



STAFF REPORT

Meeting Date: 17 Feb 2015

To: Council

Prepared By: Chris Tye

Reviewed/Approved By: Michael Rutter, Neil Allanson

Department Report No: PWK-2015-02

Subject: Engine Assisted Braking System Signage

Corporate Strategic Plan: Communications, Customer Service

Council Recommendation:

BE IT RESOLVED that Council receive Staff Report PWK-2015-02, being a report regarding Engine Assisted Braking System Signage, as information.

AND FURTHER, that enforcement of heavy vehicle noise related issues be left to the Ontario Provincial Police and Provincial Motor Vehicle Enforcement officials through the provisions of the Provincial Highway Traffic Act at this time.

AND FINALLY, that staff consider the installation of Courtesy Signage at locations with demonstrated noise issues related to engine braking system as these types of concerns arise.

1. Purpose/Nature of the Proposal:

The purpose of this report is to provide Council with information regarding the use of signage to discourage or prohibit the use of engine assisted braking systems within urban areas. Further, staff would like to provide recommendations regarding how to proceed with noise related issues within the Municipality of Trent Hills that could be associated with engine braking systems.

2. Background/Rationale:

As a result of a request from Council, staff undertook an investigation into the use of signage to discourage or prohibit the use of engine assisted braking systems within urban areas.

Members of the Inter-Municipal Public Works Committee for Northumberland were contacted to determine if other Municipalities in the area have implemented any signage programs or prohibitions. None of the respondents indicated that they had a program in place. However, the County of Northumberland indicated that one Courtesy type sign has been installed along Elgin Street East in Cobourg at the request of the local municipality. This location had a demonstrated noise issue related to engine braking system usage with a history of multiple complaints.

Through further research, it was found that a number of Municipalities within Ontario had varied approaches to discourage or prohibit the use of engine assisted braking systems within residential areas. This includes but is not limited to a complete prohibition, a prohibition with an exception (emergencies), or a signage program requesting that the use of engine assisted braking systems be avoided in residential areas.

Prohibition : Some Municipalities have banned the use of engine assisted braking systems within residential areas through by-law. This is usually through a noise by-law defining the noise generated from the use of these systems as "likely to disturb".

Prohibit with Exception : Some Municipalities have chosen to ban the use of engine assisted braking systems within residential areas through by-law. However, the by-law contains wording that exempts their use in emergency situations.

Courtesy Signage Program : A number of Municipalities have implemented a courtesy signage program requesting that drivers avoid the use of engine assisted braking systems. These signs are generally placed at strategic locations where noise concerns related to engine assisted braking systems are prevalent. These locations are generally on major arterial roadways entering urban areas.

It should be noted that commercial vehicles are manufactured to comply with current safety and noise regulations. Factory installed engine assisted braking systems are intended to be a safety device and this type of braking assistance system has been tested and approved by Transport Canada. Noise emissions formed a part of this testing and if operating correctly, this type of system should not create excessive noise that would be likely to disturb surrounding bystanders. Generally, excessive noise associated with engine assisted braking systems are a result of the vehicle being altered, modified, or in dis-repair.

Through discussions with other Road and Traffic Safety colleagues several concerns were expressed regarding discouraging or prohibiting the use of engine assisted braking systems. It was a general consensus that engine assisted braking systems are an important component of the safety systems available to truck drivers in the event of an emergency. Prohibiting or unnecessarily discouraging their use could expose the Municipality to liability and put the general public at risk. Further, enforcement of noise related infractions is extremely difficult. Drivers must be caught in the act of creating the excessive noise by enforcement officials equipped to monitor and document noise levels. The noise must be associated to a particular truck and the driver pulled over and ticketed.

Given current resources it is unlikely that enforcement could be carried out with any measurable success.

