

Item No. 11.7.1 (ii)

Halifax Regional Council

March 18, 2014

April 1, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY:

David Hubley, P.Eng., A/Director, Transportation & Public Works

DATE: February 17, 2014

SUBJECT: Exemptions to Truck Route By-Law (T-400)

INFORMATION REPORT

ORIGIN

Item 14.1 of the November 12, 2013 meeting of Halifax Regional Council:

MOVED by Councillor Whitman, seconded by Councillor Hendsbee whereas local businesses are being negatively impacted by the Truck Route By-law. Council directs staff to prepare a staff report with suggested amendments to By-law T-400, that enable Council to grant exemptions for temporary situations and or local traffic.

MOTION PUT AND PASSED

Also:

At the February 25th 2014 meeting of Halifax Regional Council, Councillor Whitman submitted a petition with 400 signatures requesting that local businesses located in the greater Hammonds Plains and Lucasville area be allowed unencumbered use of the Hammonds Plains and Lucasville Roads to conduct business with vehicles over 3000 kg. The petition requests that this be done by either removing, amending or changing By-law T-400 to say any vehicles of local businesses on the Hammonds Plains/Lucasville Road be exempt from prosecution when using any part of the Hammonds Plains and Lucasville Roads to conduct commercial business.

LEGISLATIVE AUTHORITY

Part VII, Section 188 “Power to make by-laws” of the HRM Charter and Part V, Section 194(4) “Temporary Weight Restrictions or Truck Route” of the Nova Scotia Motor Vehicle Act.

BACKGROUND

HRM's Truck Route By-law (T-400) was enacted in 1998 to replace former City of Halifax Ordinance 155 and former City of Dartmouth By-law T-800, both respecting the regulation of heavy truck traffic on municipal roadways. The by-law is intended to restrict through traffic by heavy trucks to specific roadways such as major collectors, arterials and freeways, which are more suited for use by these types of vehicles and to minimize the number of, and disturbance by, heavy trucks using non-truck route roadways.

DISCUSSION

Restricting through traffic by heavy trucks to the higher class, major roadways ensures limited exposure of local, residential areas to the disturbances and safety concerns often associated with heavy trucks as well as ensuring the majority of this truck traffic is occurring on roadways that have been purpose-built to handle the increased size and weight associated with these types of vehicles.

An exemption to the truck route by-law, granted to an individual or business, would allow the individual or business to operate heavy trucks on roadways that have been excluded from the identified truck routes. Such exemptions would result in challenges related to administration/regulation and enforcement.

In order to properly administer and regulate such exemptions, a process would need to be set up describing the procedure for making application to Council by the individual or business seeking the exemption. Such a process would need to consider the application format, applicable fee(s), information to be provided for review of the application, process for review of the applications and the physical form of the exemption itself (letter, certificate, permit, sticker, etc.). Consideration would also need to be given to criteria to be put in place in order to determine how and for what time frame the exemption would be issued i.e. should the exemption be issued permanently or for a specific period that would require renewal; would the exemption be vehicle specific, requiring an exemption for each individual vehicle, or issued to a business.

Staff met with representatives from Halifax Regional Police, RCMP and provincial Vehicle Compliance in order to determine if there might be any specific challenges related to enforcing violations to the truck route by-law and the exemptions, should exemptions be issued. The main concern that was raised had to do with the ability to deal with the increased number of trucks that would be present on non-truck route roadways and the resources needed to determine which are in violation of the by-law and which are exempt.

Traffic & Right of Way Services regularly receives complaints from residents about the presence of large trucks on streets near their homes or in areas where they feel these trucks should not be. Careful consideration needs to be given to the idea of allowing exemptions to the Truck Route By-law since such exemptions will no doubt be attractive to many businesses across the Municipality who operate large trucks. Exemptions to the Truck Route By-law will ultimately result in an increase in heavy truck traffic on non-truck route roadways, effectively negating the by-law itself, and therefore have an impact on the residents in areas where exemptions have been granted.

Should Council decide to move forward with amendments to the by-law, staff from Legal Services have provided wording, see Attachment A, which could be inserted into the by-law that would provide Council with the ability to grant exemptions.

FINANCIAL IMPLICATIONS

At this time, there are no financial implications associated with this report. Should Council wish to proceed with amendments to the by-law to grant exemptions, then staff would assess the financial implications associated with implementing such a program.

