

# Accessibility in Construction Zones

Toronto Accessibility Advisory Committee

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# Decision History

## **EX31.17 – Preserving Accessibility Across Construction Sites**

[Originally submitted via letter from the Toronto Accessibility Advisory Committee item DI19.6.]

Executive Committee directed the City Manager, in consultation with relevant City Divisions to report to the May 4, 2022 meeting of the Executive Committee and the May 5, 2022 meeting of the Toronto Accessibility Advisory Committee on the tools and strategies the City currently uses to ensure accessibility in the public realm surrounding private development as well as capital City projects including:

- a. access to sidewalks, or where not possible, adequate pathways;
- b. existing guidelines for access/egress standards;
- c. ramps, signage, and wayfinding for pedestrians; and
- d. enforcement protocol and associated fines, if any, for non-compliance.

# Regulations and Standards

## Excerpts from the Following:

1. Accessibility for Ontarians with Disabilities Act (AODA)
2. Ontario Traffic Manual
  - A. Book 7: Temporary Conditions
  - B. Book 15: Pedestrian Crossing Treatments
3. Toronto Accessibility Design Guidelines
4. Toronto Municipal Code, Chapter 743: Streets and Sidewalks, Use Of
5. Standards for Designing and Constructing City Infrastructure

# Constructors and City Oversight

Type of Project	Type of Constructor	Lead Constructor	Degree of City Oversight
Major Capital Projects	City of Toronto	Engineering & Construction Services Contractors	<ul style="list-style-type: none"> <li>On-site inspector</li> <li>Contract management</li> <li>Permit issued by TS</li> </ul>
Some Transportation Projects	City of Toronto	Transportation Services Contractors	<ul style="list-style-type: none"> <li>Contract management</li> <li>Permit issued by TS</li> </ul>
Some Water Projects	City of Toronto	Toronto Water Contractors	<ul style="list-style-type: none"> <li>Contract management</li> <li>Permit issued by TS</li> </ul>
Major Transit Projects	Provincial Transit Agencies	Metrolinx Contractors	<ul style="list-style-type: none"> <li>Periodic inspection</li> <li>Permit issued by TS</li> </ul>
Utility Projects (Non-Water)	Public and Private Utilities	Various + Contractors	<ul style="list-style-type: none"> <li>Permit issued by TS</li> </ul>
Building Construction (Adjacent to ROW)	Various Public and Private Organizations	Various + Contractors	<ul style="list-style-type: none"> <li>Patrol and spot inspection</li> <li>Permit issued by TS</li> </ul>

# Enforcement – 1 of 2

- Permits for use of the public right-of-way are enforced by Transportation Standards Officers (TSOs)
- Enforcement includes patrolling the right-of-way at locations where permits have been issued
- Enforcement is proactive (inspections) and reactive (complaint-based)
- Enforcement is typically related to the following:
  - Safety of the right-of-way;
  - Condition of the right-of-way;
  - Non-compliance with approved plans/permits; and
  - Non-permitted activities.



# Enforcement – 2 of 2

## Levels of Enforcement

- Personal Contact and Verbal Warnings
- Notice of Violation (NOV)
  - Part 1 Offence Notice in the form of a ticket
  - Part 1 Summons
  - Part 3 Summons Form 106
  - Part 3 Snap Summons Form 104
- Stop Work Orders – Immediate Safety Issue or Severe Damage to ROW
- Set Fines:
  - Failure to Ensure Safe Passage=\$200
  - Obstruct/Encumber/Foul Street=\$200
  - Water Across Street=\$200
  - Failure to Comply with Permit=\$500
- Escalation processes

# Example: Capital Project



# Example: Adjacent Construction



# Improvements in Progress

- Updated Standards
  - OTM Book 7 (April 2022)
  - Toronto Accessibility Design Guidelines (2021)
  - Review of TS1.00
- Staff Training
- Permit Information
  - Improved reference to requirements on permit
- Construction Hubs
  - Improved coordination
  - Enhanced enforcement
  - Enhanced buy-in and engagement from developers
  - Locations:
    - Yonge & Eglinton
    - Liberty Village
    - East Harbour (Port Lands, West Don Lands)
    - Downtown (King to Bloor, University to Jarvis)

