

**REPORT NO. 122 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held March 20, 2013**

Present: Councillor J. Gignac
Councillor A. Halberstadt
Councillor R. Jones,
Councillor H. Payne
Councillor F. Valentinis, Chair

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED:**

Moved by Councillor Payne, seconded by Councillor Gignac ,

- A. That Traffic By-law 9148 Part XII – Application and Administration, **BE AMENDED** by adding the following:

“Section 37a The Executive Director of Operations (or designate) is hereby authorized to designate a highway under the jurisdiction of the City of Windsor as a construction zone, and to designate speed limits for construction zones.”

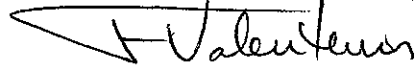
- B. That Administration **BE DIRECTED** to instruct contractors on future City of Windsor road construction projects to provide “speed fines doubled when workers present” signs as part of their temporary construction signage as appropriate.

- C. That Administration **BE DIRECTED** to inform residents of Windsor of the change in construction zone speeding fines by way of a media release and a notice on the City of Windsor web site.

Carried.

Clerk’s Note: The report authored by the Policy Analyst dated March 4, 2013 entitled “Increased Speed Fines in Construction Zones” is attached as background information.

Liveline 16449, ST2013

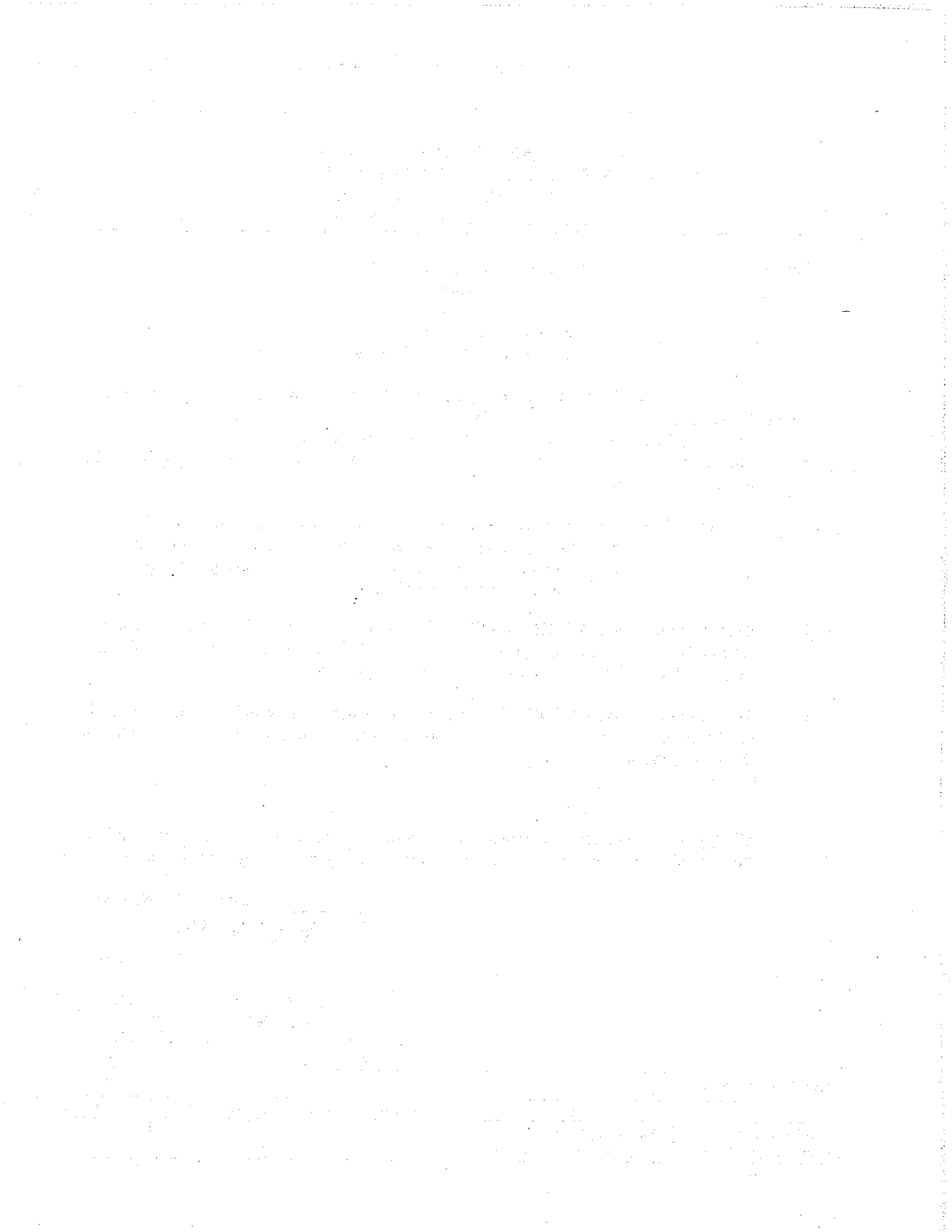


CHAIRPERSON



DEPUTY CLERK

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX
Jim Lyons, Heavy Construction Assoc.	2880 Temple Drive Windsor, ON N8W 5J5			



THE CORPORATION OF THE CITY OF WINDSOR
Environment, Transportation & Public Safety Standing Committee –
Admin Report – Environment Transportation

**MISSION STATEMENT:**

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 16449 ST2013	Report Date: March 4, 2013 PW#3521-03/07/13
Author's Name: Jeff Hagan	Date to Committee: March 20, 2013
Author's Phone: (519) 255-6247 ext. 6003	Classification #:
Author's E-mail: jhagan@city.windsor.on.ca	

To: Environment, Transportation & Public Safety Standing Committee

Subject: Increased Speed Fines in Construction Zones

1. RECOMMENDATION: City Wide: Ward(s): _____

- A. That Traffic By-law 9148 Part XII – Application and Administration, **BE AMENDED** by adding the following:

“Section 37a The Executive Director of Operations (or designate) is hereby authorized to designate a highway under the jurisdiction of the City of Windsor as a construction zone, and to designate speed limits for construction zones.”

- B. That Administration **BE DIRECTED** to instruct contractors on future City of Windsor road construction projects to provide “speed fines doubled when workers present” signs as part of their temporary construction signage as appropriate.
