

1. TRAFFIC AND PARKING BY-LAW - CONTROLLED-ACCESS ROADS/HOV LANES

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council approve:

1. That the Traffic and Parking By-law No. 1 of 1996 be amended to;
 - (a) establish the new regulations for controlled-access roads and HOV lanes, as described in the report;
 - (b) designate;
 - (ii) Regional Road 174 (former Highway 17) between Highway 417 and Regional Road 57 (Trim Road);

as a controlled-access road;

 - (c) amend Section 73 by adding the phrase “motor assisted bicycle” immediately following the word “bicycle”;
 - (d) amend Schedule XXVIII to prohibit bicycles, motor assisted bicycles and animals on the section of Regional Road 174 designated as a controlled-access road;
 - (e) amend Schedule XVIIIID to prohibit pedestrians on the section of Regional Road 174 designated as a controlled-access road, and;
 - (f) amend Section 1 by deleting the phrase “Section 36 of the *Public Transportation and Highway Improvement Act* or” from the definition of “controlled-access road”;
2. That the Environment and Transportation Commissioner be delegated the authority to establish HOV lanes and controlled-access roads, as required, subject to Council approved and Departmental policies, and in accordance with the provisions of the Traffic and Parking By-law No. 1 of 1996, as amended.
3. That Section 1, Definition 19(a) be amended to read: “high occupancy vehicle or HOV means a motor vehicle carrying three or more persons including the driver.

- 4. That a letter be sent to the National Capital Commission requesting their acceptance of Motion 3, above.**

DOCUMENTATION

1. Director, Mobility Services & Corporate Fleet Services report dated 29 Dec 97 is immediately attached.
2. Extract of Draft Minute, Transportation Committee 18 February 1998 immediately follows the report and includes a record of the vote.

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
 MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

REPORT
 RAPPORT

Our File/N/Réf. 25 21-97-1000
 Your File/V/Réf.

DATE 29 December 1997

TO/DEST. Co-ordinator Transportation Committee

FROM/EXP. Director Mobility Services and Corporate Fleet Services
 Environment and Transportation Department

SUBJECT/OBJET **TRAFFIC AND PARKING BY-LAW - CONTROLLED-ACCESS
 ROADS/HOV LANES**

DEPARTMENTAL RECOMMENDATIONS

That the Transportation Committee recommend Council approve:

- 1. That the Traffic and Parking By-law No. 1 of 1996 be amended to;**
 - (a) establish the new regulations for controlled-access roads and HOV lanes, as described in the report;**
 - (b) designate;**
 - (I) Regional Road 79 (the Airport Parkway) between Bronson Avenue and the MacDonald-Cartier International Airport, and;**
 - (ii) Regional Road 174 (former Highway 17) between Highway 417 and Regional Road 57 (Trim Road);**

as controlled-access roads;
 - (c) amend Section 73 by adding the phrase “motor assisted bicycle” immediately following the word “bicycle”;**
 - (d) amend Schedule XXVIII to prohibit bicycles, motor assisted bicycles and animals on the section of Regional Road 174 designated as a controlled-access road;**

- (e) **amend Schedule XVIIIID to prohibit pedestrians on the section of Regional Road 174 designated as a controlled-access road, and;**
 - (f) **amend Section 1 by deleting the phrase “Section 36 of the Public Transportation and Highway Improvement Act or” from the definition of “controlled-access road”;**
2. **That the Environment and Transportation Commissioner be delegated the authority to establish HOV lanes and controlled-access roads, as required, subject to Council approved and Departmental policies, and in accordance with the provisions of the Traffic and Parking By-law No. 1 of 1996, as amended.**

INTRODUCTION

The Traffic and Parking By-law has to be amended to include provisions for the implementation of High Occupancy Vehicle (HOV) Lanes and the designation of select roads as controlled-access roads. Even though these are two separate subjects, they will both be in the same part of the Traffic and Parking By-law as consecutive sections; therefore, for expediency they are both discussed here.

BACKGROUND - CONTROLLED-ACCESS ROADS

The Corporation has recently assumed jurisdiction over two roads that were designated as controlled-access roads by their former owners. The two roads in question are the Airport Parkway (now Regional Road 79), and former Highway 17 (now Regional Road 174) from Highway 417 (the split) to a point 500 m east of Trim Road (Regional Road 57). Like the former owners, the Region is authorized to designate these roads as controlled-access roads, but an amendment to the Traffic and Parking By-law is required to implement that authority.

