

SUBJECT: Proposed Lane Designation By-law

PREPARED BY: David Porretta, Manager, Traffic Engineering, ext. 2040

RECOMMENDATION:

- 1) That the report entitled “Proposed Lane Designation By-law”, be received;
- 2) That a new “Lane Designation” By-law be enacted, designating the portions of a public highway for the exclusive use of certain types of vehicles;
- 3) That the VivaNext Rapidway, located on portions of South Town Centre Boulevard and Cedarland Drive, as identified in this report, be designated for the exclusive use of certain types of vehicles as set out in the new Lane Designation By-law;
- 4) That York Region Police be requested to enforce the new By-law upon its passing; and
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report seeks Council approval to enact a new By-law, designating the portions of a public highway for the exclusive use of certain types of vehicles. Further, the VivaNext Rapidway on South Town Centre Boulevard and Cedarland Drive shall be designated for the exclusive use of public transit vehicles, and certain other vehicles set out in the Lane Designation By-law.

BACKGROUND:

The VivaNext Rapidway on South Town Centre Boulevard and Cedarland Drive are designed as dedicated lanes located within the municipal right-of-way and segregated from general purpose traffic lanes (Attachment “A”). Dedicated lanes enable transit buses to move people more freely through congested corridors and provide more reliable and frequent service. Legally designating the portions of a public highway for the exclusive use of certain types of vehicles requires that a By-law be enacted, so that they are legally recognized as such and can be enforced accordingly.

DISCUSSION:

The VivaNext Rapidway on South Town Centre Boulevard and Cedarland Drive is currently not defined through municipal By-law as lanes reserved for the exclusive use of transit vehicles and other authorized vehicles only. Although the transitway is identified through regulatory signs and pavement markings for the use of transit vehicles only, there are no legal restrictions that currently prevent other vehicle classes from using it.

York Region's By-law 2009-23 designates specific lanes on their Regional road network for the exclusive use of certain types of vehicles, including the VivaNext Rapidway on Highway 7. No such By-law currently exists for City streets. To ensure that the VivaNext Rapidway on City streets are operating as intended, staff recommend a similar lane designation By-law be enacted. To ensure consistency and uniformity, the proposed City By-law will align with the general provisions of York Region's lane designation By-law and the Ontario Highway Traffic Act (R.S.O. 1990).

Through the proposed lane designation By-law (see Attachment "B"), staff recommend that the applicable portions of South Town Centre Boulevard and Cedarland Drive be designated for the exclusive use of public transit vehicles. Emergency vehicles that are needed to provide the intended transit service, vehicles maintaining the road or City and public infrastructure and other parties who have received a road occupancy permit from the City are exempt, as noted in the general provisions of the By-law.

In the future, as the VivaNext Rapidway is extended, the By-law will be amended to include the new sections.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations identified within this report align with the strategic focus for a Safe & Sustainable Community, through the ongoing management of the City's transportation network.


BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Services and Clerks Departments has been consulted and their comments been incorporated into this report.

RECOMMENDED BY:



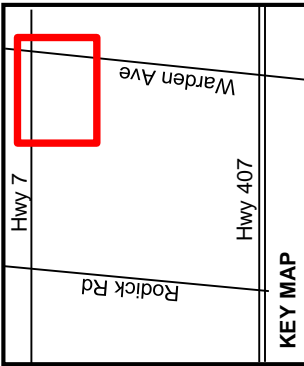
Brian Lee, P.Eng
Director, Engineering



Arvin Prasad, MPA, RPP, MCIP
Commissioner, Development Services

ATTACHMENTS:

Attachment A – Location of Designated Lanes
Attachment B – Proposed By-law Amendment



