by-law to adapt.

Recommendation 2 – Addition of Two Full-Time Equivalent Positions

A pivotal part of the administration of the by-law and ensuring the protection of the City's highways assets lies with inspections. Without inspecting the work done by a road cut permit holder there is no assurance that the work complies with City standards, that the size of the cut is what was represented at the time of application for the purposes of calculating the pavement degradation fee, and that any deficiencies in the work are identified and relayed to the road cut permit holder for repair during the warranty period. The ability to complete these inspections is continually strained as the number of road cut permits issued each year steadily increases.

To address this, part of the review is the transfer of inspection responsibilities related to the reinstatement of road cuts from Traffic Services in the Transportation Services Department, to the Inspections Branch of the Planning, Infrastructure and Economic Development Branch. Presently, Traffic Management Inspectors within Traffic Services are responsible for not only inspecting the reinstatement of road cuts, but also addressing mobility issues associated with both road cuts and road activity. In moving the responsibility for inspecting the reinstatement of road cuts to the Inspections Branch, which already inspects development and capital construction projects, inspection oversight in relation to work under the by-law is improved. Traffic Services staff are able to focus on mobility issues, while Inspections Branch staff assess reinstatements.

To ensure the Inspections Branch can provide the necessary inspection oversight of road cuts, this report recommends the approval of two new full time equivalent (FTE) positions, specifically Junior Construction Technician are proposed to be created within the branch. The approximate annual cost of these positions is \$190,000. These new positions would be funded directly from road cut permit application fee revenues with no impact on the general tax levy. In addition, one Junior Traffic Inspector is proposed to be transferred from Traffic Services to the Inspections Branch. With these three inspectors in place, the City will be better supported to meet its inspection responsibilities as part of the administration of the by-law.

Recommendation 3 – Approval for Three City Vehicles

To facilitate the work of the new inspectors, funding is requested to purchase three new mid size City vehicles. To support this request, an analysis was completed to review the appropriate vehicle requirements in relation to costs based on projected kilometres per year that the inspectors would be using to complete their daily tasks. It is important to note that these vehicles are required to be highly visible and City identified as they will be active on the City's roads and be interacting with residents, contractors, and other City Departments. Safety is paramount due to the type of work and frequent stops on active roads.

It is anticipated that these Inspectors will be actively on the road every day based on inspection zones. The zones are large and will average high mileage annually. Based on the Audit of City Vehicles the annual review provided by Fleet determines the break even point for costs based on mileage claim rates over the cost of purchasing and operating a City vehicle. The current break even point is 15,000 kilometres. As such, it is projected that these Road Cut Inspectors will be surpassing this mileage amount annually. The Fleet audit contained recommendations related to the cost effectiveness of providing City vehicles for high mileage claimants.

As to purchasing these vehicles instead of leasing, staff completed an analysis of the vehicle requirements and based on the City's Corporate Service's Fleet standing offer, the lease rate for a midsize vehicle meeting the Inspection's Branch criteria is in the range of \$900.00 per month, per vehicle. With three vehicles required, the City would be required to spend \$32,400 per year. The request to purchase three midsize vehicles is estimated to be \$30,000 per vehicle totaling a one time purchasing cost of \$90,000. With the purchasing option, there would be an annual operating cost of approximately \$8,500 per vehicle, per year. The purchase of these vehicles is therefore considered the preferred option.

Conclusion

The approval of the proposed amendments along with additional FTEs for inspections will help ensure the by-law achieves its intended purpose, and help staff to effectively manage work on highways and protect the City's infrastructure.

RURAL IMPLICATIONS

The recommended amendments to the Road Activity By-law are of city wide application, and therefore do have an impact on road cut permits and development in the rural areas.

However, based on an analysis of road cut permits issued between 2016 and 2018, approximately 14% of road cut permits were issued on roads within the rural area (being Wards 5, 19, 20 and 21). Therefore, the impact is much less than within the urban areas of the city.

Conversely, the proposed application of the ROW Damage Deposit in the context of construction on some rural properties may be seen as overly burdensome, where there are large lots that can accommodate the construction activity without intruding onto the highway. This potential concern is mitigated by the recommendation that the requirement for this deposit be left to the discretion of staff, who will monitor its application.

