

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: February 3, 2020

SUBJECT: **Mitigation of Development and Construction Impacts – Update to
Administrative Order 2016-003-ADM**

ORIGIN

At the December 1, 2015 Halifax Regional Council meeting, the following motion was put and passed:

THAT Halifax Regional Council:

2. *Provide a staff report regarding the possible adoption of a policy to require compensation for 'injurious affection' and/or other forms of compensation to businesses affected by longer term closures of streets abutting their locations to the Committee and then to Council.*

At the July 19, 2016 Halifax Regional Council meeting, the following motions were put and passed:

THAT Halifax Regional Council:

1. *Adopt By-law A-501 amending By-law A-500, the Amending By-law, as contained in Attachment B of the staff report dated April 13, 2016, the purpose of which is to amend By-law B-201, the Building By-law; By-law E-200, the Encroachments Bylaw; and, By-law S-300, the Streets By-law; and*
2. *Adopt Administrative Order 2016-003-ADM, Respecting Construction Site Management as contained in Attachment G of the staff report dated April 13, 2016.*

As part of the discussion held at the July 16, 2016 Regional Council session concerning the Administrative Order (AO) 2016-003-ADM and the corresponding guidelines it was noted that these requirements were new for the Municipality and were developed within a compressed schedule. For this reason, staff committed to a review after the AO was in effect for a period not less than one (1) construction season.

At the February 7th, 2017 Halifax Regional Council meeting, the following motions were put and passed:

THAT Halifax Regional Council direct staff to:

- 1. Continue to bait for rodent control, as required, on municipal property; and*
- 2. Amend Administrative Order 2016-003-ADM, Respecting Construction Site Management to include rodent control in the form of pre-baiting for a period of 10-14 days prior to demolition or major construction.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, c. 39,:

- clause 188 (2) (e) – Council may, in any by-law, provide for a system of licences, permits or approvals including any or all of...
 - (iii) providing that terms and conditions may be imposed on a licence, permit or approval, the nature of the terms and conditions and who may impose them...
- section 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...

Administrative Order 2016-003-ADM – Respecting Construction Site Management:

- Subsection 4. (1) This policy applies to construction activity, demolition, excavation, development process or renovation project, whether public and private, where work is expected to occur within 5 m of the street or is expected to create an obstruction within the street.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Repeal Administrative Order 2016-003-ADM, respecting Construction Site Management; and,
2. Adopt new Administrative Order 2018-005-ADM, respecting Construction Site Management, attached to this report as Attachment A.

BACKGROUND

As noted in the Origin section of this report, a commitment was made to review the Administrative Order 2016-003-ADM (AO) and the supporting Technical Guidelines one (1) construction season after implementation and report back to Council with any recommended changes. Projects that are subject to these regulations typically take 2-3 years to build and involve various degrees of encroachment within the public street right of way. For this reason, and considering development approval timeframes, a significant number of projects were already “grandfathered” under the previous regulations. Consequently, it wasn’t until the end of the 2017 construction season that a review was begun of development projects approved pursuant to the requirements of the AO.

Council also requested a report on the possible adoption of a policy to require compensation for ‘injurious affection’ and/or other forms of compensation to businesses affected by longer term closures of streets abutting their locations.

DISCUSSION

The existing Administrative Order 2016-003-ADM and corresponding guidelines are made up of the following categories to guide the preparation of a Construction Management Plan (CMP):

- Objectives
- Definitions
- Relevant Regulations and Guidelines
- Vehicle & Pedestrian Management
- Construction Site Protection & Hoarding
- Lifting, Hoisting, and Crane Operations
- On Site Conditions
- Permit Notification Requirements
- Regulation and Enforcement
- Sample Notification Letters
- Sample Site Info Sign
- CMP Checklist & Sample CMP

It is important to note that the Administrative Order and guidelines are aimed at mitigating, not eliminating, the impacts of construction on a surrounding neighbourhood. While the original document has been successful in reducing the impact construction projects have on the public and community, they impose the same requirements regardless of size or location of the project. The proposed changes discussed below are intended to make the Administrative Order more effective in part by being more responsive to the scale and location of a construction project:

- Application
- Rodent Control
- Community Engagement and Notification Requirements
- Construction Site Protection and Hoarding Requirements
- Signage Requirements
- Tree Retention and Protection Requirements
- Temporary Lighting Requirements
- Sample CMP Updating
- Housekeeping Amendments

Application

When the Administrative Order was originally presented to Council the intent was for this new set of requirements to apply to development-related construction activities. During the staff presentation Council requested that the requirements apply to HRM and utility related work as well.

Applying the Administrative Order to HRM Capital and Utility work has become a cumbersome and, in some cases, redundant exercise since Municipal and utility work is typically of a shorter duration, where development projects are of a longer duration and the impacts are felt for a prolonged period of time. For

Capital projects many of the requirements are included as part of the design and consultation process and form part of the tender documents. In addition, the HRM Traffic Control Manual Supplement has been updated to incorporate most of the Administrative Order requirements. For these reasons it is recommended to clarify that the Administrative Order apply to development projects only and not to apply to Municipal Capital work or work associated with Utilities within the public right of way (ROW) unless specified by the Engineer.

Rodent Control

Rodent control is not a requirement of the existing Guidelines. A Rodent Control Plan has been added as a requirement of a Construction Management Plan (CMP), consistent with the direction provided by Council as noted in the Origin Section of this report.

The Rodent Control Plan must include a plan showing the location of rodent control devices, a schedule for maintenance and inspections, and regular reports to the Municipality.

Community Engagement and Notification Requirements

The existing Administrative Order does not clearly outline the Municipality's specific expectations for community engagement, and there has been confusion around the need to engage the community before a CMP is submitted for approval, with the requirement to notify the community of disruptions after a CMP has been approved. Over the past year, staff have spent a significant amount of time clarifying the intent of this requirement with developers and contractors. To provide clarity, a new section has been added to the Administrative Order outlining how a developer must engage the community, what information they should share, and what must be submitted to the Municipality to demonstrate that the requirement has been satisfied. If the development is located within a Business Improvement District, the local Business Association will be requested to help with consulting businesses during the preparation of a CMP, as well as communication with businesses during the construction.

