Authority to Designate Construction Zones and Reduction of Speed Limits in Designated Construction Zones

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<th>Date:</th>
<th>July 15, 2014</th>
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<td>To:</td>
<td>Public Works and Infrastructure Committee</td>
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<tr>
<td>From:</td>
<td>General Manager, Transportation Services</td>
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<td>Wards:</td>
<td>All</td>
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**SUMMARY**

City Council or Community Council approval is currently required to reduce speed limits in construction zones. Due to the temporary nature of construction, it is not always possible to plan for Council review of temporary speed limit reductions, resulting in posted signage being advisory in nature, and unenforceable.

This report recommends changes to City bylaws and to authorizations, pursuant to the *Highway Traffic Act*, so that speed limits in construction zones can be reduced when necessary and the reduced speed limits can be enforced. The required changes include appointing and authorizing the General Manager, Transportation Services, to temporarily designate a highway or portion of highway as a construction zone, and amending Municipal Code Chapter 950, Traffic and Parking, to reduce speed limits in designated construction zones by 10 or 20 kilometres per hour, depending on the normal speed limit.

The General Manager, Transportation Services, would determine whether these speed limits are appropriate and necessary for a given construction zone based on provincial guidelines, and would “designate” areas as construction zones accordingly. These changes would improve traffic safety and safety for workers by making construction zone speed limits legally enforceable. The reduced speed limits would not take effect until after the installation of construction zone signs and speed limit signs, in accordance with the requirements of the *Highway Traffic Act* and regulations. Designated construction zones would also be listed and/or illustrated on the City website.
RECOMMENDATIONS

The General Manager of Transportation Services recommends that:

1. City Council appoint and authorize the General Manager, Transportation Services, for the purpose of Subsection 128(8.1) of the Highway Traffic Act to designate sections of municipal roads and highways as construction zones.

2. City Council amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, to reduce speed limits in accordance with Appendix A to this report in construction zones designated by the General Manager, Transportation Services, and to incorporate a definition of construction zones as deemed appropriate by the General Manager, Transportation Services, if necessary.

3. City Council direct the appropriate City Officials to prepare the necessary bills to make such by-law amendments as may be required to give effect to Council’s decision.

Financial Impact

There is no financial impact as a result of this report. Costs for fabrication and installation of construction zone and speed limit signs are already included in construction contracts, and no additional enforcement costs are anticipated by Toronto Police Service.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

COMMENTS

When the City undertakes construction on municipal roads and highways, features such as temporary merging lanes, narrower traffic lanes, and uneven travelled surfaces can make it unsafe for vehicles to travel at the normal speed limit. Ontario Traffic Manual Book 7, Temporary Conditions, identifies specific situations where speed limits should be reduced in construction zones. These include situations with sudden lane narrowing; substandard sight lines or stopping sight distances; and multiple lane shifts, detours, or transitions designed at less than the normal posted speed limit.

Currently, City Council or Community Council approval is required to reduce speed limits in construction zones. Obtaining this approval via the report process each time can take several months. It is difficult to anticipate this far in advance when and where reductions to speed limits will be required. Therefore, using current approval processes, it is often unfeasible to reduce speed limits.

Instead, the City often posts advisory speed limit signs (orange and black) recommending the use of reduced speeds in these situations; however, the reduced speed limits indicated
on the advisory signs cannot be enforced. This can create a traffic safety risk and a risk for workers in construction zones where these situations occur.

To address this issue and to make construction zones safer for travelers and workers, Transportation Services recommends, for the purpose of the *Highway Traffic Act*, changes to authorizations and also changes to City by-laws so that speed limits in construction zones can be reduced when necessary and the reduced speed limits can be enforced.

According to the *Highway Traffic Act*, no person shall drive a motor vehicle at a rate of speed greater than 50 kilometres per hour on a highway within a local municipality or within a built-up area. However, the *Highway Traffic Act* provides that the council of a municipality may by by-law prescribe a rate of speed different from 50 kilometres per hour that is not greater than 100 kilometres per hour. Subsection 950-700A of Toronto Municipal Code Chapter 950 contains provisions related to the maximum rate of speed on certain highways as set out in Schedules XXXV to the Code Chapter.

Pursuant to Subsection 128(8.1) of the *Highway Traffic Act*, a person appointed by the municipality for the purpose of subsection 128(8.1) may designate a highway or portion of a highway under the municipality’s jurisdiction as a construction zone, and every construction zone designated under this subsection shall be marked by signs in accordance with the regulations. Also pursuant to the *Highway Traffic Act*, a lower rate of speed may be set and posted in a construction zone.

Transportation Services therefore recommends that the General Manager, Transportation Services, be appointed and authorized by City Council for the purpose of Subsection 128(8.1) of the *Highway Traffic Act* to designate a highway or portion of highway as a construction zone. Transportation Services further recommends that Toronto Municipal Code Chapter 950, Traffic and Parking, be amended to incorporate a definition of construction zone as deemed appropriate by the General Manager, Transportation Services, if necessary, and be amended to reduce speed limits in construction zones designated by the General Manager of Transportation Services by 10 or 20 kilometres per hour, depending on the normal speed limits, per Appendix A.

The General Manager of Transportation Services would determine whether these proposed speed limits are appropriate and necessary for a given highway during construction, based on Ontario Traffic Manual Book 7 Temporary Conditions, and would “designate” areas as construction zones accordingly.

Reduced speed limits would not take effect until after the installation of construction zone signs and speed limit signs, in accordance with the requirements of the *Highway Traffic Act* and the Regulations. Designated construction zones would also be listed and/or illustrated on the City website.
Together, these changes will enable the City to reduce speed limits in construction zones in a timely manner and to enforce these reduced speed limits.

CONTACT

Stephen Buckley
General Manager
Transportation Services
Tel: 416-392-8431
E-mail: sbuckle@toronto.ca

SIGNATURE

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Stephen Buckley
General Manager, Transportation Services

ATTACHMENTS

Appendix A – Proposed Changes to Speed Limits in Designated Construction Zones
APPENDIX A - PROPOSED CHANGES TO SPEED LIMITS IN DESIGNATED CONSTRUCTION ZONES

<table>
<thead>
<tr>
<th>Speed limit in Schedule XXXV to City of Toronto Municipal Code Chapter 950, Traffic and Parking, or regulatory (Highway Traffic Act) speed limit</th>
<th>Proposed speed limit when designated as a construction zone</th>
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<tbody>
<tr>
<td>100 kilometres per hour</td>
<td>80 kilometres per hour</td>
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<tr>
<td>90 kilometres per hour</td>
<td>70 kilometres per hour</td>
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<tr>
<td>80 kilometres per hour</td>
<td>60 kilometres per hour</td>
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<td>40 kilometres per hour</td>
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<tr>
<td>40 kilometres per hour</td>
<td>30 kilometres per hour</td>
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