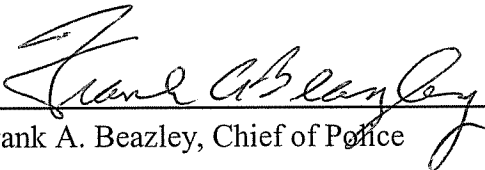




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Halifax Regional Council
August 17, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Frank A. Beazley, Chief of Police

DATE: August 6, 2004

SUBJECT: Proposed Motor Vehicle Accident Cleanup By-law

INFORMATION REPORT

ORIGIN

At the Council meeting of October 17, 2000, Item 11.1.3, Councillor Colwell requested a staff report regarding a Proposed Motor Vehicle Accident Cleanup By-law.

BACKGROUND

The question has been raised regarding who is responsible to clean up debris from motor vehicle accidents, and what measures are in place to ensure debris is removed from the roadway. The practice within HRM is varied. HRM currently has three towing contracts which provide towing in Halifax, Dartmouth, and Bedford. These agreements contain cleanup clauses. In the area not covered by municipal towing, debris is removed by towing companies used by the RCMP as a matter of practice, but there are no cleanup clauses in the contracts. In both circumstances the service is supplemented by Public Works and Transportation who respond when requested.

In order to review the issue, a national survey was undertaken to determine what procedures are in place in other municipalities. The following themes emerge.

By-Law

Information Report

Municipal By-law

Peel Regional utilizes a municipal by-law as a means to regulate the clean up of debris from motor vehicle accidents. This By-law requires every tow truck driver to clean up and remove any debris from any highway or roadway prior to towing any vehicle from the scene;

Provincial Legislation

The Province of Alberta, under their *Traffic Safety Act*, mandates that a person who removes a wrecked or damaged vehicle from a highway shall also remove from the highway any debris.

Condition of Municipal Towing Contracts

Most communities contacted require municipal contracted towing services to clean up light debris from motor vehicle accidents. Vancouver, Toronto, Saskatoon, London, Ottawa, Windsor and Waterloo all set out this responsibility within the terms of their respective towing contracts.

In collisions involving large numbers of vehicles or large pieces of debris, municipal workers are usually dispatched to clean up.

DISCUSSION

Legislation would create consistency across the municipality and require all towing companies to clean up debris, not just those under contract to HRM . Some concerns have been raised regarding the ability and the cost to enforce a legislative scheme. It must be recognized that it would be difficult to obtain the necessary evidence required for a successful prosecution in those cases where police do not respond. In some cases the investigation and prosecution would be labour intensive.

The implementation of any by-law should only be considered in circumstances where there is a problem that would be better controlled or abated by legislation. It is unlikely that legislation would significantly impact the current situation. Neither police agency has identified problems with the current mechanisms in place to clean up accident debris. Although police do not attend all motor vehicle accidents, those with the type of damage resulting in any amount of debris are likely attended by police due to related traffic concerns.

HRM will continue the practice of requiring towing companies to clean up debris at the scene of motor vehicle accidents as part of their contract with HRM. If this service is provided, it is included in the towing fee. The owner of the vehicle is responsible to pay the fee which is generally covered under their insurance policy.

By-Law

Information Report

When the current contracts expires in 2004, consideration will be given to issuing an HRM-wide tender for towing services. In that case the companies that provide the service would be under a contractual obligation to clear debris so that a consistent level of service can be obtained.

The practice of dividing the tender by geographical area has evolved due to the inability of any one service provider to meet the terms of the tender for the entire region, primarily because of volume of vehicles and storage issues. It is anticipated that, if the tender area is extended, additional service providers will be required.

BUDGET IMPLICATIONS

None

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

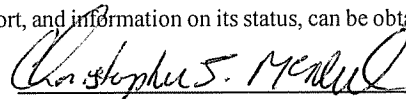
None

ATTACHMENTS

None

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:



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