

MINUTES

TRANSPORTATION COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

4 OCTOBER 2000

1:30 P.M.

PRESENT

Chair: D. Holmes

Members: M. Bellemare, W. Byrne, R. Cantin, L. Davis, C. Doucet, H. Kreling,
J. Legendre, M. McGoldrick-Larsen, M. Meilleur

CONFIRMATION OF MINUTES

Councillor Byrne clarified her comments made during the discussion of Item 1 Motorcycle Racing in Heron Park. She suggested the paragraph be reworded as follows:

“Councillor Byrne expressed an interest in the results of the rumble strips because of their applicability to Woodroffe Avenue at the Ottawa River Parkway. There was an indication they could be useful to slow traffic down as it enters/exits the Parkway.”

That the Transportation Committee confirm the Minutes of the meeting of 20 September 2000.

CARRIED as amended

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- Note:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 11 October 2000 in Transportation Committee Report 70.

ROADWAY MODIFICATION - PUBLIC HEARING

1. MODIFICATIONS TO CYRVILLE ROAD NORTH OF INNES ROAD
TO ACCOMMODATE THE LA-Z-BOY FURNITURE GALLERY
- Director, Mobility Services and Corporate Fleet Services report dated 15 Sep 00

Having held a public hearing, that the Transportation Committee recommend Council approve the modifications to Cyrville Road, north of Innes Road, as described in the report and illustrated in Annex B, subject to the proponent, LA-Z-BOY Furniture Gallery:

- a. **funding the total cost for the roadway modifications; and,**
- b. **executing a legal agreement with respect to the above.**

CARRIED

REGULAR ITEMS

2. TURTLE CROSSING SIGNS PROPOSAL
- Councillor D. Holmes report dated 19 Sep 00

Michelle Andre-St. Cyr, Turtle S.H.E.L.L.S. Committee read from her proposal that was originally submitted to committee members for consideration. She displayed a sample of the type of sign to be erected, noting the visibility of these signs has increased driver awareness.

Councillor Cantin was somewhat concerned that motorists stopping suddenly to avoid hitting a turtle may result in rear-end collisions; however, he believed that the odds of people rear-ending are higher if there are no caution signs and suggested that motorists might slow down in areas where turtle crossings exist. Ms. Andre-St. Cyr explained that the signs are posted approximately 400 feet before the general crossing area to allow for speed reduction if necessary. The councillor suggested that when roads are reconstructed in areas where turtle migration occurs, perhaps a culvert under the road would help their crossing. Mike Rankin, herpetologist advised that culverts might work for amphibians, but not for the female turtles that are looking for a bright sunny spot to lay their eggs. They would not enter a long dark tunnel for this reason.

Councillor Byrne advised that she was aware of turtles crossing Cassels Road near Mud Lake in Britannia and wondered whether this area had been monitored for the installation of signs. Ms. Andre-St. Cyr suggested the location could be added to the list where signs can be posted, but noted it would have to be monitored to determine if in fact there is a need.

Councillor Bellemare expressed concern from a safety perspective and suggested the item be referred to staff for consideration and a report back, including whether or not different criteria should be developed for installing signs on highways vs local roads. He questioned whether people should be encouraged to stop and carry turtles across a high-speed roadway and unless he had some degree of comfort in this regard, preferred to refer the proposal to staff for further review.

When asked how much it would cost to implement the program in Ottawa-Carleton, Doug Shannon, Director, Finance and Administration advised that to erect 30 signs would cost approximately \$3000. They would be prepared in-house.

Councillor Kreling questioned whether the sign shown to committee is consistent with standard signs on highways and would the Region normally erect that type of sign. Geoff Noxon, Manager, Mobility Management stated that the Region has the discretion to install cautionary signs and he believed turtle crossing signs would fall under that category.

Councillor Legendre inquired whether this proposal had the support of staff and they advised that it did. The councillor acknowledged that highways are major barriers to wildlife and if safety is the prime concern, he opined that signage would be better than none at all.

Moved by W. Byrne

That the Turtle S.H.E.L.L.S. Committee examine Cassels Road at it's west end (leading to the Britannia Water Purification Plant) to determine if there is a need for a sign there to protect the turtles, and if the need exists, the Region will install a sign at that point.

