
Amendments to Bylaw 7200, The Traffic Bylaw – Right-of-Way Fees and Fines

Recommendation

That the Standing Policy Committee on Transportation recommend to City Council:

1. That the majority of Bylaw No. 2954, Streets Use Bylaw be repealed;
2. That a section for Construction, Detour and Street Use, including fines, be added to Bylaw No. 7200, The Traffic Bylaw;
3. That the City Solicitor be requested to prepare the appropriate bylaw amendment to Bylaw No. 7200, The Traffic Bylaw; and
4. That the Administration enter into discussions with stakeholders related to the fees for Right-of-Way usage and report to the Standing Policy Committee on Transportation before the end of 2017.

Topic and Purpose

The purpose of this report is to seek approval to amend Bylaw No. 7200, The Traffic Bylaw to address Right-of-Way (ROW) use by providing additional language and modifying fines. Further discussions will be held for the use of ROW fees.

Report Highlights

1. Bylaw No. 2954, Streets Use Bylaw requires a replacement by a new comprehensive streets use bylaw.
2. Amendments to Bylaw No. 7200, The Traffic Bylaw are proposed to enhance clarification of requirements and update fines for non-compliance with respect to the use of ROW.
3. Fees for usage of ROW are being considered and will be brought forward at a later date for approval following stakeholder consultation on implementing the fees.

Strategic Goal

This report supports the Strategic Goal of Moving Around by improving safety for all road users (pedestrians, cyclists, and drivers), and optimizing the flow of people and goods in and around the city.

Background

There are concerns of unsafe conditions and lack of coordination and/or damage resulting from private usage of ROW. Currently, bylaw inspectors have limited and/or inefficient enforcement abilities with respect to private usage of ROW.

Permits are required but not always obtained for private usage. Since 2016, an administrative fee of \$40 has been charged to recover the administration costs of processing and issuing permits.

Currently, the City of Saskatoon does not charge for private use of the public ROW.

The total ROW permits issued in the past three years are as follows:

- 2016 – 415
- 2015 – 947
- 2014 – 890

The drop in permits issued in 2016 is a result of the administrative fees being introduced with limited enforcement abilities under the current bylaw.

Report

A comprehensive review of Bylaw No. 2954, Streets Use Bylaw will be initiated in late 2017. In the meantime, certain portions of the bylaw that are required to effectively enforce ongoing concerns related to private use of ROW have been reviewed and recommendations for amendments are included in this report.

Amendment – Repeal Streets Use Bylaw and Combine into Traffic Bylaw

Bylaw No. 2954, Streets Use Bylaw provides direction for activities on public ROW. These activities need better clarification of requirements as they are outdated and do not reflect the current needs of the city's citizens. In some cases, duplicate sections are already included in Bylaw No. 7200, The Traffic Bylaw.

Many municipalities have provisions with respect to usage of the public ROW combined with the Traffic Bylaw. The Administration is recommending a similar approach for the City of Saskatoon and that Bylaw No. 2954, Streets Use Bylaw sections 1 to 20 be repealed. The portion of Bylaw No. 2954, Streets Use Bylaw dealing with consensual fighting will remain in sections 21 to 27.

The amendments to Bylaw No. 7200, The Traffic Bylaw would address areas such as closing a portion of the ROW and placing a structure and/or material on public ROW without first acquiring a permit from the City. A ROW permit will continue to outline conditions to safely accommodate motorists, pedestrians, and other users. Also this will ensure that closures for private purposes are coordinated with other planned work on the transportation network. The amendments will also allow removal of anything deemed hazardous from the ROW and recover the costs from the offending party.

The bylaw language amendment will support ROW protection to include: tracking of mud or dirt onto the ROW, allowance of material to enter the street and stoppage of damaging trees, parks or roads. Damage to ROW will be prohibited under the bylaw.

The usage of fines is proposed to discourage offenders taking the chance of being caught and/or paying the fine instead of acquiring a permit to conduct their work. A review of fine amounts from other municipalities was undertaken and the recommended fines can be found in Attachment 1.

ROW Usage Fees

The Administration has undertaken a review of other municipalities including Winnipeg, Regina, Calgary and Edmonton to evaluate their current practices for managing the private use of the public ROW.

All four cities charge a rental fee for private use of their public ROW. The purpose of the usage fee is to provide an incentive to minimize space requirements and to complete work as quickly as possible to restore the ROW for public use. The standard is to charge for linear or square meter per day or month. A sample of fees for use of ROW that may be used is shown in Attachment 2.

Further discussion will be held with impacted stakeholders prior to making a recommendation on the fee schedule for private use of ROW.

Stakeholder Involvement

The Administration is planning a discussion with stakeholders on the implementation of fees for the use of ROW.

Communication Plan

Frequently asked questions have also been developed and included as Attachment 3. Bylaw amendments will be shared with stakeholders and on the City website.

Policy Implications

Upon approval by City Council, amendments to Bylaw No. 7200, The Traffic Bylaw will be required.

Financial Implications

Revenues generated from increased fines have not been estimated at this time as it is anticipated that the amount of fines will act as a deterrent to violations.

Once implemented, ROW fees will support the resources for increased bylaw enforcement of ROW usage.

Other Considerations/Implications

There are no options, environmental, privacy, or CPTED considerations or implications.