CONSULTATION

Notification of the review, as well as consultation was undertaken with a number of organizations whose members are subject to the Road Activity By-law. This has included providing updates at organization meetings on the review, as well as notifying these organizations when information on proposed changes to the by-law are added to the project website.

At the beginning of the review representatives from these organizations were solicited for a Technical Advisory Committee, which has met four times to discuss the proposed amendments detailed in this report, and which will continue to meet as part of the second phase of the review.

Road Cut Permit applicants have been provided with information on the review, are being directed to the project website, and are advised of the Technical Advisory Committee should they wish to participate.

Consultation with other City Departments who are subject to the Road Activity By-law is also ongoing, and will continue as part of the second phase of the review.

Notification of the review and updates to the project website are also being provided to

the Federation of Citizen's Associations (FCA) and Ottawa Council of Business Improvement Associations. Presentations on the review and the proposed amendments to the by-law have been given to the Transportation Committee of the FCA, and general support for the changes was provided.

Document 3 provides a list of organizations notified of the review and provided with continual updates. This document also sets out a summary of comments received to date in relation to the recommendations of this report, as well as staff responses to each.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations as outlined in this report. Once enacted, the revised Road Activity By-law 2003-445 builds on the existing legal framework and provides additional legal tools to protect municipal infrastructure.

RISK MANAGEMENT IMPLICATIONS

There are risk implications for the City's Highway infrastructure when work occurs within it. These risks have been identified and explained in the report, and the amendments proposed to the Road Activity By-law are designed in part to mitigate these risks.

ASSET MANAGEMENT IMPLICATIONS

The recommendations documented in this report are consistent with the City's Comprehensive Asset Management (CAM) Program objectives.

The implementation of the CAM program results in timely decisions that minimize lifecycle costs and ensure the long-term affordability of assets. The implementation of the CAM program results in timely decisions that minimize lifecycle costs and ensure the long-term affordability of assets. To fulfill its obligation to deliver quality services to the community, the City must ensure that assets supporting City services are managed in a way that balances service levels, risk and affordability.

The recommended approach ensures City assets are managed appropriately and

service levels are maintained, the recommendation supports the delivery of service with the outward focus on community benefit and an inward focus on efficiency and affordability.

FINANCIAL IMPLICATIONS

The amendments to the Road Activity By-law will result in an estimated \$330,000 in external Pavement Degradation Fee revenues. These revenues will be held in an account for the selective resurfacing program beginning in 2020. PG 31 - Pavement Degradation Fee revenues collected from City departments will also be used towards selective resurfacing program beginning in 2020, with the exception of PDF from Public Works and Environmental Services Department (PWESD), which will be held in an account to go towards PWESD's pavement preservation operations.

The additional two FTEs, and the three new vehicles, will be funded from within Right of Way, Heritage and Urban Design Services. Right of Way, Heritage and Urban Design Services' compensation budget will be increased by \$190,000 and 2 FTEs, and the fleet budget will be increased by \$26,000. These increases will be 100% offset by an increase to the Road Cut Permit revenue budget. In addition, a one-time contribution of \$90,000 from operating to capital will be made, and a \$90,000 capital account will be established for the fleet purchases.

ACCESSIBILITY IMPACTS

Members of the Accessibility Advisory Committee were provided with information on the Road Activity By-law review through the project website for their awareness and at the time of publication of this report no comments had been received.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITY

This project addresses the following 2015-2018 Term of Council Priority:

- TM4 – Improve safety for all road users

SUPPORTING DOCUMENTATION

Document 1 List of Phase 1 Proposed Amendments to the Road Activity By-law

Document 2 Proposed Amendments to the Road Activity By-law

Document 3 Stakeholder Consultation List and Consultation Details

Document 4 Proposed Staff and Public Notification Flow Charts

DISPOSITION

Planning, Infrastructure and Economic Development Department to prepare the necessary implementing by-law and forward to Legal Services.

Legal Services to place the implementing by-law on the Council agenda.

Human Resources Department will action any direction received as part of this report.

