

**MUNICIPALITY OF CHATHAM-KENT  
INFRASTRUCTURE AND ENGINEERING SERVICES  
ENGINEERING AND TRANSPORTATION DIVISION**

**INFORMATION REPORT**

**TO:** Mayor and Members of Council

**FROM:** Stephen Jahns, P.Eng.  
Manager, Infrastructure and Transportation  
Engineering and Transportation Division

**DATE:** August 24, 2008

**SUBJECT:** Timing of Municipal Construction Activities  
Municipality of Chatham-Kent

---

This report is for the information of Council.

**BACKGROUND**

Further to a Notice of Motion from Chatham-Kent Council, Engineering and Transportation Division has received correspondence (Appendix A) related to timing of construction activities and the impact of road closures and lane reductions associated with these construction activities on surrounding businesses. These comments have suggested that businesses surrounding construction activities would be better suited by such activities being undertaken during night-time hours.

Currently, the Municipality of Chatham-Kent adheres to the requirements of Chatham-Kent Municipal By-Law 41-2004 (a by-law to provide for the regulation and prohibition of unusual noises or noises likely to disturb the public and for the prevention of public nuisances), as amended, for all construction projects. These requirements (an excerpt from which is provided in Table 1) prohibit construction activities on Sundays, Statutory Holidays and daily from 11:00 pm through 7:00 am.

| Table 1 - Excerpt from By-Law 41-2004 (Schedule 2 – Prohibitions by Time)        |   |
|--|---|
| 5. The operation of any construction equipment in conjunction with construction. | Monday – Saturday<br>Between 11:00pm and 7:00am – Sunday and<br>Statutory Holidays – at all times |

By-Law 41-2004 does not make a distinction between private construction activities (eg. building activities on private property) or municipal construction activities (eg. road construction activities or municipal bridge construction within the municipal road allowance).

## **COMMENTS**

The correspondence attached in Appendix A is specific to a recent project completed in the Community of Wallaceburg and suggests that construction activities undertaken in the former Town of Wallaceburg could have been completed during night-time hours. Engineering and Transportation Division has confirmed that the assertion is correct, however it should be noted that this only applied to *select maintenance-specific activities* and then only on a *case-by-case basis*. Construction projects have always been completed during the normal course of daily operations for the following reasons:

- noise issues when working outside of the municipal noise by-law requirements;
- availability of contractors, sub-trades and suppliers during off-hours;
- availability of consultant and other retained professionals during off-hours;
- increased logistical issues of coordinating and conducting work during off-hours;
- increased health and safety issues and legislated requirements due to working during off-hours;
- premium wages paid to contractors, sub-trades, consultants and staff for during working off-hours.

The specific example referenced in Appendix A relates to emergency maintenance operations performed on the open steel grate deck of the Lord Selkirk Bridge. During the course of this work, the steel grate deck was re-welded to the supporting steel structure. Closure of the bridge was necessary to facilitate completion of this work as the physical requirements spanned full-width areas of the bridge deck. Furthermore, the geometry of the structure (with exposed bascule girders projecting above the deck surface of the structure) necessitated that all equipment associated with the project be placed within the traveled lanes of the structure. Concerns regarding the adverse impact of vehicle vibrations on the work under construction and worker safety also necessitated that vehicles be completely diverted from the bridge structure. This project required intense interaction between the consultant and the contractor as the extent of the work could only be evaluated and defined by investigating individual panels of the open steel bridge decking to ensure structural integrity of the deck and supporting structure. Discussions with the contractor and consultant indicated that the work would have been significantly longer and much more expensive had this maintenance work been completed during night-time hours.

As a minimum, it is anticipated that labour costs could be at least 50% more during night-time hours. More importantly, and perhaps less easy to estimate for the purposes of this report, maintenance projects completed during night-time hours may also take longer and be more susceptible to delays due to difficulties surrounding coordination, material supply, decreased productivity and other issues. Additional costs associated with illumination (provision, setup and maintenance during the works) and other health and safety related costs can also be anticipated.

It should also be noted some maintenance activities may not be suited to night-time hours. These activities include welding, painting and placement of other coatings as all are dependent upon relative humidity and adversely impacted by dew point.

Proximity to surrounding residential areas should also be considered. During spring and summer seasons, construction equipment can be heard as far as one kilometre away. Consideration should be given to the impact on the greater surrounding area.

### Current Practice

Engineering and Transportation Division endeavors to conduct work in a manner which minimize disruptions to the vehicular traffic and the entire surrounding area while considering cost implications due to achieving same. In many instances, it is physically impossible to maintain and manage traffic through a construction site due to the physical requirements of the project. In other instances, the cost implications and adverse impact on schedule may lengthen the duration of the construction or make it financially prohibitive.

### Public Consultation

Typically, municipal construction activities are conducted in accordance with the Municipal Environmental Association's *Municipal Class Environmental Assessment (Class EA)* document which identifies specific requirements for public consultation regarding construction projects based on value and scope of work. In instances where the *Class EA* does not require public consultation but may impact the immediate surrounding area or the greater community, the Municipality has none the less conducted *Public Information Centres* to obtain public input regarding the impact of the proposed works. Examples of past *Public Information Centres* include those listed in Table 2.