COMMUNITY ENGAGEMENT

Community engagement was not deemed necessary at this stage because the motion from the Councillor was a result of input from a resident. If Council decides to move forward with amendments to the by-law, community engagement would be provided through the public hearing process associated with the by-law amendment process.

ATTACHMENTS

- 1) Proposed Amendments to By-law T-400 to Allow Exemptions
- 2) Current Truck Route By-law (T-400)

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.

Report Prepared by: Roddy MacIntyre, P.Eng., Transportation Engineer, 490-5525

Report Approved by: _____
Taso Koutroulakis, P.Eng., P.T.O.E., Manager, Traffic & Right of Way Services, 490-4816

Report Approved by: _____
Bill Moore, O.O.M., Deputy Chief, Halifax Regional Police, 490-7138

Report Approved by: _____
Joshua Judah, Senior Solicitor, Legal, Insurance and Risk Management Services, 490-4226

Attachment -1
Proposed Amendments to By-Law T-400 to Allow Exemptions

Grant of Exemptions by Council

- 7 (1) Notwithstanding anything contained in this By-Law, any person may make application to Council to be granted an exemption from any of the provisions of this By-Law with respect to driving a truck on a highway for which that person might be prosecuted.
- (2) An application for an exemption shall be filed with the Municipal Clerk and shall include
- (a) a complete Truck Route Bylaw application form, attached to this Bylaw as Appendix A; and
 - (b) the application fee, as prescribed by Administrative Order Number 15.
- (3) The Municipal Clerk shall schedule the application to be heard during a Council session.
- (4) Notice of the time, date and purpose of the Council Session at which the hearing is proposed to take place shall be
- (a) mailed to the assessed owner or owners as shown in the records of the Regional Assessment Office, of property that abuts the portion of the highway that will be the subject of the hearing; or
 - (b) advertised in a newspaper circulating in the Municipality.
- (5) The Municipal Clerk shall provide notice of the application to the Municipal Engineer. The Municipal Engineer shall produce a recommendation report for Council in regard to the application.
- (6) In deciding whether or not to grant an exemption, Council shall give the applicant, and any person opposed to the application, an opportunity to be heard during a Council Session and may consider such other matters as it deems appropriate.
- (7) In deciding whether or not to grant an exemption, Council shall give consideration to
- (a) the social or commercial benefit of the exemption to the municipality;
 - (b) the views of any residents of the municipality which may be expressed to Council;
 - (c) the proposed hours of operation of the exemption; and
 - (d) the proposed duration of the exemption.
- (8) Council, by resolution, may
- (a) grant the exemption applied for;
 - (b) grant any exemption of lesser effect; or
 - (c) refuse to grant any exemption.
- (9) Exemptions granted by Council shall

- (a) specify the time period, not in excess of six months, during which the exemption shall be effective; and

- (b) include such terms and conditions as Council deems appropriate.

(10) The Municipal Engineer shall issue an Exemption Certificate for each vehicle that is subject to an exemption granted by Council.

(11) The Driver of a vehicle that is subject to an exemption must

- (a) carry the Exemption Certificate in the vehicle at all times the vehicle is in operation;

- (b) display the Exemption Certificate upon the demand of a Peace Officer; and

- (c) surrender the Exemption Certificate to the Municipal Engineer upon his request.

(12) The Exemption Certificate replacement fee shall be prescribed by Administrative Order Number 15.

(13) In addition to being prosecuted under this bylaw, any alleged breach by the applicant of any of the terms or conditions of any exemption granted by Council may be investigated by municipal staff.

Municipal staff shall reported their finds to Council in writing and provide a copy of the report to the applicant. Council may pass a resolution revoking the exemption, without the necessity of giving notice of rescinding motion, and such exemption shall be null and void as of the passing of such resolution.