- C. That Administration **BE DIRECTED** to inform residents of Windsor of the change in construction zone speeding fines by way of a media release and a notice on the City of Windsor web site.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

On March 31, 2006, amendments to the Highway Traffic Act ("the Act") came into effect that allow for speeding fines to be doubled in construction zones when workers are present, and for municipalities to reduce speed limits temporarily in construction zones without passing a by-law.

Under these new measures in the Act, a municipal roadway is not considered a "construction zone" for the purposes of the Act unless it has been designated as such by a person appointed by the municipality. Once this person has been appointed, the Act grants him the authority to:

- designate a roadway or a portion of a roadway as a construction zone for the purposes of the Act. Speeding fines would be doubled automatically in any such construction zone once it is signed with "Construction Zone Begins" and "Construction Zone Ends" signs, and
- set a temporary lower speed limit for a construction zone, which would be effective and enforceable without the need for a by-law amendment.

Presently, the City of Windsor has not appointed a person for the purpose of designating construction zones.

3. DISCUSSION:

Construction zone safety continues to be an issue of concern in terms of both workplace safety and road safety. Speeding and aggressive driving within work zones creates risks for both workers and the travelling public.

Because of geometric constraints during roadway construction, it is often necessary to narrow lanes, perform lane shifts, or decrease the separation distance between roadway and the sidewalk. While measures are taken when laying out a construction work zone to protect safety and reduce risk, a construction zone can often be a visually complex and unfamiliar environment for drivers where there is less margin for driver error than in normal circumstances. For this reason, speeding is an especially significant concern in construction zones, and in some cases, it is appropriate to temporarily reduce speed limits during construction.

To address these concerns, the Highway Traffic Act provides for doubled speeding fines and temporary lowered speed limits in construction zones. However, in order for a construction zone on the City of Windsor road network to be recognized under the Act (and thereby have speeding fines doubled or have the lowered speed limit enforceable), it must be designated as a construction zone by a person appointed by the municipality for this purpose.

Administration recommends that Council appoint the Executive Director of Operations or his designate for the purpose of designating construction zones, since the Executive Director of Operations is the individual responsible for approving traffic control plans for construction work within the City right-of-way.