Document 1 – List of Phase 1 Proposed Amendments to the Road Activity By-law Described in Report

| # | Item | Description of Proposed Change | Proposed Amendment |
|---|--|--|--|
| 1 | Pavement Degradation Fees | Expanded application to more roads. Where Pavement Degradation Fees apply, minimum charge based on an area of five square metres. | <ul style="list-style-type: none"> • Apply on Highway 174, Arterial, Major Collector, Collector and Local roads as defined in the City of Ottawa Official Plan • Minimum charge based on an area of five square metres |
| 2 | Restrictions on Cuts into New Pavement (Roads that have been constructed, reconstructed or resurfaced in last three (3) years) | Expanded application to more roads. | <ul style="list-style-type: none"> • Apply on Highway 174, Arterial, Major Collector, Collector and Local roads as defined in the City of Ottawa Official Plan • No changes proposed to current exemptions |
| 3 | Traffic Management Plan | Expanded application to require a TMP as part of road cut permit application on more roads | <ul style="list-style-type: none"> • Apply where road cut on Highway 174, Arterial, Major Collector, and Collector roads as defined in the City of Ottawa Official Plan |
| 4 | Peak Hour Restrictions | Expanded application to more roads. | <ul style="list-style-type: none"> • Apply on Highway 174, Arterial, Major Collector, |

| # | Item | Description of Proposed Change | Proposed Amendment |
|---|--------------------------------------|---|---|
| | | | <p>and Collector roads as defined in the City of Ottawa Official Plan</p> |
| | | Extended PM peak hour period by half an hour. | <ul style="list-style-type: none"> • 3:30 to 6:00 p.m. |
| | | Authority to apply on local roads. | <ul style="list-style-type: none"> • Clarify authority to extend peak hours on applicable roads and apply on local roads on a case by case basis |
| 5 | Staff and Public notice requirements | Changes to timelines for notification to staff in advance of work commencing | <ul style="list-style-type: none"> • See proposed notification process in Document 4. |
| | | Changes to timelines for notification to the public in advance of work commencing | <ul style="list-style-type: none"> • See proposed notification process in Document 4. |
| 6 | Project Sign and Notice requirements | Notices to be in writing and both notices and project signs to be bilingual with additional text to be included on project sign | <ul style="list-style-type: none"> • Notices must be in writing and bilingual • Notices must identify details of the work, its duration, who is doing it and a contact number. • Project sign must be bilingual, describe the work, and identify the permit holder and a contact |

| # | Item | Description of Proposed Change | Proposed Amendment |
|---|---|--|--|
| | | | number. |
| 7 | Permit approval, refusal, modification, suspension or revocation. | Clarification of authority to approve with conditions, refuse, modify, suspend or revoke road cut permits. | <ul style="list-style-type: none"> • A Road Cut permit may be issued with conditions • A Road Cut Permit may be modified • A Road Cut Permit may be suspended or revoked under specific instances specified in the by-law: • A Road Cut Permit may be refused until the applicant has, for example, rectified any deficiencies related to existing road cut permits. |
| 8 | Security for Road Cut Permit | Change in amount of security required to be posted for a road cut permit | <ul style="list-style-type: none"> • Individual permit: <ul style="list-style-type: none"> ○ \$3,000 for work within the roadway ○ \$3,000 for work within the boulevard • For up to 20 Road Cut Permits within warranty period: \$50,000 • For an unlimited number of Road Cut Permits within warranty period: \$100,000 |

| # | Item | Description of Proposed Change | Proposed Amendment |
|----|--|--|--|
| 9 | ROW Damage Deposit | <p>Posting of deposit by Developer / Builder as guarantee against damage to the ROW associated with construction, and that any road cuts within the boulevard are permanently reinstated.</p> <p>Developer / Builder responsible for permanent reinstatement of any Road Cuts within the boulevard (curb to property line of development).</p> | <ul style="list-style-type: none"> • \$3,000.00 per vertically divided unit • When required based on staff determination of risk of damage, and generally when building permit requires a Grading and Servicing Plan • Not applicable where Site Plan Control or subdivision approval applies to the project • Released at end of construction following inspection |
| 10 | Resurfacing of multiple road cuts made to install services for a development | New requirement for Developer / Builder to resurface multiple road cuts made in association with their development | <ul style="list-style-type: none"> • Expanded application of Section 12(e) for staff to require that a Developer / Builder resurface road cuts associated with the development. • Staff would require where there are at least three separate road cuts as part of development. • Extent of resurfacing would include all road cuts within 12 metres of each other to the nearest |