Staff contacted the Municipality's Insurer to obtain an opinion regarding potential prohibitions, restrictions or signage installations. Representatives from the insurance company indicated that, should the Municipality implement measures discourage engine brake usage in residential areas, either a "Prohibit with Exception" or a "Courtesy Signage Program" would make the most sense from a risk management perspective. A full prohibition was not advisable as they felt that a driver should be allowed to use their engine assisted braking systems when they deem it is necessary for their safety and the safety of others.

A review of our records did not indicate that any concerns were received regarding noise related to the use of engine assisted braking systems on roadways under the jurisdiction of the Municipality of Trent Hills over the past 5 years.

As a result of the information provided above, staff recommend that enforcement of heavy vehicle noise related issues be left to the Ontario Provincial Police and Provincial Motor Vehicle Enforcement officials through the provisions of the Provincial Highway Traffic Act at this time. And further that, staff consider the installation of Courtesy Signage at locations with demonstrated noise issues related to engine braking system as these types of concerns arise.

3. Relevant Options/Consultations:

Option #1 – Status-quo

Maintain the status-quo leaving enforcement of heavy vehicle noise related issues to the Ontario Provincial Police and Provincial Motor Vehicle Enforcement officials through the provisions of the Provincial Highway Traffic Act.

Option #2 - Prohibition

Ban the use of engine assisted braking systems within residential areas through by-law. This is usually through a noise by-law defining the noise generated from the use of these systems as "likely to disturb".

Option #3 - Prohibit with Exception

Ban the use of engine assisted braking systems within residential areas through by-law. However, the by-law contains wording that exempts their use in emergency situations.

Option #4 - Courtesy Signage Program

Install courtesy signage requesting that drivers avoid the use of engine assisted braking systems at strategic locations where noise concerns related to engine assisted braking systems are prevalent.

4. Risk/Safety Considerations:

As detailed above, engine assisted braking systems are intended to be a safety device. Prohibiting or discouraging their use could result in an increased risk of liability and potential danger for the general public.

5. Legal Implications/Legislative Requirements:

The Municipality of Trent Hills current noise by-law does not contain wording that could be applied specifically to the enforcement of noise resulting from the use of engine assisted breaking systems.

Subsection 75 (1) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, states the following :

“Every motor vehicle or motor assisted bicycle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle or motor assisted bicycle.”

Further, subsection 75 (4) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, states the following :

“A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall the driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.”

6. Policy/Staff Implications:

As the majority of major roadways entering residential areas within Trent Hills are under the jurisdiction of the County of Northumberland, the County's co-operation regarding any proposed program(s) would be required. County of Northumberland staff have indicated that they will consider requests for Courtesy Signage on a case per case basis.

Should Council wish to implement a signage program at key gateway locations throughout the Municipality, several hours of Municipal, and/or County staff time will be required to conduct utility locates, and to assemble and install the associated signage. Any signage along County roadways would be the responsibility of the County of Northumberland. A preliminary review of the surrounding road network revealed that approximately fourteen (14) locations could serve as potential installation locations. Of the fourteen (14) locations, only one (1) fell under the jurisdiction of the Municipality of Trent Hills.

In the event that the use of engine assisted breaking systems are restricted or prohibited through by-law, several hours of Police/Ministry time per occurrence may be required to conduct an investigation, impose fines, and complete the required documentation and administration.

Through discussions with our By-Law Enforcement Department, it was determined that enforcement of a by-law restricting or prohibiting the use of engine assisted breaking systems by municipal staff would be extremely challenging given current resources, equipment, and legal constraints.

7. Major Benefits:

- Increased potential to reduce noise associated with engine assisted breaking systems;
- Improved quality of life;
- Ability of enforcement strengthened.

8. Financial Analysis:

Generally, the approximate cost associated with the installation of signage is \$300.00 per sign. This includes the sign, post, hardware, and labour. This does not include ongoing maintenance, required repairs, or yearly retro-reflectivity assessments. In the event a gateway signage program is implemented, the total cost for the sign installation could reach \$4,200.00 excluding future maintenance and repairs.