Once a construction zone has been designated, "construction zone begins" and "construction zone ends" signs must be placed at the construction zone limits for the doubled speed fines to apply. The Ministry of Transportation recommends also posting optional "speed fines doubled

when workers present” signs at the beginning of construction zones, although they are for information and reinforcement only: provided that the construction zone is signed with regulatory “construction zone begins” and “construction zone ends” signs, speeding fines are doubled whether a “speed fines doubled...” sign is posted or not.

Since the safety benefit of increased speeding fines in construction zones is based on deterrence, it is important to make drivers aware of the increased fines in order to ensure that drivers alter their behaviour accordingly and the full safety benefit is realized. Two main methods for communicating this change to drivers are proposed:

- Placing “speed fines doubled when workers present” signs at the beginning of construction work zones, and
- Communicating to the public via media releases and a notice on the City web site.

4. RISK ANALYSIS:

The intent of the recommended measures is twofold:

- to reduce the risk of injury by traffic hazards to City employees and contractors working in construction zones in the right-of-way by increasing the deterrence for unsafe driving, and
- to reduce the risk to workers and the travelling public of collisions and injuries by allowing enforceable temporary speed limits, where appropriate, during roadway construction.

5. FINANCIAL MATTERS:

There is no direct financial cost to the City of Windsor associated with the recommendations of this report.

Contractors performing work in the City right-of-way would be required to supply their own “speed fines doubled when workers present” signs to accompany their existing “construction zone begins” signs. While there is a cost associated with this, it would be a negligible amount (on the order of \$75 per sign) amortized over many projects over the life of the sign, and therefore would not create an appreciable increase in prices for construction contracts.

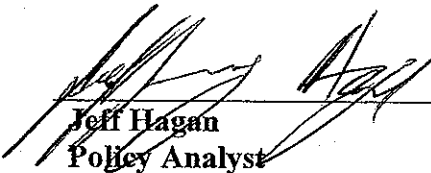
The work done by City crews in the right-of-way is typically mobile or short duration work where “construction zone begins” and “construction zone ends” signs are not placed, so there is currently no need for the City to purchase “speed fines doubled when workers present” signs for its own use.

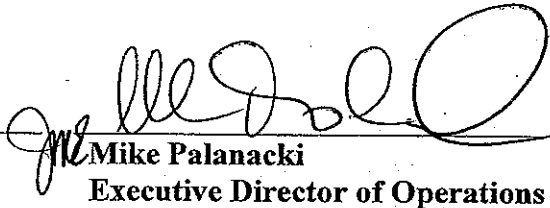
6. CONSULTATIONS:

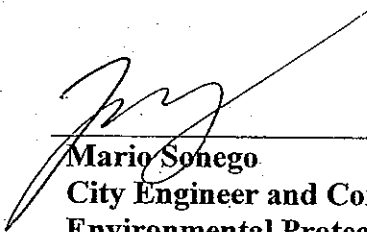
Staff Sergeant John Richards, Windsor Police Service
Julie Ryckman, Supervisor of Health and Safety, City of Windsor Human Resources

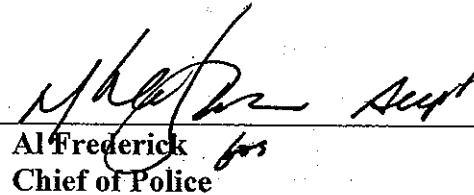
7. CONCLUSION:

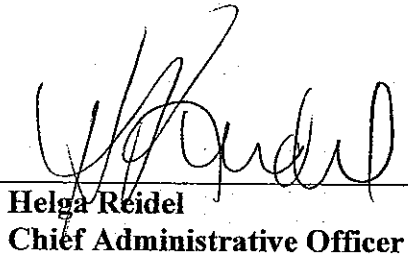
Administration recommends that the Executive Director of Operations or his designate be appointed to designate portions of City of Windsor roadways as construction zones for the purposes of the Highway Traffic Act, and that residents and other road users be made aware of the resulting changes in speeding fines in construction zones with signs, media releases and notices as described.


Jeff Hagan
Policy Analyst


Mike Palanacki
Executive Director of Operations


Mario Sonogo
City Engineer and Corporate Leader
Environmental Protection and
Transportation


Al Frederick *for*
Chief of Police


Helga Reidel
Chief Administrative Officer

JH

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 ext.

NOTIFICATION :

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