| # | Item | Description of Proposed Change | Proposed Amendment |
|----|---|--|---|
| | | | laneline, centerline or curb of the road cut. |
| 11 | Security and Agreement for Resurfacing Associated with Development | Developer / Builder to enter into standard form agreement and provide security to resurface multiple road cuts associated with the development | <ul style="list-style-type: none"> • Rate of \$50 per square metre based on the extent of the milling and paving of asphalt required • Not applicable where development subject to Site Plan Control or subdivision approval. |
| 12 | Insurance | Increase in coverage limit | <ul style="list-style-type: none"> • 5 million per occurrence |
| 13 | Road Cut Completion Report | Submission of report following the completion of the work under the road cut permit. | <ul style="list-style-type: none"> • Road Cut Completion Report must be submitted within 10 business days of completing the final reinstatement. |
| 14 | Enforcement authority | <p>Authority to require documents as part of inspection.</p> <p>Stop work and corrective work orders.</p> | <ul style="list-style-type: none"> • Authority to require documents as part of an inspection. • Authority to issue stop work and corrective work orders. |
| 15 | Clarification of traffic control requirements and applicability to road | Modification of Section 21 to address applicable traffic safety requirements. | <ul style="list-style-type: none"> • Revised wording to speak generally to compliance with applicable legislation including MTO Book 7 • Road activity proposed to be subject to this |

| # | Item | Description of Proposed Change | Proposed Amendment |
|----|-------------------------------------|--|--|
| | activity | | section. |
| 16 | Temporary road closure requirements | Apply to road activity and specify that closure of cycling lanes requires approval under this section. | <ul style="list-style-type: none">• Road activity included• Closure of a cycling lane in one direction included• Closure of cycling lane requires temporary road closure approval. |
| 17 | Warranty length | Reduce existing three (3) year warranty period. | <ul style="list-style-type: none">• Two years |

Document 3 – Stakeholder Consultation List and Consultation Details

Stakeholder Consultation List:

- *City of Ottawa Utility Coordination Committee*
- *National Capital Heavy Construction Association*
- *Ottawa Construction Association*
- *Consulting Engineers of Ontario*
- *City of Ottawa Development Review Sub-Committee*
- *Greater Ottawa Home Builders Association (GOHBA)*
- *Building Owners and Managers Association*
- *Ontario Association of Architects*
- *Bonded Contractors (Road Cut Permit holders)*
- City Departments subject to the Road Activity By-law
- Federation of Citizen’s Associations of Ottawa (FCA)
- Ottawa Council of Business Improvement Areas

NOTE: Italicised stakeholder organizations identify those from which representation was solicited for the Technical Advisory Committee associated with the review.

Consultation Details:

| Organization | Comment | Staff Response |
|---------------------|---|---|
| GOHBA | What is the City’s authority to restrict road cuts on highways that have been constructed, reconstructed or resurfaced in the last three years? | The Municipal Act, 2001 authorizes the City to regulate and protect highways. |
| | A waiver from the above | Section 4(15)(a) of the by-law |

| Organization | Comment | Staff Response |
|--------------|--|--|
| | <p>restriction in the by-law should be automatic for projects that have gone through Site Plan Control.</p> | <p>provides authority to the General Manager of PIED to permit a road cut despite the restriction. This authority includes instances where a road cut must be done to install services for a building. Road Cut Permit applicants must request this waiver at which time staff can review how the work is proposed to minimize disturbance of the highway.</p> <p>While no changes are proposed to this authority, as part of phase two of the review staff will be examining existing business processes.</p> |
| | <p>It is not clear in Section 14 of the by-law who is eligible for a waiver.</p> <p>This needs to be explicit.</p> | <p>As noted above, section 4(15)(a) provides authority to the General Manager of PIED to issue a road cut permit on roads that have been constructed, reconstructed or resurfaced within the last three years if satisfied that the work must be done, such as for development.</p> <p>However, staff are also working to make sure information related to the City's capital construction and resurfacing programs are available as part of the development application process</p> |

