

## ROADS - BYLAW AMENDMENTS 2015

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### EXECUTIVE SUMMARY

Administration is proposing amendments to the Calgary Traffic Bylaw 26M96 and Street Bylaw 20M88. These changes would remove the permit fee schedule from the Street Bylaw, to align the process to set and adjust fees with current City budget practices, and update the language regarding the granting of overweight and over-dimensional load permits. The proposed amendment would also allow Roads to grant approval for developers or community groups to improve the visual appeal of traffic roundabouts by installing additional features and landscaping.

### ADMINISTRATION RECOMMENDATION(S)

That the Standing Policy Committee on Transportation and Transit recommends that Council:

1. Give three readings to the proposed bylaw to amend the Calgary Traffic Bylaw 26M96 and the Street Bylaw 20M88 (Attachment 1).

### RECOMMENDATION OF THE SPC TRANSPORTATION AND TRANSIT, DATED 2015 NOVEMBER 18:

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That Council give three Readings to **Proposed Bylaw 48M2015** to amend the Calgary Traffic Bylaw 26M96 and the Street Bylaw 20M88.

### PREVIOUS COUNCIL DIRECTION / POLICY

The setting and adjusting of permit fees is governed by The City of Calgary's User Fees and Subsidy Policy (CFO010), which was approved by Council in April 2008, and amended in February 2012. The purpose of the policy is to provide a consistent and transparent framework for decisions related to the pricing of user fees.

The use of roundabouts as a form of traffic control is governed by The City of Calgary's Roundabout Policy (TP016), which was approved by Council in April 2011. The associated guidelines lay out the evaluation and design requirements, including landscaping.

### BACKGROUND

The Calgary Traffic Bylaw 26M96 and Street Bylaw 20M88 require amendments from time to time to ensure that the bylaws stay up to date with current practices and expectations.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

#### Street Bylaw 20M88 – Schedule 'A' – Fee schedule

Schedule 'A' of the Street Bylaw 20M88 lists the fees that are charged for a variety of permits, including the temporary use of streets and sidewalks. As these fees are currently set out in the bylaw, they may only be updated through a bylaw amendment approved by Council.

The alternative is to adopt an approach that allows Administration to manage a publicly available list of fees that can be reviewed and updated on a business cycle basis, and is consistent with Council's approved User Fees and Subsidies Policy (CFO010). New fees or fee adjustments would be approved by Council at the time of business plan and budget discussions.

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This approach has been previously adopted by Planning, Development and Assessment, Recreation and the Fire Department, and has been supported by Council and Administration.

The recommendation is to remove Schedule 'A' from the bylaw and amend the language to show that either the Director, Roads or the Traffic Engineer can set and charge fees with the approval of Council. The current list of fees and rates from Schedule 'A' will be made available to the public on The City's website. Any future list of fees and rates would include all permit types that are administered by Roads, not just the ones currently listed in Schedule 'A'. This will improve transparency and awareness of the opportunities, expectations and costs of using the street for activities other than the movement of people and goods.

There are no proposed changes to the fee amounts at this time. Any recommended fee adjustments would be part of the Action Plan mid-cycle budget discussions in 2016, and subject to Council approval.

### Calgary Traffic Bylaw 26M96 – Over-dimension (OD) and Overweight (OW) permits

The Traffic Safety Act of Alberta (TSA) and the Commercial Vehicle Dimension and Weight Regulation govern the operation of commercial vehicles on highways, including the maximum dimensions and weights to operate on provincial roads. Vehicles larger or heavier than the maximum must obtain permission from the Province prior to travelling, and also get the approval of a municipality in order to travel on roads in that municipality. Pursuant to section 49 of the Calgary Traffic Bylaw 26M96, the Traffic Engineer is authorized to grant approval for over-dimensional and overweight vehicles to travel on City roads. This allows Roads to review the planned route and ensure that public safety and roadway infrastructure will not be compromised.

At issue is the current wording used in section 49 that states the Traffic Engineer may issue a permit for OD/OW vehicles 'free of charge'. This language implies that when permits are issued they will always be free. This is not aligned with the long standing practice to charge an administrative fee for the review and processing of these permits. The current fee is \$25.

