

**Transportation Committee  
Report 10  
September 2, 2020**

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**Councillors' Items**

**Councillor S. Menard**

Installation of Safety Enhancements on Bank Street Canal Bridge

ACS2020-OCC-TRC-0010

CAPITAL (17)

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**Report recommendations**

**That the Transportation Committee recommend that Council approve:**

- 1. The proposed conceptual design of Bank Street Bridge, as described in this report;**
- 2. That \$300,000 be moved from project #909077 RCFS Facility Upgrades from funds allocated to Capital Ward Splashpad Project no longer moving ahead to project # 908587 Bank St. Canal Bridge and Culvert project.**
- 3. That this project be a candidate to receive future stimulus funding from the Federal or Provincial Governments related to infrastructure in support of active transportation.**

Prior to receiving delegations, Councillor Menard introduced the following motion:

WHEREAS the report entitled, "Installation of Safety Enhancements on Bank Street Canal Bridge" (ACS2020-OCC-TRC-0010) was distributed with the Transportation Committee Agenda of 2 September 2020; and

WHEREAS the Legal Implications and Accessibility Impact sections are mandatory components of every report; and

WHEREAS since the distribution of the original report, Councillor Menard has had an opportunity to work with staff in Legal Services and the Corporate Accessibility Office to bolster the report's accessibility considerations, including consideration for consultations with the City's Accessibility Advisory Committee; and

WHEREAS the revised Legal Implications and Accessibility sections, attached as Document 1 and Document 2 to this motion, should be included in the report before the report rises to Council;

THEREFORE BE IT RESOLVED THAT Transportation Committee approve the revisions to pages 15 - 16\* of the report, attached to this Motion as Document 1 and 2, the Legal Implications and Accessibility Implications sections, and replace it in the report to Council on 9 September 2020.

*\*See Appendix A attached*

The committee heard from the following three delegations in support of the report recommendation.

- Michael Powell
- Barbara Greenberg\*, Bike Ottawa
- Sue Neill\*, Old Ottawa South Community Association

The delegations acknowledged the need for increased safety for all road users crossing the bridge and believe the proposed multi-use pathway is a positive solution.

Written correspondence was also received from the following:

- Email dated August 27 from Graham Carpenter
- Email dated August 27 from Tom Lawson
- Email dated August 27 from Wallace McLean
- Email dated August 28 from David Brown
- Email dated August 28 from the Glebe Community Association
- Email dated August 31 from Heather Thomson
- Email dated August 31 from Eric Bing
- Email dated September 1 from the NCC

*[\* Individuals / groups marked with an asterisk above provided written submissions; all submissions are held on file with the City Clerk.]*

Having concluded discussions, the committee considered the following motion:

**Motion No. TRC 2020-10/2**

Moved by Councillor S. Menard

**WHEREAS the report entitled, "Installation of Safety Enhancements on Bank Street Canal Bridge" (ACS2020-OCC-TRC-0010) was distributed with the Transportation Committee Agenda of 2 September 2020; and**

**WHEREAS the Legal Implications and Accessibility Impact sections are mandatory components of every report; and**

**WHEREAS since the distribution of the original report, Councillor Menard has had an opportunity to work with staff in Legal Services and the**

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**Corporate Accessibility Office to bolster the report's accessibility considerations, including consideration for consultations with the City's Accessibility Advisory Committee; and**

**WHEREAS the revised Legal Implications and Accessibility sections, attached as Document 1 and Document 2 to this motion, should be included in the report before the report rises to Council;**

**THEREFORE BE IT RESOLVED THAT Transportation Committee approve the revisions to pages 15 - 16\* of the report, attached to this Motion as Document 1 and 2, the Legal Implications and Accessibility Implications sections, and replace it in the report to Council on 9 September 2020.**

*\*See Appendix A attached*

CARRIED

The Committee then CARRIED the report as amended.

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**Annex A** – Revised Legal and Accessibility Implications section for report *Installation of Safety Enhancements on Bank Street Canal Bridge*

### **Document 1 - Legal Implications**

There may be legal impediments to the approval of the proposed conceptual design.

