



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

Item No. 13.1.2
Transportation Standing Committee
February 22, 2024

TO: Chair and Members of Transportation Standing Committee

-Original Signed-

SUBMITTED BY:

John Traves, K.C., Acting Chief Administrative Officer

DATE: January 11, 2024

SUBJECT: Temporary Pedestrian Travel Paths Through Work Sites

ORIGIN

February 25, 2021 Transportation Standing Committee motion (Item No. 15.1):

MOVED by Councillor Mason, seconded by Councillor Russell

THAT the Transportation Standing Committee requests a staff report recommending establishing new standards for municipal, utility and abutter work in the right of way to ensure accessibility and detectability for pedestrians shall be maintained at all times.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, SNS 2008, c 39:

Section 188 (Power to make by-laws)

- (1) The Council may make by-laws, for municipal purposes, respecting
 - (a) The health, wellbeing, safety and protection of persons.
- (2) Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law
 - (d) adopt by reference, in whole or in part, with changes that Council considers necessary or advisable, a code or standard and require compliance with it.
 - (e) provide for a system of licenses, permits, or approvals, including any or all of
 - (iii) providing that terms and conditions may be imposed on a license, permit or approval, the nature of the terms and conditions and who may impose them
 - (iv) setting out conditions that must be met before a license, permit or approval is granted or renewed, the nature of the conditions and who may impose them

RECOMMENDATION ON PAGE 2

(v) providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the by-law or for any reason specified in the by-law

Section 322 (Street related powers)

(1) The Council may design, lay out, open, expand, construct, maintain, improve, alter, repair, light, water, clean, and clear streets in the Municipality.

Section 332 (Temporary purposes)

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 purpose beneficial to the public interest.

Accessibility Act, SNS 2017, c 2:

Nova Scotia's *Accessibility Act*, enacted in 2017, recognizes accessibility as a human right and sets a goal of an accessible Nova Scotia by 2030. It enables Government to develop accessibility standards in six areas, including the built environment. Under the *Accessibility Act*, the Accessibility Advisory Board (Board) makes recommendations to Government on accessibility standards. In March 2019, the Board established its Built Environment Standard Development Committee to assist with this work (Nova Scotia, 2023a). This Committee led preparation of the Draft Built Environment Regulations, that are referenced herein.

RECOMMENDATION

It is recommended that the Transportation Standing Committee recommend that Halifax Regional Council direct the CAO to update the design and construction guidelines for accessibility to include temporary conditions in the exterior built environment.

BACKGROUND

HRM Regional Council adopted the Accessibility Strategy on May 18, 2021. The Strategy included four (4) Accessibility Strategic Objectives (Accessibility Strategy 2021, Page 17) including:

1. "Inclusive public service To ensure that individuals with disabilities can easily access inclusive and equitable municipal services, programs, and facilities without substantial barriers.

...1.3 Improve accessibility to built environments for individuals with disabilities"

Strategic actions include:

- 1.3.7 *Use Rick Hansen gold certification and CSA B561-18 [updated to CSA B561-23] standards for future infrastructure in the Halifax Region*
- 1.3.8 *Adopt Rick Hansen gold certification and CSA B561-18 [updated to CSA B561-23] standards for current infrastructure, including street infrastructure, owned by HRM.*

In 2023 the Province of Nova Scotia drafted and published a Proposed Built Environment Accessibility Standard and collected public feedback until October 30, 2023. This standard includes draft regulations pursuant to the Nova Scotia *Accessibility Act* (2017), including a section (section 11, page 16) on Temporary Sidewalks.

DISCUSSION

The Canadian Standards Association (CSA) publishes standard CSA B651-23 "Accessible design for the built environment" (CSA B651) that includes best practices for designing for accessibility of temporary

facilities in exterior environments (CSA B651-23 section 8.8), that are prepared for application in public rights-of-way (CSA, 2023).

CSA B651 includes the following requirements for temporary facilities, that are applicable to temporary pedestrian routes.

- **Accessible Routes (CSA, Section 8.8.1):**
 - o separated from vehicle traffic,
 - o clear width of 1.39 – 1.8m, or 1.2m for ramps,
 - o running slope between 5% and 8.33% for a distance less than 9 m,
 - o cross slope \leq 2%,
 - o well-drained,
 - o edge protection against drops, and
 - o continuous lighting.
- **Signage (CSA, Section 8.8.1):**
 - o consistently located, and
 - o positioned to avoid shadow areas and glare.
- **Scaffolding (CSA, Section 8.8.2):**
 - o provide a clear path 1.6 m wide, and
 - o clear height of 2.05 m.

