

FINANCIAL MANAGEMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: STREET USE PERMITS

RECOMMENDATIONS:

1. THAT Council approve the Engineering street use permits and associated fees and penalties, as outlined in this report.
2. THAT Council authorize the City Solicitor to bring forward amendments to the Street and Traffic Bylaw and Bylaw Notice Enforcement Bylaw to establish, update and enforce the various street use permits, as outlined in this report.

REPORT

The Financial Management Committee, at its meeting held on 2018 June 13, received and adopted the attached report seeking Council approval to establish and update street use permits and associated fees and penalties for third party work or activities on City streets. The bylaws appear elsewhere on this Council agenda.

Respectfully submitted,

Councillor D. Johnston
Chair

Councillor C. Jordan
Vice Chair

Copied to:	City Manager Director Engineering Director Corporate Services Director Finance Director Planning & Building Director Public Safety & Community Services City Solicitor
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TO: CHAIR AND MEMBERS FINANCIAL
MANAGEMENT COMMITTEE **DATE:** 2018 June 04

FROM: DIRECTOR ENGINEERING **FILE:** 48000 15

SUBJECT: STREET USE PERMITS

PURPOSE: To establish and update street use permits and associated fees and penalties for third party work or activities on City streets.

RECOMMENDATIONS:

1. **THAT** the Financial Management Committee recommend Council approve the Engineering street use permits and associated fees and penalties as outlined in this report.
2. **THAT** the Financial Management Committee recommend Council authorize the City Solicitor to bring forward amendments to the Street and Traffic Bylaw and Bylaw Notice Enforcement Bylaw to establish, update and enforce the various street use permits as outlined in this report.

REPORT**1.0 INTRODUCTION**

Over the years, the City's Engineering Department have administratively managed third party works and activities on City streets in order to help coordinate the activities to reduce conflicts, minimize public inconvenience and maintain public safety. The third party works and activities are usually related to required utility and road construction from adjacent land developments. Staff is proposing to formalize the current administrative processes through an amendment to Section 24 of the Street and Traffic Bylaw to authorize the Director Engineering to establish procedures, standards and requirements for various street use permits and impose associated fees that will be set-out in a schedule to the bylaw. The various existing street use permissions administered by the Engineering Department fall into three main categories: Lane Closure Requests, Encroachment Application and Permit Agreements, and Hoarding and Shoring Agreements. These are described in Sections 2.0, 3.0 and 4.0 of this report along with proposed amendments to current procedures to be incorporated after the proposed amendments to the Street and Traffic Bylaw.

Section 49 of the Street and Traffic Bylaw also stipulates the permit fees to allow oversized commercial vehicles to use City streets. An increase to these existing fees is proposed, as set out in Section 5.0 of this report.

2.0 LANE CLOSURE REQUESTS (TRAFFIC CONTROL PERMIT)

Currently, Lane Closure Requests are submitted to the City's Engineering Department when work by third parties causes a temporary restriction or prohibition along the street right-of-way. Requests are reviewed to maintain safety, minimize disruptions to road users including pedestrians and cyclists, and coordinate any conflicts. For more extensive roadway disruptions, a detailed traffic management plan may be required that includes public notification and a traffic incident management plan. Staff reviews require a minimum of five working days, and additional time is recommended if support services from the City or other agencies are required to facilitate any detours. Approved requests require liability insurance and are limited to the duration of the roadway disruption. They do not authorize any particular work within the road right-of-way that may be subject to other permits as described later in this report.

There is currently no fee for reviewing and authorizing Lane Closure Requests. Due to the high number of requests per year (over 1,000), an application fee is needed to help offset staff costs and ensure that requests are processed in a timely manner without impacting other traffic services provided. An application fee would also help to ensure that all applications are complete and not speculative. A fee of \$100 is recommended to cover administrative costs. To better reflect the potential impact on the street including closure of sidewalks and boulevards, Lane Closure Requests is proposed to be renamed to Traffic Control Permit. The permit would be valid for up to one week and extensions may be considered at a cost of \$50 per additional week. The additional weekly fee would help offset the staff monitoring and inspection costs, encourage expedient completion of the work, and minimize prolonged disruptions to the public. The majority (80%) of lane closure requests are for a period of a month or less. The recommended Traffic Control Permit fees are outlined in Appendix A.

