

# Road Activity By-law Review

## Modernizing the Regulation of the Right of Way



City of Ottawa  
ORCGA Geographic Council Meeting  
March 28, 2023

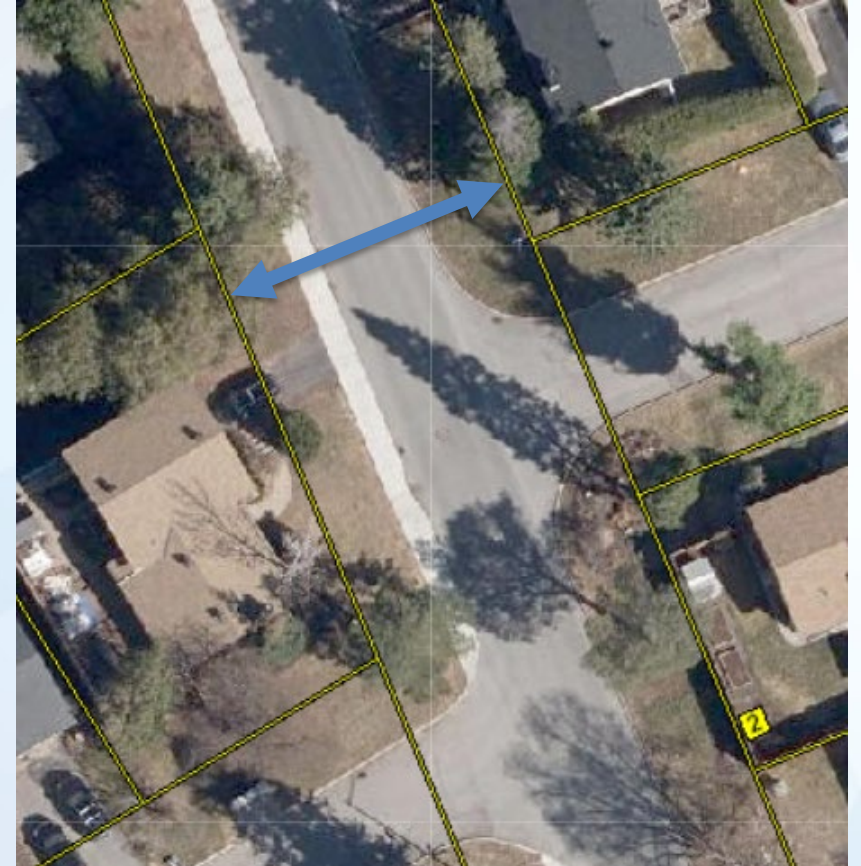
# Agenda

- Road Activity By-law
- By-law Review Approach
- Changes and Implementation
- Lessons Learned
- Next Steps



# Road Activity By-law - Purpose

- **Purpose:**
  - Coordination and tracking
  - Mitigate Mobility Impacts
  - Notification
  - Protection of public monies and infrastructure
- **Four areas of regulation:**
  - Road Activity no excavation, utility focused, (no permit)
  - Road Cuts
    - Road Cut Permit – Excavation within any part of the Highway
    - Prior Approval required
  - Temporary Road Closures
    - Requires either an associated Temporary Construction Encroachment or Road Cut Permit
  - Temporary Construction Encroachments
    - Requires TCE Permit to occupy ROW for purpose of construction on private property





# Road Activity By-law - Challenges

## Regulatory:

- By-law Passed in 2003
- Pavement Degradation Fees and Moratoriums – Former Regional Roads
- Traffic Management Plan and Peak Hour Requirements
- Fees – No Review or No Fee
- Security and Insurance
  - No security for Infill development
- Notification
- Enforcement





# Road Activity By-law - Challenges

## Evolving Context:

- City continues to grow
- Intensification and Infill
- Permit volumes



# Road Activity By-law - Challenges

## Administration:

- Inspection Resources Stretched
- Permit Administration Capacity Maxed = Increased Processing Timelines
- Business Processes
  - Broken and Inconsistent
  - Inefficient for Development
  - Siloed Reviews