CARRIED

Moved by R. Cantin

That the Transportation Committee recommend Council approve the installation of Turtle Crossing signs at the main crossing areas where they are needed on RMOC roads and highways and that funding for the signs be found from within the Departmental budget.

CARRIED as amended
(M. Bellemare dissented)

3. MAINTENANCE OF REGIONAL RIGHTS-OF-WAY FOR UTILITY,
CONSTRUCTION AND MAINTENANCE ACTIVITIES -
CONSULTANT REPORT

- Director, Infrastructure Maintenance report dated 1 Sep 00
- Addendum report dated 3 Oct 00

The Committee received in advance, an Addendum report dated 3 October 2000, which contained an additional recommendation.

Following a brief summary of the report originally presented on 20 September 2000 and as directed by committee, Lorne Ross, Manager, Surface Projects explained that staff undertook further consultation with the Working Group to review the issues of concern. The results of that consultation can be summarized as follows:

- Bell suggests the Region not deal with the matter of pavement degradation fee until this issue is addressed by the Canadian Radio-television and Telecommunications Commission (CRTC) in its current proceeding with respect to access to public rights-of-way by telecommunications companies in the City of Vancouver; Bell feels the Region should absorb pavement degradation costs as the cost of doing business;
- in response to the request of Rogers Cable System, staff agrees that repair and maintenance of telecommunications plant should be exempted from the proposed moratorium (Recommendation in Addendum report);
- Rogers Cable Systems expressed concerns about having input into possible future actions the Region may take with respect to the recommendations in the Ainley Group report; staff will consult with all stakeholders on such matters and it is expected the new City of Ottawa will continue this open approach.

Mr. Ross concluded by stating the recommendations in the reports will increase safety for workers and the public, reduce community disruption, ensure longer road life and better allocation of user costs, and make for more efficient use of scarce right-of-way.

Councillor Legendre was surprised that staff brought forward the newest recommendation, because if the Region did not exempt maintenance/repair activities from the moratorium, it would encourage telecommunication companies to have systems that are robust and which would survive in the ground for many years without maintenance. Mr. Ross explained that the companies would want to do that in any case, but repair works are necessary from time to time. The councillor suggested however, that the utility companies could be served by the additional ducts being proposed to be included in the road and therefore, the moratorium would be the tool to lever them into that position. He maintained that if staff offers a blanket exemption, they

would move in and cut whenever the need arises. Mr. Ross agreed the moratorium would force those companies to look at alternatives. The councillor further inquired why staff is not asking for real cost recovery noting it is not enough of a disincentive to those agencies. Mr. Ross explained that staff have identified the minimum level costs but have not been able to identify more than that.

Councillor Cantin wondered that if cables or wires become defective in the duct, why the utility companies would not simply pull it out and replace it with another one rather than digging up the road to get to the cables. Mr. Ross suggested that while there may be occasions when this could be done, he did not know to what extent or proportion of the time that they could avoid having to actually dig to get at the plant. The councillor suggested an amendment to the recommendation contained in the Addendum report to include the word “emergency” to read as follows:

“That Transportation Committee recommend Council exempt necessary *emergency* utility repairs and maintenance works to existing underground plant.”

Mr. Ross advised that the Regulatory Code defines emergency work as that which involves the health and safety of the community and that the addition of “emergency” would result in the works falling into that category. On the other hand, “necessary” has a wider range of connotation and is more open to interpretation.

Wayne Wood, Bell Canada indicated that they want to work with the road authorities to try and minimize disruptions of any kind and are in support of the proposal for a joint trench for utilities. He explained that while Bell would be willing to pay any direct out-of-pocket expense the municipality may have and any set permit issuing fee, they object to a pavement degradation fee and reiterated their request that the Region not proceed in this regard until the CRTC has made a decision. In addition, Bell supports the idea of a moratorium, but is concerned about emergency works because that would clearly be a case of providing service to the customer. They are also concerned about the time it takes to get a permit approved, which will become more difficult as more utilities become involved.

Richard Mahoney, Fraser Milner Casgrain on behalf of Rogers Cable introduced Robin McIntyre from Rogers and explained that there is a desire to co-ordinate these issues and to have companies pay a larger share of the true cost. He indicated that their initial analysis of the pavement degradation fee is that there are serious costs involved depending on the new city and the number of cuts. With respect to the recommendation contained in the Addendum report, if the moratorium is in place and a customer loses service, Rogers would like the ability to be able to go into the road if there is no other way, rather than leaving the customer without service for the duration of the moratorium. They believed that the recommended exemption is reasonable

because if it is truly a repair situation, there is no opportunity to get all the utility companies in at the same time. Rogers is pleased that they will have an opportunity to discuss with the new city how those changes in the future are going to be implemented.