3.0 ENCROACHMENT APPLICATION AND PERMIT AGREEMENTS (MINOR AND STANDARD STREET WORK PERMIT)

Currently, the City requires a third party to enter into an Encroachment Application and Permit Agreement (EAPA) before allowing the third party to complete work within the street right-of-way. The purpose of the EAPA is to ensure that all proposed work conforms to City standards and specifications, does not conflict with existing utilities, is consistent with future plans, and is completed in a safe and timely manner without degrading existing infrastructure. It covers a variety of work from small test pits to more intrusive installation of underground utilities. Applicants must submit scaled plans or engineering design drawings for review and approval by staff. Prior to proceeding with any proposed work, liability insurance must be provided and traffic control plans must be approved if required. The process time is a minimum of 10 working days and potentially longer depending upon the complexity and scope of the project. The agreement term varies from about 1 week to a maximum of 1 year depending upon the work, and requests for extensions can be considered.

Due to the variety of work encompassed in the current EAPA application and the level of staff effort required to process the application, it is proposed that the EAPA be renamed and split into two separate permits: a) Minor Work Permit and b) Standard Street Work Permit. The Minor Work Permit would apply to work that has minimal impact to the existing street infrastructure such as test pits, monitoring wells, boreholes or vacuum-hole installations and are generally reviewed by Environmental Services.

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The Standard Street Work permit would apply to work that involves street excavations such as undergrounding hydro utilities or installing gas mains, and road works such as sidewalk and asphalt trench repairs.

Fees associated with Minor Work Permits are proposed to remain largely the same as current EAPA fees to cover administration and inspection costs. The application fee and annual renewal fee will remain at \$300 each. However, the initial application and permit for action construction work is valid for 1 month, and a new extension fee of \$150 will apply for extensions beyond one month to cover additional inspection costs. After active construction, bore holes or monitoring wells may be left on City lands subject to an annual renewal fee. All encroachments must be removed from City lands upon completion of the monitoring work.. Extensions beyond 5 years will be reviewed on a case by case basis and, if approved, will be subject to additional fees (\$500 per year per hole or monitoring well) as is the current practice. The fees have been helpful in encouraging the removal of test holes and monitoring wells that are no longer required.

Fees associated with Standard Street Work Permits are proposed to be increased from current EAPA fees to more accurately reflect administration and inspection costs based on the scale of the project. The application fee will be increased from \$300 to \$600 for small projects impacting less than 50 metres of the length of a street. For larger projects impacting more than 50 metres of a street, an additional fee of \$14/m over 50 metres would be applied. For work impacting an existing paved street, the existing pavement degradation fee will also continue to be applied (based on the age of the pavement and the area impacted) in recognition of the overall reduced life of the pavement due to the disturbance. This fee ranges from \$10 to \$50 per square or lineal meter of pavement, whichever is greater. If restoration of damaged street infrastructure is required by City crews, additional fees would be assessed based on the estimated City cost of providing the civil works.

For both types of permits, bonding will be retained for the proposed work similar to the current EAPA process. The value of the bond is based on the potential risk to the City for incomplete work or damage to adjacent infrastructure. If there is no work outstanding upon completion of the project, the bond is returned to the applicant. On the other hand, the bond will be used by the City if necessary to complete any outstanding work, and any remaining value would then be returned to the applicant. The recommended fees for the Minor Work Permit and Standard Street Work Permit are outlined in Appendix A.

It should be noted the Standard Street Work Permits would not be applied to off-site development related street work because the City costs associated with those works are already covered through Development Servicing Agreements. Also, the fees for both types of permits would not be applied to street work associated with the City's capital or operating budgets because the cost of administration and inspection of those works are already covered within those budgets.

4.0 HOARDING AND SHORING AGREEMENTS (DEVELOPMENT WORKS ENCROACHMENT PERMIT)

Currently, a Hoarding Agreement is required for developments on private property to ensure that the construction site is safely enclosed and public access is restricted. It also ensures that any adjacent sidewalk or roadway access is safely maintained. Hoarding can come in different forms such as construction fencing, covered scaffolding, or structural walkways.

A Shoring Agreement is required for developments on private property whenever there is a need to take preventative measures to protect adjacent City property from failures. This typically occurs due to deep excavations near the property line where soil anchors, shotcrete walls and excavation slopes may be placed on City property for stabilization.

The Hoarding and Shoring Agreements are proposed to be renamed to Development Works Encroachment Permit for greater clarity and to more broadly apply to similar related work. The application fee related to both Hoarding and Shoring is proposed to remain at \$1,000 each. The fee reflects the administration costs especially with respect to ongoing inspections of large hoarding and shoring structures that are in place for long periods of time. The Development Works Encroachment Permit is generally limited to the duration of the development project, and extensions can be considered with a proposed new fee of \$500. A new fee of \$2,000 is also proposed for each anchor rod left in place on City property to reflect City costs for removal in the future when required. Hoarding and shoring plans require a minimum of 10 working days to review and potentially longer depending upon the complexity and scope of the work. Approved plans must be bonded and include liability insurance to protect the City.

