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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
October 21, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Gerry Boyd, P.Eng., A/Director, Public Works & Transportation Services

DATE: October 8, 2003

SUBJECT: Truck Routes in HRM

INFORMATION REPORT

ORIGIN

Halifax Regional Council meeting September 2, 2003, item 9.2.1.

BACKGROUND

Councillor Hetherington asked that staff bring forward a report relative to what has been done and what will be done to administer the Truck Routes By-Law T-400 and whether or not signage is adequate throughout the Halifax Regional Municipality. This report is in response to that request.

DISCUSSION

Truck Route Signs Policy and Practice

In HRM the policy and practice now is that signs showing which streets **are** truck routes are signed (permissive signing), or in other words, streets which are **not** truck routes are **not** marked. The truck drivers have to keep on the marked routes until they are close to their destination.

The practice of putting signs only on the truck routes, not on the non-truck routes, was followed by the former City of Halifax. In the former City of Dartmouth there were both permissive and prohibitive signs. In the former County and the former Town of Bedford, all streets were by default truck routes and only a few problem streets were made to be non-truck routes. Those non-truck routes were marked with truck prohibition signs.

Since amalgamation and adoption of an HRM Core Service Area Truck Route By-Law, HRM has been following the practice of marking only the truck routes. If a street is not marked as a truck route, then it isn't one. At the same time, HRM staff has generally not removed the old truck prohibition signs unless this was needed for other reasons. These "old" signs may be the source of part of the confusion over how HRM marks truck routes.

The practice of only marking the truck routes, not the non-truck routes, is mainly based on a desire to minimize the number of signs needed to make the by-law enforceable, to minimize the cost of the signs, and to minimize the total number of signs of all types that we post. Also, restrictive truck route signs must be installed on the non-truck routes, therefore they may only be visible to the truck driver after the violation is made, i.e., too late to be effective.

HRM Legal Services staff is of the opinion that the policy HRM has followed is sufficient for enforcement purposes and is sufficient to be fair to the truck drivers and their employers.

Education of Truck Drivers and Trucking Companies

With the number of truck route signs posted around HRM local truck drivers or employers must be aware of the existence of a truck route by-law. The by-law text is available on the HRM Internet website and in hard copy by telephoning the Municipal Clerk's Office or the Traffic and Transportation section of Public Works & Transportation Services.

There is a possibility that non-local truckers, even those just from other parts of Nova Scotia, would not have copies of the by-law available to them before they arrive in HRM. Therefore, HRM staff could coordinate with NS TPW staff to make hard copies of the by-law (which contains maps) at weigh scales near the HRM core service area.

Police Enforcement

The enforcement of the Truck Route By-Law T-400 is generally conducted by police on the basis of public complaints. When a complaint is received, a patrol unit is dispatched if the situation is such that the offence is in progress. The majority of complaints are received from citizens and from Councillors. When a complaint is received, officers attempt to solve the problem pro-actively through education, by contacting the company involved if known.

In the case of repeat offences or when the owner of the offending vehicles cannot be identified, a special check or dedicated patrol will be initiated and tickets issued where appropriate.

Engine Compression Brakes (Diesel engine enhanced braking system)

The use of engine compression brakes is not part of the Truck Route By-Law but is a concern for many people. Use of engine compression brakes on roads with speed limits of 50 kilometers per hour or less was banned by the Province of Nova Scotia in an amendment to the Motor Vehicle Act proclaimed in 2000 as follows:

181A (1) No person shall use a diesel engine enhanced braking system while operating a vehicle on a highway for which the speed limit is fifty kilometers per hour or less unless the use of the braking system is required by an emergency.”

This law applies throughout Nova Scotia, therefore posting of signs prohibiting use of engine brakes on HRM streets with speed limits of 50 kilometers per hour or less is not needed for proper enforcement. Nonetheless, some truck drivers are either unaware of this law or deliberately disregard it. At the time the Motor Vehicle Act was changed, HRM staff requested that NS TPW do some advertising or other notification of truck drivers of the new requirement. To the knowledge of HRM staff this has not been done.

In February 2003 the Provincial Traffic Authority advised local traffic authorities that “No Engine Braking” signs could be posted and giving an approved design. These signs are intended for information only and are not a regulatory sign, nor are they required for enforcement. On roads administered by NS TPW, signs will be posted (with costs for installation and maintenance covered by the municipal unit) no less than 50 metres and no more than 150 metres in advance of a “50 kph Ahead” sign.

Municipalities are also allowed to post their own signs where they feel the need arises. In HRM, “No Engine Braking” signs have been posted at eight locations in the Core Service Area.

Police Enforcement

The problem of engine compression brakes remains a concern. Prosecution remains problematic as the law is currently drafted. In order to obtain a conviction, an officer would have to be able to determine that, in fact, such a braking system was used and further that nothing else on the truck

could have made the noise. Officers do not have such expertise and no training is available that would allow officers to provide the required testimony.

In areas where the problem exists, police have conducted special checks and have checked trucks suspected of using such a braking system and issued warnings to the drivers. In addition, an education program has been conducted by distributing notices at the container piers and through local trucking associations on the problems caused by the use of such braking systems.

BUDGET IMPLICATIONS

There are no budget implications at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

There are no recommended alternatives

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Alan Taylor, Transportation Planner, Traffic & Transportation 490-6680