| Organization | Comment | Staff Response |
|--------------|--|---|
| | | to help coordinate these works and reduce such requests. |
| | <p>The proposed amendments as currently drafted have the potential to increase administrative burden and cost by layering deposits and fees at different times in the process.</p> <p>Will the new securities be applicable for projects subject to Site Plan Control or Subdivision approval?</p> | <p>It is recommended that the by-law state that any proposed security to guarantee work by a builder or developer will not be applicable where the project is subject to a Site Plan or Subdivision Agreement, through which security to protect the abutting highway has already been collected.</p> |
| | <p>Increased fees will have a disproportionate effect on smaller infill builders, rather than larger builders who utilize plans of subdivision and site plans more often</p> | <p>The recommended authority for the General Manager of PIED to require a resurfacing in the context of a development is proposed to be applied where there are three or more associated excavations, and that those excavations within 12 metres be resurfaced together. This approach places reasonable parameters around the application and extent of a required resurfacing and as a starting point is designed to apply to larger developments.</p> |
| | <p>There is duplication in various fees that address the same concern</p> | <p>The proposed amendments are set up to reduce and where possible avoid the instance of two persons providing security in</p> |

| Organization | Comment | Staff Response |
|--------------|---|---|
| | <p>A builder will pay a pavement degradation fee (PDF) and still be responsible to resurface areas with multiple cuts.</p> | <p>relation to work in the same space.</p> <p>The intent of PDF is financial compensation for the accelerated decline in the roadway pavement from the road cuts.</p> <p>Even with a broader resurfacing of the top layer of the pavement there is still an impact to the pavement structure. Thus PDF should still be collected.</p> <p>The extent of the PDF is based on the size of the excavation, and not the size of the resurfacing.</p> |
| | <p>There is overlap between the security for the development resurfacing (\$50/ M2) and security for Road Cut Permit (\$3000 per permit). Both are deposits that cover the reinstatement of trenches in the road.</p> | <p>These securities cover the different things:</p> <ol style="list-style-type: none"> 1. They guarantee work done by two different groups 2. Where a resurfacing is required this work is expected to occur at the end of the construction project which could be a year or more after the road cuts are reinstated. During the intervening period any deficiencies in the road cut reinstatement are the |

| Organization | Comment | Staff Response |
|--|--|---|
| | | <p>responsibility of the road cut permit holder. When the resurfacing is done the associated security is a guarantee for that resurfacing work.</p> |
| | <p>Would the City consider accepting a bond as security, as is currently being looked at as an alternative option for security under subdivision agreements?</p> | <p>This is recommended for inclusion within the by-law.</p> |
| | <p>Since a resurfaced road could invoke a restriction on road cuts, the City is obligated to provide sufficient notification to affected landowners/projects. The By-law must provide for sufficient notice in advance of a planned resurfacing, as well as direction on how to appeal for a delay if necessary.</p> | <p>Staff are working to make available the construction forecasting map, which provides the City's plans for capital works.</p> <p>This will help to provide information to developers and builders on upcoming highway reconstruction and resurfacing projects</p> |
| | <p>The By-law needs to explicitly state what qualifies road work as "of major nature or duration" and a "general inconvenience" under public notification obligations.</p> | <p>Agreed. The recommendations of this report address this issue and recommend specific triggers around public notification.</p> |
| <p>Valecraft Homes (in addition to comments submitted by</p> | <p>A three-year restriction on all road cuts is a heavy-handed response from the City. This approach ignores the reality that development is reliant on public</p> | <p>Changes to existing restrictions on the issuance of road cut permits on highways that have been constructed, reconstructed or resurfaced within the last</p> |