# By-law Review Approach

- **Phase One (In Effect July 1, 2019):**
  - Regulatory Update
  - Inspection Oversight and Enforcement
  - Address Development Servicing Cuts
  - Re-Introduce PDF Collection
  - Tools for Permit Holders
- **Phase Two (In Effect January 1, 2022):**
  - Improve Service Delivery
    - Increase Capacity and Update Fees
  - Review PDF Model
  - Resurfacing Policy



# Phase One

- **Regulatory Update:**

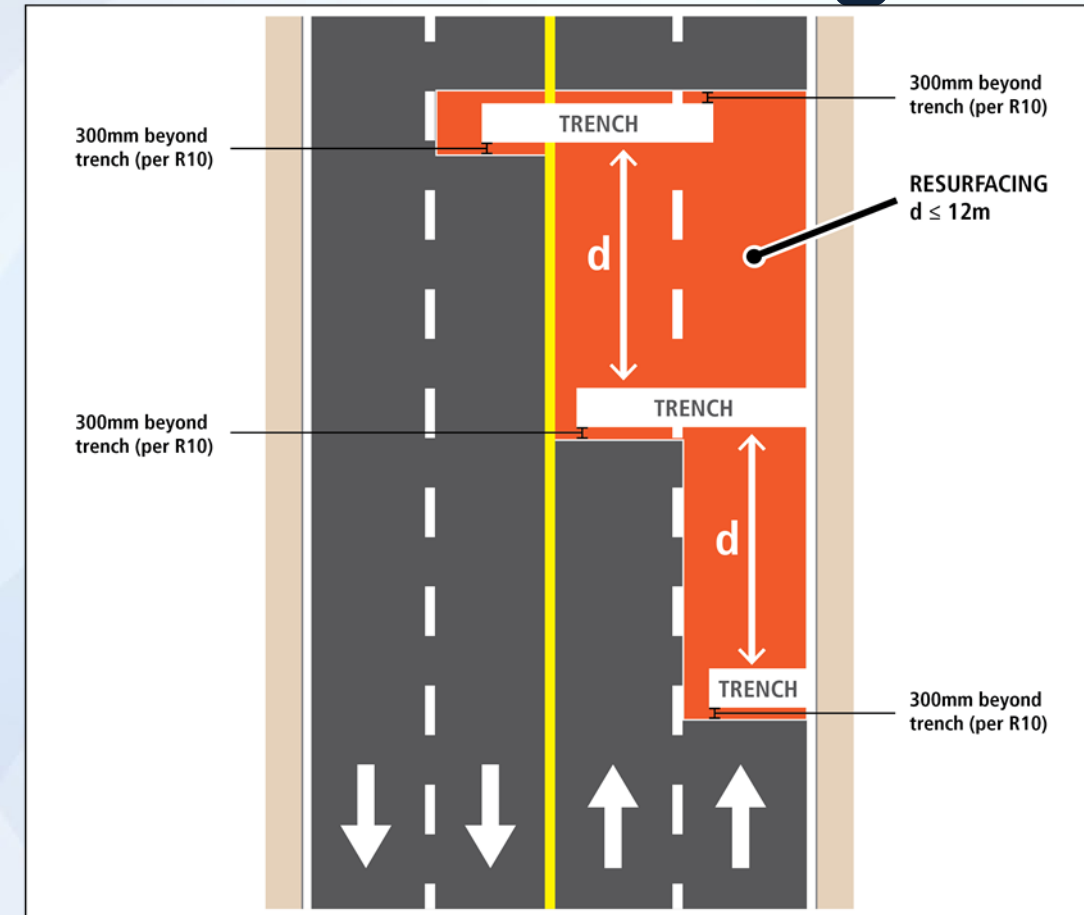
- Expanded Asset Protection
  - Restrictions on Cuts into New Pavement (Moratorium) + PDF = All Roads
  - **Resurfacing Requirements for Development**
- Increased Oversight of Mobility Impacts
  - Traffic Management Plans and Peak Hour Work Restrictions = All Roads except Local
- Improved Risk Management
  - Securities and Insurance
  - **Right of Way Damage Deposit**
- Permit Tracking - **Road Cut Completion Report**
- Enhanced Resident Awareness – Revamped **Notification** Requirements
- New Enforcement Tools





