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Item No. 13.1

Halifax Regional Council
September 20, 2011
September 27, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by Director
Ken Reashor, P.Eng., Director of Transportation and Public Works

DATE: September 7, 2011

SUBJECT: MacLaughlin Road & Lake Loon – Heavy Equipment

INFORMATION REPORT

ORIGIN

Item 9.2.1 raised at the June 7, 2011 meeting of Halifax Regional Council.

Item 11.5.1 raised at the August 2, 2011 meeting of Halifax Regional Council.

BACKGROUND

On June 7, 2011, Councillor Nicoll submitted a petition with ninety-seven (97) signatures from the residents of MacLaughlin Road, Lake Loon Road, Sparks Road, Prescott Drive, and Serpentine Avenue who have been negatively affected by the heavy traffic from dump trucks. The residents are requesting that something be done about the safety of their community.

On August 2, 2011, a motion was passed that Halifax Regional Council request a staff report on MacLaughlin Road/Lake Loon Road truck traffic.

DISCUSSION

MacLaughlin Road is a two-lane local road with a rural cross-section located in the Westphal area. There is a property on Lake Loon Road which is being used for disposal of so-called clean construction waste materials – primarily excavated rock, soil and grubbing (tree-roots, etc.). The property is a 75 acre parcel accessed by a driveway located between numbers 172 and 180 Lake Loon Road. The majority of the parcel is zoned RA (Residential) Zone of the North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston Land Use By-Law.

The construction waste is brought to the disposal site by dump trucks. Residents of MacLaughlin Road have complained about the dump trucks travelling along MacLaughlin Road to and from the disposal site. Residents say the dump truck traffic is unsafe and not in keeping with the residential character of the street.

These vehicles are subject to the HRM Truck Route By-Law. The truck route by-law requires that unless doing local service trucks must use designated truck routes. When a truck driver must leave a truck route to access a site not on a truck route, the by-law reads as follows:

“A person may, for the purpose of making a delivery or collection of goods or supplying a service at a location off a truck route and while using truck routes until unable to continue to do so, drive the truck on those highways forming the most direct accessible connection between the nearest truck route and the delivery point, collection point or service point for merchandise or materials, and shall also return to the truck route by those highways forming the most direct accessible connection.”

The truck route nearest the disposal site is Highway 7 (Main Street) at its intersection with MacLaughlin Road; therefore the dump trucks are required to travel to the site using MacLaughlin Road and then a short portion of Lake Loon Road. All other routes to the site require travelling a longer distance on non-truck-route streets. Note that Montague Road is not a truck route.

By the requirements of the Truck Route By-Law, the dump truck drivers are following the correct route.

MacLaughlin Road is straight for much of its length and the visibility of persons and motor vehicles using the street, particularly truck drivers with their higher seating elevation, is good. The speed limit is 50 KPH, which is the lowest permitted under the provincial Motor Vehicle Act.

Some residents have suggested a painted centreline be added to MacLaughlin Road as a safety measure. It is not expected a painted centreline would increase safety or change the behaviour of drivers on a mostly-straight roadway like MacLaughlin Road. The Motor Vehicle Act already requires drivers to stay to the right of the centre of the road, whether a line is painted there or not, but drivers are allowed to cross the centreline to avoid a person on the right-hand side of the road. Typically in HRM, centrelines are only painted on very wide roads, or on roads with significant curves.

Some residents questioned whether the disposal of clean construction waste at the site off of Lake Loon Road is legal given the zoning of the parcel in question is RA under the North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston Land Use By-Law. No development permit is required for the collection of clean construction waste because it is not considered to be development activity as there is no commercial use nor structures involved.

By-Law 40 of the former Halifax County Municipality (Topsoil By-Law) also applies to this case. By-Law 40 applies to works that "alter the grade of the land" and requires that a permit be obtained from HRM before operations begin. An application for a Topsoil Permit on this property was made and with the necessary information provided, a permit has been issued. With respect to the issue of truck traffic accessing this site, there are no HRM regulations available to control the number and frequency of trucks using MacLaughlin Road and Lake Loon Road.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

Councillor Nicoll has had some meetings with some residents that included representatives of Police, HRM Traffic and Right of Way Services, and Nova Scotia Transportation and Infrastructure Renewal. There have been a number of email and telephone conversations between some residents and staff of HRM Traffic and Right of Way Services.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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