



Staff Report to Council - for Information

Title: Weight Restriction of Bridges By-Law Enforcement Information

From: Adam Stanley, Director of Transportation and Environmental Services

Date: March 7, 2024

Report Purpose:

This weight restriction of bridges by-law enforcement report is for information.

Report Summary:

Council asked Staff if it were possible to increase the set fines within the Bruce County fees and charges by-law above the set fine amounts contained within the Highway Traffic Act (HTA) R.S.O. 1990, c.H.8, for those disobeying the posted weight restriction of County owned bridges. Staff consulted with representatives of the MTO Enforcement Branch and O.P.P.. It was determined that both agencies could not enforce a set fine in excess of the penalties set out in the HTA. The MTO Enforcement Branch and O.P.P. have worked cooperatively with County Staff to organize an enforcement information blitz on the newly implemented weight restrictions for the Durham Street Bridge. The enforcement blitz event took place on February 28th, 2024.

Background:

At the February 1st, 2024 Council meeting, Council asked Staff if it were possible to increase the set fines within the Bruce County fees and charges by-law above the set fine amounts contained within the Highway Traffic Act (HTA) R.S.O. 1990, c.H.8, for those disobeying the posted weight restriction of County owned bridges.

Staff met virtually with representatives of the Ministry of Transportation (MTO) enforcement branch and the Ontario Provincial Police (O.P.P.) on February 5th, 2024 and asked for some clarification on the matter.

It was explained that the County could increase the set fines for violations of the posted weight limit, however, it could not be enforced by the O.P.P. or MTO because their authorities lie specific to the HTA.

Specifically, Section 123 (2) of the HTA allows the Municipal authority to limit the gross vehicle weight passing over a bridge by by-law. The mechanism for enforcement of this is specific to the regulatory signage, compliant with the Ontario Traffic Manual (OTM) Book 5, and the specified penalties in section 125 of the HTA.

The difficulty of enforcing this weight restriction is that an offending vehicle would need to be weighed by a calibrated scale system to confirm non-conformance. The penalties for infractions are based on the amount of weight that the vehicle is over the limit.

A municipal by-law enforcement officer would not have the legal authority to stop and pull over vehicles crossing the Durham Street Bridge, nor would they have access to the calibrated scales required to confirm non-conformance.

This type of enforcement requires a cooperative effort between the MTO and O.P.P. It was not recommended by their representatives to adjust the County's Fees and Charges By-law to increase the set fines for violations of the HTA.

The MTO Enforcement Branch and O.P.P. have worked cooperatively with County Staff to organize an enforcement information blitz on the newly implemented weight restrictions for the Durham Street Bridge. The blitz included the use of MTO's portable scales and involved officers from both agencies. The enforcement blitz event took place on February 28th, 2024.

Financial/Staffing/Legal/IT Considerations:

There are no financial, staffing, legal or IT considerations.

Interdepartmental Consultation:

The Clerk, through the Office of the CAO, was consulted.

Link to Strategic Goals and Objectives:

Community and Partnerships - Enhance and grow partnerships

Link to Departmental Plan Goals and Objectives, if any:

Not applicable.

Report Author:

Adam Stanley, Director of Transportation and Environmental Services

Approved for Submission:

Sean Morphy, Deputy Chief Administrative Officer