Given the difficult nature of enforcement related to noise infractions resulting from the use of engine assisted breaking systems, a cost could not be easily estimated at this time.

9. Means of Communicating Decision:

The means of communicating Council's direction and/or decision(s) will be conducted through a number of ways. Council will communicate its direction and/or decision through Council Resolution(s). Upon receiving a Council direction, staff will be instructed by management to complete any required works in support of Council's direction.

Subject: FW: jakes

No Jaking Around: Truckers reject mandatory engine brake testing

TORONTO -- Ontario should do a better job of enforcing the existing noise pollution laws rather than make carrier inspections of engine brakes mandatory.

According to the province's largest trucking group, the Ontario Traffic Conference (OTC) -- an organization that acts on behalf of municipalities to co-ordinate traffic management -- is working with the government on a proposal that would require carriers to conduct annual noise level testing for all trucks.

The Ontario Trucking Association takes the position that such an inspection program would be ineffective and too costly as it would force carriers to buy new, expensive, noise testing equipment.

Instead, OTA is calling on provincial enforcement officials to utilize the existing law (section 75 (1) of the Highway Traffic Act) which requires that all vehicles have properly functioning mufflers and is urging that increased emphasis be placed on enforcement of modified truck exhausts during vehicle inspections throughout the year in Ontario by fixed and mobile enforcement.

"The real problem with unnecessary noise from trucks has to do with modified truck exhausts not engine brakes," says Geoff Wood, VP of Operations and Safety at OTA. "The fact is that modern engine brakes, when operated properly, do not actually cause any increase in noise levels. Proposing new laws and by-laws prohibiting the use of engine brakes is a mistake based on a misunderstanding of the real culprit causing the excessive noise problem that municipalities are trying to address."

Wood compares the plan to the development of Ontario's Drive Clean program, which forces "100 percent of trucks to go through a costly program in order to identify 1 percent of trucks that are a problem."

It's already illegal to modify exhausts in a manner that would increase the noise they create, adds Wood. Plus, carriers already are required to check exhaust systems annually as part of the trucks annual inspection.

"OTA supports the removal of both passenger and commercial vehicles from public roads when they fail to comply with the law. It's time that laws already on the books are applied to vehicles breaking noise laws. We don't need a new program to resolve this matter."

Ministry of Transportation

Engineering Office
Planning and Design Section
West Region

659 Exeter Road
London, Ontario N6E 1L3
Telephone: (519) 873-4550
Facsimile: (519) 873-4600

Ministère des Transports

Bureau du génie
Section de planification et de conception
Région de l'Ouest

659, chemin Exeter
London (Ontario) N6E 1L3
Téléphone: (519) 873-4550
Télécopieur: (519) 873-4600



Letter 3

April 16, 2015

Ms. Sharon Vokes
County Clerk/Council Services
Corporation of the County of Grey
595 9th Avenue East
Owen Sound, ON
N4K 3E3

Dear Ms. Vokes:

**RE: Initiation of Preliminary Design Study
Highway 6/21 from 0.3 km west of Grey County Road 18 to 0.2 km east of Alpha St./9th
Avenue W. intersection (Owen Sound)**

The Ministry of Transportation Ontario is initiating a Preliminary Design Study for the above noted project.

WORK PROJECT:

G.W.P. 3068-12-00

PROJECT DESCRIPTION:

To address the deficiencies on this section of Highway 6/21, Group Work Project 3068-12-00 has been established and includes the work and limits as described below:

- Pavement rehabilitation;
- Replacement/Rehabilitation of highway crossing culverts;
- Ditching and drainage improvements at various locations.
- Rehabilitation of the Pottawatomi river Bridge;
- Replacement of traffic signals at Grey Co. Rd. 18, Grey county Mall entrance and Alpha St./9th Avenue W. and ;
- Upgrades to existing mainline illumination.

