

COUNCIL REPORT

M&C No.	M&C 2019-92
Report Date	April 15, 2019
Meeting Date	April 23, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Weight Restriction By-Law Amendment and Agreement

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Tim O'Reilly</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

Your City Manager recommends Common Council:

1. authorize the Mayor and Common Clerk execute the agreement between the City of Saint John and Irving Equipment Limited as attached to M&C 2019-92, and
2. authorize 3rd Reading to an amendment to the City's Weight Restriction By-Law as attached to M&C 2019-92.

EXECUTIVE SUMMARY

The City's Weight Restriction By-Law allows the City to mitigate the impact that heavy vehicles impose on City streets. One mechanism in this by-law that achieves this goal is a reduction in the axle loading of trucks on streets during the spring when roads are particularly susceptible to damage.

PREVIOUS RESOLUTION

Common Council authorized 1st and 2nd Readings to the amendment to the City's Weight Restriction By-Law at its April 8, 2019 meeting.

REPORT

The construction of Irving Oil Limited's headquarters on King Square South is nearing completion. One of the contractors on this project, Irving Equipment Ltd., contacted City staff to advise they could not transport away a large crane used for the project because doing so would violate the City's Weight Restrictions By-Law.

The City's Weight Restriction By-Law reduces the maximum per-axle mass of various truck configurations to 80% of what is permitted in the Provincial Motor Vehicle Act during a Spring Weight Restrictions period on most City streets. In southern New Brunswick, Spring Weight Restrictions started this year on March 11 and is expected to continue until May 12 (weather dependent).

The by-law exempts some City streets from this reduced axle mass limit during the Spring Weight Restriction period. Streets exempt include some arterial and collector streets and/or those that provide access to major industrial sites.

Several streets that Irving Equipment Ltd. would need to use to remove the crane from the site are subject to the 80% reduced mass limits. These include King Square South, Sydney Street from King Square South to Union, and Union Street from Sydney Street to Crown Street. These streets would need to be temporarily exempt from the by-law to permit the crane to be removed before the Spring Weight Restriction period ends. The attached by-law amendment would facilitate this.

Given that the intention of the City's Weight Restriction By-Law is to mitigate damage to City roadway and underground infrastructure, staff would facilitate additional measures to manage such risk in this case if Common Council is supportive of the recommended by-law change:

- The exemption would be in place for a specific and short period of time,
- A pre and post infrastructure condition assessment would be required by a third party Professional Engineer to identify if any damage is attributable to Irving Equipment Ltd.'s transport operation,
- An agreement would be in place to ensure Irving Equipment Ltd. would be responsible for damage attributable to Irving Equipment Ltd.'s transport operation, and
- A Saint John Police Force escort would accompany the transport operation.

The agreement and by-law amendment City staff are recommending Common Council authorize via this report would put in place these mitigation measures.

Staff note however there remains a risk that damage to roadway and particularly underground infrastructure attributable to the operation may not be identifiable between the pre and post condition assessments. It would also be legal for other pieces of heavy equipment to drive on the three street sections during the four days that the amendment is in place.

The additional length of time Irving Equipment Ltd. would need to wait to move the crane when the Spring Weight Restriction period ends without the amendment being approved (1-2 weeks) could be perceived as short. Irving Equipment Ltd. advised City staff that between the value of the crane, security

risk, lost revenue and additional expenditure (including replacement rental), this period of time is significant to their organization. There is also a risk the Spring Weight Restriction period could extend beyond May 12.

STRATEGIC ALIGNMENT

Recommended in 2018 as part of Phase 2 of MoveSJ (City's updated Transportation Plan) was development of an Overweight/Oversize Load permitting system. The intent of this permitting system is to continue to seek a balance between supporting growth, including construction projects and industrial/heavy commercial operations, with the degree of City taxpayer subsidization of roadway infrastructure impacted by trucks that supports that growth. A more streamlined approach to addressing requested variances to the City's Weight Restriction regulations than the process described in this report that also ensures protection of City infrastructure is one outcome of this MoveSJ recommended scope of work.

Development of the Overweight/Oversize Load permitting system will need to be prioritized within the City's overall Sustainability and Work Plans, including prioritization of City Solicitor resources.

SERVICE AND FINANCIAL OUTCOMES

With the exception of City staff time invested to administer this process, this report is not expected to generate taxpayer expenses.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office has assisted with the preparation of the attached Weight Restriction By-Law Amendment and agreement.

The Saint John Police Force (Traffic Unit) and the City's Growth & Community Services Department provided input.

ATTACHMENTS

Agreement between the City of Saint John and Irving Equipment Limited
Amendment to City of Saint John Weight Restrictions By-Law