

## **Proposed Amendment to the Traffic Calming Policy**

<b>Date:</b>	February 28, 2007
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	p:\2007\ClusterB\tra\tim\pw07005tim

### **SUMMARY**

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The City of Toronto Act, 2006 amends a section of the provincial Environmental Assessment Act (EAA) by now excluding traffic calming measures as 'undertakings' and thus they are no longer included in the definition of a class for the purposes of the Act. Consequently, Council will be relieved of this statutory requirement for time consuming and costly notification requirements prior to the installation of traffic calming. This report provides information on the background and implications of this change, and also seeks Council approval to proceed with the recommended revised public consultation process respecting traffic calming.

### **RECOMMENDATIONS**

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The Transportation Services Division recommends that:

1. the City of Toronto Traffic Calming Policy be amended with respect to public consultation, in accordance with Appendix 1: Flow Chart of Traffic Calming Process (revised 2007), to reflect changes resulting from the enactment of the City of Toronto Act, 2006.

## **FINANCIAL IMPACT**

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There are no additional financial impacts arising from the adoption of the recommendation. There will be, however, operations cost savings anticipated (i.e., reduced advertising costs), estimated in the amount of \$35,000.00 per year as a result of the amendment to the Traffic Calming public consultation process.

## **COMMENTS**

Traffic calming is a physical measure (e.g., speed humps, road narrowing pinch points and traffic circles) used to control traffic speeds and encourage motorists to drive in a manner in keeping with the environment, thereby improving the safety for non-motorized users of the street. The City's Traffic Calming Policy guides the installation of traffic calming on City roads via three main components. The first of these components involves establishing that warrant criteria are met prior to the installation of traffic calming (i.e., based on resident support, and safety and technical traffic requirements). The second component, namely the notification requirements, is the subject of this report. The third component ensures that a ranking process is used to prioritize approved traffic calming installations across the City.

As the middle component of the Traffic Calming Policy, a rigorous approval process was undertaken incorporating the key requirements of the EAA process to ensure resident participation and agency consultation. As part of this process, traffic calming projects had to follow Schedule B of the Municipal Class Environmental Assessment document requiring two mandatory points of contact with the public and review agencies. The first contact required all property owners and review agencies to be notified both directly as well as indirectly through two separate issues of a local newspaper having general circulation in the project area. The cost of posting these newspaper notices averaged approximately \$35,000.00 in each of the last three years.

The second point of contact was the issuance of a Notice of Completion forwarded to all those individuals who expressed an interest in the project in the first contact, indicating the nature of the project to be undertaken and also notify the public that they have a 30-day period during which a request may be made for a Part II Order. Under the provincial EAA, a Part II Order request could have been lodged with the Minister of the Environment by a resident or an individual who expressed interest in the project, requesting that a full environmental assessment be conducted before approval of the project. This privilege extended to any member of the public provided their submission of a Part II Order was forwarded to the City early in the process to give the City some flexibility to change the project or process early on. Upon receipt of such a request, the Minister would then be empowered to either: deny the request; deny the request with conditions (such as requiring that a Schedule C process be completed or that monitoring and reporting process be implemented); refer the matter to mediation; or require the proponent to comply with Part II of EA Act (including a government review and public hearings). Submissions forwarded without sufficient information or with the intent of delaying a project could have been denied by the Minister.

Though the current consultation process, as described above, was developed by the City to fully comply with the provincial EAA requirements, it did impose significant limitation in the administration of the traffic calming program. However, with the enactment of the City of Toronto Act, 2006, these limitations have now been removed. Specifically, a new Section 3.3 of the EAA entitled, “Exclusion of traffic calming measures” provides that traffic calming measures are not undertakings and they “cannot be included in the definition of a class” for the purposes of the Act. As a result, effective as of January 1, 2007, Council is relieved of the statutory requirement for an extensive public consultation and review prior to the installation of traffic calming.

In practical terms, these changes will not diminish consultation and participation in traffic calming proposals by affected residents. Parties will continue to be consulted through local mailings, respond to the formal pollings and be granted opportunities to address the matter at Community Councils, as outlined in Appendix 1: Flow Chart of Traffic Calming Process (revised 2007).