In addition to notifying the community of planned disruptions to services, staff have identified the need for regular communication between the developer and the community. The proposed guidelines require a developer to keep interested or affected parties informed monthly, provide guidance on what information is to be included in the monthly updates, and prescribe how updates will be delivered to the community.

Staff have also developed an online mapping tool that the public will be able to access. This mapping tool is available through the HRM website and displays information such as the location of encroachments and road closures, the duration of disruptions, the contact information for site representatives, and pedestrian/vehicular detour routes.

Construction Site Protection and Hoarding Requirements

The existing Guidelines detail requirements for hoarding within 2m of the public right-of-way. The exact nature and style of the hoarding depends on the complexity and scale of the project. The proposed guidelines provide greater certainty as well as flexibility, for the various conditions and circumstances that are encountered.

For example, projects that do not require excavation may not require "F-Type" concrete barriers; and projects that do not have rock breaking or blasting may not require solid hoarding.

Signage Requirements

Project Information and Contacts

The existing Guidelines require that a project information board be placed on the site 10 days prior to the start of construction and remain for the duration of the project. There is a need to improve the information provided to the public. The proposed guidelines require additional information on the development information board, including pedestrian routes during construction.

Pedestrian Detour Way Finding

The existing Guidelines require detour way finding signage for pedestrians and cyclists, but do not specify sign placement, content, size, or location. A significant amount of staff time has been spent clarifying the intent of the guidelines, and the proposed revisions are intended to provide a clear and consistent set of requirements for a pedestrian management strategy that is efficient and easy to navigate around a construction site and locate nearby businesses.

Site Protection Aesthetics

During the review of this Administrative Order it was determined that allowing local advertising for businesses in the surrounding area conflicts with By-law S-801, Respecting Licensing of Temporary Signs. For this reason, advertising has been removed from the Administrative Order as information allowed on construction hoarding. Wayfinding to local businesses that are impacted will be allowed, as will advertising for the development itself.

Tree Retention and Protection Requirements

The existing guidelines do not have requirements for protection around new or existing HRM trees. Due to the importance of trees to HRM, and past activities that have resulted in unnecessary damage to public trees, it is necessary to add requirements for planning activities that have potential to impact trees. The guidelines support the Tree By-law, T-600.

Temporary Lighting Requirements

The existing guidelines did not address temporary workplace or roadway lighting. The revised guidelines outline requirements for construction site lighting to minimize impacts to surrounding communities.

Sample CMP Updating

A sample CMP has been useful in guiding developers towards a successful Construction Management Plan. With the large volume of construction projects within the downtown core, there is increased need to address the potential complexity of construction mitigation plans. An updated sample CMP can be found online at the following link:

<https://www.halifax.ca/business/planning-development/construction-management-plan>

Housekeeping Amendments

Minor revisions have been made to provide greater clarity based on experiences to date, including the appropriate level of discretion by the Municipal Engineer to make decisions based on site-specific requirements. Such amendments include the following:

- A CMP must be prepared by a Professional Engineer;
- “F-type” concrete barriers are required to separate a temporary sidewalk from traffic;
- For greater certainty, a copy of the Traffic Control Plan must be kept on site at all times;
- A CMP must indicate where contractors will park;
- Where parking is removed, information signage directing motorists to alternative parking locations;
- Solid Hoarding must be designed by a professional engineer;
- The location of the nearest hydrant or sprinkler location will be added to the CMP; and,
- More clarity is provided regarding snow removal obligations.

If Council adopts the new Administrative Order, amendments will be needed to the Encroachment By-law, Streets By-law, and Building By-law to correct cross referencing and citations between the by-laws and revised administrative order. These amendments will be drafted separately but will not impede the administration of the new Administrative Order which is the subject of this report.

Compensation to Businesses

Businesses owners in the downtown are concerned about impacts to their operations resulting from construction projects and have called for HRM to provide compensation to help offset lost income. The intent of the Administrative Order is to mitigate the impacts of construction, provide reasonable access to businesses, and avoid disruption to business activities such that they may continue to operate without loss of business.

To preface the following discussion, it is important to note that there is no ability under the *HRM Charter* for HRM to make payments for injurious affection or any other form of compensation for businesses affected by longer term street closures where HRM is acting within the scope of its legislative authority and is not undertaking the work itself.

At law, claims for injurious affection (generally loss of business) may be made under the *Expropriation Act*, even where there is no expropriation. In such cases, damage to business must result from the construction (and not the use) of the works and must be something for which the Municipality would be liable if it was not being done under statutory authority. The usual claims brought against HRM for injurious affection relate to road closures that are occurring because HRM is undertaking work in the area. In contrast, claims associated with private development activity would relate to road closures, access issues, and dust and dirt occurring because a private party is undertaking work. In circumstances where HRM is doing the work, factors for consideration in determining whether to pay a claim include the amount of access continued to be provided to the properties along the road closure during construction, whether on foot or, in the case of properties with parking, by vehicle.

What makes the circumstance of the effects of private construction distinguishable from claims for injurious affection is that it is not work being undertaken by HRM that is the cause of the damages to the adjoining property owners, but rather works being undertaken by a private developer. Where the work is not being undertaken by HRM itself, injurious affection claims are not applicable. HRM would only be liable for its own actions and not those of the owners/operators of construction sites.

CFIB Report on Roadwork Impacts

In May 2018, the Canadian Federation of Independent Businesses (CFIB) prepared a report entitled “Paving a Smoother Road”, that called for action by municipalities to compensate business for the impacts of construction. The report is primarily focused on compensation for construction that is completed by municipalities for public infrastructure, or projects funded by them. In addition to a compensation program, the report recommended:

- a “no surprise” rule to inform businesses in advance of capital projects;
- a comprehensive planning approach to “dig-once” and coordinate timing and phasing of projects, as well as increased mitigation provisions; and
- a bonus/penalty system, especially for early/late project completion.