A controlled-access road gives preference to through traffic by providing access connections with selected roads only, by prohibiting crossings at grade and direct private driveway connections. As well, controlled-access roads are usually high speed roads where it is desirable to prohibit animals and such activities as walking and bicycling.

BACKGROUND - HIGH-OCCUPANCY VEHICLE LANES

HOV lanes are roadway lanes that may be used only by public transit vehicles, taxis and automobiles carrying a minimum number of occupants (usually three). They are intended to encourage automobile users to form car-pools, leading to an overall reduction in automobile use.

At present there are no HOV lanes in Ottawa-Carleton, but the City of Hull has implemented them on Maisonneuve and Taché Boulevards and the National Capital Commission has implemented them on the Portage Bridge.

The authority for the Region to establish HOV lanes is found in subsection 32(2) of the Regional Municipalities Act. The authority for staff to implement HOV lanes is in Section 2.5.4 of the recently approved Transportation Master Plan, which states:

“Council shall consider high-occupancy vehicle lanes as a potential transit priority measure, where required, on Regional roads.”

PROPOSED BY-LAW AMENDMENTS

The Traffic and Parking By-law No. 1 of 1996 will have to be amended to include provisions for the establishment of HOV lanes and controlled-access roads. It is therefore recommended that the following new headings and sections be added to the by-law immediately following Section 41A:

RESERVED HIGH-OCCUPANCY VEHICLE (HOV) LANES

Establishment - Schedule “XVIII B”

- 41B. (1) The lanes set out in column 3 of Schedule "XVIII B", on the highway set out in column 1 of the said Schedule "XVIII B", between the limits set out in column 2 of the said Schedule "XVIII B" are hereby established as Reserved High Occupancy Vehicle Lanes during the times or days set out in column 4 of the said Schedule "XVIII B".

Regulation of Use

- (2) When authorized signs have been erected, no person shall:
- (a) drive or permit to be driven any vehicle, other than a high-occupancy vehicle carrying the minimum number of persons shown on the authorized signs and set out in column 5 of the said Schedule "XVIII B"; or
 - (b) stop or permit to remain stopped any vehicle, other than a public transit motor vehicle,

on any lane or part of lane established as a Reserved High Occupancy Vehicle Lane under subsection (1) hereof.

Exemption

- (3) Subsection (2) hereof shall not apply to prevent:
- (a) a vehicle making a right hand turn provided the vehicle does not enter the Reserved High Occupancy Vehicle Lane at a point farther from the point of making the right hand turn than the distance set out in column 6 of Schedule "XVIII B" opposite such Reserved High Occupancy Vehicle Lane;

- (b) the driver of a taxicab, operating under a valid taxi license, from stopping for a period of not more than forty-five (45) seconds for the purpose of and while in the process of receiving or discharging passengers, provided that such taxicab shall not be stopped in a lane set out in column 3 of Schedule "XVIII B" during the times or days set out in column 4 of the said Schedule "XVIII B" in such a manner as to interfere with the movement of a high occupancy vehicle;
- (c) the stopping of a motor vehicle for the purpose of and while actually engaged in receiving or discharging a physically disabled person, provided that:
 - (i) such motor vehicle shall not be stopped in a lane set out in column 3 of Schedule "XVIII B" during the times or days set out in column 4 of the said Schedule "XVIII B" in such a manner as to interfere with the movement of a high occupancy vehicle; and
 - (ii) such motor vehicle has a valid physically disabled permit displayed upon its dashboard or on the sun visor in accordance with the provisions of the Highway Traffic Act.
- (d) the operation of a bicycle when permitted by authorized signs, or
- (e) the operation of an authorized vehicle.

PART IVA

CONTROLLED-ACCESS ROADS

Establishment - Schedule "XVIII C"

- 41C. (1) The highways set out in column 1 of Schedule "XVIII C" to this by-law between the limits set out in column 2 of the said Schedule "XVIII C" are hereby designated as controlled-access roads.

Regulation of Use

- (2) No person shall:
- (a) sell, offer or expose for sale any vegetables, fruit or other produce or any goods or merchandise upon a controlled-access road; or
 - (b) construct or use any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access road.

