

AGENDA ADDENDUM

COMMITTEE OF THE WHOLE

Monday, April 14, 2014

7:15 p.m.

**Council Chamber, Municipal Hall
355 West Queens Road,
North Vancouver, BC**

Council Members:

Mayor Richard Walton
Councillor Roger Bassam
Councillor Robin Hicks
Councillor Mike Little
Councillor Doug MacKay-Dunn
Councillor Lisa Muri
Councillor Alan Nixon



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7:15 p.m.
Monday, April 14, 2014
Committee Room, Municipal Hall,
355 West Queens Road, North Vancouver

AGENDA ADDENDUM

THE FOLLOWING LATE ITEMS ARE ADDED TO THE PUBLISHED AGENDA

3. REPORTS FROM COUNCIL OR STAFF

3.2 Highway Use Permits

File No. 16.8620.15/009.002

Recommendation:


THAT the Committee of the Whole recommend to Council:

1. THAT staff bring forward amendments to the Street and Traffic Bylaw and Bylaw Notice Enforcement Bylaw in order that, for smaller projects, fines are increased to \$500 for unauthorized use of main arterial roads and \$250 for unauthorized use of local-serving roads.
2. THAT staff report back to Council on a framework to implement a system whereby a fee is charged for unauthorized use of roads and withdrawn from a security deposit that the District receives for a building permit or servicing agreement, and a potential deposit system for specific business licenses.

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Workshop (open to public)	Date: _____


 Dept.
Manager


 GM/
Director


 CAO

The District of North Vancouver REPORT TO COUNCIL

April 9, 2014

File: 16.8620.15/009.002

AUTHOR: Nicole Foth, Transportation Planning Technologist

SUBJECT: Penalties for Unauthorized Road Use

RECOMMENDATION

THAT the Committee of the Whole recommend to Council:

1. THAT staff bring forward amendments to the Street and Traffic Bylaw and Bylaw Notice Enforcement Bylaw in order that, for smaller projects, fines are increased to \$500 for unauthorized use of main arterial roads and \$250 for unauthorized use of local-serving roads.
2. THAT staff report back to Council on a framework to implement a system whereby a fee is charged for unauthorized use of roads and withdrawn from a security deposit that the District receives for a building permit or servicing agreement, and a potential deposit system for specific business licenses.

REASON FOR REPORT

With recent increased development-related construction activity in the District, there are concerns about traffic management. Higher penalties are expected to offer a greater incentive to apply for a road use permit and comply with permit terms and construction traffic management plans.

BACKGROUND

Current practice is that fines are issued by Bylaw Officers for unauthorized use of District roads. The current fine of \$90 seems low for some circumstances. In review of the District's fine and other local municipalities' experiences with unauthorized road use, staff recommend increasing the fine.

Major projects can potentially have a longer duration of impact on traffic movements in the District. Over the past number of months, staff have taken action to educate developers about construction traffic management expectations and have been actively improving public information. By enhancing the penalties for unauthorized road use, the District can increase its influence over development-related construction activities.

EXISTING POLICY Bylaw Notice Enforcement Bylaw 7458, 2004
Currently the fine for unauthorized road use is \$90.

ANALYSIS

The Street and Traffic Bylaw provides that District road space must not be used for unauthorized uses. The Bylaw also requires permit holders to follow permit conditions.

PERMIT FOR TEMPORARY ROAD USE

If the public (e.g. residents, companies, etc.) wants to use District road space for a temporary period, they may apply for a road use permit. In 2012 and 2013, almost 600 permits were issued each year. In 2013, 56% of permits were issued for a road obstruction or closure.

Information about permit requirements is available on the District's webpage. An informational package about authorized road use and road use permits is given during the building permit process and during the planning phase (for larger projects).

FINES FOR UNAUTHORIZED ROAD USE

Most road use infractions are related to smaller projects, thus it is important for the District to have a toolbox that includes a fine. Under current practice, if a District road is used for an unauthorized use, a fine (currently \$90) may be levied for each instance per 24-hour period. The City of North Vancouver's fine is \$500. Other municipalities in the region have a low fine or no fine, although they recognize it is problematic.