A jurisdictional scan of 14 key municipalities across Canada was carried out by staff in August 2018 and indicated that Montreal, Quebec is the only municipality that has adopted a program to compensate businesses for capital projects. As of the date of that research, \$25 million had been set aside by the City of Montreal to reimburse businesses for revenues lost during municipal construction projects. A business may receive up to \$30,000 a year in compensation for disruptions caused by city construction projects, retroactive from January 1, 2016 through to the end of 2021. The program was intended to help those businesses affected by municipal work sites that prevent customers from easily accessing their restaurants and stores. The business-assistance plan is part of Montreal's economic development strategy for 2018-2022. It is important to note that the compensation plan that Montreal has undertaken is for municipal capital projects and does not appear to include private development projects.

While compensation remains an issue for the business community, the intent of the Administrative Order is to mitigate the impacts of construction and avoid disruption to business activities. The amended AO will include provisions for monthly community updates if needed, consultation before submission of a CMP, maintain the 5-day notification requirement prior to planned street closures or utility disruptions, and provide enhanced mitigation tools described in this report to reduce the impacts of construction on businesses and the surrounding neighbourhood. With these measures in place, a program for compensation is not warranted in our opinion.

FINANCIAL IMPLICATIONS

There are no financial implications of the new Administrative Order. The amended guidelines can be administered with existing staff resources and within approved budgets.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate low.

COMMUNITY ENGAGEMENT

Over the past year staff, have worked closely with the community while reviewing, commenting on, and approving CMP's. In doing so, staff has noted what improvements could be made to the guidance document. These notes were considered and form some of the revisions made in the proposed document.

In addition, HRM set up and held a meeting with representatives from both Canadian National Institute for the Blind (CNIB) and Walk'N'Roll to discuss the guidelines, construction sites, and how HRM can better accommodate members of the community with disabilities or mobility limitations. As a result, HRM is working with members of Walk'N'Roll and CNIB to increase communications to local community groups in regard to major long-term construction projects. The revised sample CMP also provides a heightened level of clarity around accessibility and accommodating individuals with visual impairments. With this a new benchmark has been set that industry will have to follow as a minimum.

The proposed revisions were discussed with the Development Liaison Group, including the Construction Association of NS, representatives of Business Commissions in the Regional Centre, and the Canadian Federation of Independent Business.

Compensation remains an issue for the business community. The intention of the Administrative Order is to mitigate the impacts of construction, provide reasonable access to businesses, and avoid the need for compensation.

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

1. Council could decide not to adopt new Administrative Order AO 2018-005-ADM. This alternative is not recommended for the reasons outlined in the report.
2. Council could decide to provide compensation to businesses affected by private construction activities. In doing so, the Council would need to pass a resolution directing the Mayor to write a letter to the Province to request the required amendments to the *HRM Charter*.

ATTACHMENTS

Attachment A - Administrative Order 2018-005-ADM

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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**ADMINISTRATIVE ORDER NUMBER 2018-005-ADM
Respecting Construction Site Management**

WHEREAS the Council of the Halifax Regional Municipality recognizes that construction activities can cause significant inconvenience and hazardous conditions to those who live, work, and enjoy certain facilities in the immediate vicinity of construction sites within Halifax Regional Municipality;

AND WHEREAS the Council of the Halifax Regional Municipality wants to minimize the potential negative impacts construction activities may have on surrounding properties as well as pedestrian and vehicular traffic patterns within the Halifax Regional Municipality through best management practices;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the *Administrative Order on Construction Site Management*.

Interpretation

2. In this Administrative Order,

a) “construction site” means the immediate work area and all streets impacted by the construction project;

b) “Construction Management Plan (CMP)” means a combination of diagrams, documents, drawings, and specifications, prepared by a Professional Engineer licensed to practice in the Province of Nova Scotia, that clearly define the steps that will be taken to demonstrate how the impacts to the community will be minimized and how the impacts associated with any construction project will be managed;

c) “contractor” means a person who contracts to perform work within the street right-of-way on a project for an owner, or who undertakes work within the street right-of-way on a project as an owner;

d) “Engineer” means the Engineer of the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer;

e) “Municipality” means Halifax Regional Municipality;

f) “Temporary Workplace Signer (TWS)” means a person qualified and accredited by the Provincial Traffic Authority to assess conditions prepare, implement, and review traffic control plans for construction, maintenance, and utility temporary workplaces.

Purpose

3. The purpose of this Administrative Order is to minimize potential problems and ensure a safe and positive public experience with development related construction activities by setting

minimum standards for work within or immediately adjacent to the public right-of-way or public facilities.

Application

4. (1) This policy applies to construction activity, demolition, excavation, development process or renovation project, for public and private developments where work is expected to occur:

- (a) within 5 m of municipal property or right-of-way;
- (b) is expected to create an obstruction within the street; or
- (c) in the opinion of the Engineer a CMP is required.

(2) A detailed Construction Management Plan (CMP) shall be submitted with the building permit application and the applicable fee(s) as set out in By-law F-200 and Administrative Order 15 respectively.

(3) A CMP will be reviewed based on scale and complexity and may be exempt from certain requirements as set out below, subject to the review of the Municipality.

(4) Any proposed departure from this policy will be evaluated on a site specific basis to ensure an adequate CMP is developed for the user, the surrounding community, and the Municipality for the duration of the project.

(5) Any significant departure from an approved CMP shall be submitted in writing and must be approved by the Municipality a minimum of ten (10) business days prior to executing the departure.

(6) Subsection (5) shall not apply to a departure resulting from unforeseen or unexpected circumstances with a duration of less than twenty-four (24) hours as defined by the Nova Scotia Temporary Workplace Traffic Control Manual.