The Province of Nova Scotia “DRAFT Built Environment Regulations under the *Accessibility Act*”. (draft regulations) includes minimum requirements for temporary sidewalks (section 11, page 16) When adopted the final Regulations will apply to HRM’s maintenance, design, construction, alteration, reconstruction, redevelopment, and use of the built environment that are newly constructed or redeveloped on or after April 1, 2026.

The current version requires that temporary sidewalks:

- Have a firm and level surface.
- Be slip resistant.
- Not impede pedestrian traffic movement or safety.
- Be a minimum of (1.6 m) 1600 mm in width.
- Be guarded by a traffic barrier between 0.81 m and 1.05 m in height at ends exposed to vehicular travel.
- Incorporate reflective elements on the traffic barrier(s).
- Have a clear height of no less than 2100 mm where covered.

If these requirements cannot be met, a crosswalk to a barrier-free sidewalk must be provided before the obstruction occurs.

HRM currently specifies requirements for accessibility of temporary pedestrian routes near construction areas in the following documents:

- **Integrated Mobility Plan:** Regional Council adopted policy that “intends to move the Halifax region along a more sustainable path and improve quality of life for people of all ages and abilities” (IMP, 2017); Actions 1 and 2 of which address designing streets to accommodate all ages and abilities, including those with physical, visual, auditory, and cognitive disabilities.
- **Administrative Order Respecting Construction Site Management ADM-2018-005** (HRM, 2019) commonly referred to as the CMP Administrative Order (CMP AO): Specifies the requirement for a Nova Scotia licensed Engineer to prepare a Construction Management Plan to mitigate disruptions of the public right-of-way and provide for public safety.

- **Traffic Control Manual Supplement (HRM, 2023):** provides additional requirements for work on HRM rights-of-way and supports HRM-specific application of the Nova Scotia Traffic Control Manual for Temporary Work Sites (NS TCM) (NS, 2023).
- **Municipal Design Guidelines (HRM, 2021):** sets guidelines for design and construction of infrastructure in the Municipal right-of-way, by suggesting limiting values for designs and establishing uniformity of practice in the Municipality.

HRM staff across many business units are actively involved in assessing and acting on improvements to accessibility practices in conjunction with stakeholders including Walk n' Roll, the Canadian National Institute for the Blind (CNIB), Transportation Association of Canada, the Nova Scotia government, and individual advocates. Pilot projects are also being considered including temporary surfacing alternatives.

Temporary routing of pedestrians around or through construction sites is most thoroughly addressed in the CMP AO (HRM, 2019), and is also referred to in the HRM Temporary Workplace Traffic Control Manual Supplement (TWTCMS) (HRM, 2023). The CMP AO (HRM, 2019) relies on the expertise of engineers who prepare the Construction Management Plans, and HRM staff acting on behalf of the Municipal Engineer. Staff review and provide their approval of work on or near HRM property based on the content of the CMP. The reliance on engineering judgement is appropriate where complex sites and situations have the potential to impact public safety. Inconsistent site-specific engineered solutions for accessibility can be challenging for HRM review and approval, enforcement; and for those navigating temporary routes.

Establishing additional minimum standards for temporary pedestrian routes in HRM, in-line with CSA's standards and Draft Regulations under the *Accessibility Act*, could provide consistency to the traveling public, clarity for contractors, developers, internal staff, and efficiency within HRM design and approvals.

OPPORTUNITIES FOR IMPROVEMENT

Since the Council motion, the TCM has been updated to clarify temporary signage size and placement. Staff have completed an initial comparison between the CSA standards (CSA, 2023), draft NS Built Environment Regulations, and existing HRM Guidelines for pedestrian routes adjacent to construction areas. The following items have been identified as specific opportunities for improvement.

- **Minimum pedestrian route widths and heights.** The CMP AO 2018-005-ADM requires temporary routing if existing routes measuring 1.5 m width can't be maintained, and that covered ways be a minimum of 1.5 m clear width, however, it does not specify the minimum required width of the total temporary pedestrian route. The CMP AO could be updated to include more detail and a consistent minimum width and height clear of obstructions; both of which would respond to CSA standards, and draft regulations.
- **Signage and barricades that are cane detectable.** The NS TCM (Nova Scotia, 2023b) prescribes use of saw-horse style barricades that are not considered cane detectable, and do not provide for full closure of various widths of sidewalk. These barricades are known to suffer from routine misplacement, resulting from the lack of maintenance and site conditions, including presence of people, wind, and snow. There is an opportunity to improve the standard for cane detectable signage and barricades in HRM.
- **High visibility and continuous channelization to guide pedestrians through temporary routes, and around hazards.** The NS TCM (Nova Scotia, 2023b) says temporary sidewalks should meet the Road Owner's requirements. In HRM, the CMP AO 2018-005-ADM (Halifax, 2019), specify that F-type barriers be used to separate pedestrians from vehicular traffic, but does not require high-visibility indicators along the length of the route, or specifically mention the need for continuous channelization. It is, however, understood that Development Engineering's common practice is for reflective taping to be required through review of the HRM Engineer, under the general clause 13. (q) which affords discretion to the engineer to require additional items associated with Construction Site Protection and Hoarding.

