

Date: June 18, 2020	Originator's files:
To: Mayor and Members of Council	
From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works	Meeting date: July 8, 2020

Subject

Transitway Access Permit By-Law

Recommendation

1. That a new Transitway access permit by-law be established to regulate temporary access to and within the Mississauga Transitway.
2. That a by-law be enacted to amend section 9 of By-Law 0025-2015 (to appoint City Employees and Municipal Law Enforcement Officers for the purposes of enforcing Municipal By-Laws) to identify the persons who are employed by the City's Transportation and Works Department for the purposes of enforcing the new Transitway access permit by-law, as outlined in Recommendation #1.

Report Highlights

- Staff from Transportation and Works (MiWay, Works Operations and Maintenance) and Legal Services have developed a new Transitway access permit by-law ("Transitway access by-law") to permit temporary access to and within the Mississauga Transitway through a permit. The new Transitway access by-law will clearly define permit requirements, ensure no impacts to existing Transitway levels of service and provide City staff with the tools to administer and enforce the by-law.
- Amendments to the existing Appointment By-Law 0025-2015 is required to facilitate the introduction of the Transitway access by-law.

Background

The Road Occupancy, Lot Grading and Municipal Services Protection Deposit By-Law 251-12, as amended, was enacted in 2012 (the "current by-law"). The current by-law provides the City with the authority to regulate construction in the right-of-way, as well as the alteration of lot grading, through a system of permits and security deposits; however, staff review of the current by-law noted that it does not address City needs for regulation of construction within the City

right-of-way. As a result, staff determined that a new standalone by-law for Road Occupancy Permits should be created.

During a review of the current by-law, it was identified by MiWay that the by-law does not include any related provisions that address and permit temporary access to and within the Transitway. Furthermore, MiWay plans to introduce a new permit in 2020 to address the issue of external agencies and their contractors who are utilizing the Transitway to temporarily access their infrastructure and/or properties without permission from MiWay.

As a result, a new standalone by-law is required to provide the City with the authority to regulate temporary access to and within the Transitway through a permit process.

Comments

New Transitway Access By-Law

Staff from Transportation and Works (MiWay, Works Operations and Maintenance) and Legal Services have developed a new Transitway access by-law for the purpose of regulating access to and within the Transitway through a permit. The new Transitway access by-law addresses:

- Requirements when applying for a permit.
- Ensuring minimal disruption to the operation of the Transitway and that there are no impacts to existing levels of service.
- Authorization to enforce the Transitway access by-law to ensure its compliance including the authority to suspend a permit, revoke a permit, issue an order, or lay a charge.

Appointment By-law Amendment (0025-2015)

In order for City staff to enforce the new Transitway access by-law, a number of staff members require appointment as Municipal Law Enforcement Officers. The following positions will be appointed as Municipal Law Enforcement Officers to enforce the Transitway access by-law:

- Commissioner, Transportation and Works
- Director, Transit
- Manager, Service Development
- Supervisor, Transit Infrastructure Management
- Transit Enforcement Officer

Enforcement Action Plan

Transportation and Works staff notes that the new Transitway access by-law will be investigated and enforced as noted below:

- Staff will investigate the complaint by conducting an inspection of the site and advising of the requirements under the Transitway access by-law.
- If a contravention is observed, staff will first seek compliance with the Transitway access by-law by notifying the offending party in writing of the contravention and applicable

provisions of the Transitway access by-law. Notification will include specified timelines by which to resolve the contravention.

- Staff will then re-inspect to determine compliance with the Transitway access by-law. If the Transitway access by-law is being complied with, the matter will be documented as resolved. If determined that the by-law is not being complied with, staff will attempt to gather sufficient evidence to issue a notice of contravention. The notice will include specified timelines by which to resolve the contravention.
- If there is continued non-compliance, staff will attempt to gather sufficient evidence to issue a charge for contravening the Transitway access by-law and/or not issue any additional permits to the Permit Holder until such time that the contravener is in compliance with the by-law.

Financial Impact

There will be no financial impact to the City.

Conclusion

Staff from Transportation and Works (MiWay, Works Operations, Maintenance) and Legal Services have developed a new Transitway access by-law to permit temporary access to and within the Mississauga Transitway through a permit. The new Transitway access by-law clearly defines permit requirements, ensures no impacts to existing Transitway levels of service and provides City staff with the tools to administer and enforce the by-law.

Amendments to the current Appointment By-Law 0025-2015 is required to facilitate the introduction of the Transitway access by-law.



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Alice Ho, P.Eng., Project Leader, Transit Priority