Amendment to City of Toronto Municipal Code
Chapter 743 – New or Replacement Toronto Hydro Pole
Sidewalk Encroachments

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<td>To:</td>
<td>Public Works and Infrastructure Committee</td>
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<td>From:</td>
<td>General Manager, Transportation Services</td>
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**SUMMARY**

This report proposes an amendment to Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, by exempting new or replacement Toronto Hydro poles from the current requirement found in Subsection 743-31E(1) that the poles be set back 0.5 metres from the curb when compliance with this by-law requirement would create a pedestrian pinch point.

In older parts of the City with limited right-of-way and narrow sidewalks, Toronto Hydro poles are usually placed directly beside the curb or between the sidewalk and adjacent properties in order to ensure accessibility. The recently consolidated Municipal Code Chapter 743, Streets and Sidewalks, Use Of, prohibits encroachments, other than soft landscaping, from being within 0.5 metres of the curb line of any road with a speed limit of 60 km/hr or less.

Since the new standard was adopted, staff have supported a site-specific Council exemption from this provision for road reconstruction on Front Street and also observed more recent examples of Toronto Hydro pole replacements/upgrades which, in adhering to the new standard, have created pedestrian pinch points on sidewalks. In order to ensure accessibility for all residents, this amendment would grant the General Manager of Transportation Services the ability to exempt Toronto Hydro from this provision, where City staff have identified accessibility issues.
RECOMMENDATION

The General Manager, Transportation Services, recommends that:

1. City Council amend Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, to exempt Toronto Hydro-Electric System Limited, Toronto Energy Services Inc., and Toronto Hydro Corporation from Subsection 743-31E(1) where the General Manager, Transportation Services, determines that compliance with this subsection, when placing a new or replacement hydro pole, would create a pedestrian pinch point.

Financial Impact

The above recommendation has no financial impact.

DECISION HISTORY

City Council adopted By-law 375-2012 to consolidate Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, at its meeting of March 5-7, 2012.


Subsequently, Council approved a motion at its meeting of February 20 and 21, 2013 to exempt encroachments on Front Street East between Jarvis Street and Parliament Street from Subsection 743-31E (1) of the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, in order to reduce pedestrian pinch points which would have otherwise occurred if the Hydro poles were placed in accordance with the by-law.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM30.27

ISSUE BACKGROUND

The recently consolidated Municipal Code Chapter 743, Streets and Sidewalks, prohibits encroachments, other than soft landscaping, from being within 0.5 metres of the curb line of any road with a speed limit of 60 km/hr or less.

In many parts of the older city where there is a limited right-of-way and narrow sidewalks, poles owned by Toronto Hydro-Electric System Limited or Toronto Energy Services Inc. (both owned by Toronto Hydro Corporation) (individually and collectively referred to as "Toronto Hydro") have been placed close to the curb. Where road
reconstruction opportunities arise, and as part of its facility upgrade program, new replacement poles are being installed. The new Toronto Hydro poles are somewhat wider in circumference than older versions as a result of increased safety factors and requirements. If the poles are installed 0.5 metres from the curb line, the net effect on existing narrow sidewalks is to create pinch points which reduce the pedestrian clearway to less than the 1.675 metre standard recommended in the City's 2004 Accessibility Guidelines and, in some instances, less than the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) provincial standard of 1.5 metres when constructing new or redeveloping existing sidewalks.

**COMMENTS**

The prohibition of encroachments within 0.5 metre of the curb line on roads with a speed limit of 60 km/hr or less is designed to protect both curb lane vehicles, as well as hydro poles, street furniture, etc., from each other. The concern is that cyclists or vehicles with large side mirrors might damage, or be damaged by, contact with fixed boulevard elements, if they travel or park directly beside the curb. However, in the case of older parts of the city, where the sidewalk is narrow and the right-of-way is limited, most existing Toronto Hydro poles have been placed close to the curb in order to provide sufficient room for pedestrians.

Toronto Hydro is working to upgrade its pole infrastructure as required or taking advantage of other planned capital works. The new hydro poles are somewhat wider than their predecessors – thus increasing the space required for placement. The replacement of hydro poles as part of the road reconstruction on Front Street between Jarvis and Parliament in 2013 required a site-specific exemption from City Council in order to ensure that the new poles did not reduce the sidewalk width below the City's minimum accessible standard of 1.675 metres and to ensure the ability to mechanically clean snow from the city sidewalk.

City staff anticipate that future road reconstruction projects or developments will continue to encounter limited sidewalk widths and recommend a minor amendment to the Streets and Sidewalks By-law, which would exempt Toronto Hydro from Subsection 743-31E(1) where the General Manager, Transportation Services, determines that compliance with this subsection by Toronto Hydro when placing a new or replacement hydro pole would create accessibility issues by creating a pedestrian pinch point.
Staff have consulted with representatives from Toronto Hydro and they concur with this suggested recommendation.

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SIGNATURE

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