# Improvements Proposed

## Processes

- Tracking of complaints for training and continuous improvement
- Integration of enhanced requirements into tendering documents and procurement process

## Education

- Development of case studies highlighting good and best practices
- Outreach to and potential collaboration with industry and trade associations
- Develop a more detailed guiding checklist that outlines the barriers to be considered for a range of disabilities
- Development of experiential training for staff to heighten sensitivities to barriers, particularly less obvious disabilities

## Enforcement

- Establishment of dedicated enforcement staff with deeper knowledge and training on accessibility
- Consider requiring submission of third-party site audits as condition of permits

# Questions

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# Appendix

## Details of Regulations and Standards Relevant to Defining and Enforcing Accessibility in Construction Sites

# 1. Accessibility for Ontarians with Disabilities Act (AODA) – O. Reg. 191/11: Integrated Accessibility Standards [July 1, 2016]

## Exterior paths of travel, application

**80.21** (1) This Part applies to newly constructed and redeveloped exterior paths of travel that are outdoor sidewalks or walkways designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience. O. Reg. 413/12, s. 6.

## Exterior paths of travel, technical requirements (80.23)

### Exterior paths of travel, ramps (80.24)

### Exterior paths of travel, stairs (80.25)

### Exterior paths of travel, curb ramps (80.26)

### Exterior paths of travel, depressed curbs (80.27)

### Exterior paths of travel, accessible pedestrian control signals (80.28)

## Exceptions, general

**80.31** Exceptions to the requirements that apply to exterior paths of travel are permitted where obligated organizations, other than small organizations, can demonstrate one or more of the following:

6. It is not practicable to comply with the requirements, or some of them, because existing physical or site constraints prohibit modification or addition of elements, spaces or features, such as where increasing the width of the exterior path would narrow the width of the adjacent highway or locating an accessible pedestrian signal pole within 1,500 mm of the curb edge is not feasible because of existing underground utilities. O. Reg. 413/12, s. 6.

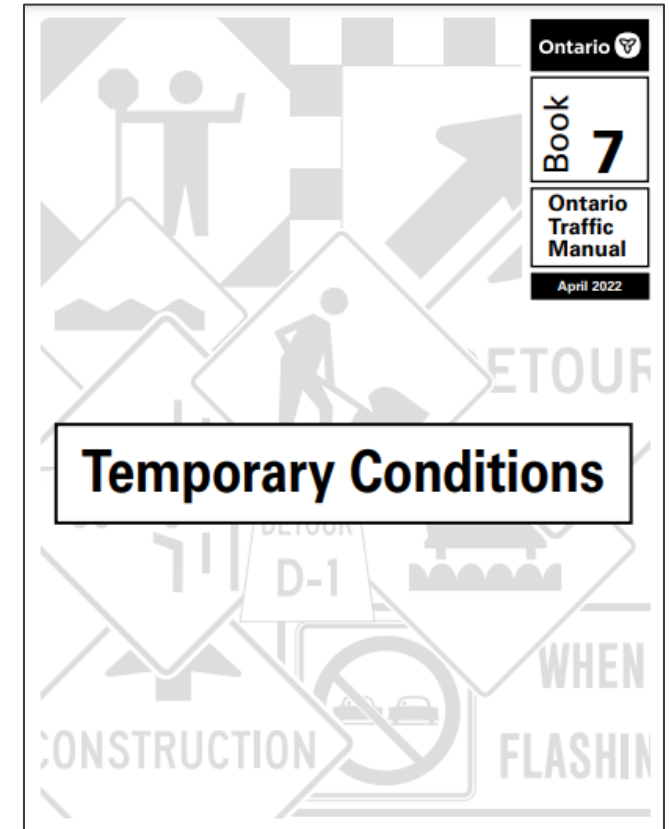
# 2A. Ontario Traffic Manual – Book 7: Temporary Conditions [April 2022]

## Section 2: Temporary Work Zone Planning and Monitoring

Transportation Management Plan (TMP) - used to define and communicate, through a clear, consistent, and structured process, a comprehensive project-specific plan for use by project stakeholders such as local road authorities, contractors, ministry staff, and the general public.