# Phase One – Development Resurfacing

- Resurfacing identified on Site Servicing Plan
- Severance
  - Condition to include all purpose lots under one Site Servicing Plan
- Site Servicing Plan:
  - Show estimated size of cuts within roadway
  - Must include cuts for blanking of service
  - 3 or more cuts = resurfacing
    - Must show extent of resurfacing
    - All cuts within 12 metres of each other



# Phase One - ROW Damage Deposit

- Possibility of damage during construction
- New building construction where no Site Plan or Subdivision approval
- \$3,000.00 per unit where vertically divided (e.g., semi, town)
- Identified at time of Grading and Servicing Plan approval
- Collected at time of Building Permit issuance
- Released at end of construction following inspection



# Phase One - Notification


- Major issue for Councillors
- Notice to City and Residents of Work Commencement
- Road Activity (no excavation):
  - To Staff: Minimum Two Working Days Notice if impact mobility
  - To Residents: Minimum Two Working Days if Work Affects Property Access
- Road Cuts (to Staff and Residents):
  - Minimum 10 Working Days (including to Ward Councillor): Temporary Road Closure, Bus Rerouting, Sidewalk Closure with Detour, Work Longer than Seven Calendar Days
  - All Other Instances: Minimum Two Working Days
- Minimum Content Requirements
- Requirement to Maintain Record
- Bilingual Templates on Website