BY-LAW NO. T-400
RESPECTING THE ESTABLISHMENT OF TRUCK ROUTES
FOR CERTAIN TRUCKING MOTOR VEHICLES WITHIN THE
HALIFAX REGIONAL MUNICIPALITY

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality, under the authority of section 194(4) of the Motor Vehicle Act, being chapter 293 of the Revised Statutes of Nova Scotia, 1989 as amended, as follows:

1. This by-law shall be known as by-law No. T-400, and may be cited as the “Truck Routes By-Law”. This by-law shall apply to those areas of the Halifax Regional Municipality located in the Urban Core Service Area.
2. In this by-law:
 - (a) “Municipality” means the Halifax Regional Municipality;
 - (b) “Highway” means a public highway, street, lane, road, alley, park, or place including the bridges thereon and private property that is designed to be and is accessible to the general public for the operation of a motor vehicle;
 - (c) “Truck” in this by-law includes
 - (i) a motor vehicle designed, used or maintained primarily for the transportation of goods, material or property, and weighing more than three thousand kilograms (3,000 kg) according to the registration certificate of the vehicle, and
 - (ii) a tractor, roller, grader, backhoe, pay loader, road building or road maintenance equipment, or construction equipment, other than truck type vehicles, regardless of weight.
 - (d) “Truck route” or “route” means a highway in the Municipality approved for the passage of trucks.
3. No person shall drive a truck on any highway in the Municipality except as permitted by this by-law.
4. (1) A truck may be operated on a highway only between the hours of seven o’clock in the forenoon and nine o’clock in the afternoon of the same day on those routes, (“Daytime Truck Routes”) established in Schedule “A” hereto annexed.

- (2) A truck may be operated on a highway at anytime on those routes (Full time Truck Routes) established in Schedule "B" hereto annexed.
 - (3)
 - (i) 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.
 - (ii) Where the person has a subsequent delivery or collection to make, or subsequent service to provide, in the same area, he may proceed to make the subsequent delivery or collection or service before proceeding by the most direct accessible connection to the nearest truck route.
 - (iii) If any truck is stored at a location off the truck route, a person may drive the truck to and from the place where it is stored, and in so doing shall drive it on those highways forming the most direct, accessible connection between the storage location and a truck route.
5. The Municipality shall erect signs as depicted in Schedule "C" hereto to be placed on the truck routes listed in Schedule "A" and Schedule "B", to indicate to drivers of trucks the highways permitted to be used as truck routes.
6. The provisions of this by-law shall not apply to municipal vehicles or public utility vehicles while actively engaged in maintenance and repair work on Municipal streets or utility appurtenances included therein, or to Police or Fire Service vehicles or equipment engaged in the line of duty.
7. Deleted by Minister of Housing & Municipal Affairs
8. Deleted by Minister of Housing & Municipal Affairs
9. Every person who violates or fails to comply with any of the provisions of this by-law shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) and in default of payment to imprisonment for a term not exceeding sixty days or to both.

10. (1) City of Dartmouth by-law T-800 and City of Halifax Ordinance 155, as amended, are hereby repealed.
- (2) Deleted by Minister of Housing & Municipal Affairs

Done and passed by Council this 30th day of June, 1998.

Walter R. Fitzgerald
Mayor

Vi Carmichael
Municipal Clerk

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on June 30, 1998.

Vi Carmichael
Vi Carmichael, Municipal Clerk

BY-LAW T-400

Notice of Motion:	April 28, 1998
First Reading:	May 12, 1998
“Notice of Intent” Publication:	June 20, 1998
Second Reading:	June 30, 1998
Third Reading:	June 30, 1998
Approval of Minister of Transportation & Public Works:	November 17, 1998
Approval of Minister of Housing & Municipal Affairs:	January 27, 1999
Effective Date:	February 6, 1999

No. 1 Amended by T-401

Substituted Schedules “A” and “B”; added Schedule “C”

Notice of Motion:	March 21, 2000
First Reading:	March 28, 2000
“Notice of Intent” Publication:	April 1, 2000
Second Reading:	April 18, 2000
Approval of Minister of Transportation and Public Works:	July 6, 2000
Approval of Minister of Housing and Municipal Affairs:	July 12., 2000
Effective Date:	July 29, 2000

Schedule A
(Updated with 2007 Street Name Changes)
Schedule of Daytime (7:00 am - 9:00 pm) Truck Routes

