

<b>TO:</b>	<b>CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON MARCH 19, 2018</b>
<b>FROM:</b>	<b>KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL &amp; ENGINEERING SERVICES AND CITY ENGINEER  and  GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>PRIVATE AND PUBLIC WORKS IMPACTING THE TRANSPORTATION NETWORK</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer and Managing Director, Development & Compliance Services and Chief Building Official, the following actions **BE TAKEN** with respect to private and public works impacting the transportation network:

- a) The Civic Administration **BE DIRECTED** to develop options based on industry best practices for a revised Works Approval Permit process, including consideration related to a new fee model, enhanced monitoring/reporting, roadway inspections requirements and roadway occupancy restrictions;
- b) The utility companies, construction service providers and development industry **BE ENGAGED** to provide feedback on the potential changes to the Works Approval Permit process.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>2015-19 STRATEGIC PLAN</b>
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This report supports the Strategic Plan through the strategic focus area of *Leading in Public Service* and *Building a Sustainable City* directly and indirectly as follows: Addressing the infrastructure gap, building robust infrastructure, enhancing safety for all road users in the city, and managing and improving our water, wastewater and stormwater infrastructure and services. The City is committed to delivering excellent customer service and providing great customer experiences to residents, business and visitors by communicating projects in advance and coordinating all work to help build and deliver efficient infrastructure and minimize delays and inconveniences to the public during construction.

## BACKGROUND

At the December 4th, 2017 Civic Works Committee, the following resolution was approved:

That the Managing Director, Environmental and Engineering Services and City Engineer BE DIRECTED to:

- a) review, either through Lean Six Sigma or more generally, the process of issuing permits for approved works, including consultation with key stakeholders such as the Utilities Coordinating Committee, emergency services, the London Development Institute, business improvement associations and others who are likely to apply for permits for approved works on major roads; and
- b) report back to the Civic Works Committee, by the end of March 2018, on:
  - i) ways to improve communication with affected business, organizations and residents about the timing, duration and impacts of permits for approved works, including unexpected developments;
  - ii) ways to improve the scheduling and coordination of private and public projects affecting roadways and sidewalks that carry significant pedestrian, cyclist, transit and auto traffic;
  - iii) resources required to implement these improvements; and
  - iv) any other improvements identified through the review. (2017-T04)

### **Purpose**

This report identifies options to assist in addressing some of the broader concerns related to private and public works being carried out on municipal road allowances, including improved coordination, scheduling, and communication of works to the property owners and businesses most affected, as well as the traveling public.

### **Municipal Road Allowances**

Municipal road allowances are the foundation of the City's public transportation network and serve as the primary corridors for municipal and utility infrastructure; two critical services which sometimes conflict with one-another. As the public road authority, it is the Corporation of the City of London's responsibility for the overall management of road allowances that have been assumed by the City.

For the most part, the City has the legal authority to regulate access to and work performed on road allowances, but there are limits. Utility companies also have a legal right of access to municipal road allowances through their authorizing Federal or Provincial legislation and the City cannot restrict utilities from accessing their infrastructure in the event of an emergency or priority repair situation.

The City can manage and co-ordinate planned construction and maintenance work so as to not unduly disrupt the public. The City, development community and the utilities operating in London have historically had an excellent working relationship and continuously work together to optimize the delivery of infrastructure.

## **Stakeholders**

Road allowance “stakeholders” can generally be separated into two groups: the “owner stakeholders” as represented by the Corporation of The City of London and the utility companies that collectively own billions of dollars of infrastructure located within road allowances and the “user stakeholders” consisting of the general public which includes both the traveling public, as well as the abutting property owners and businesses who depend on the services supported by road allowances.

Another important group that has a direct impact on both owner and user stakeholders is the development industry. Although they do not own road allowances or the infrastructure beneath them, growth often results in the need for road improvements and the extension of services to support development and to fulfill the obligations of the subdivision and site plan development agreements with the City.