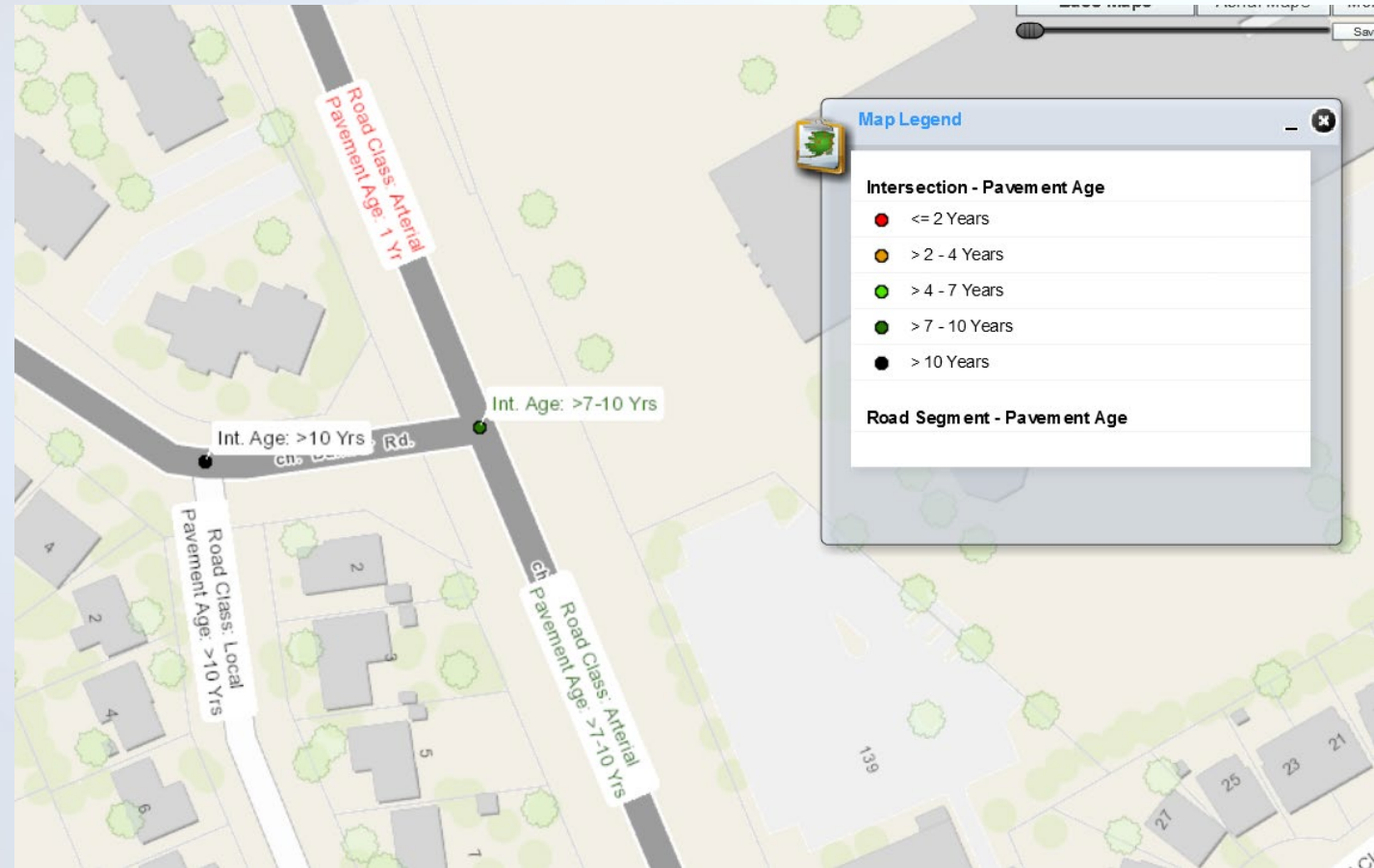
# Phase One - RCCR

- Road Cut Completion Report:
  - Track and Record Work Completion
  - Schedule Inspections
  - Trigger Warranty
- Required within 10 Business Days of Final Reinstatement
- Fillable PDF on Website

ROAD CUT COMPLETION REPORT			
PERMIT HOLDER NAME:	PERMIT NUMBER:	MUNICIPAL ADDRESS:	
COMPLETE APPLICABLE DATES:	DATE:	CUT AND RESTORATION SIZES For multiple cuts in Asphalt Road include cut sheet from Road Cut Permit application identifying each cut.	
Start Work:		Surface Type:	Cut Size:
Temporary Reinstatement:		Asphalt Road	
Final Reinstatement:		Sidewalk: <input type="checkbox"/> Concrete <input type="checkbox"/> Asphalt	
<b>Note:</b> Date of Final Reinstatement is date all works under the Road Cut Permit are completed		Concrete Boulevard and Curb	
		Sod <input type="checkbox"/> Y <input type="checkbox"/> N	Seed <input type="checkbox"/> Y <input type="checkbox"/> N
		Resurfacing (per Site Servicing Plan)	<input type="checkbox"/> Y <input type="checkbox"/> N
<b>As Constructed Information</b> (Provide description of work if different than originally shown on Road Cut Permit)			
PRE-CONSTRUCTION PHOTOS ATTACHED:		<input type="checkbox"/> Y <input type="checkbox"/> N	
POST-CONSTRUCTION PHOTOS ATTACHED:		<input type="checkbox"/> Y <input type="checkbox"/> N	
Where all parts of the highway (e.g., asphalt, curb, sidewalk and boulevard) have been reinstated to the satisfaction of the City, the date of final reinstatement marks the start of the warranty period under the Road Activity By-law No. 2003-445.			
Pursuant to the Road Activity By-law No. 2003-445 a permit holder may be required at any time to provide, at the permit holder's expense, test reports from a testing laboratory showing the degree of compaction that has been achieved, or a certificate from an engineer or testing laboratory certifying that backfilling procedures have been performed in accordance with the by-law. The City reserves the right to refuse reports or certificates from any testing laboratory that is not to its satisfaction.			
<b>PERMIT HOLDER VERIFICATION &amp; SIGNATURE</b>			
The Road Cut Permit Holder verifies that information provided is accurate and fully complies with all conditions and provisions of City of Ottawa By-law 2003-445 (the Road Activity By-law) or any By-law enacted in substitution therefore. Information provided is subject to audit by the City and any discrepancy may result in action and may include the City's refusal to issue future permits.			
<b>Authorized Representative of Permit Holder:</b> (Please print)		<b>Signature:</b>	<b>Date:</b>
<b>Authorized Representative Contact Number:</b>			
The Road Cut Completion Report must be submitted to <a href="mailto:developmentinspections@ottawa.ca">developmentinspections@ottawa.ca</a> within 10 working days of the date of Final Reinstatement.			