- **Ramp criteria to improve accessibility and detectability.** The NS TCM (Nova Scotia, 2023) confirms that temporary sidewalks must be wheelchair accessible, however no specific standards are provided within the document. The CMP AO 2018-005-ADM confirms that ramps should be provided to address elevation changes on temporary pedestrian routes, however there is room for improved criteria. The CSA standard requires that ramps are appropriately sloped, a standard width, include landing areas, be slip resistant, and be colour indicated. The Draft Regulations also confirm the need for slip resistance, with reflective barriers.

The HRM Accessibility Strategy Task Force, and associated HRM Accessibility Strategy Exterior Built Environment Sub-Committee, are leading coordinated action on improvements to HRM accessibility standards (HRM Accessibility Strategy actions 1.3.7 and 1.3.8). Consultation and collaboration with this task force as key stakeholders and subject matter experts will be essential to coordinated delivery of improved HRM accessibility standards.

IMPLEMENTATION

The recommended changes will be implemented as follows:

- Infrastructure, Maintenance and Operations (IMO, PW) will review and update the barricades they use during sidewalk closures for maintenance work, with cane detectable barriers in use for summer 2024.
- The HRM TWTCMS is updated annually by Traffic Services, PW. Over the coming months, it will be updated mid-year to reflect the recommendations above. Once updated it will be used by tendered HRM Construction contracts, and new streets and services permits in the summer/fall of 2024. It will be included in the full unit price specification update in January 2025 and apply to all HRM construction contracts moving forward.
- The CMP AO 2018-005-ADM will be updated following the HRM TWTCMS, the Administrative Order will then be brought back to Regional Council for approval. It is expected that the changes will be applied to newly issued Development permits in 2025.

FINANCIAL IMPLICATIONS

The recommended updates to existing standards are expected to have minor initial and ongoing cost to HRM IMO, traffic control companies, contractors, and developers. It is anticipated that this will result in less than five percent (5%) increase in costs to any existing temporary condition requirements.

RISK CONSIDERATION

The recommendation and actions outlined in the report is intended to mitigate the risks associated with a lack of HRM-specific standards for accessibility and detectability of temporary pedestrian routes.

COMMUNITY ENGAGEMENT

Discussions were held with several community advocates in the preparation of this report, including persons with vision loss and Walk and Roll.

Staff also consulted with the Nova Scotia Road Builders Association (NSRBA), the Consulting Engineers of Nova Scotia (CENS) and presented at the Development Liaison Group (DLG).

No significant concerns were raised by NSRBA, CENS or at the DLG meeting. NSRBA and others expressed interest and support of further clarifications and consistency in the requirements.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified as a result of this report's recommendations.

ALTERNATIVES

That Transportation Standing Committee recommend that Halifax Regional Council:

1. direct the CAO to update existing policies, by-laws and guidelines following the release of the final Provincial Accessibility Regulations. This is not recommended by staff, as improvements can be made toward accessibility now. The draft regulations have been through review and are not expected to change significantly for the final version.

REFERENCES

1. Canadian Standards Association, (2023). Accessible Design for the Built Environment. B651-23. National Standard of Canada. Accessed online July 7, 2023 from: <https://www.csagroup.org/wp-content/uploads/2430328.pdf>
2. HRM. (February 25, 2020). Administrative Order 2018-005-ADM, Respecting Construction Site Management. Accessed online June 23, 2023 from: <https://www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/2018-005-ADM.pdf>
3. HRM. (Jan 1, 2023). Traffic Control Manual Supplement. Accessed online October 19, 2023 from: <https://cdn.halifax.ca/sites/default/files/documents/business/doing-business-halifax/traffic-control-manual-supplement-2023.pdf>
4. Nova Scotia, (2017). Accessibility Act. 2017, c.2, s.1. Accessed online July 7, 2023 from: <https://nslegislature.ca/sites/default/files/legc/statutes/accessibility.pdf>
5. Nova Scotia, (2023a). Draft Built Environment Regulations, as part of the Draft Proposed Built Environment Accessibility Standard Package. Accessed online October 3, 2023 from <https://accessibility-engagement.ca/37590/widgets/160226/documents/112096>
6. Nova Scotia, (April 3, 2023b). Temporary Workplace Traffic Control Manual. Accessed online July 7, 2023 from: <https://novascotia.ca/tran/tcm/traffic-control-manual.pdf>

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: Crysta Cumming/Manager of Design Engineering/Public Works, 902.717.9521