<u>No.</u>	<u>Street name</u>	<u>Between</u>
1.	Agricola Street	Cunard Street & Young Street
2	Ahern Avenue	Cogswell Street & Bell Road
3	Albert Street	Devonshire Avenue (north intersection) & Devonshire Avenue (south intersection) (see item 14a)
4	Alderney Drive	Windmill Road & Portland Street
5	Alma Crescent	Dutch Village Road (east intersection) & Dutch Village Road (west intersection)
6	Almon Street	Windsor Street & Gottingen Street
7	Barrington Street	Morris Street & Hollis Street
8	Bedford Highway	Hammonds Plains Road & Dartmouth Road (Highway 2)
9	Brunswick Street	Cogswell Street & Prince Street
10	Coburg Road	Robie Street & Oxford Street
11	Commission Street	Kempton Road & Lady Hammond Road
12	Connaught Avenue	Windsor Street & Quinpool Road
13	Desmond Avenue	Bayers Road & Scot Street
14	Devonshire Avenue	Duffus Street & Albert Street (north intersection)
14a	Devonshire Avenue (formerly Albert Street)	Devonshire Avenue (north intersection) & Devonshire Avenue (south intersection)
15	Devonshire Avenue	Vincent Street (formerly Albert Street (south intersection)) & Barrington Street
16	Duffus Street	Lady Hammond Road & Devonshire Avenue
17	Dunbrack Street	Kearney Lake Road & Main Avenue
18	Dutch Village Road	Alma Crescent (west intersection) & Joseph Howe Drive
19	Gottingen Street	Young Street & North Street
20	Inglis Street	Barrington Street & Robie Street
21	Kaye Street	Isleville Street & Gottingen Street
22	Kearney Lake Road	Highway 102 & Bedford Highway (Highway 2)
23	Lacewood Drive	Evans Avenue & Highway 102
24	Lady Hammond Rd	Kempton Road & Duffus Street
25	Morris Street	South Park Street & Water Street
26	North Street	Windsor Street & Gottingen Street (both directions)
27	North Street	Barrington Street & Gottingen Street (westbound only)
28	Oxford Street	Quinpool Road & Coburg Road
29	Portland Street (Highway 207)	Alderney Drive & Circumferential Highway (Highway 111)
30	Prince Albert Road	Circumferential Highway (Highway 111) & Alderney Drive/Portland Street/Victoria Road
31	Robie Street	Massachusetts Avenue (formerly Robie Street Connector) & Lady Hammond Road

Schedule A
(Updated with 2007 Street Name Changes)
Schedule of Daytime (7:00 am - 9:00 pm) Truck Routes

<u>No.</u>	<u>Street name</u>	<u>Between</u>
32	Ross Road	Cole Harbour Road (Highway 207) & Main Street
33	South Park Street	Sackville Street & Morris Street
34	Spring Garden Road	Robie Street & South Park Street
35	Titus Street	Alma Crescent & Evans Avenue
36	Windmill Road (Highway 7)	Alderney Drive & Albro Lake Road
37	Windsor Street	Bayers Road (formerly at Young Street) & Quinpool Road
38	Windsor Street	Lady Hammond Road (formerly Kempt Road) & Bayers Road
39	Wyse Road	Albro Lake Road & Windmill Road
40	Young Street	Robie Street & Gottingen Street

Schedule B
(Updated with 2007 Street Name Changes)
Schedule of Full Time Truck Routes

<u>No</u>	<u>Street name</u>	<u>Between</u>
1	Akerley Boulevard	Highway 107 & Windmill Road
2	Albro Lake Road	Victoria Road & Windmill Road
3	Armdale Rotary	All roads and ramps
4	Barrington Street	MacKay Bridge & Cogswell Street Interchange
5	Barrington Street	Hollis Street & Inglis Street
6	Bayers Road	Joseph Howe Drive (formerly at Dutch Village Road) & Windsor Street
7	Beaver Bank Connector	Highway 101 & Sackville Drive (Highway 1)
8	Beaver Bank Road	Sackville Drive (Highway 1) & Core Service Boundary
9	Bedford By-pass (Highway 7)	Windmill Road & Highway 101
10	Bedford Highway (Highway 1)	Dartmouth Road & Highway 101
11	Bedford Highway (Highway 2)	Hammonds Plains Road & Fairview Overpass
11a	Bedford Highway (formerly Kempt Road)	Fairview Overpass & Windsor Street
12	Bell Road	Sackville Street & Robie Street
13	Bishop Street	Hollis Street & Water Street
14	Brunswick Street	Prince Street & Sackville Street
15	Burnside Drive	Akerley Boulevard & Circumferential Highway (Highway 111)
16	Caldwell Road	Cow Bay Road (Highway 322) & Hines Road
17	Chain Lake Drive	Lacewood Drive & Lakelands Boulevard
18	Chain Lake Drive	Lakelands Boulevard & Susie Lake Crescent (omit item 18 effective June 16, 2008) (see item 18a)
18a	Chain Lake Drive	Lakelands Boulevard & Horseshoe Lake Drive - item 18a effective June 16 2008) (see also 44a)
19	Chebucto Road	Armdale Rotary & Windsor Street
20	Cobequid Road	Sackville Drive (Highway 1) & Glendale Drive
21	Cogswell Street	Cogswell Street Interchange & Quinpool Road
22	Cogswell Street Interchange	Includes all ramps
23	Cole Harbour Road	Caldwell Road & Ross Road
24	Cornwallis Street	Upper Water Street & Barrington Street
25	Cow Bay Road (Highway 322)	Main Road (Highway 322) & Caldwell Road
26	Cunard Street	Windsor Street & North Park Street
27	Dartmouth Road (Highway 7)	Bedford By-pass & Bedford Highway