(7) For greater certainty, this Administrative Order will apply when the Building By-law, the Encroachment By-law or the Streets By-law apply.

(8) For greater certainty, this Administrative Order does not apply to sidewalk cafés regulated under By-law S-1000, the *Sidewalk Café By-law*.

5. (1) Without limiting the generality of the foregoing, the following regulations shall be considered in the preparation of a CMP:

- (a) the National Building Code of Canada, as adopted and modified under the Building Code Act and the Nova Scotia Building Code Regulations made under that Act;
- (b) the Nova Scotia Occupational Health and Safety Act, and the Nova Scotia Occupational Safety General Regulations made under that Act;
- (c) the Transportation Association of Canada (TAC)'s Manual of Uniform Traffic Control Devices for Canada (MUTCDC); and

(d) the Nova Scotia Temporary Workplace Traffic Control Manual (NSTCM).

(2) In the case of a conflict with any of these documents, the more stringent standard for the item in question shall apply.

6. In addition to Provincial and Federal standards referenced above, the following shall also be considered when developing a CMP:

- (a) S-300, the Streets By-law,
- (b) E-200, the Encroachment By-law,
- (c) B-201, the Building By-law,
- (d) N-200, the Noise By-law,
- (e) T-600, the Trees By-law,
- (f) S-900, the Controlled Access Streets By-law,
- (g) T-400, the Truck Routes By-law,
- (h) B-600, the Blasting By-law,
- (i) S-801, the By-law for Temporary Signs, and
- (j) HRM Traffic Control Manual (TCM) Supplement.

Permit Requirements

7. In addition to all building code and building by-law submission requirements, all building permit applications must be accompanied by:

- (a) detailed building drawings, including engineering, landscaping, and architectural plans;
- (b) applicable fees;
- (c) detailed Construction Management Plan (CMP); and
- (d) an encroachment application, complete with fees and site plan.

8. Detailed CMP's and encroachment applications must be submitted in advance of anticipated construction and will be evaluated by the Municipality as part of the building permit review process.

9. With the exception of emergency situations, no work may commence on any municipal street without first obtaining a permit as required by the provisions of the HRM Streets By-Law (S-300). Construction must not start before the permit is issued

Construction Management Plan

10. The scale and complexity of the site specific CMP will be directly proportional to the scale and complexity of the project, the site, and the surrounding conditions and some of the requirements specified in this Administrative Order may not apply. If a provision of this administrative order does not apply to a project for any reason the CMP must provide an explanation, which will be subject to the approval of the Engineer.

Traffic Control Plan

11. (1) A CMP shall include a Traffic Control Plan (TCP) that has been prepared in strict accordance with the minimum standards defined in the TAC Manual of Uniform Traffic Control Devices, the NSTIR Temporary Workplace Traffic Control Manual, and the HRM Traffic Control Manual Supplement.

(2) A construction site that require street closures, lane closures, sidewalk closures, or any other types of physical encroachment into the public ROW are subject to review and approval by the Municipality. The contractor or owner must:

(a) submit a TCP, prepared by a qualified Temporary Workplace Signer (TWS), which meets all applicable regulatory requirements to address and control the safe passage of all traffic that enters or exits the site along with traffic that travels the streets impacted by the construction site. In addition to all regulatory requirements, the CMP shall also consider and outline the following:

(i) Haul Routes: site haul routes shall be oriented to minimize traffic congestion and maximize pedestrian safety;

(ii) Delivery Requirements: special consideration shall be given to, and additional traffic control details may be required for, loading and unloading equipment, materials, etc; and

(iii) Pedestrian Protection: pedestrian traffic shall be separated from vehicular traffic by a F-Type concrete barrier.

(b) pay all applicable fees in accordance with AO15 and obtain all necessary permits from the authority having jurisdiction for any planned lane and street closures. Lane and street closure applications will be reviewed, and responded to, by the Municipality within 5 business days of their application date;

(c) conduct a hazard assessment for vehicle and pedestrian traffic for all that enter and exit the site as well as all those that travel the streets impacted by the construction project. This hazard assessment must be provided to the municipality as part of the CMP;

(d) submit the TCP, prepared by a qualified Temporary Workplace Signer (TWS), and must be implemented and monitored by qualified Traffic Control Personnel. The TCP shall include contact information for the TWS and be kept on site at all times.

(e) provide all necessary traffic signage, barricades, and delineators, and qualified personnel at strategic locations that warn motorists and pedestrians of changes to traffic patterns;

(f) ensure notification has been distributed, a minimum of 5 business days in advance of the closure, to the impacted area in accordance with Section 29 of this Administrative Order and the HRM TCM Supplement;

(g) ensure regular inspection and maintenance of traffic control elements as required;

(h) contact the Municipality for approval of any changes or modifications to the TCP that may be required to accommodate unforeseen events; and

(i) maintain emergency vehicle access on and around the site.

Parking

12. (1) Congestion from construction activities can often lead to lost parking stalls and illegal parking. Businesses in the impacted area may rely on the street stalls for patron use, and construction workers on the site may need to rely on the stalls for daily use.

(2) Parking is an important consideration in the preparation of a CMP. The CMP shall:

(a) indicate the number and geographical location of parking stalls that will be removed, as well as the duration the stalls will be unavailable; and

(b) indicate where contractors will park during all phases of the project;

(3) The contractor shall pay applicable fees at the rate established by Council from time to time for all parking meters that will be unavailable during construction and;

(a) appropriately delineate any relocated temporary parking; and

(b) make every effort, wherever possible, to have their temporary construction encroachment activities to result in a net zero loss of parking.

(4) The CMP should indicate strategies to reduce/negate parking losses, such as shuttle services for workers, temporary parking relocation, etc.

(5) In cases where parking is to be removed information signage must be installed in the removed parking areas directing motorists to alternative parking areas identified as part of the CMP process. Renderings of these information signs must be provided to the Municipality as part of the proposed CMP.