Direction to Close

- (3) The Environment and Transportation Commissioner may give notice to the owner of land to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road in contravention of paragraph 41C(2)(b).
- (4) Where the person to whom notice is given under subsection 41C (3) hereof fails to comply with the notice within 30 days after its receipt, the Environment and Transportation Commissioner may close up the private road, entranceway, gate or other structure or facility, as required by the notice, at the cost of the land owner.

PEDESTRIANS PROHIBITED ON
CONTROLLED- ACCESS ROADS - Schedule "XVIIIID"

- 41C. (1) When official signs have been erected, no pedestrian shall enter on the highways set out in column 1 of Schedule "XVIIIID" to this by-law between the limits set out in column 2 of the said Schedule "XVIIIID".

Exemption

- (2) Subsection (1) hereof shall not apply to pedestrians:
 - (a) engaged in police duties, highway maintenance or construction duties; or
 - (b) making use of a controlled-access road where the use is necessary because of an emergency.

Section 73 of the Traffic and Parking By-law prohibits bicycles and animals on any highway listed in Schedule "XXVIII". Due to the high vehicular speeds on Regional Road 174 it is not considered safe for cyclists and animals; therefore, it is recommended that they be prohibited. Motor assisted bicycles are also a concern because of their slow acceleration and top speed. It is therefore recommended that Section 73 be amended to include motor assisted bicycles, and that they also be prohibited on Regional Road 174. On the other hand the Airport Parkway, for the most part, is a two-lane highway with lower speeds and, subject to evolving future conditions, it is recommended that cyclists, motor assisted bicycles and animals be permitted at the present time. The same logic applies for pedestrians in that they should be prohibited on Regional Road 174 and permitted on the Airport Parkway.

Additionally, some definition amendments have to be made. The existing definition for a controlled-access road has to be amended by deleting any reference to the Public Transportation and Highway Improvement Act. The Region derives its authority for the establishment and regulation of controlled-access roads from the Regional Municipalities Act.

It is also necessary to define some of the terms for high occupancy vehicle lanes. Specifically, it is recommended that the following new definitions be added to Section 1 immediately following definition 19.

19a. “high occupancy vehicle or HOV” means a motor vehicle carrying two or more persons including the driver.

19b. “HOV_x” means a motor vehicle carrying x or more persons including the driver.

COMMISSIONER’S DELEGATED AUTHORITY

The Environment and Transportation Commissioner has been delegated the authority to implement the provisions of the Traffic and Parking By-law, except for new traffic control signals and truck routes. It is recommended that the authority be expanded to include HOV lanes and controlled-access roads.

CONSULTATION

Public consultation is not required for either of these new controls. The new regulations for controlled-access roads is an administrative procedure to preserve the current controlled access status of roads that have been transferred to the Region’s jurisdiction. The establishment of HOV lanes is one of the initiatives identified in the recently approved Transportation Master Plan which was subjected to extensive public consultation.

FINANCIAL IMPLICATIONS

There are no financial implications vis-à-vis the establishment of controlled-access roads, and only a nominal cost to erect the necessary authorized signs to establish the High Occupancy Vehicle Lanes.

REGIONAL OFFICIAL PLAN/TRANSPORTATION MASTER PLAN

The establishment of High Occupancy Vehicle Lanes is in compliance with Section 2.5.4 of the Transportation Master Plan.

*Approved by G. Malinsky on behalf of
Doug Brousseau*

SEM

TRAFFIC AND PARKING

1. TRAFFIC AND PARKING BY-LAW CONTROLLED-ACCESS ROADS/
HOV LANES

- Director, Mobility Services & Corporate Fleet Services report dated 29 Dec 97
- deferred on 4 Feb 98

Doug Brousseau, Director of Mobility Services and Corporate Fleet Services indicated the Region now owns a portion of former Highway 17 (now Regional Road 174) from the split out to Cumberland and the regular components of the By-law do not address a “freeway” which this portion is and must therefore be amended accordingly. In addition, it is recommended that the By-law incorporate the Airport Parkway (now Regional Road 79) which is a limited access highway as well, although it is of a different character.

In response to concerns expressed by Councillor Meilleur, staff confirmed Recommendation 1(d) referred only to the freeway section of Regional Road 174 and is in accordance with standard freeway prohibitions; commuters traveling from the east should use Regional arterial roads instead. The Commissioner explained that what is being recommended is simply an adoption of the rules that existed on the freeway prior to the transfer to the Region. It was confirmed the recommendation does not include the Airport Parkway and the vehicles referred to will be permitted on that roadway. By designating the Airport Parkway a controlled access road, he explained that someone would not be able to gain access (e.g. driveway) just because they own a piece of property adjacent to the road.