In 2013, 58 tickets for unauthorized road use related to a construction site were issued for blocking or affecting traffic flow which created a public safety hazard. The 2013 profile of ticketed infractions is as follows:

- Local-serving roads: 75% on local roads and 14% on collector roads,
- Arterial roads: 10% minor arterial and 1% major arterial,
- Most tickets involved placement of disposal bins, and
- Other tickets were issued for concrete trucks, cranes or placing building materials.

Because of the District's limited number of main arterial roads, unauthorized uses of arterial roads pose a greater potential threat to traffic flow and public safety. Therefore, staff recommend a higher fine for unauthorized use of an arterial road, and a lower fine for unauthorized use of a local and collector road.

Bylaw Officers use discretion when issuing a fine, considering safety hazards, traffic consequences and previous warnings. Besides ticketing, Officers educate the public about the District's street regulations and encourage individuals to apply for permits. Officers may issue warnings and follow up to ensure any necessary permits are obtained.

Besides fines, stop work orders can be issued for non-compliance with Bylaws under the Building Regulation Bylaw. Amendments to this provision can be explored to support traffic management concerns.

FINE MAXIMUMS

Under the Provincial legislation, the Bylaw Notice Enforcement Bylaw can assign a maximum of \$500 per fine. Disputed tickets go through local adjudication.

DEPOSIT AND FEE

In the City of Vancouver, a \$1,500 lane use fee is levied if a private contractor blocks a traffic lane without a permit. With a high fee, Vancouver found a decrease of illegally blocked lanes and contractors are better aware of and abide by bylaws and permits. The deposit for major developments is in the range of \$20,000.

The District could implement a similar fee and deposit system. A potential framework could involve a \$1000 fee deducted for unauthorized road use from a security deposit. For major projects that have a Servicing Agreement, the fee could be withdrawn from its security deposit. Minor changes to the language in the Servicing Agreement would make this possible; no Bylaw changes are necessary. For projects with a Building Permit, the fee could be withdrawn from its security deposit. This would require minor amendments to the Building Bylaw and Street and Traffic Bylaw. If a project does not have a deposit as described above (i.e. small projects), then any road use infractions would fall under the fine structure.

The District could also consider the potential to collect a security deposit through the business license process from contractors who do work or installations in the road (i.e. excavation, gas, electrical, telecommunications).

BYLAW LANGUAGE

In the Street and Traffic Bylaw No. 7125, a public road is called a "highway". For this report, "road" is used for clarity purposes. A "highway" is defined as the "...public right of way lying between two property lines..." This includes roads, sidewalks, boulevards and bicycle lanes in the District; it does not include Provincial Highway 1. The permit for temporary use of "highway" space is a "Highway Use Permit".

TIMING/APPROVAL

Early adoption of this approach and related bylaw amendments would enable staff to take action during the 2014 construction season.

FINANCIAL IMPLICATIONS

If the deposit and fee system is supported by Council, staff will report back on the financial implications for implementation, including staff resources required for administration.

CONCURRENCE

An interdisciplinary staff working group on construction traffic management is now working to address road use issues, including reduction of construction traffic impacts, communication with the public about road use, enforcement, and internal communication. The following internal departments generally support the approach proposed in this report: Bylaw Enforcement, Development Planning, Construction, Streets, and Legal.

CONCLUSION

In order to help manage traffic, public safety and use of District roads, this report concludes the following.

THAT the Committee of the Whole recommend to Council:

1. THAT staff bring forward amendments to the Street and Traffic Bylaw and Bylaw Notice Enforcement Bylaw in order that, for smaller projects, fines are increased to \$500 for unauthorized use of main arterial roads and \$250 for unauthorized use of local-serving roads.
2. THAT staff report back to Council on a framework to implement a system whereby a fee is charged for unauthorized use of roads and withdrawn from a security deposit that the District receives for a building permit or servicing agreement, and a potential deposit system for specific business licenses.

Respectfully submitted,

Nicole Foth
Transportation Planning Technologist

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
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