(6) Encroachment areas for construction sites are intended to facilitate the construction activities, loading and unloading of equipment and materials, as well as deliveries; encroachments shall not be used as convenient parking for construction workers.

(7) The Municipality may stipulate that any parking stalls that have been displaced by temporary construction activities be temporarily relocated and the location shall be included in the approved CMP.

(8) If clear justification and assessment can be provided in the CMP, the Municipality may relax parking restrictions on nearby streets on a case-by-case basis to fulfill displaced parking.

Pedestrian Management

13. (1) All construction projects that require sidewalk closures, any type of physical encroachment into the public ROW, or works on private property within 2m of a public space or passageway, shall submit, as part of the CMP, a detailed Pedestrian Management Plan (PMP) for review and approval by the Municipality.

(2) The contractor or owner shall:

(a) submit a PMP, prepared by a qualified TWS, that meets all applicable regulatory requirements, including those listed in sections 5 and 6 of this Administrative Order, to address and control the safe passage of all pedestrian traffic that enters or exits the site along with pedestrian traffic that travels the streets impacted by the construction project;

(b) not combine the PMP with the TCP.

(c) indicate in the PMP, at minimum:

(i) all impacted sidewalk areas;

(ii) location of impacted bus stops and proposed bus stop relocation areas, complete with pedestrian routes to and from the relocated stop;

(iii) proposed pedestrian routes and detours;

(iv) nearest controlled or marked crosswalks;

(v) location of proposed sidewalk closure signage;

(vi) proposed location of appropriate wayfinding signage;

(vii) proposed delineation for temporary sidewalks, complete with temporary sidewalk, ramp, and barricade construction details;

(viii) contact information for the TWS; and

(ix) proposed location of appropriate wayfinding signage, as required;

(d) pay all applicable fees in accordance with AO15 and obtain all necessary permits from the authority having jurisdiction for any planned lane and street closures. Lane and street closure applications will be reviewed, and responded to, by the Municipality within 5 business days of their application date;

(e) conduct a hazard assessment for vehicle/pedestrian traffic for all that enter and exit the site as well as all those that travel the streets impacted by the construction project;

(f) have at all construction sites and maintenance locations, wherever a clear pedestrian route of 1.5 m is not achievable via the normal route, alternative safe, stable, and accessible pedestrian routes shall be provided with suitable protection from vehicular traffic;

(g) have the PMP prepared by a qualified Temporary Workplace Signer (TWS), and must be implemented and monitored by qualified Traffic Control Personnel;

(h) ensure notification has been distributed, a minimum of 5 business days in advance of the closure, to the impacted area in accordance with section 33 of this Administrative Order and the HRM TCM Supplement;

(i) maintain traffic control elements as required to ensure their operation in compliance with the PMP; and

(j) contact the Municipality for approval of any changes or modifications to the approved PMP that may be required to accommodate unforeseen events.

Visually Impaired Persons

14. The submitted PMP shall include measures which can help to improve the safety and convenience of visually impaired pedestrians, such as:

(a) improved definition of safe places to walk, wait, and cross, by way of edge lines, contrasting colours, and contrasting textures;

(b) installation of devices that give pedestrians right of way and control traffic or help them navigate safely, e.g. temporary crossing markings, traffic signals, and audio or textured tactile elements;

(c) reducing the potential complexity of situations, e.g. through the addition of a central refuge for multilane streets so that pedestrians only cross one direction of traffic, accounting for pedestrian crossing time;

(d) visual cues to highlight to pedestrians the most direct route across the road – sometimes these cues are road marking of the crossing itself or in other cases the alignment of the footpath, hand rails, or the tactile ground surface indicators are positioned in such a way as to 'launch' the pedestrian in the right direction;

(e) provision of a clear path of travel which is free from obstacles and surface irregularities; and

(f) measures to reduce vehicle speeds and to increase driver awareness of pedestrians.

Accessibility

15. The submitted PMP shall ensure:

(a) walkways for pedestrians and persons using mobility aids are constructed of firm, stable, and non-slip materials, and are accessible grades;

(b) wherever possible, roadway crossings should be at controlled crosswalks and should be located such that the sidewalk and the crosswalk are perpendicular to one another;

(c) all pedestrian routes should be free of obstacles, such as light standards, traffic signal supports, posts, overhanging signs, branches, or catch basins as well as temporary objects such as equipment, boxes and garbage containers, etc.; and

(d) curb ramps should be provided wherever there is a level difference between the sidewalk, or pedestrian pathway, and the intended travelled surface.

Construction Site Protection and Hoarding

16. The submitted CMP shall include details for the proposed hoarding or protection arrangement, such that:

(a) public ways are physically separated from all active construction sites with an adequate safety barrier;

(b) the barrier is constructed of rigid material, minimum 1.8 m in height, where the building footprint or excavation lies within 2 m of the public right of way, or as otherwise required in the opinion of the Engineer;

(c) excavations are protected by concrete F-Type jersey barriers if the barriers are within the ROW, or by waste block barriers if the barriers are located on private property;

(d) modular fence panels used for site delineation or perimeter fencing must be anchored to prevent unintentional movement;

(e) translucent dust control mesh of high quality or similar products of a quality acceptable to the Engineer, over wire fence is permitted;

(f) based on site conditions the Engineer may require the use of solid opaque hoarding for public safety;

(g) covered ways must provide minimum clear width of 1.5m, unless otherwise required by the Engineer;

(h) covered ways are illuminated;

(i) all hoarding must be designed to sustain loads that it is likely to be subjected to such as wind and snow loads, as well as falling debris;

- (j) where solid hoarding is required or as directed by the Engineer, hoarding must be designed and certified by a Professional Engineer;
- (k) unobstructed access and egress to and from the site must be provided in case of emergency;
- (l) emergency response units are not restricted from accessing the site;
- (m) access to any fire department connections or fire hydrants is not restricted;
- (n) set-up must provide for winter conditions including safe snow removal;
- (o) vehicular traffic sight lines at intersections and otherwise are not impeded;
- (p) damage to Municipal infrastructure caused by a temporary encroachment will result, at the discretion of the Engineer, in the full removal and replacement of the damaged infrastructure to current Municipal specifications at the time of replacement; and
- (q) additional items may be required at the discretion of the Engineer based on site specific requirements.