Councillor Doucet related the concerns he received from a resident in Hunt Club with respect to the proposal to limit access to the Airport Parkway, especially since this is the only safe route for cyclists to the south end of the city. In addition, the individual believed the proposed designation would impair the ability to cross the Parkway at Cahill Avenue West and walk to the Southeast Transitway Station. D. Brousseau confirmed pedestrians will still be able to cross, but should do so with caution as there are no lights at that intersection. In response to a question posed by the councillor about the reasons for designating the Parkway a controlled access roadway, staff advised that not only would it prevent a resident from gaining access via their driveway, it would also prohibit vendors from selling alongside the road.

Councillor McGoldrick-Larsen questioned whether future consideration could be given to the Airport Parkway as a more specific bicycle access route. D. Brousseau confirmed that although it is a preferred cycling route, the paved

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shoulder is not up to Regional standards as a cycling lane. He agreed this could be considered in the future.

Avery Burdett, Ottawa Bicycle Club made the following comments:

- the Ottawa Bicycle Club is opposed to prohibiting bikes on roadways including the Airport Parkway and Regional Road 174;
- they were not overly concerned if an alternate route is close by; however, in the case of Regional Road 174, there are no alternatives;
- that road is designed for high speed travel, although if there is adequate width, the speed differential should make no difference to cyclists traveling on the same roadway; they recognize that the road is not safe for cyclists as a result;
- cycling on highways in Canada is a well-established right, where driving is a privilege granted by a license; therefore, rights should come before privileges; the Ottawa Bicycle Club see a potential threat to their right to use the Airport Parkway; cyclists have been using it since it was first opened so their right to use it is well-established;
- the Region has a moral and legal obligation to provide safe access for cyclists and pedestrians on the Airport Parkway and any upgrade or future twinning of this facility should accommodate cyclists;
- American interstate highways are used by cyclists because they are designed wide enough and interstates are similar to controlled access roads; there is no evidence of a safety problem and if there is, the evidence should be made available;
- he was concerned about reference in the report that allowed cyclists and others to use the Airport Parkway "at the present time", suggesting the use of this phrase could threaten future use; he recommended those words be deleted.

Lois K. Smith suggested Section 19(a) should go further to state how many people should be permitted in a vehicle in an HOV lane; she believed that at no time should there be less than three individuals in those vehicles. She made reference to a report which determined that the compliance rate for 2+ persons/vehicle was low and monitoring was difficult. She indicated the signs designating HOV lanes in

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Hull stipulate 3+ persons per vehicle and suggested there be consistency between the provinces in order to eliminate confusion for motorists traveling between Ottawa and Hull.

Robin Bennett, Regional Cycling Advisory Group (RCAG) spoke to the issue of controlled access roads, stating their support for the proposed designation for the Airport Parkway and the recommendation to ban cyclists from Regional Road 174 because it is not a safe route to use. With respect to the latter, he suggested proper signage be erected to assist those cyclists entering Ottawa from the east, indicating the alternative cycling routes. He noted that RCAG is cognizant of the different characteristics between Regional Road 174 and Regional Road 79 (Airport Parkway) and questioned whether there was a consolidated policy towards bicycles on controlled access roads for future situations. The Commissioner advised that staff would like to have bicycles on every road, but Regional Road 174 was not built wide enough to have such mixed use. He confirmed Council policy states that staff proceed on the basis that they do everything possible to allow cyclists, unless there were reasons that this is not possible.

Mr. Bennett believed that bicycles should be permitted on HOV lanes because such encouragement would remove vehicles off the road. He did have some concerns however, with respect to 3(d) of 41B whereby it states cycling is permitted “by authorized signs”; by default, cyclists should be permitted to use HOV lanes except where it is not safe to do so. Since the text does not indicate that, he suggested the committee consider the following definition instead: “The operation of a bicycle except when signed otherwise.”

With respect to the comment made by the delegation about signage for cyclists traveling from the east, Councillor Legendre referred to the Region’s Cyclist Guide Map and noted that that area does not have signed cycling routes indicated and if signage is to be used, he questioned how staff will direct cyclists correctly. D. Brousseau indicated the Department’s preference would be to make a positive statement rather than a negative one and suggested that for cyclists coming from the east and arriving at Regional Road 174, it would be better to direct them elsewhere as opposed to saying they cannot use this roadway. He noted these routes are not signed according to the map and so they would consult with RCAG to solicit their input in this regard.