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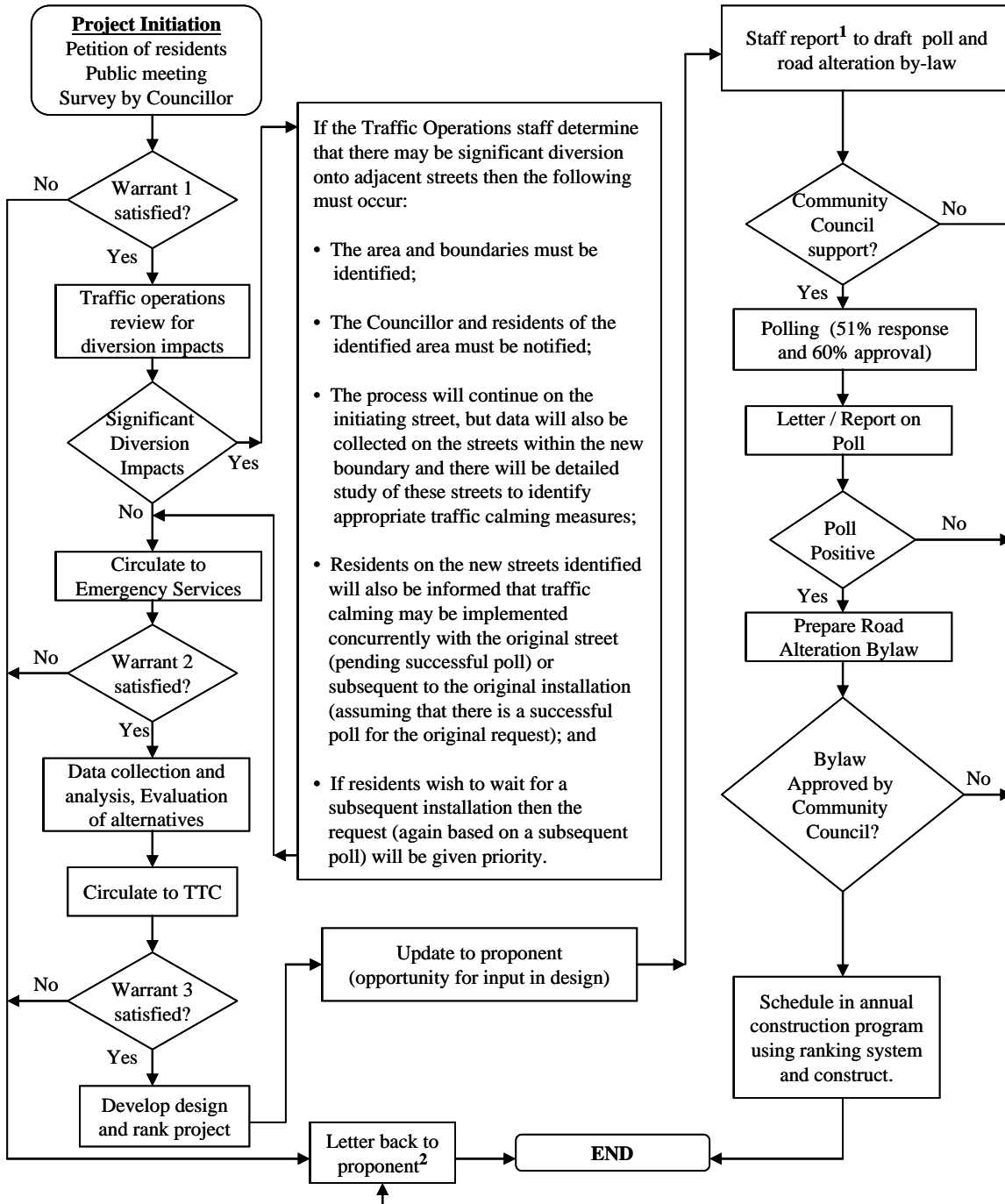
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## **ATTACHMENTS**

Appendix 1: Flow Chart of Traffic Calming Process (revised 2007)

# APPENDIX 1

## Flow Chart for Traffic Calming Process (revised 2007)



**1** If the proposal is of City-wide significance and does affect more than one Community Council, a report will be required to the Public Works and Infrastructure Committee and will be subject to City Council final approval.  
**2** If the proponent is a Councillor or a Community Council and a report is required then the letter back to proponent should be a report to Community Council. If the Community Council supports the continued study then the process is followed through in its entirety without any additional reports.