



Staff Report for Committee of the Whole Meeting

Date of Meeting: July 2, 2019 - Referred to the July 9, 2019 Council Meeting
Report Number: SRCS.19.14

Department: Community Services
Division: Public Works Operations

Subject: **SRCS.19.14 Enhanced Winter Services and
Windrow Clearing Program Update**

Purpose:

The purpose of this report is to update Council on the implementation of the windrow clearing program and related service enhancements.

Recommendation(s):

- a) That Staff Report SRCS.19.14, Enhanced Winter Services and Windrow Clearing Program Update be received

Contact Person:

Grant Taylor, Director, Public Works Operations, Extension 2966

Report Approval:

Submitted by: Ilmar Simanovskis, Commissioner of Community Services

Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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Background:

On March 25, 2019 Council endorsed a snow windrow clearing program as outlined in Staff Report SRCS.19.07 (see attached Council Extracts). Implementation proceeded immediately after approval to ensure service would be provided for the 2019/2020 winter season as directed by Council.

The report also noted the following significant scope and service level components of the snow windrow clearing program.

1. Windrow clearing service would not be provided to properties with driveway access onto Regional Roads.
2. Commercial, institutional and high-rise properties as well as private roads would not be included in the program.
3. Residential driveway windrow clearing would commence once plows begin servicing secondary roads (approximately during the 7th hour of the winter operation).
4. Streets that have waste collection on the day of a plowing operation will not be cleared that day due to the significant risk of obstacles and waste collection containers being placed in and around the driveway area. Windrows will be cleared the following day.
5. Driveways blocked by on-street parked cars parked adjacent to them would not be cleared nor provided service at a later time.

This report provides an update on the progress of implementation as well as providing a more in depth discussion on on-street parking enforcement (i.e., Item #5 above).

Implementation Strategy

To ensure a successful launch of the windrow clearing program, staff have created an implementation team to address the various aspects necessary for success. This report provides an update on the critical success factors this team has been working on since March.

Procurement of Windrow Clearing Equipment

Ensuring timely delivery of the equipment is the most critical aspect of a successful implementation. Staff have made significant effort in undertaking this task and have confirmed the order with the successful vendor and equipment production is on track for timely delivery.

The type and functionality of the equipment is critical to the success of the program and staff have made extraordinary effort to investigate options, performance and ergonomics for the driver, as well as equipment flexibility for other uses. This challenge was presented to the industry and some very innovative solutions have been developed including front mounted placement of the blade, driver comfort and safety enhancements, and equipment control and flexibility improvements.

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Workforce Recruitment and Training

Workforce recruitment is on track with the hiring of full time staff occurring in two phases. The first phase is to hire 40 staff (half of the approved workforce). This process has been completed. New hires in this phase have been primarily through the conversion of seasonal staff to full time staff. All staff were recruited through an interview process to ensure fit and capability requirements were met.

The second phase of recruitment for the remaining 40 positions will occur in the fall during the normal seasonal recruitment period. It is expected that this phase will have more external applicants with some returning winter seasonal staff.

Training of staff will be critical as the equipment and processes will be new for these crews. Training programs are in development and live training sessions will be commencing during the usual winter training periods.

Public Education and Awareness

Public education and awareness programs are being developed and will be implemented through the various channels including media, web and social media. Access Richmond Hill is preparing for the introduction of this service as there is expectation that community engagement and feedback will be relatively high in the early stages of implementation and during actual snow events where windrow clearing will be performed. Key information to be communicated includes understanding of target service levels, frequency and timing of service delivery, and service impediments. Staff are also preparing short video clips showing the windrow clearing operation and how residents can help achieve a successful outcome.

Equipment will be outfitted with GPS technology and will be included in the online route tracking software so that residents can see where the routes and vehicles are located.

On Street Parking and Enforcement during Winter Operations

On street parking is an ongoing challenge during winter operations and can be exacerbated in areas where private and alternate parking options are limited. Current policies require the following community actions:

- On-street parking is not permitted during winter snow events, even if there is a temporary parking permit. This helps ensure snow clearing is safe and efficient, and that emergency access is possible. Cars that are not removed from the street will be ticketed and/or towed.
- If a vehicle interferes with snow removal, a fine of \$75 will be issued. The vehicle may be towed if interfering with operations when parked on roadways
- Winter parking regulations prohibit vehicle parking on municipal roads between the hours of 1 to 7 a.m from December 1 to March 31 for the purpose of performing winter maintenance activities.

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The City's current service level for parking enforcement involves two parking enforcement officers on duty at all times, with an additional six part-time officer shifts per week. During snow events, the two on duty parking enforcement officers concentrate their efforts on issuing penalty notices to vehicles that interfere with the clearing of snow from the highway pursuant to the following prohibition of the City's Parking Regulation By-law No. 402-89, as amended (Municipal Code Chapter 1116):

1116.3.6 Parking prohibited – specified places – no signs

No person shall park a motor vehicle:

...

(g) so as to interfere with the clearing of snow from the highway

...

Administrative Monetary Penalty System (AMPS) Hearings have determined that, as currently worded, Section 1116.3.6 (g) of the Parking Regulation By-law applies only to plowing operations. AMPS hearing decisions have been definitive in the position that "clearing of snow" is not interpreted to apply broadly to sanding and salting operations. The question as to what constitutes "interference" has also been debated. As a result of AMPS Hearing decisions, Parking Enforcement Officers will issue an AMPS penalty notice for "interfere with the clearing of snow" in circumstances where:

1. Plows have cleared a street resulting in a windrow around the vehicle (in which case the windrow around the vehicle provides clear evidence of interference);
2. A plow is approaching a street and vehicles are parked in a manner that prevents the plow from completing work on the street (in which case notification from Operational staff and the presence of the plow provide evidence of interference); and,
3. A street is clearly in need of plowing (in which case the officers collect evidence documenting that there is greater than 5 cm of snow on the road consistent with the City's service level for plowing).

