



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.1.1
Transportation Standing Committee
April 27, 2023

TO: Chair and Members of Transportation Standing

SUBMITTED BY:



Cathie O'Toole, Chief Administrative Officer

DATE: April 24, 2023

SUBJECT: **Traffic Diversion -Short-Term and Long-Term Road Closures**

ORIGIN

Transportation Standing Committee, October 3, 2022 (Item 13.1)

MOVED by Councillor Mason, seconded by Councillor Mancini

THAT the Transportation Standing Committee request a staff report which outlines the process for short and long-term traffic diversion from Municipal streets full or partial for the purposes of creating pedestrian focused spaces, events and activations. The report should outline any required regulation or regulatory changes, consultation requirements, stakeholders, organizer, and Municipal responsibilities and authorities along with an appeal process.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter. R.S.N.S. 2008, c.39, clauses 44 (1): Where approval or permission by the Engineer is required pursuant to this Act, the Engineer's decision to refuse the approval, or permission, may be appealed to (a) the Council; or (b) where there is a committee designated by the Council, by policy, to hear appeals, that committee; and

clauses 44 (2): On an appeal pursuant to subsection (1), the Council or the designated committee, as the case may be, shall (a) direct the Engineer to grant the approval or permission; or (b) uphold the decision of the Engineer; and

clauses 325 (1): The Council may, by policy, permanently close any street or part of a street and the Council shall hold a public hearing before passing the policy; and

clauses 332 (b): The Engineer may temporarily close a street, or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street or for any other purpose beneficial to the public interest.

RECOMMENDATION ON PAGE 2

RECOMMENDATION

It is recommended that Transportation Standing Committee recommend that Halifax Regional Council direct the Chief Administrative Officer to draft amendments to S-300, the *Streets By-law*, to provide a clear process for requests for short or long-term road closures on municipally owned roads within business improvement districts, as outlined in this staff report.

BACKGROUND

The COVID-19 pandemic brought unprecedented challenges to communities and businesses across Canada. During lockdowns, businesses were impacted greatly by reduced activity on the streetscape and the inability to utilize their indoor space. In an effort to reduce the challenges, many communities, including HRM, worked to utilize Municipal Right of Ways (ROW) to expand space for restaurants and cafes to support in-person use by providing outdoor patios and café space. These ROW closures were mostly seasonal in nature through the summer and shoulder seasons. The expansion of cafés and patios into the ROWs proved to be very popular with the public and restaurants and cafés. The HRM currently has a Special Events process that is outside the scope of this proposed policy.

DISCUSSION

As COVID restrictions ease and business normalizes across the City, there is still interest from some parties to continue to temporarily partially or fully close streets to provide space for patios, and cafés and improve the walkability and public use of our business areas. However, these temporarily closed streets can create conflict for other tenants by limiting the ability to do deliveries/pickups and impacting other aspects of businesses that receive no benefit from the additional space in the ROW. These impacts can be substantial and can have real financial impacts on some businesses.

The current process for temporary street closures is undocumented and somewhat subjective. The applicant reaches out to the Engineer, or their designate, with a letter explaining what they would like to do and why it benefits the public. If the Engineer agrees that the purpose of the closure is in the public interest, it can be approved under Section 332 of the Halifax Regional Municipality Charter which states:

Temporary purposes

332 The Engineer may

(a) permit a person to use a portion of a street for construction or other temporary purpose;

(b) temporarily close a street, or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street or for any other purpose beneficial to the public interest.

There is no current requirement for notice for partial or full closures. Currently, notice is only required if the closure is due to construction. The closure is entered into the RoadWorks map, and the details are forwarded to the applicant. No engagement or consensus is required as a part of the application process.

During the summer of 2022, a request was made to close the 1600 block of Bedford Row to traffic and allow the expansion of the existing sidewalk patios into the travel lanes. This was done during the prior year to support businesses during COVID and was very popular with the public and the restaurants. With the pandemic restrictions over, however, this potential closure was opposed by a number of businesses that would not benefit from the closure and would have their daily business operations impacted. After much discussion and negotiation, the closure did not move forward.

To balance the needs of all tenants on any given block of a street, staff have proposed a process in which an applicant could apply to the HRM to consider a temporary closure of a street. Staff is recommending that the process be incorporated in the Streets By-law (S-300), which is being amended and will be at

Council in the future for approval. The proposed process is outlined below. Please note that the intent of the language will be represented in S-300, however, the exact form and scope of the application may be subject to changes.

The intent of the process is to allow Business Improvement Associations to apply for a temporary road closure within a Business Improvement District. Applications will likely include the following information to allow for the Engineer to review the proposal:

- (a) a plan showing the proposed closure limits;
- (b) an outline of how the street will be used during the closure and how this use is beneficial to the public interest;
- (c) the date and time (start and end) of the proposed closure;
- (d) the alternate date and time (start and end) in case of inclement weather;
- (e) a petition showing 100% support of any owner within the area of the proposed closure. If 100% support cannot be achieved the applicant can appeal to the Engineer;
- (e) the estimated number of participants;
- (f) indication of the proposed presence of vendors;
- (g) a plan showing that the sidewalks will remain fully open;
- (h) a plan showing that a 6-metre fire lane must always be maintained. This fire lane can have easily movable objects (light tables and chairs), but any large objects, like tents or heavy picnic tables, that cannot be easily moved are not allowed in the 6-meter fire lane; and
- (i) any other information concerning the closure as the Engineer may reasonably require.

An application may also stipulate the maximum possible duration of a temporary street closure.

Once a complete application is submitted, the Engineer will review the application to ensure that impacts on traffic flow can be mitigated, safety issues are identified and addressed, and other potential issues are identified and managed. The Engineer will then make the decision on whether the road can be closed. The application would follow the typical process to receive a ROW permit. There would be no new costs associated with the application.

Long-term, if a particular street closure is successful and popular, Council has the power to make the temporary closure permanent which would eliminate the need for an annual application from the applicant.

An appeal process is already laid out under Section 44 of the Charter:

Approval or permission by Engineer

44 *(1) Where approval or permission by the Engineer is required pursuant to this Act, the Engineer's decision to refuse the approval or permission may be appealed to*

(a) the Council; or

(b) where there is a committee designated by the Council, by policy, to hear appeals, that committee.

(2) On an appeal pursuant to subsection (1), the Council or the designated committee, as the case may be, shall

(a) direct the Engineer to grant the approval or permission; or

(b) uphold the decision of the Engineer.

(3) The right of appeal pursuant to this Section expires fourteen days after the Engineer serves a written decision regarding the approval or permission on the owner.

FINANCIAL IMPLICATIONS

No current financial implications.

RISK CONSIDERATION

No risk considerations identified.

COMMUNITY ENGAGEMENT

No community engagement required.

ENVIRONMENTAL IMPLICATIONS

No environmental implications identified.

ALTERNATIVES

Transportation Standing Committee may:

1. refuse to recommend that Halifax Regional Council approve the process for short and long-term road closures, as outlined in this report; or
2. recommend that Halifax Regional Council approve the process for short and long-term road closures subject to modifications. This may include removing the application criteria requiring owner consent within a proposed closure area. This may require a supplementary staff report.

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.

Report Prepared by: Lucas Pitts/Director of Traffic Management/Public Works