LEGEND

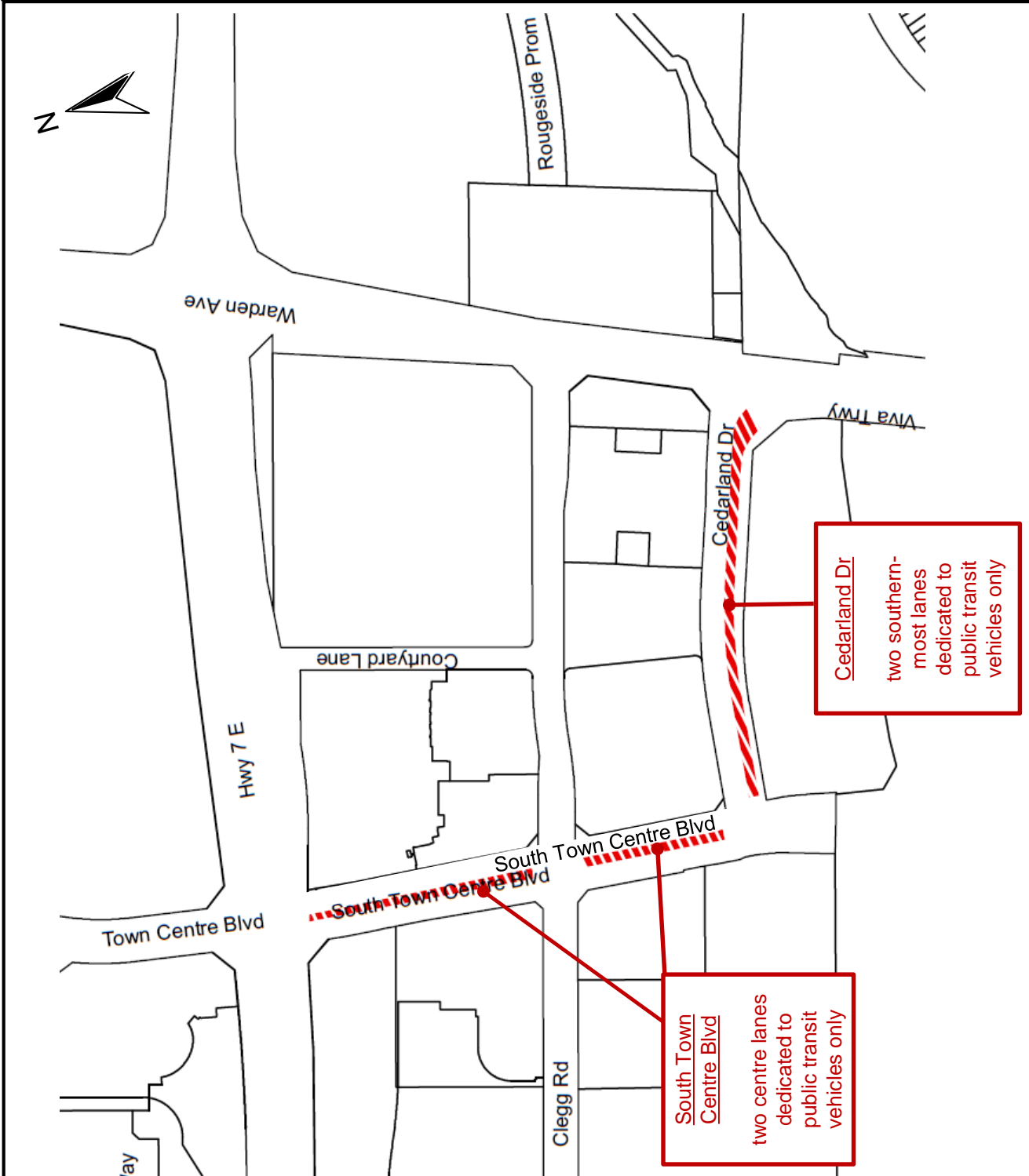
Proposed
Transit Lane
Designation

VivaNext Rapidway

**Proposed Lane
Designation**

Engineering Dept.
September 2018

ATTACHMENT A



CITY OF MARKHAM
ONTARIO



BY-LAW 2018 - ____

**A BY-LAW AUTHORIZING DESIGNATED LANES
IN THE CITY OF MARKHAM**

This By-law is printed under and
by authority of the Council of
the City of Markham

(Schedule/Attachment Included)



By-law 2018 - ____

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. A by-law to designate lanes on City of Markham roads for the exclusive use of certain classes of vehicles.
2. In this by-law,
 - (a) “bicycle” includes a tricycle and unicycle but does not include a motor assisted bicycle as defined under the *Highway Traffic Act* or a power-assisted bicycle as defined under the Motor Vehicle Safety Regulations made under the *Motor Vehicle Safety Act (Canada)*;
 - (b) “motor vehicle” includes an automobile, motorcycle, motor or power-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power; and
 - (c) “vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
3. The portion of the highway set out in Column 1 of Schedule “A” between the limits set out in Column 2 is hereby designated a transit lane for the exclusive use of those vehicles listed in Column 3 during the times set out in Column 4.
4. No person shall operate a vehicle in a transit lane unless:
 - (a) the vehicle is of a class designated in Column 3 of Schedule “A”;
 - (b) the vehicle is a public vehicle or a bus as defined in the *Highway Traffic Act*;
 - (c) the person is operating an emergency vehicle, as defined in section 144 of the *Highway Traffic Act*, in the performance of his or her duties;
 - (d) the person is operating the vehicle in the lawful performance of his or her duties as a transit, municipal enforcement, or police officer;
 - (e) the person is operating a vehicle engaged in road construction or maintenance activities in or near the transit lane;
 - (f) the person is maintaining, repairing or construction City-owned infrastructure at or near the transit lane; or
 - (g) the person has received a road occupancy permit from the City of Markham to operate a vehicle in the transit lane.

5. The portion of the highway set out in Column 1 of Schedule “B” between the limits set out in Column 2 is hereby designated a bicycle lane for the exclusive use of bicycles during the times set out in Column 3.
6. No person shall operate a vehicle in a bicycle lane except for a bicycle.
7. Any person who contravenes any provision of this by-law is guilty of an offence.
8. Every person who is guilty of an offence under this by-law shall be subject to the following penalties:
 - (a) upon a first conviction, to a fine of not less than \$50.00 and not more than \$1,000.00;
 - (b) upon a second or subsequent conviction for an offence under this by-law, to a fine of not less than \$100.00 and not more than \$10,000.00
9. For the purposes of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for an offence under this by-law.
10. Schedules “A” and “B” shall form part of this by-law.
11. The By-Law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____

DAY OF _____, 2018.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE “A” (TRANSIT LANES)

<u>COLUMN 1</u> (Portion of highway)	<u>COLUMN 2</u> (Limits)	<u>COLUMN 3</u> (Vehicle Class)	<u>COLUMN 4</u> (Times or Days)
<p align="center">South Town Centre Boulevard</p> <p>two centre lanes of the highway, as designated by regulatory signs and lane markings</p>	<p align="center">Highway 7 to Cedarland Drive</p>	<p align="center">Public transit vehicles</p>	<p align="center">24 hours, 7 days a week</p>
<p align="center">Cedarland Drive</p> <p>two southern-most lanes of the highway, as designated by regulatory signs and lane markings</p>	<p align="center">South Town Centre Boulevard to Warden Avenue</p>	<p align="center">Public transit vehicles</p>	<p align="center">24 hours, 7 days a week</p>