The Integrated Accessibility Standards Regulation (the “IASR”), being Ontario Regulation 191/11, passed under the Provincial *Accessibility for Ontarians With Disabilities Act, 2005* (“AODA”) contains the Design of Public Spaces Standard. This Standard, in effect for the City since January 1, 2016, prescribes certain technical standards for “new” or “redeveloped” exterior paths of travel such as multi-use pathway (“MUP”). These prescribed accessibility standards apply to an “obligated organization”, which in this case is the City given that the proposed MUP will be on municipal highway.

The City is required to report on its compliance with the AODA to the provincial Accessibility Directorate biannually to confirm that it has its current accessibility requirements under the AODA. Should the City report non-compliance in the accessibility report, it will have to provide an explanation for the non-compliance and the Accessibility Directorate will likely want to see a plan to achieve compliance. Non-compliance with the AODA is subject to review by the provincial director designated under the legislation, and enforcement actions may include inspections and the issuance of orders to produce accessibility reports or to rectify the non-compliance. Such orders are appealable to the designated provincial tribunal. Non-compliance with an order may incur the imposition of administrative penalties or charges.

In exceptional cases, exemptions may be applicable when the obligated organization can demonstrate that it is not practicable to comply with the prescribed standards applicable to exterior paths of travel because existing physical or site constraints prohibit any modification of the site or any addition of elements.

Therefore, the proposed MUP must comply with the applicable AODA standards.

Additionally, the City's own Accessibility Design Standards ("ADS") were developed in 2015 to further enhance the objectives of the AODA. The ADS reinforce the prescribed standards of the AODA and in some instances exceed them. Staff report to Committee and Council on compliance with the ADS on an annual basis.

Furthermore, it is noted that the City's Accessibility Advisory Committee carried a motion at its meeting of May 26<sup>th</sup>, 2020 with the following resolution:

**BE IT FURTHER RESOLVED that, for further clarity, the AAC intends for the safety and accessibility needs of seniors and persons with disabilities to prevail over the needs of other users on Multi-Use Pathways; and**

**BE IT FURTHER RESOLVED that the AAC formally recommends that staff design and construct Multi-Use Pathways in a manner that respects all standards set out in the Human Rights Code, the AODA, the Accessibility Policy, the Accessibility Design Standards and that the City's Equity and Inclusions Lens be applied to ensure the spirit and goals of these authorities also be respected and achieved; and**

**BE IT FURTHER RESOLVED that the AAC formally recommends that staff consult with the Committee and other groups of persons with disabilities to determine best practice for the design of Multi-Use Pathways that ensures safety and accessibility for persons with disabilities and seniors; and**

**BE IT FURTHER RESOLVED that the AAC formally recommends increased communications to residents about safety and proper protocols for Multi-Use Pathways (e.g. when to dismount and walk a bicycle on a multi-use pathway, speed limits, using a bell, etc.); and**

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**BE IT FURTHER RESOLVED that the AAC requests that this motion be circulated to all staff involved in design and construction of Multi-Use Pathways in Transportation Services Department and Planning, Infrastructure and Economic Development Department.**

## **Document 2 - Accessibility Impacts**

The City recognizes that multi-use pathways (MUPs) can create barriers for persons with disabilities, as outlined in the above-noted motion approved by the Accessibility Advisory Committee on May 26, 2020. As part of this motion, the City received advice that pedestrian safety be given priority when designing MUPs.

Accessibility for pedestrians with disabilities will be considered throughout this project by ensuring adherence to the City's *Accessibility Design Standards* and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The Accessibility Advisory Committee (AAC) will be consulted during functional and detailed design stages, including strategies to mitigate the risks to pedestrians with disabilities on the MUPs. The AAC will also be consulted on any effects to transit, including bus stop locations that may be affected. Targeted consultation will also be conducted with the Ottawa chapter of the CNIB, whose office is located at Lansdowne Park. The City's Corporate Accessibility Office will remain available as a resource, including assisting with consultations and ensuring an accessibility "lens" is applied to all stages of the project.