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Item No. 15.1.6
Halifax Regional Council
April 4, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: March 16, 2023

SUBJECT: Private Street Lights

ORIGIN

On June 16, 2015, Regional Council requested a staff report on the financial implications and possible options to be used to replace and maintain non-functioning streetlights on private roads.

LEGISLATIVE AUTHORITY

Clause 79(1) of the Halifax Regional Municipality Charter provides that "The Council may expend money required by the Municipality for

(n) lighting any part of the Municipality;

(ab) private roads, culverts, retaining walls, sidewalks, curbs and gutters that are associated with private roads and are identified and approved for expenditure by Council.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Continue the practice of not maintaining or replacing street light fixtures on private roads unless the ownership of the private road or lane is transferred to the Halifax Regional Municipality.

BACKGROUND

Amalgamation has created a number of unique situations within the HRM where many areas of the Municipality are accessed via private or provincial roads. This has led to inconsistent service levels for some residents who are part of the HRM but are serviced through private or provincial processes. One example of this is street lights, with many streets having lights that are either privately owned or the ownership is unknown. When issues are identified or repairs are required on those lights, it can be difficult and frustrating for residents to pursue recourse as the Municipality is not the responsible owner. Often, Municipal staff will support the resident in determining who is responsible for repairing the light. Nova Scotia Power (NSP) has identified 1084 private street lights within the HRM and has provided staff with any available data about these lights. In many cases, the data is lacking regarding the type, state of repair and ownership. The 1084 private street lights identified by NSP consist of lights serving several purposes, including roadway, yard, commercial area, and floodlighting. The HRM currently owns and operates 46,132 street lights.

DISCUSSION

Staff has spent a considerable amount of time sorting through the data provided by NSP to determine what lights, in which situation, may be feasible for ownership takeover by the HRM. The 1084 street lights were identified by the following:

- Roadway lighting
- Fixtures with known client
- Commercial lighting
- Yard & area lighting
- Floodlighting
- Driveway lighting

Of the 1084 lights, 507 were considered suitable for HRM to take ownership of (the majority of those being roadway lighting on private roads). Of those 507 fixtures, 215 are Light Emitting Diode (LED), 285 are High Pressure Sodium (HPS) and 7 others are either mercury vapor or unknown type. Condition data on the fixtures and poles is unknown. The information provided by NSP is considered incomplete at this time, so other private street lights may remain unaccounted for.

The vast majority of these private street lights exist on private roadways. A substantial amount of work would be required to confirm the feasibility of bringing these street lights under HRM ownership, including field visits to many sites to determine whether access is viable for maintenance purposes. Further to this, where the roads are privately owned, HRM has no control over standards for general road maintenance or winter maintenance levels. As a result, there is no way to control whether a road will remain in a condition that would support safe and reasonable access for staff and equipment if and/or when maintenance to the street lights is required. HRM would also require easements so HRM staff could legally access the site. Without legal access to the site, there could be liability issues around damage or any injuries. Negotiating easements with each private road owner would require substantial staff resources.

The HRM does have a process in which the Municipality would take ownership of a private street as outlined in the Procedure for Acceptance of Private Streets. The application process includes coordination between the abutting property owners to agree to provide HRM ownership of the right-of-way land parcel(s) required to create a public street and pay for all costs associated with modifying the private street to meet HRM's Municipal Design Guidelines. HRM staff then review the property owners' application to determine the street's suitability for acceptance based on its location and existing conditions. If staff determine that the street is a suitable candidate for potential acceptance, HRM staff present their recommendation to Regional Council for consideration and decision. If accepted by Council, the abutting property owners are then responsible for paying any charges associated with changing the street to meet HRM's standards. On average there are six applications per year to the HRM to take over private streets. Over the last 20 years, only two streets have either met the standard, or have been upgraded, to meet the required standards for HRM to take ownership.

It should also be noted that taking over these privately owned street lights would also open HRM to claims/requests to service other privately owned roads with new street lighting installations that didn't previously exist. Given that HRM is now responsible for providing roadway lighting for all public roads (except 100-series highways) throughout the entirety of the Municipality, this has the potential to create an increase in the number of street lights owned, operated, and maintained by HRM, with significant potential cost and staff commitments.

FINANCIAL IMPLICATIONS

Overall, the takeover of these street light fixtures would increase HRM's current street light inventory by approximately 1%. This would have limited impacts on both the operational and maintenance requirements for maintaining our street light inventory. The estimated one-time unbudgeted cost for upgrading the lights to LED would be approximately \$292,000. The projected life span of an LED street light is 10 years. Additional expenses may also be required to replace older or expiring LED lights. HRM would be required to purchase many of the poles as well from NSP adding a significant cost to the overall project. The costs would be dependent on location, condition and use but would be in the range of \$500 to \$1500. The number of poles to be purchased would have to be determined through site investigations and negotiations with NSP.

Annual energy costs would be expected to increase by approximately \$25,000.

A significant staff commitment would be required to inspect the private streets and potentially negotiate a right-of-way agreement with the owners.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report. The risks considered rate low.

COMMUNITY ENGAGEMENT

No community engagement was required.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Regional Council could choose to direct the CAO to negotiate the transfer of 507 private street light fixtures into the HRM inventory and begin the process of inspecting locations and conditions for feasibility before reaching an agreement with Nova Scotia Power and to return to Council for approval of the project budget.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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