



**SUBJECT: Construction and Mobility Management Policy update**  
**TO: Environment, Infrastructure & Community Services Cttee.**  
**FROM: Engineering Services Department**

Report Number: ES-05-23

Wards Affected: All

File Numbers: 570.02-1060

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

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### **Recommendation:**

Approve amending By-law XX-2023 a By-law to amend Municipal Consent By-law 65-2021, attached as Appendix B to engineering services department report ES-05-23; and Approve the Municipal Consent Reserve Fund By-law XX-2023, attached as Appendix C to engineering services department report ES-05-23

### **PURPOSE:**

#### **Vision to Focus Alignment:**

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

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### **Background and Discussion:**

In September 2019, Council approved Capital Works report CW-27-19 which recommended the creation of a Construction and Mobility Management Policy (CMMP) to address impacts on public road allowances resulting from the construction of larger scale developments requiring site plan approval under the Planning Act. The CMMP was amended along with the Grading and Drainage Clearance Certificate By-Law 52-2018 in June 2020 by Council (Capital Works Report CW-15-20) to address impacts from low density residential infill development that is not subject to site plan approval under the Planning Act.

This policy establishes the requirements of construction activities associated with a proposed development to ensure that the construction does not adversely impact public health and safety, public amenities, traffic or the environment in the surrounding area.

The plan may include but not be limited to the following principles:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction; and
- Manage this construction project in coordination with other developments proceeding concurrently and in close proximity, while maintaining an active city for residents and businesses.

At the April 6, 2022 Corporate Services, Strategy, Risk & Accountability Committee, a confidential update report on the Construction Mobility Management Plan (L-12-22) was provided to Council for information.

### **Strategy/process**

City staff believe that a CMMP is a valuable tool in the regulation of construction that occurs throughout the development process, but it could be more efficiently managed through our existing Municipal Consent permit. The Municipal Consent Bylaw 65-2021 regulates the construction, road cuts and road occupancies located on City owned road allowances, or other property under the jurisdiction of the City. In discussions with other Municipalities, the use of this type of permitting allows for clarity with the construction process through a range of all applicant types (Developer/Utility/Resident) and allows for a transparency in the administration, inspection, and enforcement of any submitted plans.

The Municipal Consent Bylaw can be amended to extend to all “street work and publicly owned land”, defined as: Includes any excavating in streets, and installing, repairing, replacing, extending or operating and maintaining any equipment, structure or device located in, on, over, along, across, or under a street. This permit would also be required for “temporary street occupations”, defined as: The occupation of any portion of a street for the placing of any barricade, covered pedestrian walkway, construction site fencing, hoarding, machinery, materials or other objects, hoisting, tower crane, or transporting excess loads, or carrying out any street work that does not require excavating in a street.

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## **Financial Matters:**

The creation of a dedicated reserve fund for the Municipal Consent permit fees allows for the recuperation of costs related to any staff time and City resources required for the administration and enforcement of the Municipal Consent Bylaw for work undertaken within the City right of way.

This reserve fund will be fully funded from external revenues and permit fees as updated by Council in the Rates and Fees Bylaw. Funds from the reserve fund will also allow for repairs to the City Infrastructure located within the right of way to be carried out when damaged by third party contractors that are not carrying out work on behalf of the City.

## **Total Financial Impact**

There is no financial impact on the corporation as all costs and fees are recovered through permitting.

## **Source of Funding**

Funding for the delivery of the CMMP will be through revenues from permit fees.

## **Other Resource Impacts**

The additional administrative requirements associated with the inspection and enforcement of Construction & Mobility Management Plans may result in the need for additional staff resources. Staff are currently examining the creation of a Right of Way Corridor group through the Designing and Evolving Our Organization (DEOO) process internally and if additional staff are required, will be bringing a future report to Council for approval. The administration and enforcement of the CMMP will fall within this area of responsibility.

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## **Climate Implications**

Through the CMMP staff can better schedule and protect for construction in the public right of way by external parties to ensure that the roadway and city assets are not unnecessarily removed and replaced before their end-of-life cycle thus reducing the amount of waste generated from construction within Burlington.

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## **Engagement Matters:**

Not Applicable.

**Conclusion:**

The proposed bylaw amendments will allow for enforcement of the CMMP policy and improve the City's ability to manage private work occurring within the City owned right of way.

The creation of a dedicated reserve fund for managing third party work within the right of way will allow for proper staffing levels to deliver this service efficiently during the peaks and valleys of construction seasons.

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Respectfully submitted,

Scott Hamilton, P.Eng.

Director of Engineering Services

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**Appendices:**

- A. CMMP Policy – Amended May 3,2023
- B. Municipal Consent Bylaw 65-2021 amendments
- C. Municipal Consent Reserve Fund Bylaw XX-2023

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.