Additional improvements include:

- Minor intersection improvements to accommodate pavement rehabilitation;
- Shoulder paving adjacent to guiderail locations;
- Replacement of one traffic counting station;
- Removal/modification of private and commercial entrances where necessary, with selected entrance culvert replacements.
- Existing guiderail will be assessed for length of need and condition. Replacement or adjustments

may be necessary due to additional asphalt depths.

- Evaluation of roadside hazards and application of appropriate protection or removal;
- Pavement markings;
- Upgrade/removal of private, commercial and agricultural entrances;
- Granular shouldering throughout rural sections;
- Relocate various utilities as required;
- Replacement of damaged or outdated signs;
- Erosion, sedimentation controls and storm water quality as required;

PRELIMINARY UTILITY IMPACTS AND APPROXIMATE LOCATIONS:

Based on the preliminary reviews, potential utility conflicts have been identified for work related to the rehabilitation of the Pottawatomie River Bridge, traffic signal replacements and mainline illumination upgrades and culvert replacements.

REMARKS:

The detail design will commence following preliminary design. This project is currently scheduled for construction in early 2017. To avoid unnecessary construction costs associated with constructor issues, utility conflicts will be determined in spring 2016 and relocations are anticipated in fall 2015.

This advance information is forwarded to you in order that your Company may plan accordingly (e.g. budgeting and scheduling). This project information is strictly CONFIDENTIAL. Exact utility impacts will be confirmed during the Detail Design Stage.

To assist you in locating our proposed works, I have attached a Key Map.

Sincerely,



Charles Organ, C.E.T.
Senior Project Manager
Ministry of Transportation
West Region
Tel: 519-873-4591

c: Calvin Gaudaur, MTO Technical Services Officer

Encl.