# Phase One – Business Process

- **ROW Inspections Group**
- **New Website:**
  - Application Form
  - Process Charts
  - Templates
- **PDF Collection:**
  - Estimate on Application
  - Minimum Charge
  - Reconcile on Inspection
- **GeoOttawa Info:**
  - Pavement Age
  - Road Classification



# Phase Two

- Improved Service Delivery
  - Fee Update and Staff Resource Increase
  - New Capital Project Road Cut Permit Stream
- Review Pavement Degradation Fees
  - Validate Approach
  - Review Exemptions
- Expanded Resurfacing Requirements





# Phase Two – Fee Review

- User Fees implemented in 2003, never reviewed
- Right-size fees to:
  - Fund additional staff to maintain a standard processing time year-round
    - Eight new staff – Permit Administration, Traffic Review, Inspections
  - Meet Corporate Policy regarding cost recoverability of fees
    - Includes surcharge for new Land Management System



# Phase Two – Fee Review

Permit Type	Previous Fees	2022 Fee
Road Cut Permit	\$476.00 + Winter Inspection Fee: \$50.00 - \$251.00 (for 10 street segments)	\$236/ street segment
TCE Simple Admin Fee (not including road occupancy)	\$68	\$85
TCE Complex Admin Fee (not including road occupancy)	\$68	\$855
Temporary Road Closure	No current fee	\$1090
ROW Damage Deposit Admin	No current fee	\$110

# Phase Two - Pavement Degradation Fees

PDF Fees Structure pre-2022	
Road Age	2021 PDF Rate (per m <sup>2</sup> )
<2 years	\$38.80
2 to 4 years	\$32.35
4 to 7 years	\$26.00
7 to 10 years	\$16.25
10 years +	\$6.45

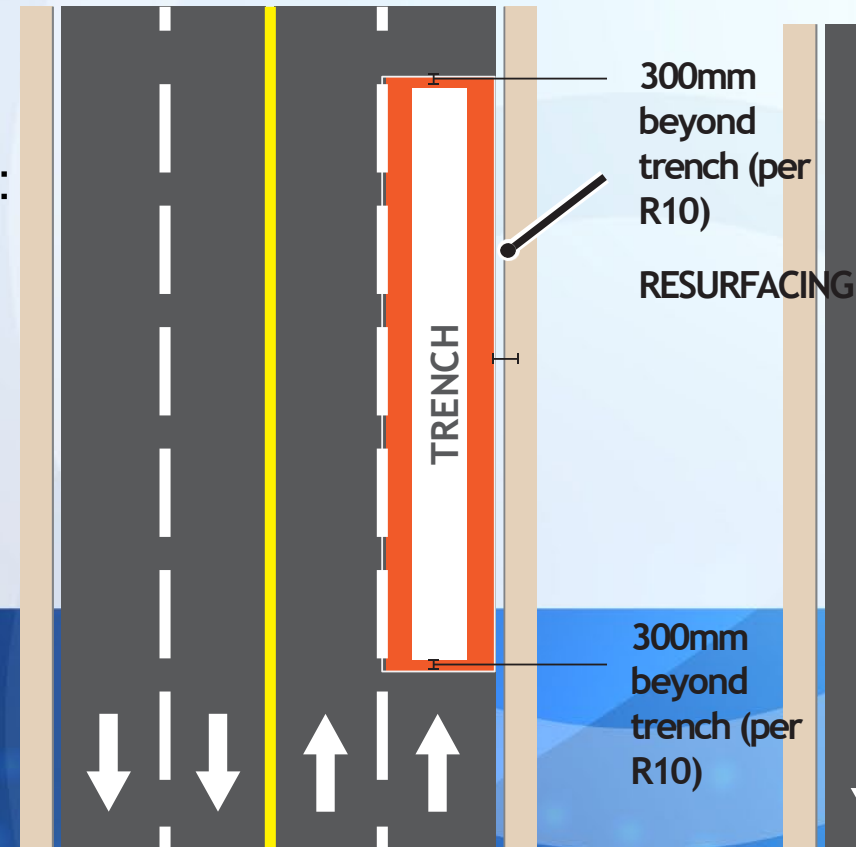
PDF Fee Structure 2022	
Road Age	PDF Rate (per m <sup>2</sup> )
<3 years	\$59
3 to 5 years	\$52.65
5 to 10 years	\$44.37
10 to 15 years	\$33.77
15 to 20 years	\$24.62
20 years and +	\$16.91