Schedule B
(Updated with 2007 Street Name Changes)
Schedule of Full Time Truck Routes

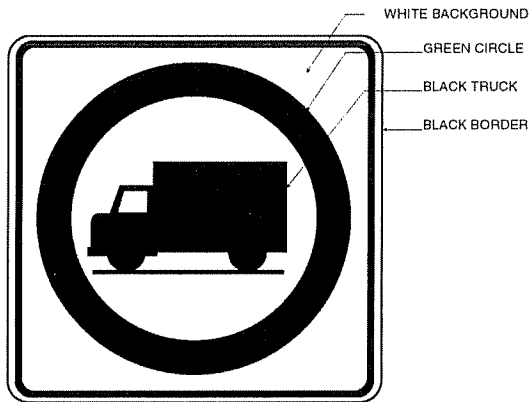
<u>No</u>	<u>Street name</u>	<u>Between</u>
28	Dentith Road	Herring Cove Road & Old Sambro Road
29	Duke Street (Bedford)	Highway 102 & Rocky Lake Drive
30	Duke Street (Halifax)	Hollis Street & Upper Water Street
31	Dutch Village Road	Bayers Road & Highway 102 no longer connected to Highway 102
32	Dutch Village Road	Fairview Overpass & Joseph Howe Drive (north intersection) now part of item 47
33	Dutch Village Road	Joseph Howe Drive (south end) & Armdale Rotary now part of item 47
34	Fairview Overpass	All Ramps, etc.
35	Forest Hills Drive	Cole Harbour Road (Highway 207) & Main Street (Highway 7)
36	George Street	Hollis Street & Lower Water Street
37	Glendale Avenue	Highway 102 & Cobequid Road
38	Hammonds Plains Road (Hwy 213)	Bedford Highway & Highway 102
39	Hebridean Drive	Herring Cove Road & John Brackett Drive
40	Herring Cove Road	Armdale Rotary & Core Service Boundary
41	Highway 2	Highway 102 (Fall River) & Church Street
42	Highway 7	Forest Hills Drive & Salmon River Drive
43	Hines Road	Main Road (Highway 322) & Caldwell Road
44	Hollis Street	Cogswell Street Interchange & Barrington Street
44a	Horseshoe Lake Drive	Chain Lake Drive & Susie Lake Crescent - effective June 16, 2008
45	Ilsley Avenue	Wright Avenue & Ronald Smith Avenue
46	John Brackett Drive	Glencairn Drive & Hebridean Drive
47	Joseph Howe Drive	Fairview Overpass & Armdale Rotary
48	Kempt Road	Lady Hammond Road (formerly from Fairview Overpass) (see item 11a and item 49a) & Young Street
49	Lacewood Drive	Highway 102 & Chain Lake Drive
49a	Lady Hammond Road	Windsor Street & Kempt Road
50	Lakeland Boulevard	Highway 3 & Chain Lake Drive
51	Lake Major Road	Highway 7 & end
52	Lakeside Park Drive	Highway 3 & end
53	Lower Water Street	Terminal Road & George Street
54	Mackay Bridge Approaches	including its ramps and approaches to Circumferential Highway (Highway 111), Massachusetts Avenue (formerly the Robie Street Connector), Lady Hammond Road and Windsor Street on the south, to Kempt Road on the west, and to Barrington Street on the east.

