
CITY OF KELOWNA

MEMORANDUM

Date: January 8, 2007

File No.: 1280-01

To: City Manager

From: Roads & Equipment Superintendent

Subject: **Amendment to City of Kelowna Traffic Bylaw No. 8120**

RECOMMENDATION:

THAT Council direct staff to prepare the amending bylaw as outlined in the report dated January 8, 2007 from Roads and Equipment Superintendent, and bring forward reading consideration of the amending bylaw to the City of Kelowna Traffic Bylaw No. 8120;

AND THAT the recommended fee schedule be implemented March 1, 2007.

DISCUSSION:

It is recognized there is a need to provide the public the ability to travel around the City with the least amount of interruption and highest regard for safety. We conducted a review of the Traffic Bylaw and are recommending the following revisions:

Section 5.1.7 Materials on Highway.

- Add Wording: "Upon completion of construction or at any time during construction where soil accumulates on public roads, sidewalks or in drainage systems as a result of construction activity in the subdivision or development, the Applicant must remove and dispose of the accumulated soil. If the applicant fails to remove or dispose of the accumulated soil within 72 hours or notification from the City Engineer, the City may remove and dispose of the accumulated soil at the expense of the owner."
 - Explanation: Changed wording to match wording used by the Regional District

Section 5.1.9 Materials from Private Property.

- Add wording: "Upon completion of construction or at any time during construction where soil accumulates on public roads, sidewalks or in drainage systems as a result of construction activity in the subdivision or development, the Applicant must remove and dispose of the accumulated soil. If the Applicant fails to remove or dispose of the accumulated soil within 72 hours or notification from the City Engineer, the City may remove and dispose of the accumulated soil at the expense of the owner."
 - Explanation: Changed wording to match wording used by the Regional District

Section 5.4.3 Damage and Security Deposit

- Change wording: "As a prerequisite to the issuance of a road usage permit under 5.4.2 of this Part, the City Engineer may request the applicant to deposit with the City a sufficient sum of money, or irrevocable letter of credit from a chartered bank of Canada if the amount required to be deposited is greater than \$500.00, to secure the payment of the cost of repairing any damage done to the highway and the fulfillment of the obligations imposed by the road usage permit, including the remedy of any deficiencies in the work, and where applicable, the cost of one year's maintenance."

- Explanation: Old wording stated all applications had to include a deposit regardless of size, changed wording to reflect only the applications identified by the City Engineer.

Section 5.4.6 Plans.

- Change to read “The applicant shall provide, in triplicate, accurate plans and specifications for any new works to be undertaken and when such are supplied and approved by the Engineer and the necessary road usage permit issued, the work shall conform in every way to the plans and specifications so provided.”
 - Explanation: Added wording “any new works” as plans are not required for work on existing infrastructure.

Section 5.4.10 Material to Complete Work.

- Change to Read “The applicant shall ensure all materials, labour and equipment which are needed to complete the work within the time period specified are available to the applicant before applying for a **Road Usage Permit.**”
 - Explanation: Wording change to put the onus on the applicant to ensure materials are available.

Section 5.5.2 Issue Hoarding Permits.

- Change Inspection Services to “Transportation”
 - Explanation: Transfer of responsibility

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Section 5.5.3 (d) Issue Hoarding Permits.

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Section 5.5.5 Hoarding Standards.

- Add wording “All applicable schedules shall be submitted to the City Inspection Services Department.”
 - Explanation: Permit will be issued by the Transportation Division but Inspection Services will continue to inspect construction hoarding where it is required.

Section 5.6 Reduced Speed Road Permits.

- Change to read “Where the City has determined that the speed on a particular highway or portion of highway is to be reduced pursuant to subsection 209(1)(a) or 209(1)(d) of the Motor Vehicle Act as amended from time to time, no vehicle with greater than three axles shall be permitted to travel on that highway without first obtaining a Road Usage Permit from the City. The authority to issue such permits is hereby delegated to the City Engineer.
 - Explanation: We do not have a Reduced Speed Road Permit and to avoid creating one we are going to use the Road Usage Permit to cover this.

Schedule B, 10. Accommodation of single lane traffic and pedestrians:

- Rename “Accommodation of traffic, pedestrians and cyclists”
- Add “The contractor, at all times, will provide on an arterial/major road a min. lane width of 3.5m and on all other roads a min. of 3.0m “unless otherwise approved by the City Engineer”. The roadway surface shall be level, free of potholes and other impediments. The Traffic Control Supervisor or designate shall monitor traffic queues, and maintain traffic flow to prevent delay to emergency vehicles. The contractor must maintain adequate lane widths to accommodate the traveling public and to allow for the installation of information signs, channelizing devices and work zone warning devices.”
- Add “The contractor shall provide safe routing for all public traffic such as pedestrians, wheel chairs, bicycles and vehicles. The contractors traffic control plan shall provide for, at all times, adequate separation between the traveling public and work area hazards, active or inactive, such as construction equipment, excavations and construction material, by means of delineation, barricades or fencing etc. or other acceptable means where overhead hazards are present.”

- Explanation: Changed wording to include emphasis on pedestrian and bicycle traffic.