Site Protection Aesthetics

17. (1) The submitted CMP may include details of how to make the site protection systems more aesthetically pleasing. Certain elements that would be considered to beautify a hoarding or fencing system include, but are not limited to:

- (a) project renderings;
- (b) sales and marketing information;
- (c) community murals; and
- (d) rigidly attached project banners of high quality durable material.

(2) Projects that incorporate one or more of the above techniques to help improve the aesthetics of their site protection measures and mask the site to improve the public experience and mitigate negative impacts from the construction activities may be eligible for 50% reduction in encroachment fees for the areas implementing the beautification.

Project information and Contacts

18. (1) Appropriate signage shall provide the following minimum information:

- (a) project description,
- (b) project timelines,
- (c) developer contact information,
- (d) project manager contact information, and

(e) 24 hour emergency contact information.

(2) All signs must be constructed of weatherproof material and have contrasting lettering.

(3) The overall site PMP must be a minimum of 900mmx600mm while the remainder of the information must be presented on a sign board no smaller than 900mmx600mm.

(4) Sign boards must be located on site such that they do not impede sight lines for passing traffic.

(5) Signs shall be legible and include a clearly identifiable company name, phone number and e- mail address for those responsible for the construction site.

(6) Project information signage should be placed on site after a permit has been issued or a minimum of 10 days before construction begins to ensure the public has adequate time to adjust their travel patterns and usage of the street(s).

Pedestrian Detour Way-Finding

19. (1) Pedestrian detour wayfinding strategies must be used to efficiently and seamlessly direct pedestrians and cyclists as they navigate the detour route. Strategies can be broken out into 2 categories, an overall site PMP and specific route signage.

(2) An overall PMP must, at a minimum, include the following:

(a) information on the duration the routes will be in place;

(b) restrictions (beginning and end dates);

(c) project contact number for questions or complaints;

(d) way-finding guidance of temporary routes;

(e) street names; and

(f) major building names, landmark, or addresses.

(3) The Engineer may require the PMP to include additional information based on site specific requirements.

(4) Specific route signage must, at a minimum, meet the following requirements:

(a) be of a size and shape as to not impede the regular movement of traffic or pedestrians (All walking routes must remain accessible);

(b) be mounted along the pedestrian routes to guide pedestrians around the construction site. Signs must be located in each location where pedestrians must cross a street, at half way points along a block, and at any other point along the route where an alternative path may be taken;

- (c) provide advanced warning of upcoming closures;
 - (d) locate routes to local businesses that are within close proximity to the construction site;
 - (e) have clear directions noted and provide lettering that contrasts the sign background;
 - (f) be no larger than 28cm x 43.5 cm or 11in x 17in;
 - (g) be installed no higher than 2.0m or 6.5 ft;
 - (h) signs must not:
 - (i) be a hazard or dangerous to vehicular or pedestrian traffic in the opinion of the engineer;
 - (ii) cause any damage to Municipal property;
 - (iii) become unsightly; and
 - (i) depending on site specific requirements the Engineer may require additional information or signage.
- (5) Renderings of all proposed signs and a map of their proposed locations must be included within the CMP.
- (6) Sign material type must be noted within the CMP and all signs must be constructed of weatherproof materials.
- (7) Details of sign dimensions and proposed mounting hardware must be included within the CMP.
- (8) The object that the signs will be mounted on must be shown within the CMP and the height of the signs must be noted. Signs must be placed in locations that do not pose any risk to the public.

Nav Canada and Transport Canada Regulatory Approvals

20. (1) All CMP's shall include a geospatial plan indicating the proposed location of all cranes, mobile or stationary tower cranes.

(2) Subject to subsection (1), the CMP shall assess the location in relation to potential flight paths, and must determine whether Transport Canada regulatory approval or Nav Canada notification is required.

(3) Confirmation of compliance with Transport Canada and Nav Canada requirements must be included in the CMP.

Operations Above the Public Realm

21. The submitted CMP shall include the following provisions for proposed crane operations or lifting of heavy loads over the public realm:

- (a) notwithstanding level-luffing cranes, tower cranes shall be sited so that there is at least 3m clearance between the end of the boom and the nearest obstacle or building and as much as possible, tower cranes should be sited to avoid loads being handled over occupied areas;
- (b) measures for ensuring that people are not placed at risk from the operation of the crane;
- (c) no loads shall be moved or suspended over people;
- (d) at no time shall a load be left suspended over the public realm;
- (e) routines for requiring continuous and thorough checks for area specific hazards;
- (f) if a load must be transferred over a public space or right of way, the area shall be closed to access (in accordance with short duration traffic control protocols as specified by NSTCM) during the move; and
- (g) when loads have to be handled in the vicinity of persons, extreme care must be exercised, and adequate clearances provided.