Schedule B
(Updated with 2007 Street Name Changes)
Schedule of Full Time Truck Routes

<u>No</u>	<u>Street name</u>	<u>Between</u>
55	Main Street (Highway 7)	Circumferential Highway (Highway 111) & Forest Hills Drive
56	Main Road (Highway 322)	Belmont Avenue & Cow Bay Road (Highway 322)
57	North Park Street	Cunard Street & Cogswell Street
58	Oakmount Drive	Bedford Highway & end
59	Old Sambro Road	Herring Cove Road & Core Service Boundary
60	Otter Lake Drive	Highway 103 & end
61	Pleasant Street (Highway 322)	Highway 111 & Belmont Avenue
62	Portland Street (Highway 207)	Circumferential Highway (Highway 111) & Caldwell Road
63	Prince Street	Brunswick Street & Water Street
64	Purcells Cove Road	Herring Cove Road & Glencairn Drive
65	Quinpool Road	Cogswell Street & Armdale Rotary
66	Robie Street	Robie Street Connector/Livingstone Street & Inglis Street
67	Massachusetts Avenue (formerly Robie Street Connector)	Robie Street/Livingstone Street & Mackay Bridge Approaches
68	Ronald Smith	Burnside Drive & Ilsley Avenue Avenue
69	Sackville Drive (Highway 1)	Highway 101 & Patton Road
70	Sackville Street	South Park Street & Lower Water Street
71	Salter Street	Hollis Street & Lower Water Street
72	St. Margarets Bay Road (Highway 3)	Armdale Rotary & Lakeside Park Drive
73	Susie Lake Crescent	Chain Lake Drive (east intersection) & Chain Lake Drive (west intersection) (Horseshoe Lake Drive, effective June 16, 2008)
74	Terminal Road	Hollis Street & Lower Water Street
75	Timberlea Village Parkway	Highway 103 & St. Margarets Bay Road(Highway 3)
76	Upper Water Street	George Street & Cogswell Street Interchange
77	Victoria Road	Windmill Road & Albro Lake Road
78	Williams Lake Road	Herring Cove Road & Purcells Cove Road
79	Windmill Road (Highway 7)	Bedford Bypass & Albro Lake Road
80	Windsor Street	Bayers Road & Young Street
81	Wright Avenue	Ilsley Avenue & Windmill Road
82	Young Street	Windsor Street & Robie Street

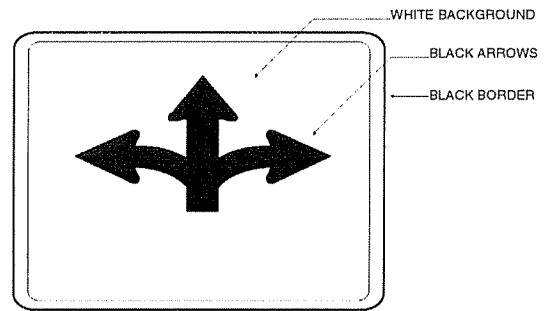
SCHEDULE "C" REGULATION SIGNS

RB-61



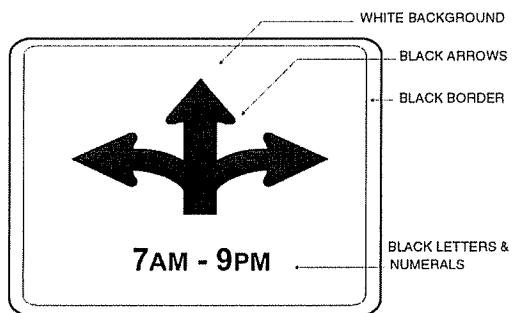
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RB-61S-B