Schedule B, 18. Access to Driveways:

- Add “Suitable alternate parking will be provided. Security will be provided for any vehicles which have been displaced from a secure parking space over night.”
 - Explanation: To place the onus on the applicant to provide alternate secure parking where the residents or occupants are prevented from using theirs.

Schedule B, 20. Care of Excavated Material:

- Change title to “Care of Material:”
- Replace existing wording with “All material associated with a Road Usage Permit shall be placed, maintained and stabilized in such a manner as not to become hazardous to human health, human safety, or the environment, and so that as little inconvenience as possible is caused to those using the highway and any adjoining property.”
 - Explanation: To establish care of all materials, not just excavated material.

Schedule B, 21. Routing of Traffic:

- Change second paragraph to read: “Prior to the issuance of a road usage permit, at the request of the City Engineer, the applicant shall provide the City Engineer with a Traffic Control Plan detailing the measures that shall be taken to ensure the least disruption of traffic.”
 - Explanation: Existing wording requires a Traffic Management Plan for all projects regardless of scope or location. This wording provides the City Engineer the flexibility to request the Traffic Management Plan depending on the scope and/or location of the project.

Schedule B, 22. Signs, Flares, Barricades, Flagpersons:

- Change title to “Traffic Control & Traffic Control Devices:”
- Delete first paragraph
- Change second paragraph to read “The use and placement of any traffic control devices shall be in accordance with the specific terms of the road usage permit issued, and in any event, with all applicable Ministry of Transportation, Occupational Health & Safety Regulations and Work Safe BC Act & Act regulations or policies, and all applicable City policies or bylaws. Signs are to be located off the travelled portion of the highway.”
 - Explanation: Name change to include all traffic control devices. Housekeeping to update the name change from the Ministry of Transportation & Highways to the Ministry of Transportation. Inclusion of Occupational Health & Safety (Work Safe BC) standards.

Schedule B, 23. Breaking Through Pavement:

- Change title to “Breaking Through Surface:”
- Change section (b) to read “Cut pavement or sidewalk neatly along limits of proposed excavation in order that surface may break evenly and cleanly.”
- Change section (c) to read “Sections of sidewalks and curbs being removed shall be removed to nearest existing score line or saw cut edge.”
- Remove section (f).
 - Explanation: Name change to include all surfaces, not just asphalt. Housekeeping on wording for location of cuts.

Schedule B, 24. Trench Safety:

- Change to read “All trench and tunnel excavations and construction shall conform to the safety requirements and regulations, including, but not limited to, those regarding shoring, bracing, cribbing, and ladders, of the Work Safe BC Act & Regulations.”
 - Explanation: Housekeeping, name change for Workers’ Compensation Board of British Columbia.

Schedule B, 26. Restrictions Due to Hazardous Conditions:

- Add “(f) Limitations as to the storage of construction material.”
 - Explanation: Empower the City Engineer with the ability to restrict a Road Usage Permit if materials are not available.

Schedule B, New Section

- Add new section "Care of Construction Materials:
All construction staging or storage area covered by a road usage permit shall be placed, maintained and protected in such a manner as not to become hazardous to human health, human safety or the environment, and that as little inconvenience as possible is caused to those using the highway and any adjoining property."
 - Explanation: Place the onus on the applicant to secure all staging areas and materials.

Schedule C, 2.

- Replace wording with "An overweight or oversized vehicle permit is valid only for the trip(s) or movement and a specific load, which shall be indicated on the permit application."
 - Explanation: Allows the permit to be used for more than one trip. Example: Annual Permit.

Schedule C, 4. (c)

- Change last sentence to read "Such wide loads shall be moved only at times stated on the Permit"
 - Explanation: Housekeeping. Existing wording allows wide loads to only be moved in the daylight. All house moves are done at night.

Schedule A, Part 3, Subsection 3.3.2 Overweight or Oversize Vehicles Permit

- Replace existing rate of \$10 or \$.02 per km of vehicle travel for which the permit is issued, whichever is the greater with \$100 per permit.
 - Explanation: The existing fee is too low to cover the administration costs of collecting it therefore; it is not being collected.

Schedule A, Part 5, Subsection 5.4.2 Road Usage Permit

- Replace existing fee structure with:

<u>Duration of Permit</u>	<u>Fee</u>
Traffic Impedance	Free
1 day or less	\$50
2 days to 7 days	\$200
8 days to 30 days	\$350
More than 30 days	\$350/month
Extension Fee	\$40

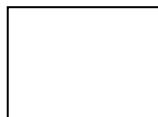
 - Explanation: During the 2007 Budget review Council approved a fulltime position for inspecting construction sites. This funding is required to cover the costs of the approval, processing and inspections.

Schedule A, Part 5, Subsection 5.5.3 Hoarding Permit

- Add the following:

Hoarding < 8 hours	\$50
Hoarding > 8 hours	\$8/m ² /month

 - Explanation: We discourage hoarding on the Right of Way but at times can not be avoided. This fee is to cover the costs for approval, processing and inspections required. Includes roll-off containers, office trailers, tool trailers, construction hoarding, etc.



Dale Beaudry
Roads & Equipment Superintendent

Approved for inclusion:
John Vos
Director of Works & Utilities