Site Safety and Security

22. The CMP shall identify on-site safety protocols and consider at minimum, but not limited to, the following:

- (a) access and egress gates shall be clearly marked as per the traffic management plan;
- (b) signage shall be placed outside the hoarding, which warns of hazards that may exist, in accordance with applicable Occupational Health and Safety regulations;
- (c) gates shall be locked and the perimeter fencing or hoarding secured to provide security against public access during off work hours and monitored in high traffic areas during operation;
- (d) hoarding shall be marked clearly “No Trespassing – Construction Personnel Only”, and personal protective equipment requirements clearly marked (e.g., “Hard Hats and Safety Footwear Must Be Worn Beyond This Point”);
- (e) the contractor or owner shall conduct regular inspections, as required, of hoarding for general condition and have a scheduled inspection procedure in place;
- (f) inspection reports including information on what maintenance activities were conducted must be kept on site at all times and be available to the Engineer upon request;

(g) emergency site-contact information shall be prominently posted;

(i) after hours lighting in support of site security may be required;

(j) if a smoking area is to be provided on site it must conform with the *Nuisance and Smoking By-law* and the *Smoke Free Places Act*;

(k) access must be maintained at all times to active fire suppression systems, including sprinkler connections;

(i) a plan that shows the shortest unencumbered route from public property to the sprinkler connections must be submitted as part of the CMP;

(ii) a sign located at sprinkler connections and at the site access is required to guide fire fighters to an accessible water source. The sign locations must be shown on the route plan;

(iii) signs must:

A. have a white background with large bold red lettering,

B. be of a size and shape as to not impede the regular movement of construction activities,

C. be mounted along in multiple locations to guide fire fighters to the water source along an unencumbered path,

D. have clear directions noted,

E. not portray project colour themes,

F. be no larger than 61cm x 91.5 cm or 24in x 36in,

G. be installed at a height such that they do not cause a safety hazard however provide directions to emergency workers that are within the plain line of sight.

H. not:

I. be a hazard or dangerous to vehicular or pedestrian traffic in the opinion of the engineer;

II. cause any damage to Municipal property;

III. become unsightly.

(l) renderings of all proposed signs and a map of their proposed locations must be included within the CMP;

(m) signs material type must be noted within the CMP and all signs must be constructed of weatherproof materials;

(n) details of sign dimensions and proposed mounting hardware must be included within the CMP;

(o) the object that the signs will be mounted on must be shown within the CMP and the height of the signs must be noted. Signs must be placed in locations that do not pose any risk to the public; and

(p) the Building Official or the Engineer may require additional site safety items be addressed depending on site specific conditions.

Material Handling, Loading and Unloading, Delivery, and Vehicle Staging

23. (1) To safe guard construction workers and the public from falling materials, equipment, tools and debris from a construction project, the CMP shall consider such factors and the contractor or owner shall:

(a) conduct a pre-project hazard assessment and submit as part of the CMP;

(b) identify appropriate material storage/lay-down areas that may be located within 5m of the public ROW;

(c) identify dedicated material delivery routes and loading/unloading locations;

(d) identify vehicle staging (e.g. concrete delivery) areas and queueing strategy;

(e) secure and protect all materials against environmental factors, such as rain causing contaminated runoff, or wind blowing around loose objects, etc.; and

(f) monitor wind conditions and apply increased measures to prevent material from becoming airborne during high wind events.

(2) Delivery times and peak hours of operations for surrounding businesses shall be taken into consideration when developing the CMP.

Street and Right-of-Way Cleaning

24. (1) The public travelled way, including pedestrian travelled ways shall be kept free of dirt, debris, construction debris, gravel, snow, and ice, etc. at all times during construction.

(2) Site access locations and staging areas shall be monitored on a continual basis and cleaned with street sweepers, brooms, or by any means necessary to ensure the public ROW is clean and safe.

(3) The contractor or owner shall immediately act upon an order from the Municipality when directed to clean the public ROW.

(4) The Contractor shall maintain all encroachment areas, including:

(a) all temporary sidewalks shall be plowed, cleared and maintained free of snow and ice at all times; and

(b) the Contractor is also responsible to remove snow on the street side of F-Type concrete barriers within the ROW that could not be removed from typical plowing operations.

Stormwater Management and Runoff Pollution

25. (1) Construction shall adhere to the approved storm drainage plan and the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) Erosion and Sedimentation Control Manual.

(2) The stormwater management plan (or sediment and erosion control plan, or environmental protection plan) shall clearly indicate drainage patterns and must consider:

(a) surface drainage patterns;

(b) catchbasin locations;

(c) material storage locations and protection measures;

(d) construction phasing;

(e) site entrance and exit locations;

(f) runoff quantity and quality control measures; both during construction and upon project completion; and

(g) where drainage from a construction site will be pumped or placed into a Halifax Water or Municipal system the authority having jurisdiction must be consulted.

Noise Pollution

26. (1) Construction sites shall adhere to the HRM Noise By-Law.

(2) The CMP shall outline hours of operation that are consistent with the Noise By-Law, including holiday and weekend restrictions.

(3) Portable loud equipment, such as generators, compressors, mixers, etc., shall be located away from adjacent properties and the Municipality may require noise barriers to be erected/installed in sensitive areas, such as near schools or hospitals.

(4) When construction activity is located within a strictly business setting, or in the center of an industrial park, or similar locations where people are generally not present after normal operating hours, it may be viable and reasonable to consider 'night work' or 'after hours' construction activity.

(5) The Noise By-Law does allow for a Grant of Exemption by Council. If an exemption is to be sought, the submitted CMP shall outline the following minimum considerations:

- (a) proposed hours of operations;
- (b) details of the equipment and activities to be performed during the exemption;
- (c) details of any noise buffering or mitigation measures that will be implemented during the proposed exemption; and
- (d) an assessment of the surrounding community (e.g. strictly business district; industrial park; or residential setting), including any potential sensitive areas, such as schools or hospitals.

(6) Noise By-Law exemption requests will be processed according to the procedure outlined in Section 6 of N-200, the Noise By-Law.

Dust Pollution

27. (1) The CMP shall consider dust control measures. The plan shall include details regarding construction phasing and sequencing, on-site measures to reduce dust from escaping the site, as well as cleaning and mitigation measures in the immediately impacted areas.

(2) The contractor or owner shall have immediate access to a watering truck, or equivalent, to proactively control dust during dry conditions.

(3) The Municipality may direct the contractor or owner to water the site or to use water for cleaning in the ROW as necessary.

(4) The CMP shall indicate proposed dust and debris mitigation techniques for upper floors and at all elevations, as well as the ground level where dust/debris may escape.