Legend

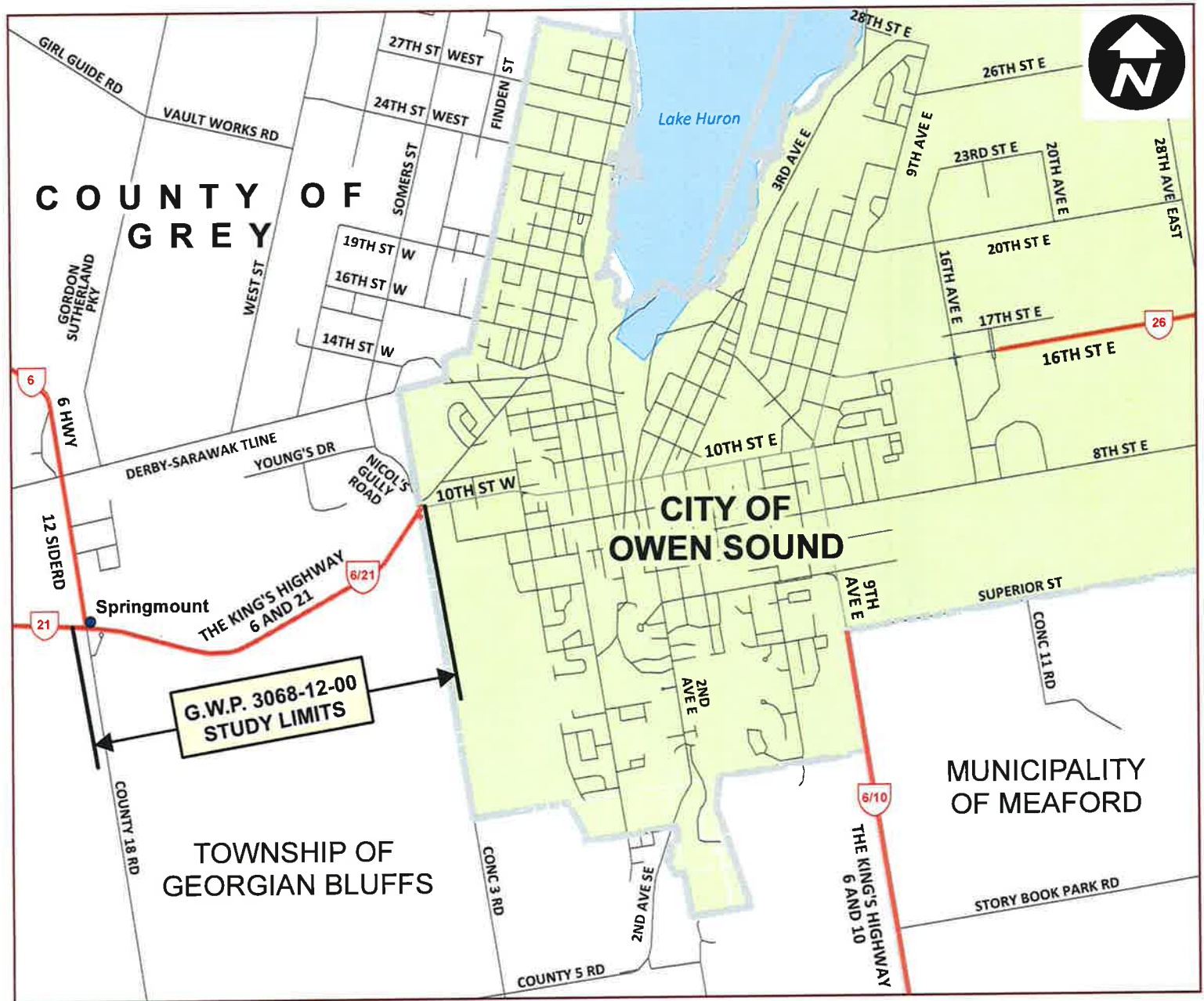


Basemap derived or otherwise: provided from a combination of MNR, MAH and MTO sources.

Connecting Link information: provided by the Contracts and Operations Office of the West Region MTO.

Information provided in this map is intended as a graphic representation only and should not be used as a navigation aid. Before providing this document to outside organizations, please contact the MTO West Region GIS Section.

Ministry Of Transportation
West Region Geomatics



**Ministry of
Transportation**

Office of the Minister

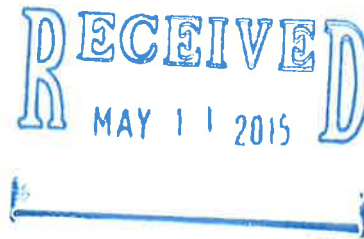
Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto, Ontario
M7A 1Z8
416-327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau du ministre

Édifce Ferguson, 3^e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
416-327-9200
www.ontario.ca/transports

cc: M. Kelly



M2015-1860

May 4, 2015

Mr. Kevin Eccles
Warden
County of Grey
595 Ninth Avenue East
Owen Sound ON N4K 3E3

Dear Warden Eccles:

The Auditor General released her report on winter highway maintenance in Ontario on April 29, 2015. We thank her for this thorough and thoughtful review, and her recommendations. While we have already taken action on many of them, we continue to work with our contractors and the OPP to improve highway snow clearing operations.

Being able to travel safely on our highways is very important to Ontarians, and at the Ministry of Transportation (MTO) it's our top priority. Over the past few years, MTO has worked to improve the quality of highway snow clearing by adding more than 100 pieces of equipment. We've also strengthened our oversight and enhanced the way we plow truck climbing and passing lanes, and freeway ramps and shoulders. In the coming months, we'll be doing more to make driving conditions better in winter 2015/16.

The Auditor General's report provides eight recommendations to the ministry. These recommendations identify improvements to how maintenance contracts are awarded; oversight of highway maintenance contractors; the effective use of equipment, sand, salt or anti-icing liquid to achieve the ministry's snow clearing standards; contractors' patrolling and reporting; and improved communications with the public on winter driving conditions and winter maintenance performance.