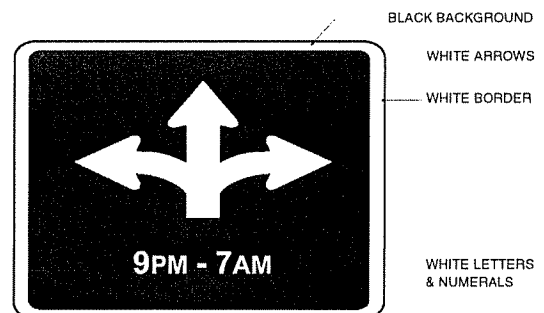
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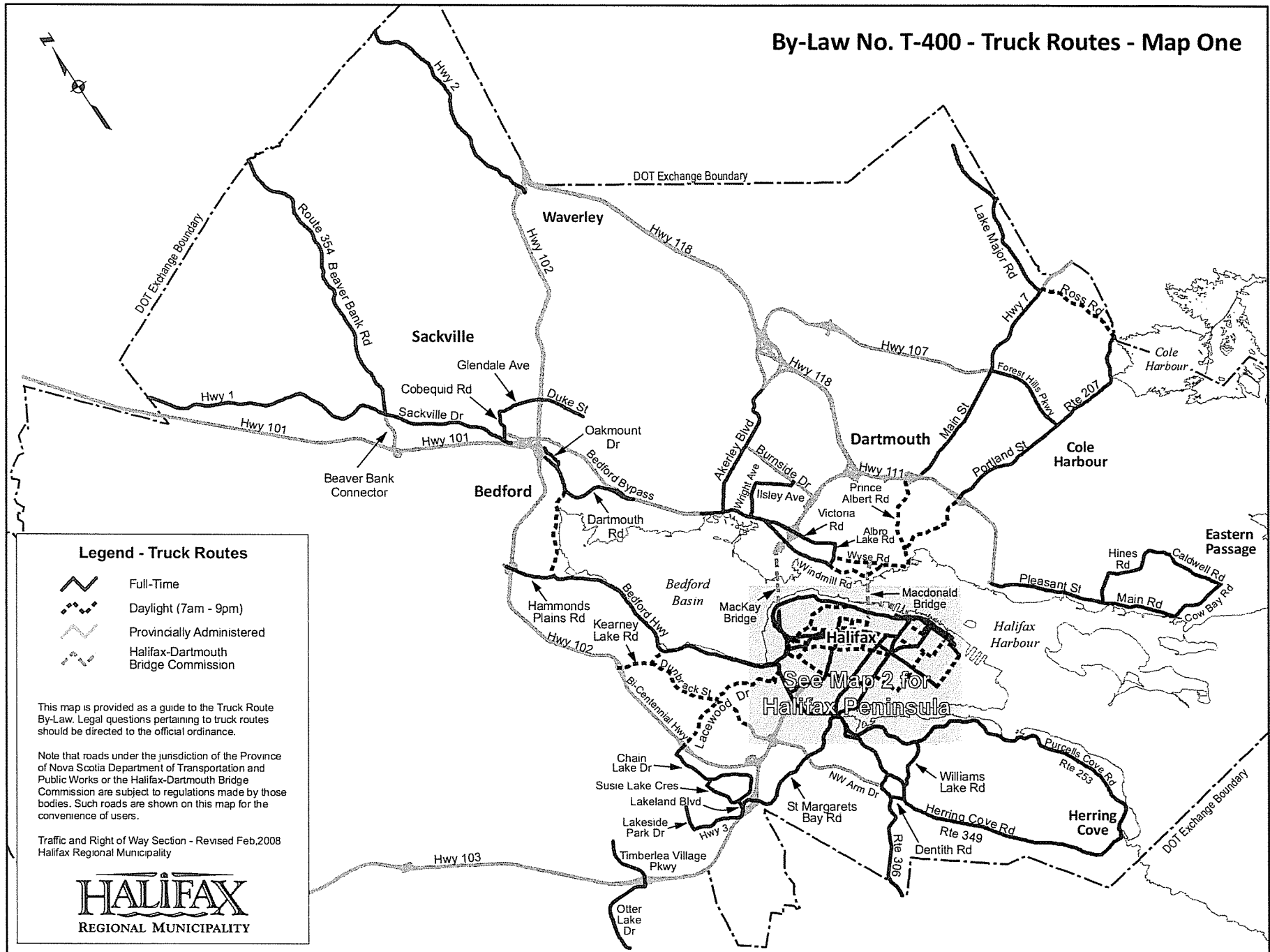
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RB-61S-C



60cm x 45 cm

By-Law No. T-400 - Truck Routes - Map One



By-Law No. T-400 - Truck Routes Peninsula Halifax - Map Two

