



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** November 27, 2019

Report No. EPW-19-035

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Jeff Miller, Director of Engineering and Public Works

**SUBJECT:**

Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw No. 2983

**RECOMMENDATION:**

That Council gives 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings to Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw No. 2983.

**RELEVANT POLICY:**

Streets and Traffic Regulation Bylaw, 2017, No. 2898

**STRATEGIC RELEVANCE:**

Healthy and Liveable Community - Ensure Multi-modal Traffic Strategies  
Local Services and Infrastructure - Identify Infrastructure Repair and Proactively Plan for Replacement Needs

**BACKGROUND:**

Contained within the Streets and Traffic Regulation Bylaw, 2017, No. 2898, is the definition of “extraordinary traffic” together with clause (16) which describes the process for implementation. This part of Bylaw No. 2898 originally only applied to Lyall Street but has subsequently been expanded to the entire Township’s road network.

The purpose of the clause is to provide a mechanism for the Township to collect funds for the degradation of road structures due to loading that would not normally be expected for the various roads in the Township. This loading is created by the construction of large scale projects. The clause has only been applied once since it was added to the bylaw approximately 12 years ago.

**ISSUES:**

**1. Rationale for Selected Option**

Upon review of the bylaw and the clause that refers to “*extraordinary traffic*”, staff recommends that the current definition and clause be deleted and replaced at a future time

with a new fee structure that would be developed based on volume and weight of material being transported across road structures. This new fee structure would form part of the site servicing costs or as a fee depending on the nature of the project.

Under the current bylaw, it is necessary to obtain information from the developer/contractor as to their method of construction at a stage of the project's life when construction methodology still has not been finalized. Due to this timing, this leads to assumptions being made that create a difference of opinion about the compensation amount.

As well, the current bylaw involves a significant amount of staff time. This time is spent in negotiations with the developer to develop the compensation amount. It has also been necessary to retain a consultant to assist in determining the impact on the road structure and corresponding compensation amount.

Upon adoption of Bylaw No. 2983, staff will draft a new amending bylaw to address "extraordinary traffic" and present it to Council for consideration at a future Council meeting. Under the proposed system, a fee structure will be created that is based on road classification, age, condition, volume and type of material to be moved. The fee structure could then be applied during the site servicing stage of the project's life, with both the Township and developer being fully aware of the cost implications.

## **2. Organizational Implications**

Under the proposed changes, staff time would be reduced as the formula for determining the cost would be defined. This cost would form part of the site servicing activities and would reduce the requirement to retain and manage a consultant to obtain the information necessary to determine the impacts on the roads.

## **3. Financial Implications**

The financial value that is gained from this cost has not been significant. This is due to the age and condition of the majority of current road structures which are at the end of their life. The value of the compensation is often a point of discussion as it is a theoretical computation. Under the new fee structure, fees would range from \$1,000 to \$10,000 based on the road classification, route, age and volume or equivalent single axle loads that the road would experience due to significant construction projects.

## **4. Sustainability & Environmental Implications**

There are no environmental implications to this proposed change to the bylaw. With respect to sustainability, the road network has been constructed in order to facilitate the movement of people and material from various points inside and outside of the Township. The road structure does deteriorate over time especially when subjected to significant loads. The collected fee represents a methodology to compensate for this loss of life.

## **5. Communication & Engagement**

Upon adoption, the revised bylaw will be distributed to staff and communicated to third parties accordingly.

**ALTERNATIVES:**

1. That Council gives 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading to Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw No. 2983.
2. That Council amend and give 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings to Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw No. 2983.