## **Permits**

The City relies on various tools to plan, co-ordinate and control work on road allowances. Municipal Access Agreements are high level operating agreements between the City and utility companies that set out basic rights and responsibilities for both parties. Construction of new utility and City services, which includes capital infrastructure renewal and development-driven projects, is approved through the Municipal Consent Application (MCA) process reviewed by the Utilities Coordinating Committee (UCC). The UCC is comprised of representatives from all the related City Service areas and the utility companies operating in the City. The MCA approval process mostly focuses on resolving plant location conflicts and assists in the coordination of major construction projects.

The primary road allowance access control tool that the City relies on is the Works Approval Permit (more commonly referred to as Permit of Approved Works, or PAW), which is authorized by the City’s S-1 (Streets) bylaw. With the general exception of City operations groups (e.g. Sewer, Water & Roadside Operations), anyone planning to occupy and carry out work over, on or under a municipal road allowance is required to obtain a PAW from the City. The permit applies to the entity actually doing the work (typically contractors) and not to the owner of the infrastructure.

The process for obtaining a PAW involves the submission of an application with accompanying payment to the Building Division’s Public Property Compliance area. The application is reviewed by staff who are also responsible for ensuring the proposed works have been approved by the City, if required, and for determining if additional information is needed such as a traffic control plan. Staff also consult the Renew London database to ensure there are no conflicts with other major projects. Fees and any security deposits depend on the nature of the work being done.

## **Renew London**

The “Renew London” application is a database that is used to record all major construction projects planned for the current year. Project information is publically accessible from the City’s website under the Renew London banner which provides information including the project name, planned schedule, some project details, and contact information.

Renew London was originally developed as a way of communicating to the public major construction projects managed by the City's Construction Administration Division, and has since been expanded to incorporate large utility-driven and development-driven projects as well as City Operations-driven projects. Renew London is becoming increasingly useful as a coordination, scheduling and communication tool, though the primary focus remains on major projects.

## DISCUSSION

### **Communication**

The Communications Department, which is responsible for the City's communications programs, has identified the following high-level steps designed to improve communications of works to the broader public:

1. Establish / formalize the minimum criteria as to when the public needs to be informed of impacts
2. Continue to identify ways to enhance Renew London through its design, functionality and content to be able to adapt to the changing needs of Londoners
3. Continue to put a focus on community relations (find opportunities to work with businesses, community members and groups affected by the project to engage and inform them proactively throughout the duration of the project)

### **Scheduling and Coordination**

Scheduling and coordinating works on road allowances has always been a challenge due to the wide-range of activities by the many owner-stakeholders and developers coupled with the challenge of managing ever-changing work schedules.

Although most isolated short-term works can be managed reasonably well thereby minimizing disruption to the public, improvements can be made by restricting short-term occupation of arterial roads during peak traffic volumes (i.e. "rush hour"), and by making better use of Renew London to check for conflicts with other ongoing or planned works in the vicinity during the work period.

Risks of work conflicts escalate significantly when dealing with long term construction projects. When planning large City-driven infrastructure renewal projects, staff undertake considerable effort to ensure the contractor and utility companies work closely to minimize disruption to the public throughout the term of the project. Construction staging and the judicious use of traffic control plans are an essential component of every major project in the City. City staff also take great care ensuring projects affecting arterial roads are sufficiently separated to prevent traffic grid-lock in any particular area.

Notwithstanding these efforts, however, conflicts can arise from works unrelated to the project. Through their involvement with the Utilities Coordinating Committee, utility owners are generally well aware of major construction projects and either try to coordinate their work in conjunction with the larger project or refrain from initiating other work in the vicinity of the project altogether. When conflicts do occur, they're often caused by unanticipated delays in completing conflicting work, or by changes in

scheduling of works after a PAW has been issued.

Conflicts with development-driven work can arise for several reasons. Developers and their contractors are usually less aware of the status of other projects being planned in the vicinity of their developments. Development-related road improvements are reviewed along with the associated traffic control plans during the site plan approval process. The issue is that construction may not be undertaken for many months or even years after all development approvals are obtained. By the time the PAW is applied for the actual construction work, the approved traffic control plan may well be out of date. Also, even after the issuance of a PAW, private development work can be delayed for various reasons. All of these variables increase the risk of conflicts with other work.