- Traffic Protection Plan
- Traffic Control Plan
- Traffic Operations Plan (optional)
- Public Information Plan (optional)
- Incident Management Plan (optional)

Mobility and Accessibility Principle – “Highway user movement should be inhibited as little as practicable. When this principle is followed, speed changes, and differentials are minimal and traffic progression is maintained, thereby increasing safety. Accessibility and mobility for pedestrians and cyclists is an important consideration.” [OTM Book 7, 2022, p. 7]



# 2A. Ontario Traffic Manual – Book 7: Temporary Conditions [April 2022]

## Section 3: Temporary Work Zone Design

### 3.7.1 Pedestrian Safety Considerations

- The pedestrian travel path and pedestrian traffic control are compliant with the AODA:
  - A minimum sidewalk or path width of 1.8 m is preferred in areas where accessibility may become an issue for two wheelchairs passing one another.
  - The needs of visually impaired pedestrians shall also be considered, as a construction site can be challenging to safely and comfortably traverse.
- All AODA path geometry requirements (ramps, slope, etc.) must be met on temporary paths. Accessible ramps must be provided between a closed sidewalk and a diversion route on the roadway.
  - Temporary path material must not cause a hazard to pedestrians using mobility aids or having vision loss.

## Section 4: Temporary Traffic Control Devices

### 4.4.3.4 Temporary Traffic Signals

- Where TTS are used...AODA pedestrian facilities should be maintained during construction.

# 2B. Ontario Traffic Manual – Book 15: Pedestrian Crossing Treatments (June 2016)

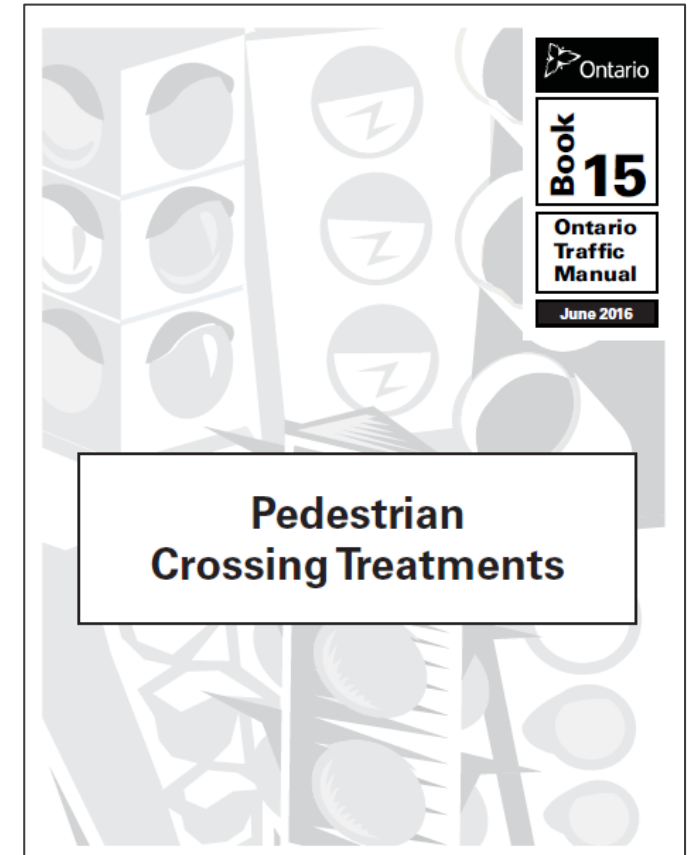
## Section 2: Legal Framework

### 2.1.4 General Accessibility

- “The ability of individuals, however, shall not preclude them from the right to use any facilities including pedestrian crossings. Provision of pedestrian facilities must therefore address the range of capabilities exhibited by the individuals that might use them.”
  - Range of abilities varies with respect to mobility, vision, hearing, and cognition