| Organization | Comment | Staff Response |
|------------------------------------|--|---|
| GOHBA) | <p>services and public services are almost always located within rights-of-way.</p> <p>It is understood the City's desire to minimize road cuts on recently paved roads. Developers also share this concern, as every road cut comes at a cost to us as well.</p> <p>Our focus should be on keeping road cuts to a minimum at all times rather than on prohibiting them for an arbitrary period. This supports the efficient use of public services.</p> | <p>three years are not proposed in this report.</p> <p>Similarly, no changes to those instances where a road cut permit may be issued during this period are proposed in this report.</p> <p>Staff are working to improve the coordination of road cuts for construction and the City's capital reconstruction and resurfacing program. This includes making information on this program available to developers.</p> |
| Bell Canada | <p>The proposed expansion to require the submission of a Traffic Management Plan as part of a road cut permit application, as well as application of peak hour restrictions on more categories of roads is unreasonable and will require further administrative effort and restrictions on hours of work.</p> | <p>These recommended changes are seen as necessary to ensure the proper management of impacts to mobility resulting from work on highways, and are in keeping with the requirements of other municipalities of comparable size.</p> |
| FCA Transportation Committee | <p>Consideration needs to be given to how persons can contact the City if there are accessibility issues at a worksite on a highway.</p> | <p>As detailed in this report, changes to public notification requirements are proposed which look to provide a longer notice period in the context of work that will impact mobility.</p> |

| Organization | Comment | Staff Response |
|--------------|---|---|
| | | <p>Notice content is also recommended to require permit holder contact information to enable the public to obtain additional information about the work, its location and duration.</p> <p>Additionally, this report identifies how inspection oversight is recommended to be augmented. This will help to improve oversight of work, and the City's ability to address service requests associated with this work.</p> <p>Staff will work to ensure that 311 information and contacts are up-to-date to help with addressing issues related to mobility.</p> |
| | <p>Residents need to be advised as to what the reinstatement work will include when notified of a road cut.</p> | <p>Along with the recommended changes to notification contained in this report, staff are working with stakeholders to improve the content of notices through the development of notification templates.</p> |
| | <p>Community associations should be notified as part of the public notification.</p> | <p>The recommended changes to public notification requirements identify that in the context of larger work, the Ward Councillor is to be notified.</p> |

| Organization | Comment | Staff Response |
|--------------|---|---|
| | | <p>Having such information provided to community associations by the Ward Councillor best ensures that it is given to the current contacts for the applicable area.</p> |
| Hydro Ottawa | <p>The expanded application of restrictions on cuts into new pavement to more roads will result in additional cost to Hydro Ottawa depending on the frequency of cuts on not arterial roads</p> | <p>The purpose on these restrictions is to help protect the City's road infrastructure, and to encourage the coordination of works.</p> <p>Where unforeseen cuts into a highway that has been constructed, reconstructed or resurfaced within the last three years must be made, the City has a process for assessing and approving this work.</p> |
| | <p>The requirement to provide a Traffic Management Plan as part of a road cut permit application on more roads will increase cost and result in possible delays. Is a TMP really needed?</p> | <p>A Traffic Management Plan (TMP) is a two-page document submitted as part of a road cut permit application that identifies key information used to assess the potential mobility impacts the work may have, and develop any necessary conditions on the permit to help mitigate these impacts.</p> <p>To ensure that impacts on mobility can be effectively managed on the City's highways,</p> |

| Organization | Comment | Staff Response |
|--------------|--|--|
| | | <p>it is recommended that a TMP be required on all roads classified as collector and above.</p> <p>Staff are working to develop standard traffic management conditions to help improve the review time for a TMP</p> |
| | <p>Where the City is proposing to require a pavement degradation fee based on a minimum cut size of five square metres, how is this calculated where there are multiple cuts under one permit?</p> | <p>The minimum cut size of five square metres is based on the administrative effort of inspecting the cut outweighing any PDF received in the context of a small cut.</p> <p>Where there are multiple cuts under a permit, each of which being less than five square metres, but cumulatively adding up to more than five square metres, PDF would be charged based on the actual total amount, and not the number of cuts at five square metres each.</p> |

Document 4 – Proposed Staff and Public Notification Flow Charts