As a ministry, we have a lot of work to do and so do our contractors. I will be meeting with them in person as soon as possible to determine how we can work together to improve this program and their performance.

.../2

Further, I have directed ministry staff to provide me with an action plan within 60 days that outlines ways to further strengthen and improve winter maintenance, while addressing the Auditor's recommendations, to ensure that we are doing everything possible to provide Ontarians with safe highway conditions. I will make that action plan public.

I have heard from some municipalities regarding how winter maintenance has improved this past winter season but there is more we need to do. I look forward to reporting back on our action plan, our progress implementing the Auditor's recommendations and the additional steps we will be taking to enhance winter maintenance in Ontario.

Sincerely,



Steven Del Duca
Minister

From: [Vokes, Sharon](#)
To: [Warder, Tara](#)
Cc: [Weppler, Kevin](#); [Kelly, Michael](#)
Subject: FW: Letter from the Hon. Bob Chiarelli, Minister of Energy
Date: Tuesday, April 21, 2015 11:54:41 AM

Ministry of Energy

Office of the Minister

4th Floor, Hearst Block
900 Bay Street
Toronto ON M7A 2E1
Tel.: 416-327-6758
Fax: 416-327-6754

Ministère de l'Énergie

Bureau du ministre

4e étage, édifice Hearst
900, rue Bay
Toronto ON M7A 2E1
Tél. : 416 327-6758
Télééc. : 416 327-6754

Mr. Kevin Eccles
Warden
County of Grey

Dear Warden Eccles:

On April 16, 2015, the Ontario Government announced our intention to proceed with an Initial Public Offering of shares in Hydro One Inc. before the end of the current fiscal year. We further announced that Hydro One Brampton Networks Inc. would be merged with three other local distribution companies: Enersource Corporation, Horizon Utilities Corporation and PowerStream Inc.

These announcements are in response to advice from the Premier's Advisory Council on Government Assets, led by Ed Clark. As you know, the Council was tasked with finding ways to improve customer service and increase efficiencies in order to maximize the value of government assets and generate better returns for the people of Ontario.

An amount equal to the net proceeds of the sale of Hydro One shares will be put in the Trillium Trust. Our government's Moving Ontario Forward initiative commits nearly \$29 billion over the next 10 years for investments in priority infrastructure projects, including nearly \$14 billion earmarked for outside the Greater Toronto-Hamilton Area for investment in roads, bridges, transit and other critical infrastructure. The Trillium Trust will be an important source of funding for this commitment.

The Province will continue to be the largest shareholder in the new Hydro One, and the company's rates will continue to be regulated by the Ontario Energy Board (OEB). We are proposing new oversight powers for the OEB and the appointment of a dedicated Ombudsperson within the new Hydro One to further protect consumers, contain costs and ensure reliability of service.

I want to assure those in Hydro One's service territory that the reliability and affordability of power is our first priority. The sale of shares in Hydro One will not cause the price of electricity to rise and will not impact reliability of service. In fact, we agree with the

Council's assessment that changes at Hydro One will unleash new efficiencies and innovation that will reduce costs and benefit consumers.

I also want to assure you that we remain committed to the transmission projects outlined in the 2013 Long-Term Energy Plan, including to plan for a new northwest Bulk Transmission Line west of Thunder Bay and to work with the federal government to connect remote northwestern communities.

I want to draw your attention to the decision to merge Hydro One Brampton. The merger of four local distribution companies (LDCs) into a single, highly effective entity will create savings and efficiencies of scale that will benefit hundreds of thousands of households and create the second-largest LDC in the province. This is consistent with the recommendations of the Ontario Distribution Sector Review Panel and will hopefully serve as a model for other LDCs. While I have been clear that our government will not force consolidation of municipally-owned LDCs, I feel that further consolidation is in the best interests of the system and its customers.

If you would like to review the Council's report, it is available at www.ontario.ca/government/premiers-advisory-council-government-assets.

Sincerely,



Bob Chiarelli
Minister