The solution to all of these problems is to enforce stricter construction timelines and adopt a “just in time” PAW approval process which would include a full review of any associated traffic control plan, all of which would help to ensure the PAW approved works properly take into account the current situation on the ground. This “tightening up” of PAW issuances would require increased resources including stepped-up inspections and enforcement, and could result work approval permits being delayed if appropriate lead time is not accounted for.

A key component to success of improved scheduling and coordination of works is through the expanded use of Renew London which would be used to record and track a broader range of work activities. It would also serve as a major resource for staff when issuing PAWs, as well as for all stakeholders both internal and external to the Corporation.

Proposed improvements in scheduling and coordination of works on road allowances are summarized as follows:

- Make greater use of the Renew London database to record actual and planned works and to identify potential conflicts
- Expand PAW approvals to cover a wider range of works, particularly works having a traffic impact on arterial roads
- Restrict lane closures on arterial roads to non-peak traffic hours for all planned non-emergency short term work (also would apply to City Operations)
- Adopt a “just in time” PAW approval process including a full review of any traffic control plans and enforce stricter work timelines

### **Additional Options for Improvements**

In addition to the suggestions to improve the communication, scheduling and coordination of works on road allowances, the following options also need to be considered which would allow the City to gain better control of work activities on road allowances and further minimize disruption to the public:

- adopt a new PAW fee model including a daily charge rate for the road occupancy component to encourage the completion of works on time
- expanded use of Traffic Control Plans including a pedestrian/cycling component
- review permitting policies to ensure compliance with AODA requirements
- increased inspections to ensure:
  - compliance with Traffic Control Plan (TCP) as approved

- compliance with AODA requirements
- work is complete within approved time period, and:
- restoration work conforms to City standards
- increased enforcement and fines for work being done without a valid PAW or where the PAW has expired
- make improvements to the PAW system to support e-permits and reporting by external owner-stakeholders
- review sufficiency of security deposits
- require site signage identifying the name of the contractor and/or owner with contact information in case of complaints

The implementation of all of these options would impact all owner-stakeholders to varying degrees while benefiting user-stakeholders. Private utilities, contractors, developers as well as City Operations staff and City contractors would all face additional direct and indirect costs to comply with a more stringent PAW program. The challenge will be to formulate a balanced approach that will achieve realistic goals of improved scheduling, co-ordination and communications of works while not being onerous on the owner-stakeholders and developers. It is clear, however, that any improvements can result in immeasurable benefits for the user-stakeholders in the form of reduced disruption to property owners and businesses and shorter transportation times and reduced energy costs for the traveling public.

Accordingly, staff recommend the development of a set of best practices including a revamped permitting system containing a tiered fee structure, increased inspections and stepped-up enforcement as well as for increased reporting and making more extensive use of Renew London. Such a review will include consultation with the Utilities Coordinating Committee whose members are collectively responsible for the large majority of works on road allowances, as well as developers and construction service providers.

Any additional resources needed would be identified and rationalized in conjunction with a recommended fee structure. A comprehensive report would be brought forward to the Civic Works Committee before the end of the year.

<b>CONCLUSION</b>
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The Communications Department is exploring ways to improve the user-stakeholder experience as it relates to communicating works done on road allowances by owner-stakeholders and developers. Renew London is continuing to be developed as a central component of a comprehensive plan designed to improve the scheduling, co-ordination and communications of works on road allowances.

Subject to Council direction, staff will develop options for industry best practices for a revised Works Approval Permit process, including consideration related to a new fee model, enhanced monitoring and reporting, roadway inspections requirements and roadway occupancy restrictions, a process that will include consultation with utility companies, construction service providers and the development industry. The recommendations would be brought forward to a future meeting of the Civic Works Committee before the end of the 2018.

**Acknowledgements**

This report was prepared by Adam Salton (Zoning and Public Property Compliance) and Gary Irwin (Geomatics) with input from Ugo DeCandido (Construction Administration) and Megan Hutchison (Communications Department).

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March 7, 2018

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