Chris Bradshaw stated that because of the different character of the Airport Parkway, he hoped that whatever the committee and Council adopt, it is clear what that difference is between it and Regional Road 174, for instance. From a

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pedestrian point of view, the Parkway is not as important a route to walk parallel to, as it is a point to cross. He referred to the two transitway stations along the Parkway between Hunt Club and Walkley and the reluctance of people to walk to those stations because of safety concerns. He suspected that fear will only increase when the access ramps are built. He concluded by voicing his hope for a clear distinction between what limited access means for these two quite different roads. In addition, he hoped the Committee would direct staff to come forward with ways to improve the walking access to the transitway stations instead of people having to take a local bus to those transit stations. In response to one of his concerns, the Commissioner emphasized that pedestrian prohibition is very specific to Regional Road 174 only.

Dick Howey believed a lot of problems and questions raised today could have been avoided if both subjects were not brought forward together in one report. He realized staff were trying to cover different situations, but felt they should have been dealt with completely independent of each other.

Councillor Doucet was not in favour of recommending the Airport Parkway as a controlled access roadway at this time because of the ongoing dispute over the use of that road. He was concerned about limited, controlled access because the designation simply shifts the use of that road from a small to a much larger scale. In response to these comments, D. Brousseau advised that the character of the road may change if different accesses are permitted and he maintained this is a way of ensuring the Parkway does not become like any other Regional road because it is different in that it connects to the Airport.

Councillor Meilleur agreed with the comments made by a previous speaker that the designation of HOV lanes should be a minimum of three persons per vehicle, especially since that is the stipulation in Hull; she was concerned that motorists traveling in the HOV lane from Ottawa to Hull may be fined since the two are not compatible. D. Brousseau advised that staff proposed that wording to provide committee and Council full flexibility to do whatever it wants.

It was noted that the National Capital Commission (NCC) have proposed the expanded Champlain Bridge be for 2+ persons in the HOV lane and Councillor McGoldrick-Larsen indicated that if committee agrees to increase the amount to a minimum of three persons per vehicle in an HOV lane, perhaps the NCC should be asked to amend their proposed designation for that bridge to reflect that change.

Moved by M. Meilleur

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That Section 1, Definition 19(a) be amended to read: “high occupancy vehicle or HOV means a motor vehicle carrying three or more persons including the driver.”

CARRIED

Moved by M. McGoldrick-Larsen

That a letter be sent to the National Capital Commission requesting their acceptance of the above Motion.

CARRIED

At the request of Councillor Doucet, the Committee separated Recommendation 1(b) to vote individually on the two roadway designations as follows:

That the Transportation Committee recommend Council approve:

- 1. That the Traffic and Parking By-law No. 1 of 1996 be amended to;**
 - (a) establish the new regulations for controlled-access roads and HOV lanes, as described in the report;**

(b) **designate;**

(i) **Regional Road 79 (the Airport Parkway) between Bronson Avenue and the MacDonald-Cartier International Airport, and;**

LOST

YEAS: M. Bellemare....1

NAYS: W. Byrne, L. Davis, C. Doucet, D. Holmes, J. Legendre,
M. McGoldrick-Larsen, M. Meilleur....7

(ii) **Regional Road 174 (former Highway 17) between Highway 417 and Regional Road 57 (Trim Road);**

as controlled-access roads;

(c) **amend Section 73 by adding the phrase “motor assisted bicycle” immediately following the word “bicycle”;**

(d) **amend Schedule XXVIII to prohibit bicycles, motor assisted bicycles and animals on the section of Regional Road 174 designated as a controlled-access road;**

(e) **amend Schedule XVIIIID to prohibit pedestrians on the section of Regional Road 174 designated as a controlled-access road, and;**

(f) **amend Section 1 by deleting the phrase “Section 36 of the *Public Transportation and Highway Improvement Act* or” from the definition of “controlled-access road”;**

2. **That the Environment and Transportation Commissioner be delegated the authority to establish HOV lanes and controlled-access roads, as required, subject to Council approved and Departmental policies, and in accordance with the provisions of the Traffic and Parking By-law No. 1 of 1996, as amended.**

CARRIED as amended

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