If the recommendation to exempt utility repair and maintenance works from the moratorium is approved, Councillor Legendre questioned whether companies would have to prove to staff that the only way of doing the repair is through the road, and would they just go in and fix it or is there a requirement for them to have a permit before that work can be undertaken. Mr. Ross confirmed that a road cut permit is needed; routine repair works can likely be obtained “over the counter”. He added that if there was no exemption from the proposed moratorium, and the need to cut did not fall into the health and safety category, the utility would be required to go through a written waiver process and would have to submit a written explanation of why the cut is necessary. Staff would then make a determination based on that information and this could take up to five working days.

Ms. McIntyre was concerned about a customer having to wait up to five days without service. Councillor Legendre opined however, that it would impose the additional discipline for utilities to have good quality infrastructure in place and if it is towards the end of its natural life, when a road is being resurfaced for instance, that would be an additional incentive for the utility companies to upgrade their equipment at the same time. Ms. McIntyre advised that within their many kilometres of plant, they have no way of predicting where a fault might occur. Mr. Mahoney believed the proposed moratorium and pavement degradation and permit fees would be sufficient incentives for utility companies to get in and build their plant when a road is being built or resurfaced.

Councillor Cantin questioned whether his amendment will give staff the flexibility to determine the permit approval any faster and Mr. Ross advised that there will be an administrative burden associated with handling a great number of waivers for necessary works by staff as a process. When the councillor inquired whether the word “necessary” addresses what he was attempting to do, the Solicitor, Ernest McArthur agreed that the term is more ambiguous than “emergency” and is therefore the reason staff included the word “necessary”, to take into account those occasions when they need to cut when there is no emergency, or at least none as defined by the Regulatory Code.

When questioned who determines that it is really maintenance and not upgrading, Mr. Ross remarked that it would be staff at a senior level making that determination. He added that if there was no other way to do the work other than to make the cut, he believed the intent of the moratorium would be satisfied and a senior staff would make the approval official as opposed to staff behind the counter issuing permits. He would support the inclusion of the word “emergency” because in terms of the administration process, it would be easier to deal with because it is a more clear-cut criteria. He did not mean to imply that staff was deviating from

the original recommendation. Councillor Cantin stated that routine maintenance is not justified going into a cut, but if it is a question of service being severely interrupted, he believed staff is competent enough to make that decision. He reiterated his belief that “necessary” leaves it open to interpretation. Mr. Ross advised that if it were only emergency applications that were exempted, staff would be left with the burden of having to deal with all the other routine-type requests.

Jena Cameron, Federation of Canadian Municipalities advised that the recommendations contained within the original and the Addendum reports are in accordance with national FCM policies, particularly as they apply to municipalities getting full cost recovery. With regards to the issue of the CRTC decision in Vancouver, Ms. Cameron advised that the way that that proceeding is determined would impact on all future right-of-way matters across Canada. While this decision is expected before the end of the year, she cautioned committee about waiting because the FCM fully expect the decision will be appealed, which could result in the issue being dragged on for another few years. She commended staff for their efforts in holding utility consultation processes, noting the Federation is watching the RMOC closely because it is one of the municipal governments they consider to be at the forefront of co-ordinating. In response to her comment about waiting until the CRTC proceedings, Mr. Ross indicated there is nothing in the staff report to suggest the committee wait for that proceeding to be finalized.

When questioned how the FCM could support the recommendation contained in the Addendum report, Ms. Cameron explained that Regional staff are always in the position to know best about individual situations and she believed that companies usually try to find the most cost-effective solution. She recognized that the Region has a right to protect its infrastructure, but companies have a right to conduct business and it is a fine balance between interfering with their business practices and controlling the roadways.

With respect to the recommendation in the Addendum report, Chair Holmes noted that it would be an addition to Recommendation 3(a). Staff concurred with this assessment.