| Contract  | Type of Project       | Date           |
|---|-----------------------|----------------|
| T05-133 – Kent Bridge over Thames River   | Bridge Rehabilitation | December, 2004 |
| T05-134 - Murray Street Bridge over Sydenham River                              | Bridge Rehabilitation | February, 2005 |
| T05-128 - King Street West Reconstruction                                       | Road Reconstruction   | April, 2005    |
| T05-165 - Van Allen Avenue Area Storm Sewer Ph. I and II                        | Road Reconstruction   | August, 2005   |
| T05-134 - Murray Street Bridge over Sydenham River                              | Bridge Rehabilitation | February, 2006 |
| T06-165 - Van Allen Avenue Area Storm Sewer Ph. I and II                        | Road Reconstruction   | April, 2006    |
| T07-176 - Bridge Replacement on Talbot Trail over the East Branch of Two Creeks | Bridge Replacement    | March, 2007    |
| T08-135 – Queens Line over Raleigh Plains Drain                                 | Bridge Rehabilitation | February, 2008 |

*Public Information Centres* allow area residents and operators to provide input and comment on planned projects. Where possible, these comments help to shape the requirements and timing of the contract. Examples include:

| Contract  | Type of Project  |
|---|--|
| T05-133 – Kent Bridge over Thames River   | Construction was phased to maintain traffic during the course of construction.                   |
| T05-134 - Murray Street Bridge over Sydenham River                              | Multiple Meetings held - Timing of project was shifted to accommodate input from area retailers. |
| T07-176 - Bridge Replacement on Talbot Trail over the East Branch of Two Creeks | Construction was phased to maintain traffic during the course of construction.                   |

The correspondence presented in Appendix A, although valid, is not supported by similar items of correspondence or comments from other businesses in the area. No further comments have been received by Engineering and Transportation Division from the numerous area fast food outlets or stores within the County Fair Mall shopping area.

During the course of all maintenance work on the Lord Selkirk Bridge, an alternate posted detour was made available to motorists via the Murray Street Bridge. This detour increased travel to the subject business area by approximately 1km versus direct access via the Lord Selkirk Bridge.

### Moving Forward

The Municipality of Chatham-Kent will continue to follow the requirements of the *Municipal Class Environmental Assessment (Class EA)* document as it pertains to public input requirements. Similarly, the Municipality will continue to hold *Public Information Centres* as they pertain to sizeable construction works which may impact traffic flow and potential consumer patterns in the municipality. Where major construction activities may adversely impact traffic flow and potential consumer patterns, these issues will be addressed and all attempts will be made to mitigate same during the development of such works.

Operational maintenance, such as the work referenced in Appendix A, will continue to be reviewed on a case-by-case basis to ensure minimal impact to area traffic flow and consumer patterns. Detours will always be posted. Advance notice will be provided via the media outlets. In areas such as the Community of Chatham and the Community of Wallaceburg where river crossings play a major role in area transportation patterns, work will be coordinated so as to ensure that adjacent or other construction projects do not have any cumulative impact on one another. Off-hour works will be investigated where possible and where safe.

### **CONSULTATION**

The following members of staff were questioned regarding past practices in the former Town of Wallaceburg:

- Director, Engineering and Transportation

The following members of staff were consulted during the preparation of this report for comment on routine operations within the Municipality of Chatham-Kent:

- Director, Public Works – North
- Director, Public Works – South
- General Manager, Infrastructure and Engineering Services

Contractors were also contacted regarding financial implications related to night-time construction activities.

Prepared by:

Reviewed by:

---

Stephen Jahns, P.Eng., CMM III  
Manager, Infrastructure and Transportation  
Engineering and Transportation Division  
Infrastructure and Engineering Services

---

Gary Northcott, P. Eng.  
Director,  
Engineering and Transportation Division  
Infrastructure and Engineering Services

Reviewed by:

Reviewed by:

---

Leo Denys, P. Eng.  
General Manager  
Infrastructure and Engineering Services

---

C.D. Weldon  
Chief Administrative Officer

Attachments:       Appendix A   Correspondence of July 16, 2008

(RTC:\Infrastructure & Engineering\I&ES\2008\3033-Construction Activities – After Hours.doc)



RECEIVED  
JUL 16 2008  
I & E S

Municipality of Chatham-Kent,  
315 King St., W., PO Box 640,  
Chatham, ON  
N7M 5K8

Dear Stephen:

In response to our conversation of July 10/08, I am writing this letter to request that an exemption be made to the noise bylaw of Chatham-Kent to allow maintenance work to be done on bridges in Wallaceburg between the hours of 10pm and 6 am. When this was the Town of Wallaceburg, that was the situation but now it is done during the normal hours of the working day.

In October the Lord Selkirk Bridge was closed the week before Thanksgiving. I called the local service centre and they were surprised that it was closed on the Monday morning that the work began, but they assured me it would only be four days. As you are aware, that four days turned into 18 or 19 days and I spoke to you at that time about my situation. My sales took a beating during that time because citizens did not want to make the trip to another bridge to come to the store. Until the bridge closed I was ahead a few percent but when the smoke cleared and the year was done, I was behind about one percent. I spoke to other retailers who felt the pinch with the bridge closed. This week it occurred again. I was having a good week, Friday, Saturday, Monday and Tuesday had all beaten last year, some quite substantially. Then the bridge closed and I got smoked on both Wednesday and Thursday.

I believe part of the mandate of the Municipal Council is to aid the businesses in their attempts to reach profitability and be a viable part of the community. Closing bridges during the peak business hours so that the commercial traffic is impeded from freely flowing around the town is contrary to that mandate and counter productive for all the businesses along McNaughton Avenue which, by the way, is the new retail commercial centre of Wallaceburg.

I request your serious consideration in this matter as it may eventually be the final nail in the coffin, so to speak, of some of the businesses that are struggling on McNaughton Avenue in Wallaceburg.

Regards,

A handwritten signature in cursive script that reads 'Gerry Flynn'.

Gerry Flynn,  
Franchisee.