The City has recently joined the provincial Transportation Routing and Vehicle Information System (TRAVIS) that issues daily OD/OW permits, as part of an effort to improve customer service for the industries that rely upon the movement of large loads by road. TRAVIS allows customers a 'one-window-in' approach to get all their necessary permits to travel on provincial and municipal roads, and is available 24 hours a day through a web system. Roads will continue to review and approve requests that come through TRAVIS. All provincial and municipal fees are collected at the same time. This system eliminates the duplication of effort for the customer, and reduces the timeframe for receiving a permit.

The recommended change will clarify the authority of the Traffic Engineer to issue permits, and remove the reference to these fees being 'free of charge'. This amendment does not change current practices or services. The existing offence provisions for failing to obtain a permit for OD/OW moves will also be removed from the bylaw, as the Traffic Safety Act has specific penalties for these offences already. The Calgary Police Service is responsible for enforcing moving vehicle laws within the city, and they only use the provincial penalty sections for OD/OW

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violations as they generate a record upon conviction for both the driver and the commercial company.

### Street Bylaw 20M88 – Roundabout Features and Landscaping

A roundabout is a traffic control device, where vehicles drive counter-clockwise within a circular intersection. Roundabouts have been shown to improve intersection safety, and do not require the use of traffic lights. The roundabout has a raised central island to prevent vehicles from driving straight through. There is interest from Developers and Community Associations/Groups to beautify the standard landscaping within the central island of a roundabout.

In response, Administration is seeking a minor amendment to the Street Bylaw that will empower the Director, Roads to grant permissions that enable such groups to install features or landscaping that they feel improve the visual appeal. This is for improvements that are not part of an existing development agreement. Roads will ensure that any new features conform to the safe design guidelines, and groups will contribute to future maintenance and repair costs.

An enforcement provision will be added to the bylaw to support this new process, making it an offense to install unauthorized features, structures or landscaping within a roundabout traffic island. The recommended specified penalty would be \$500. This amount is similar to existing penalties in the Street Bylaw for other unauthorized uses of the street.

### **Stakeholder Engagement, Research and Communication**

Many internal and external customers have shared concerns and suggestions regarding current bylaws and City permitting practices. They include The Calgary Police Service, the Calgary chapter of the Canadian Home Builders Association, The Calgary Logistics Council, and representatives from the Over-dimensional Carrier Industry, Developers, Community Associations and Community Groups. The Law Department also provided input throughout the development of the report. This feedback has influenced the decisions to improve the OD/OW permitting service, allow for visual improvements to be made to roundabouts, and have further discussions about permitting requirements and rules. The bylaw amendments that Administration is recommending in this report support these customer service decisions.

### **Strategic Alignment**

The proposed amendments to the Calgary Traffic Bylaw and Street Bylaw support Council's priorities for a well-run city that is citizen-focused, and is aligned with several of the goals of the Calgary Transportation Plan such as well managed transportation infrastructure, and ensuring the efficient movement of goods.

### **Social, Environmental, Economic (External)**

The recommended bylaw amendments in this report benefit the citizens of Calgary. By allowing Developers and Community Associations/Groups to beautify the landscape of a roundabout, we are promoting a city which is inclusive, safe and where creativity is embraced and valued as a community asset.

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Improving the efficiency and consistency of services for the goods movement industry supports economic prosperity and diversification, and the permitting system ensures that The City manages and protects its infrastructure and assets wisely.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

There are no impacts to the Roads operating budget arising from this report, and no increase to permitting fees. Any future discussion regarding fee adjustments would be part of the Action Plan mid-cycle budget deliberations in 2016, and subject to Council approval.

#### **Current and Future Capital Budget:**

There are no impacts to the Roads capital budget arising from this report.

### **Risk Assessment**

As City processes evolve, the language and intent of bylaws can become outdated and a risk develops of acting outside of the established authorities. The removal of reference schedules, such as fee schedules, from a bylaw can improve the longevity and clarity of bylaws over time.

A timely and consistent process for the review of user fees improves transparency and business planning for both Administration and the private sector, and reduces the likelihood of requiring substantial increases or decreases in fee amounts when economic adjustments are not made for long periods of time.

### **REASON(S) FOR RECOMMENDATION(S):**

The proposed amendments to the Calgary Traffic Bylaw 26M96 and the Street Bylaw 20M88 in this report will contribute to keeping the bylaws up to date and ensure that City processes and practices are aligned with the legislation.

### **ATTACHMENT(S)**

#### **1. Proposed Bylaw 48M2015**