Councillor Legendre proposed that committee approve only those recommendations contained in the staff report dated 1 September 2000. This would allow utility companies to go into the road when there are no other options, but the approval to do so would have to be made at the senior staff level. Staff acknowledged therefore, that the intent would provide further study by staff before agreement to a cut could be made, and this could take up to five days to be resolved.

Councillor McGoldrick-Larsen inquired whether staff have the expertise to determine whether or not there is any other way to fix a utility company’s situation under the ground, i.e., do they have the technical skills to assess whether the road cut was necessary or whether there was another way to fix the problem. Mr. Ross advised that while municipal staff are not experts in

all the machinations of utility plant, they are very knowledgeable about what takes place in the public rights-of-way. What the utilities would have to say with respect to the rationale and reasons for requesting a waiver in most cases would be related to timing. He indicated that that would be an extra administrative burden to make that evaluation and the cost to do the processing would be included in the recovery costs associated with the pavement degradation.

Councillor Legendre suggested that staff should be keeping a record of what new capacity is put under the road, so they would know what would be required to be put in place in the future when a road is rebuilt. Mr. Ross agreed, noting that as part of the waiver process staff would be able to request that type of information.

In response to a question posed by Councillor McGoldrick-Larsen, Mr. Ross explained that approval of Councillor Legendre's Motion would result in staff needing to assess *all* routine requests in terms of a waiver process. Doug Shannon, A/Deputy Commissioner Transportation cautioned that it could have a greater impact because the proposed structure of the Transportation, Utilities and Public Works Department will be downsized considerably.

Moved by R. Cantin

That the Departmental Recommendation be amended by adding “emergency” between “necessary and utility” in the wording. The new wording would be: “That Transportation Committee recommend Council exempt necessary *emergency* utility repairs and maintenance works to existing underground plant.”

LOST

YEAS: M. Bellemare, R. Cantin, J. Legendre....3

NAYS:L. Davis, D. Holmes, H. Kreling, M. McGoldrick-Larsen....4

Moved by J. Legendre

That Transportation Committee recommend Council accept the Departmental Recommendations contained in the report dated 1 September 2000, unamended.

LOST

YEAS: L. Davis, J. Legendre....2

NAYS:M. Bellemare, R. Cantin, D. Holmes, H. Kreling,
M. McGoldrick-Larsen....5

That Transportation Committee recommend that Council:

- 1. receive the Ainley Group report entitled *Management of Regional Rights-of-Way for Utility, Construction and Maintenance Activities*, on file with the Regional Clerks Department;**
- 2. forward the report to the Ottawa Transition Board for consideration with respect to establishing the administration of the new City of Ottawa.**
- 3. amend the Regional Regulatory Code to provide:**
 - a. a moratorium for road cuts in accordance with this report, with the exception of necessary utility repair and maintenance works to existing underground plant;**
 - b. a pavement degradation fee in accordance with this report; and**
 - c. removal of the permanent warranty provisions, and a change of the existing liability period from 24 months to 36 months;**
- 4. advertise the Regulatory Code amendments as coming into effect two weeks after the date of Council's approval of this report.**

CARRIED
(J. Legendre dissented)

INQUIRIES

APETIS Counts

Councillor Doucet advised that he had still not received the intersection counts used in the staff monitoring report for the APETIS study which he requested last month.

Lights at Commissioner's Park

Councillor Doucet asked that staff look into why the lights at Commissioner's Park at Dow's Lake are now turned off at night. He explained that residents would like them put on so they can use the park.

Pedestrian Crossing at Mackenzie King Bridge

Councillor Cantin related several occasions when motorists must stop for pedestrians who cross illegally on the Mackenzie King Bridge at the Rideau Centre. He believed people should be encouraged to use the pedestrian tunnel which was opened this summer to avoid having them cross at street level. He asked staff to look at this with a view to encouraging pedestrians to use the crossing under the road.

Pedestrian Crossing at McArthur and Enfield

Councillor Meilleur referred to an inquiry she had previously raised on 2 August 2000 about the installation of pedestrian signals at McArthur and Enfield. She reiterated the fact there are many seniors which cross at this intersection to get to the church and because of the traffic and the absence of a signal, it is very dangerous for them to do so. She indicated the City of Vanier would like the signals installed, so perhaps staff can discuss a cost-sharing formula with them and put in the lights.

ADJOURNMENT

The meeting adjourned at 3:25 p.m.

CO-ORDINATOR

CHAIR