# Phase Two – Resurfacing Policy

- Introduce Resurfacing Policy
- Development resurfacing requirements remain
- All cuts within 1m of the curb to be resurfaced to the curb (pavement age irrelevant)
- Cuts into new pavement (3 years or less) subject to broader resurfacing requirements:
  - resurfacing must always be brought to the nearest lane, centreline, or curb line
  - longitudinal and diagonal cuts through multiple lanes of traffic to be squared off

## Circumstance

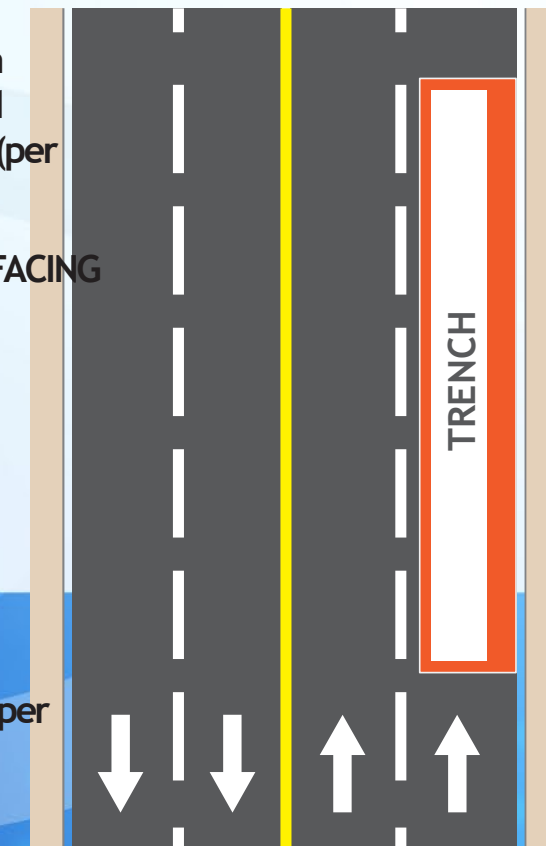
Pavement age three (3) years or less



## Circumstance

Pavement age older than three (3) years

Trench located  $\leq 1\text{m}$  from curb line or edge of roadway





# Did Ottawa Succeed? YES

- **Protection of City and Infrastructure:**
  - Expanded Restrictions on Cuts into new Pavement and PDF
  - Right Sized Security and Insurance Requirements
  - Broadened Inspection Oversight
  - Improved Resurfacing for Newer Roads and for Development
- **Improved Service Delivery:**
  - 2022 Permit Processing – Met or Exceeded Timelines
  - Fees Reflect Current Cost of Administration
  - New tools for Applicants



# Did Ottawa Succeed? YES(ish)

- Protection of Public Interest:
  - Improved Resident Awareness and Accountability of Permit Holders
- Mobility Considerations during Development Approval
  - Introduction of Constructability into Planning Applications
- Enhanced Tracking with RCCR and Filling of Process Gaps



# Lessons Learned

- Dedicated Resource to Lead Review
- Implementation Timing and Change Management
- Procedures and Education in Place
- Order Priorities Accordingly
- Timing of Staffing and Fee Changes
- Value of Metrics
- Regular Review Framework
- Spin Off Projects



# Next Steps

- New IT System
- Possibility of a Licensing Regime
- Alignment of other By-laws
- Fee Waivers for Public Realm Improvements
- Municipal Consent Process Review
- Occupancy Fees
- Specification Review
- Broadband Roll-Out + Enhanced Notification