The recommended Development Works Encroachment Permit fees are outlined in Appendix A.

5.0 OVERSIZED COMMERCIAL VEHICLE PERMIT FEE

Section 49 of the Street and Traffic Bylaw stipulates the permit fees to allow oversized commercial vehicles to use City streets. The fee helps to cover administration cost to review and ensure a safe route is selected for use by the oversized vehicle. The existing permit fee is \$5.00 for each single trip or duplicate permit, and \$35.00 per vehicle for an annual permit. The fees need to be updated to better reflect the actual costs of administering the permit. It is recommended that the fee be increased to \$30.00 for each single trip or duplicate permit, and the yearly permit be increased to \$210.00. The recommended Oversized Commercial Vehicle Permit fees are outlined in Appendix A.

6.0 BYLAW AMENDMENTS

Amendments to Sections 24 (1) and (2) of the Burnaby Street and Traffic Bylaw 1961 are recommended in order to allow the Engineering Department to, by bylaw, manage the various third party street use works and activities described in this report. The recommendation is for Council to authorize the Director Engineering to grant permissions and establish terms and conditions for third party works and activities on City streets, including establishing procedures, standards and requirements in respect to Traffic Control Permits, Minor Work Permits, Standard Street Work Permits and Development Works Encroachment Permits. The proposed fees for these permits are set out in Appendix A and will be included as a schedule to the Street and Traffic Bylaw. Also, an amendment to Section 49 of the Street and Traffic Bylaw is required in order to increase the fees for oversized commercial vehicle permits, as described in the above section of this report.


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In addition, an amendment to the Burnaby Bylaw Notice Enforcement Bylaw 2009 is also recommended in order to define penalties for street uses undertaken without a permit or in contravention of a permit. The recommended fines are summarized below:

Traffic Control Permit	\$500
Minor and Standard Street Work Permits	\$500
Development Works Encroachment Permit	\$500
Oversized Commercial Vehicle Permit	\$500

7.0 CONCLUSION

The Engineering Department currently manages a variety of third party works and activities on City streets. To formalize these processes and impose associated bylaw fees and penalties, amendments to the Street and Traffic Bylaw and Bylaw Notice Enforcement Bylaw are recommended, as outlined in this report.



Leon A. Gous, P. Eng. MBA
DIRECTOR ENGINEERING

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Director Corporate Services
Director Finance
Director Public Safety and Community Services
Director Planning and Building
City Solicitor

APPENDIX A – PROPOSED PERMITS AND ASSOCIATED FEES AND FINES

Traffic Control Permit Fees:

- Application Fee (1 week duration) \$100
- For each Additional Week \$ 50
- Fine \$500

Minor Work Permit Fees:

- Application Fee (1 month duration) \$300
- Extension Fee (per month) \$150
- Annual Renewal Fee (up to 5 years) \$300
- Annual Renewal Fee (5+ years) \$300 plus \$500/monitoring well or test hole
- Bonding Per agreed to value of potentially impacted City infrastructure
- Fine \$500

Standard Street Work Permit Fees:

- Application Fee \$600 + \$14/m >50 metres
- Pavement Degradation Fee

Age of Street Pavement* (years)	Fee per Excavation Size (Square or Lineal metre, whichever is greater)
0 – 5	\$50
6 – 10	\$40
11 – 15	\$30
16 – 20	\$20
21 or more	\$10

*As determined by Director Engineering

- City Services or Civil Works As per current Engineering Operations Unit Rates
- Bonding Per agreed to value of potentially impacted City infrastructure
- Fine \$500

Development Works Encroachment Permit Fees:

- Hoarding or Shoring Application Fee \$1,000 each
- Renewal Fee \$ 500
- Anchor Rod Retention Fee \$2,000 each
- City Services or Civil Works As per current Engineering Operations Unit Rates

- Bonding
 - Anchor Rod \$2,000 each
 - Hoarding \$10,000 base
 - Construction Fencing + \$ 60/m
 - Covered Scaffolding + \$100/m
 - Structural Walkway + \$300/m
 - Shoring (Shotcrete) \$325 to \$1800/m depending on road right-of-way conditions
 - Excavation \$150/cubic metre
 - Other Per agreed to value of potentially impacted City infrastructure
- Fine \$ 500

Oversized Commercial Vehicle Permit Fees:

- Single Trip Permit Fee \$ 30
- Yearly Permit Fee \$210
- Duplicate Permit Fee \$ 30