



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.5.1**  
**Halifax Regional Council**  
**April 14, 2015**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Reg Rankin, Chair, Transportation Standing Committee

**DATE:** March 30, 2015

**SUBJECT:** Amendments to Streets By-law S-300, Respecting Streets

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**ORIGIN**

March 26, 2015, Item 9.1.1, Transportation Standing Committee

**LEGISLATIVE AUTHORITY**

According to the Terms of Reference section 5c, The Transportation Standing Committee provides input and review of By-law S-300, the Streets By-law, as it relates to approaches to routing, right-of-way management, accessibility and management of priorities for uses.

**RECOMMENDATION**

The Transportation Standing Committee recommends to Halifax Regional Council that no changes be made to By-law S-300, By-law Respecting Streets at this time with respect to the issue of paving of backfilled trenches.

## **BACKGROUND**

A report dated February 24, 2015 was reviewed by the Transportation Standing Committee at their March 26, 2015 meeting.

## **DISCUSSION**

The Committee discussed the origin of the report as it pertained to dust, noise, and safety issues resulted from an unpaved trench. The Committee discussed penalties, timelines, and liabilities for contractors with staff. The Committee requested that staff clearly communicate to contractors and utility companies the proviso for the amount of time a trench may be left as gravel as outlined on page 2 of the February 24, 2015 report.

## **FINANCIAL IMPLICATIONS**

All implications are outlined in the February 24, 2015 report.

## **COMMUNITY ENGAGEMENT**

The Transportation Standing Committee is comprised of six elected members of Regional Council. Meetings are held on a monthly basis and are open to the public (unless otherwise indicated). Agendas, reports and minutes are available on the Halifax website.

## **ENVIRONMENTAL IMPLICATIONS**

No implications were identified.

## **ALTERNATIVES**

The Committee did not provide any alternatives.

## **ATTACHMENTS**

Attachment 1 – Staff report dated February 24, 2015

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by:      Andrew Reid, Legislative Assistant, 902.490.5934

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## Attachment 1

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 9.1.1**  
**Transportation Standing Committee**  
**March 26, 2015**

**TO:** Chair and Members of Transportation Standing Committee  
Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Mike Labrecque, A/Director, Transportation and Public Works

**DATE:** February 24, 2015

**SUBJECT:** Amendments to Streets By-Law S-300, Respecting Streets  
\_\_\_\_\_

### **ORIGIN**

Item 14.1 raised at the September 9, 2014 Halifax Regional Council.

Motion passed that Halifax Regional Council request a staff report considering amendments to By-law S-300, By-law Respecting Streets - with a proviso that if a permit has been issued for work in the public street, and the work in the street has been completed and back filled, that the street must be paved within seven (7) days. This paving can be temporary but the streets must not be left in a gravel condition.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, Part VII, clause 188 (2) (e) – Council may, in any by-law, provide for a system of licences, permits or approvals including any or all of...

(iii) providing that terms and conditions may be imposed on a licence, permit or approval, the nature of the terms and conditions and who may impose them...

*Halifax Regional Municipality Charter*, Part XII, Subsection 327 (1) No person shall break the surface of a street without the permission of the Engineer.

*HRM By-law S-300*, section 28, Permit Conditions; the Engineer may impose conditions for the granting of a streets and services permit.

### **RECOMMENDATION**

It is recommended that the Transportation Standing Committee recommend to Regional Council that no changes be made to By-law S-300, By-law Respecting Streets at this time with respect to the issue of paving of backfilled trenches.

## **BACKGROUND**

Excavations occur in HRM streets quite frequently. Approximately 1500 Streets and Services Permits are issued every year; approximately 1200 of those permits result in some form of excavation in the right of way.

The scope of work is widely varied; from the deep trench work such as water and sewer mains to the shallow trench work such as duct banks and natural gas mains. Planned projects can range from several kilometres of new mains to service laterals to individual homes and everything in between. HRM's own capital works program sometimes result in removal of the asphalt from a road. This would occur on streets where full depth asphalt rehabilitations are required or when streets are being re-aligned. Traffic signal upgrade projects often require trenching of new conduit systems between traffic signal poles and control boxes.

## **DISCUSSION**

With a wide variety of works taking place on HRM streets, it is inevitable that motorists will encounter some gravel conditions at works sites from time to time. Staff has already taken steps to reduce the amount of time a trench can be left as gravel. In the 2013 revisions to the Municipal Design Guidelines, an entire section was added to address trench reinstatement. Specifically on page A-30, section 6.3.16 states:

*Trenches that are open to vehicle or pedestrian traffic shall be reinstated with permanent or temporary asphalt (minimum of 50 mm thick) within five business days for Local Streets and three business days for Collector and Arterial Streets...*

This clause is most often used when the excavation work in an area is complete, but for some reason full reinstatement of the asphalt is not possible or practical within a reasonable period of time. Inspectors will then use the clause to have an area hard-surfaced until the full depth, permanent reinstatement can take place. This clause is enforceable through the Streets and Services Permit issued under HRM By-law S-300, By-law Respecting Streets, as work undertaken in the street is subject to these guidelines as noted in the permit conditions.

There are cases where trenches are left unpaved for longer than the times noted above. This is often the case when an area must be excavated several times throughout the course of a project, or work in the immediate area is on-going.

It is also important to note that trench cuts which take place over the winter may be left in a gravel state for extended periods of time. This is mainly due to lack of asphalt availability from the end of December to April; during the period in which asphalt plants are not operational. Trenching work during this period is restricted to emergency and required works. Examples would be water main breaks, sewer lateral replacements, connecting new buildings to essential services, and natural gas service installations in no-heat situations.

On high volume streets and streets with steep grades, these cuts are temporarily patched using a hand-compacted mixture of gravel and low temperature asphaltic binding agent commonly referred to as "cold patch". On lower volume streets, these cuts are gravelled. Winter street cuts are monitored on a regular basis, and reinstated in the spring when materials are available and conditions of the Municipal Design Guidelines can be achieved.

**No matter the conditions that lead to the backfilled trench area being reopened to traffic or the duration the trench is left as gravel before it is paved, the basic expectation is that the area is passable at all times. Both HRM inspectors and contractor or utility representatives actively monitor these gravel backfilled trenches to ensure they are passible. Staff also respond to calls**

from the public through 3-1-1, and prioritize actions based on the on-site conditions. Any location deemed a hazard by the HRM Inspector would be addressed immediately by the responsible contractor. Reinstatement of the trench to HRM Specifications is the responsibility of the permit holder. This includes liabilities for claims related to the condition of the trench.

#### **FINANCIAL IMPLICATIONS**

Implications not identified as no changes to current practices are recommended at this time.

#### **COMMUNITY ENGAGEMENT**

No community engagement took place as no changes to current practices are recommended at this time.

#### **ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

#### **ALTERNATIVES**

There are no recommended alternatives.

#### **ATTACHMENTS**

None.

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Christopher Davis, P.Eng., Supervisor, Right of Way Services 902.490.7462  
Original Signed

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