


# HALIFAX

P.O. Box 1749  
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**Item No. 11.1.1**  
**Halifax Regional Council**  
**October 20, 2015**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** September 14, 2015

**SUBJECT:** Traffic Authority

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## ORIGIN

Motion of Councillor Mason made July 22, 2014 that Halifax Regional Council request a staff report regarding the effectiveness and appropriateness of appointing a municipal manager, serving as Traffic and Right of Way Manager, as the provincially mandated Traffic Authority and to make recommendations regarding:

- (a) potential administrative changes to the structure inside current statutory requirements; and
- (b) potential statutory changes that may be proposed for consideration by the Province, if any.

## LEGISLATIVE AUTHORITY

*Motor Vehicle Act:*

**86 (6)** The council of a city or town may, from time to time, appoint the city or town manager, the chief of police, or some other official of the city or town, to be the traffic authority for the city or town.

**(7)** The council of a city or town may, from time to time, appoint a member of the police force, or some other official of the city or town to be deputy traffic authority who, in the absence or incapacity of the traffic authority or in the event of his death or ceasing to hold the office, shall perform the duties and have all the authority of the traffic authority of the city or town.

**(8)** The clerk of a city or town shall forthwith send to the Provincial Traffic Authority any resolution passed under subsection (6) or (7).

Section 321 of the *HRM Charter*, including:

**RECOMMENDATION ON PAGE 2**

**321 (2)** The Council may, by policy, appoint a traffic authority for all or part of the Municipality.

**(3)** A traffic authority has, within the Municipality, the powers of a traffic authority of a city or town pursuant to the Motor Vehicle Act.

**(4)** The Clerk shall notify the Provincial Traffic Authority of the appointment of a traffic authority.

**(5)** Where there is no traffic authority appointed by the Council, the Minister of Transportation and Infrastructure Renewal may appoint a traffic authority to hold office until the Council appoints a traffic authority.

...

**(8)** The traffic authority for the Municipality has, with respect to highways in the Municipality, excluding those for which the Provincial Traffic Authority has authority, the powers conferred upon a traffic authority by or pursuant to the Motor Vehicle Act, 2008, c. 39, s. 321.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council continue its recent practice of appointing the Director of Transportation and Public Works to the position of Traffic Authority.

## **BACKGROUND**

On June 24, 2014, a report was before Council to appoint Taso Koutroulakis as the provisional Traffic Authority and Tanya Davis as the provisional Deputy Traffic Authority for the Municipality. At that time, Councillor Mason raised questions around the appropriateness of having a senior staff person from the Municipality assigned to the role of Traffic Authority.

On July 22, 2014, Council requested a staff report on the effectiveness and appropriateness of appointing a municipal manager to the position of Traffic Authority.

On December 9, 2014, Council appointed Taso Koutroulakis as the provisional Traffic Authority and Tanya Davis as the provisional Deputy Traffic Authority.

On June 23, 2015, Council appointed Bruce Zvaniga as the Traffic Authority, and Taso Koutroulakis and Tanya Davis as the Deputy Traffic Authorities. A further request was made for this report.

## **DISCUSSION**

The Traffic Authority is a position created by statute. Under the *HRM Charter*, the Traffic Authority has the powers of a traffic authority of a city or town pursuant to the *Motor Vehicle Act*. Under the *Motor Vehicle Act*, it is the Traffic Authority, rather than Municipal Councils, that is given extensive responsibility for the regulation of the highways within the Municipality. The Traffic Authority's responsibilities include:

- erecting signs, markings and traffic control signals to direct and regulate traffic;
- establishing crosswalks, safety zones, traffic lanes, areas where left-turn/right-turn/U-turns are prohibited, one-way streets, tow-away zones, temporary work areas, passenger and loading zones, bus stops and taxi stands, fire lanes, no parking/no standing zones;
- issuing parade permits;
- fixing maximum rates of speed;
- designating school areas;
- designating a sidewalk or part thereof as a trail and authorizing the use of bicycles thereon; and
- making and enforcing temporary regulations to cover emergencies or special conditions (includes the winter parking ban).

Statutory officers are common throughout all levels of government. The Traffic Authority is not the only statutory office created by the *HRM Charter*. Other statutory offices at the municipal level include the Engineer, Development Officers, Building Officials, and the Responsible Officer under Part XX of the *Municipal Government Act (Freedom of Information and Protection of Privacy)*. In each instance, the statutory officers are empowered to make decisions on issues within their purview and, in some circumstances, there is no appeal of those decisions to Council. In each case, the statutory office is held by an individual who is also a municipal employee.

The *Motor Vehicle Act* requires the Traffic Authority to be the city or town manager, the Chief of Police, or some other official of the city or town: Council or a committee of Council cannot be appointed as the traffic authority. There are examples of communities in Nova Scotia with various approaches to the appointment of the position of traffic authority: Chief of Police (eg: Amherst, Antigonish, New Glasgow), Town Engineer (eg: Bridgewater, Yarmouth), Director of Public Works (eg: Truro). In CBRM, the Chief of Police is appointed, with “design assistance to come from the Public Works Department” (CBRM Resolution RA5).

The Province of Nova Scotia is unique in its use of the traffic authority model. The Traffic Authority position under the *Motor Vehicle Act* is structured such that there is no right of appeal. Council does not have a supervisory role over decisions that fall within the purview of the traffic authority. In a 1993 decision by the Nova Scotia Court of Appeal, the Court found that “the Legislature has specifically conferred the power to regulate traffic...to the traffic authority pursuant to the *Motor Vehicle Act*. If there is a conflict between the general provisions and the *City Charter* [to manage and control the streets] and the specific sections in the *Motor Vehicle Act*, the latter must prevail. ...The city council...did not have the authority or jurisdiction to usurp the powers of the traffic authority duly appointed under the *Motor Vehicle Act*” (*Canada Trust Co. v. (Halifax City)*, (1993) 126 N.S.R. (2d) 218 (C.A.)).

Because the responsibilities of the Traffic Authority are focused on the safety and regulation of streets, the role of the Traffic Authority and Deputy Traffic Authority at HRM have traditionally resided in the Traffic Management section of Transportation and Public Works, and have been assigned to the Manager of Traffic Management and the Senior Traffic Operations Engineer, respectively. These positions are responsible to develop standards of practice based on legislation, uniform traffic control standards and engineering principles that support the traffic authority mandate and have the requisite knowledge, skill and ability in the specialized application of traffic operations engineering.

Within the current statutory requirements, it is possible to make administrative changes to the appointment of the traffic authority from the traditional model outlined above. It was recommended to the Municipality by CIMA Consultants that the Traffic Authority be one position removed from the Manager of Traffic Management, with the Manager of Traffic Management as the Deputy Traffic Authority. By appointing the Director of Transportation and Public Works as the Traffic Authority, the Traffic Authority role is placed at a more strategic level in the organization when making decisions. With the appointment of Bruce Zvaniga as the Traffic Authority and Taso Koutroulakis as the Deputy Traffic Authority in June, 2015, the Municipality has shifted to this more strategic approach.

Potential statutory changes are not recommended, as amendments to the *Motor Vehicle Act* would have

an impact on the status of traffic authorities throughout the province, including the Provincial Traffic Authority.

**FINANCIAL IMPLICATIONS**

None.

**COMMUNITY ENGAGEMENT**

None.

**ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

**ALTERNATIVES**

Council could request a staff report on potential amendments to the *HRM Charter* provisions relating to the Traffic Authority in response to specific concerns.

**ATTACHMENTS**

None.

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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.

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