Emissions Control

28. (1) Emissions from combustion engines (diesel or gasoline) shall meet the applicable regulations and manufacturer specifications.

(2) All vehicles and equipment used on site shall be properly maintained such that engines will function according to manufacturer specifications.

(3) The CMP shall consider appropriate locations for vehicle or equipment engine exhausts within the site, as well as vehicle staging areas (e.g. concrete delivery) such that exhaust emissions are reasonably minimized.

(4) Vehicle staging shall be queued such that vehicles are not permitted to idle for more than 3 minutes unless the vehicle motor is required to run to complete a work function.

Rodent Control

29. (1) A rodent control plan must be provided for all cases where a CMP is required, unless exempted by the Engineer.

(2) The CMP must specify the rodent control company that will be hired to prepare the rodent control plan and provide for rodent control over the course of the project to prevent migration of rodents from the site.

Temporary Lighting

30 (1) In the event Municipal lights are removed temporary roadway lighting may be required during construction to light both private and public property.

(2) Temporary lighting installed to illuminate both a construction site and public property must adhere to the following at a minimum:

(a) The lighting of public property must adhere to:

(i) the ANSI/IES RP-8-14 Roadway Lighting Guidelines;

(ii) the design of the lighting must be completed by a Professional Engineer registered in the province of Nova Scotia; and

(iii) The design must be provided to the Engineer for approval prior to the removal of existing lights.

(b) The lighting of private property must:

(i) be in a location and at a level such that it does not have any negative impact on the surrounding community; and

(ii) be directed and controlled or baffled such that it directs light to the intended area only, and does not have any negative impact on the surrounding community.

(3) The Engineer may direct the developer or contractor at any time to adjust or revise any element of the temporary lighting both on private or public property.

Pre CMP Community Engagement

31. (1) The owner or contractor must engage the public as part of the CMP. The scale of public engagement will depend on the scale and complexity of the project.

(2) It must be made known to the surrounding community and businesses that they can sign up for a monthly construction project notification with the development .

(3) The Engineer must receive all a copy of correspondence that is sent to the public.

(4) The CMP submitted to the Municipality must clearly outline all community engagement and stakeholder consultation activities.

(5) At a minimum the CMP must show;

(a) who was consulted;

(b) notes on the discussion that took place,

(c) specific needs of the community;

(d) specific needs of individual businesses; and

(e) outline how construction activities will address the needs of the surrounding community.

(6) The Engineer may require additional consultation based on project specific requirements.

Notification Requirements

32. (1) All construction work within the Municipal right-of-way is subject to the notification requirements specified in the HRM TCM Supplement.

(2) The CMP shall assess the impacts of these street closures and disruptions on the surrounding community and the contractor or owner shall distribute notification to all affected property owners regarding the planned disruption.

(3) Initial notices shall be hand delivered to all property owners or businesses within the affected area and shall contain the following:

(a) the name of the person or company responsible for the closure, including a contact person and telephone number;

(b) the intended date and time the closure or disruption will commence;

(c) the expected duration of the closure or disruption; and

(d) the location of the closure or disruption and affected area.

(4) Notices of closures or planned disruptions to utility services shall be delivered a minimum of 5 business days in advance of street closures or utility disruptions. This notification can occur concurrently with the review by the Municipality.

(5) After the initial hand-delivered notification, the contractor shall provide confirmation to the Engineer that the notices were delivered, including a list of all the civic addresses included in the distribution.

(6) In addition to the notification process above, the Municipality shall issue a Public Service Announcement in advance of the closure of any street on the list found in Schedule A of the HRM TCM Supplement.

(7) The CMP may assess additional supplemental communication strategies if deemed to be more effective and efficient.

(8) Should unforeseen conditions or weather cause a delay or necessitate unexpected closures or disruptions, the Municipality may:

- (a) postpone or extend the closure or disruption, and
- (b) require additional notification redistributed to the affected area.

(9) In addition, at the discretion of the Engineer the contractor may be required to advertise through local news outlets to notify the public of large scale street closures. The scale and complexity of the communication plan will be determined by the Engineer and payment for said advertisement must be made up front by the developer and or their representative prior to the issuance of any closure permits.

Pre-Construction Meeting

33. (1) For any work to which these guidelines apply, to the Engineer may require a pre-construction meeting to discuss the scope of work, review the CMP, and establish an effective communication plan.

(2) Stakeholders invited to attend may include (but are not limited to) the owner, developer, contractor(s), inspector(s), Transit, Utilities, Traffic Services, and Development Services.

(3) In addition to representatives of the developer, contractor, and municipal agencies, the CMP must also assess the needs of surrounding businesses and institutions, including such considerations as local deliveries, special events, or other specific criteria that may impact their operations.

(4) The Municipality may require a representative from the local business district, surrounding community group, or institution to be invited to the pre-construction meeting, if applicable.

(5) The need for a pre-construction meeting, the timing, and complexity of the meeting will be dependent on the scale and complexity of the project, the site, and the surrounding community as determined by the Municipality during the review of the CMP.

(6) A pre-construction meeting should be held a minimum of 10 days prior to the start of any construction activity.

Conditions

34. The approved CMP shall be kept onsite at all times.

35. If the project changes ownership or contracting services, the Municipality shall be notified, and the new parties must agree to comply with an approved CMP in writing.

36. (1) The contractor or owner shall inspect the implementation of the CMP on a daily basis at minimum and keep a detailed inspection and maintenance log.

(2) The Municipality may direct maintenance or adjustment of certain elements as required, and may request to view the inspection and maintenance log.

Repeal

37. Administrative Order 2016-003-ADM, approved by Regional Council on July 19, 2016, is repealed.

Transition

38. A CMP approved under Administrative Order 2016-003-ADM prior to the coming into force of this Administrative Order shall remain valid.

Done and passed in Council this _____ day of _____, 2020.

MAYOR

MUNICIPAL CLERK

I, _____, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on _____, 2020.

Municipal Clerk