### 2.1.6 Designing for Accessibility

- Pedestrian crossings shall provide a continuous, and clear path across the vehicular route. An accessible path must be barrier-free and designed to address a range of capabilities as exhibited by the individuals that might use them.
- A barrier-free environment means the elimination of physical or information barriers. Physical barriers such as curbs, steep slopes or obstacles may restrict movements of pedestrians with mobility impairments; while information barriers such as the lack of tactile or audible cues will limit pedestrians with visual or hearing impairments in their ability to recognize the conditions of the environment.



# 3. Toronto Accessibility Design Guidelines (2021)

## Section 4: Exterior and Interior Maintenance

4.1.2 Construction Site Protection – Applies to all construction sites and associated equipment including those that are used for a short period of time.

1. Hoarding - Site protection should provide hoarding that:
  - a) Is temporary or permanent;
  - b) Delineates an exterior accessible path of travel from any construction site and vehicular road way;
  - c) Surrounds the perimeter of the construction site;
  - d) Has highly visible and cane detectable barriers (see: Figure 4.1.2-A);
  - e) Where provided, has a minimum of one view port that is located 1050 mm on centre;
  - f) Maintains clear sight-lines to traffic lights and signals; and
  - g) Provide overhead clearance and cane detectability (see: Figure 4.1.2-B).
2. Signage - Site protection should provide signage that is able to withstand all seasonal weather conditions and meets criteria in "3.2.1. Signage and Wayfinding Systems".
3. Maintenance - Site protection should provide maintenance that ensures that material and/or equipment do not impede an path of travel and are located to reduce risk of hazards.

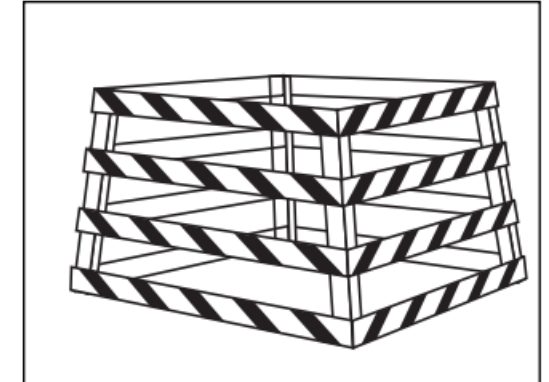


Figure 4.1.2-A Highly Visible and Cane Detectable Barrier

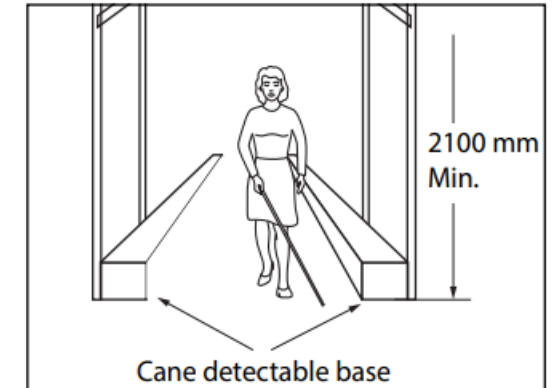


Figure 4.1.2-B Overhead Framing at a Construction Site

# Management of Construction Process

## 4. Chapter 743: Streets and Sidewalks, Use Of

- Article III: Street Work
  - § 743-26. Issuing permits
  - § 743-29. Commencing and conducting street work and temporary street occupations
- Construction Activities Guidelines (December 2006)

## 5. Standards for Designing and Constructing City Infrastructure

- Constructing Specifications and Drawings for Road Works
  - T1 – Construction and Material Specifications
  - TS 1.00 – Construction Specifications for Maintenance of Traffic (September 2020)