Due Date for Follow-up and/or Project Completion

If approved, the bylaw update will be targeted for May 1, 2017, and there will be a follow-up report submitted for approval of fees for use of ROW provided before the end of 2017.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Attachments

1. Proposed Fines
2. Sample Fees for Use of ROW
3. Frequently Asked Questions

Report Approval

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Proposed Fines

Description	Fine Amount
Unauthorized material on street	\$ 500
Use of street or Right-of-Way without a permit	\$ 500
Walking on newly constructed sidewalks or pavement before being opened by City of Saskatoon	\$ 250
Climbing on light standard, pole, tree, railings or fences unless doing necessary repairs	\$ 250
Pull down or deface any sign or printed or written legal notice legally put up	\$ 250
Unauthorized use of sidewalk or boulevard as access for vehicle or machinery	\$ 500
Tracking mud / gravel / dirt / material on street	\$ 250
Allowing material to enter street	\$ 250
Failure to comply with permit conditions	\$1,000
Failure to produce permit when asked to do so by Peace Officer/GM of T&U	\$ 50

Sample Fees for Use of Right of Way

Attachment 2

Proposed Fees

Type	A	B
	Rental duration < 30 days	Rental Duration >= 30 days
Parking Lane, Protected Bike Lane, Sidewalk, Boulevards, Alleys	\$0.15/m ² /day	Total from column A for first 29 days + \$0.10/m ² /day for days 30+
Traffic Lane (Locals, Collectors)	\$0.30/m ² /day	Total from column A for first 29 days + \$0.25/m ² /day for days 30+
Traffic Lane (Arterial, Expressway)	\$0.50/m ² /day	Total from column A for first 29 days + \$0.40/m ² /day for days 30+

Scenario A

Street bin for 20 days (in parking lane). Assumed size of bin = 16 x 7 feet (4.8768 x 2.1336 meters) = 112 ft² (10.4 m²)

$$\text{ROW Rental total} = \$0.15 \times 10.4 \times 20 = \$31.20$$

TOTAL = \$71.20 (includes \$40 admin fee for ROW permit)

Scenario B

Local / Collector street closure for parking and driving lane five vehicles long. Assumed length of vehicle = 5.2 meters, assumed width of parking lane = 2.5 meters and assumed width of traffic lane = 4.5 meters.

- Parking Lane for 20 days - $\$0.15 \times 13 \times 20 = \39.00
- Traffic Lane for 20 days - $\$0.30 \times 23.4 \times 20 = \140.40

$$\text{ROW Rental Total} = \$179.40$$

TOTAL = \$219.40 (includes \$40 admin fee for ROW permit)

Scenario C

Arterial / Expressway street closure for parking and driving lane five vehicles long. Assumed length of vehicle = 5.2 meters, assumed width of parking lane = 2.5 meters and assumed width of traffic lane = 4.5 meters.

- Parking Lane for 20 days - $\$0.15 \times 13 \times 20 = \39.00
- Traffic Lane for 20 days - $\$0.50 \times 23.4 \times 20 = \234

$$\text{ROW rental total} = \$273.00$$

TOTAL = \$313.00 (includes \$40 admin fee for ROW permit)

Scenario D

Local / Collector street closure for parking and driving lane five vehicles long. Assumed length of vehicle = 5.2 meters, assumed width of parking lane = 2.5 meters and assumed width of traffic lane = 4.5 meters.

- Parking Lane for first 29 days - $\$0.15 \times 13 \times 29 = \56.55
 - Parking Lane for days 30-60 - $\$0.10 \times 13 \times 31 = \40.30
 - Traffic Lane for first 29 days - $\$0.30 \times 23.4 \times 29 = \203.58
 - Traffic Lane for days 30-60 - $\$0.25 \times 23.4 \times 31 = \181.35
- ROW rental total = \$481.78

TOTAL = \$521.78 (includes \$40 admin fee for ROW permit)

City Comparison (using above examples)

Type	Winnipeg	Regina	Calgary	Saskatoon (Proposed)
Scenario A	\$ 101.92	\$ 40.80	\$ 74.78	\$ 71.20
Scenario B	\$ 356.72	\$116.20	\$1,139.67	\$219.40
Scenario C	\$ 356.72	\$116.20	\$2,240.33	\$313.00
Scenario D	\$1,070.16	\$308.60	\$3,419.00	\$521.78

Frequently Asked Questions

Why is the language of Bylaw No. 7200, The Traffic Bylaw and Bylaw No. 2954, Streets Use Bylaw being updated?

Some of the language and scenarios currently in these bylaws are outdated and don't reflect today's concerns about usage and the safety of the City's Right-of-Way (ROW).

What is an example of this "outdated language"?

"No person shall ride or drive a horse that is not in every respect fit for use and capable for the work in which it is employed, free from lameness or soreness calculated to cause pain and free from any vice or disease likely to cause accident or injury to persons or property."

Why are fines being added?

Adding specific fines for specific offences allow for a more efficient and quicker response by the City to rectify potentially dangerous situations for the public that are using the ROW.

Is this a 'cash grab'?

Absolutely not. The safety of all ROW users is of utmost importance to the City of Saskatoon. If a person or company is creating unsafe situations or damaging the City's ROW, fines are a way to deter repeat behavior and / or a way to recover the costs to repair the damage done.

Where will the fines collected go?

No fine amounts are being budgeted for as in an ideal situation, all users of the ROW are complying and not creating an unsafe environment or causing any damage to the ROW. As with other fines the City of Saskatoon collects, any collected fines go into the General Revenue account.

When will this new language and fines be in place?

The proposed language update and fines will ideally be in place for May 1, 2017 to be effective for the 2017 construction season.

How many Right-of-Way permits were issued in 2016 and how can a permit be applied for?

Transportation's Customer Service group issued 415 permits in 2016 and are always happy to assist with permit applications. They can be reached Monday to Friday 8:30am to 4:30pm by telephone at 306-975-2454 or by email at rowpermits@saskatoon.ca.