Additionally, Parking Enforcement Officers will have vehicles towed in circumstances where a plow cannot get down a road and there is greater than 5 cm of snow on the road. The *Highway Traffic Act R.S.O. 1990* in combination with the City's Parking Regulation By-law together give the City authority to tow vehicles that are parked in contravention of the Parking Regulation By-law (see Attachment 2 for excerpts from the Highway Traffic Act and Parking Regulation By-law.)

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Financial/Staffing/Other Implications:

Options for Enhancing On Street Parking Challenges

On street parked vehicles are one of the greatest challenge in providing effective snow clearing on roadways. As identified in Staff Report SRCS.19.07, driveways blocked by on-street parked vehicles would not be cleared nor provided windrow clearing service at a later time. This strategy is recommended due to the challenges of removing parked vehicles during a snow event. Although towing of vehicles can occur when road plowing is severely hampered, this is not an approach that is used as a primary response. Instead, education and awareness and the ticketing incentive seem to be sufficient to achieve the desired road clearing service levels.

Council may consider the following option and its related implications should a higher level of service be desired.

Option 1 – Change by-law to allow for tagging and towing any time during the winter season when a snow event is declared by the City

The current by-law allows for tagging and towing of on street vehicles when they directly interfere with snow plowing operations. This enforcement level allows for ticketing and towing of vehicles in violation during an actual snow event and when there is evidence that interference has happened.

Alternately, the by-law can be amended to allow for ticketing and towing of vehicles any time during the winter season when a snow event is declared by the City. This amendment would give staff greater flexibility in ticketing and towing vehicles once a snow event is identified, and could be implemented by undertaking the following:

- The Parking Regulation By-law would be amended to prohibit on-street parking when there is snow on the road or as soon as a winter operations event is declared and initiated rather than the current requirement that the vehicle is actually inhibiting snow removal operations.

Option 2- More aggressive towing enforcement

Council may also consider a more aggressive approach to addressing on street vehicle parking through a towing priority approach. This approach could include the following steps and will require the by-law amendments identified in Option 1:

- Vehicles interfering with winter operations will be towed to the nearest community centre during the first winter event of 2019/20 only. No vehicle tagging would occur during this event. The vehicle owner would be subject to paying the cost of recovering the vehicle from storage.
- Tag and tow vehicles interfering with winter operations for all subsequent winter events. The vehicle owner would be subject to a fine for interfering with

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municipal winter operations in addition to paying the cost of recovering the vehicle from storage.

If the desire is to enforce this approach across the City then there would also be a need for additional enforcement officers until such time as behaviour changes occur across the community. Additional funding of \$20,000 to support overtime costs would be required to implement this approach in 2020.

Recommendations

For the 2019/2020 winter season, staff recommend that the current practices be maintained with no changes to the by-law or towing operations. This approach is recommended for the following reasons:

1. Through a detailed communication plan, residents will have advanced notice that vehicles will be tagged and a fine imposed if they interfere with snow removal.
2. Resident will receive a clear and consistent response each time a vehicle interferes with snow removal; no need to confirm first or second offense based on a tow first approach.
3. There may not be adequate third party towing services available to facilitate removal of all parked cars and additional staff may be needed to coordinate and manage the direction and execution of these vehicle removals.
4. Towing privately owned vehicles could generate significant resident complaints:
 - a. alleged damage to vehicles during the towing or during the storage period;
 - b. claims against the City due to costs incurred and disruption caused to the vehicle owner in order to retrieve their vehicle; and,
 - c. claims against the City due to costs incurred by the vehicle owner being unable to retrieve the vehicle for several days resulting in cumulated storage charges.
5. Litigation experience related to the tagging and towing of private vehicles is that the defense of these claims can become quite costly.

Staff will monitor the challenges of on street parking and make recommendations for amendment to the practices for the 2020/2021 season. It is expected that this approach will allow for a controlled transition with minimal disruption to current resident expectations related to on street parking and its interference with snow clearing operations.

Relationship to the Strategic Plan:

More efficient residential snow windrow clearing aligns with the Strategic Plan Goal of Better Choice in Richmond Hill by exploring ways to provide better quality services. It also aligns with Stronger Connections in Richmond Hill by improving the function of our streets and neighbourhoods.

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Conclusion:

On March 25, 2019 Council endorsed a snow windrow clearing program as outlined in Staff Report SRCS.19.07. This report provides an update on the implementation to date and that the program is on track for delivery for the 2019/2020 winter season.

As on street parking may be one of the more challenging areas to manage, staff have provided additional information on the overall approach and recommend that the current on street parking practices be maintained for the 2019/2020 season and evaluated based on overall performance with an evaluation and consideration of proposed changes being made for the 2020/2021 season.

Attachments:

- Council Extract March 25, 2019
- Municipal Code 1116, By-law 402-89

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Report Approval Details

Document Title:	SRCS.19.14 Winter On-Street Parking Management and Enforcement.docx
Attachments:	- SRCS.19.14 Attachment 1 Council Extract March 25, 2019.docx - SRCS.19.14 Attachment 2 HTA and Parking Bylaw Excerpts.docx
Final Approval Date:	Jun 20, 2019

This report and all of its attachments were approved and signed as outlined below:

Tracey Steele - Jun 18, 2019 - 12:47 PM

Bob Levesque - Jun 18, 2019 - 1:00 PM

Grant Taylor - Jun 18, 2019 - 2:50 PM

Ilmar Simanovskis - Jun 20, 2019 - 11:53 AM

Neil Garbe - Jun 20, 2019 - 12:07 PM