

Motion – October 13, 2020 Regular Meeting of Council
County Road 34 Speed Reduction & School Zone

Background:

In September 2018, a property owner who resides on County Road 34 in the Maidstone Hamlet, located within the Town of Tecumseh, has raised concerns to the County of Essex with regards to speeding and the amount of heavy truck traffic on County Road 34. There has been a number of meetings and correspondence between the property owner and County Staff since the initial concerns were raised.

A final resolution from the County Staff has not been provided to date. The property owner is frustrated with the lack of progress and has now contacted the Town to assist with having their concerns addressed.

A resolution from Tecumseh Council in support of the resident's request may assist in having their concerns addressed. To assist Council in considering a resolution of support, a number of excerpts from the *Highway Traffic Act* and the Essex County Highways Best Management Practices are embedded in the Motion.

Resolution:

Moved by: Deputy Mayor Joe Bachetti
Seconded by:

Whereas County Road 34 in the Town of Tecumseh (from Highway #3 to County Road 19 (Manning Road)) is bounded by a variety of urban uses comprising of residential, commercial and institutional which includes St. Mary's Parish, St. Mary's Park and St. Mary's French Immersion Catholic Elementary School;

And Whereas there are approximately 75 properties with direct access onto County Road 34;

And Whereas this segment of County Road 34 falls completely within the Maidstone Hamlet which is a designated Settlement Area within the Town of Tecumseh's Official Plan and the County of Essex Official Plan;

And Whereas the speed limit on this segment of County Road 34 is 60km/hr;

And Whereas there are limited pedestrian facilities on County Road 34 which creates a conflict between pedestrians walking on the shoulder of the road and motor vehicles travelling at higher rates of speed;

And Whereas the County has deemed that public safety is of special concern and has previously designated County Road 34 from the east limit of Malden Road easterly 500 metres a Community

Safety Zone, as contained in the County of Essex By-Law 26-2002 (being a by-law to regulate traffic and parking on highways within the Essex County road system);

And Whereas Section 5.3(a)(ii) of County of Essex By-Law 26-2002 states that *'the rate of speed shall be 50km/hr on a Highway within a built-up area, unless otherwise posted with an authorized Sign'*;

And Whereas Section 4.13 of Procedure No. ECH-R06-12 (Traffic, Speed Limits) from the Essex County Highways Best Management Practice Manual states *"sections of County Roads that are within a city, town, village, police village, or a built-up area, will have a posted speed limits of 50km/hr unless otherwise posted"*;

And Whereas Section 128(1)(a) of the Highway Traffic Act states *"(1) No person shall drive a motor vehicle at a rate of speed greater than (a) 50 kilometers per hour on a highway within a local municipality or within a built up area;"*;

And Whereas Section 128(2) of the Highway Traffic Act states *"(2) the council of a municipality may, for motor vehicles driven on a highway or portion of a highway under its jurisdiction, by by-law prescribe a rate of speed different from the rate set out in subsection (1) that is not greater than 100 kilometers per hour and may prescribe different rates of speed for different times of day."*;

And Whereas Section 4.1.1 of Procedure No. ECH-R06-11 (Traffic, School Zone Designation) from the Essex County Highways Best Management Practice Manual states *"County Council may, by by-law, designate a portion of a County Road as a School Zone..."*;

And Whereas Section 4.1.2 of Procedure No. ECH-R06-11 (Traffic, School Zone Designation) from the Essex County Highways Best Management Practice Manual states *"County Council may prescribe a rate of speed that is 10 to 20 km/h below the rate of speed already prescribed, to a minimum of 40 km/h."*;

And Whereas Section 128(5)(a) of the Highway Traffic Act states *"(5) The council of a municipality may by by-law, (a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or exit from a school and that is within 150 metres along the highway in either direction beyond the limits of the land used for the purposes of the school"*;

Now Therefore Be It Hereby Resolved:

That the County of Essex be requested to amend the speed limit on County Road 34 from 60 km/hr to 50 km/hr, from Highway #3 to County Road 19 (Manning Road) within the Maidstone Hamlet Settlement Area;

And that the County of Essex be requested to designate a School Zone with a speed limit of 40 km/hr on County Road 34 for the St. Mary's French Immersion Catholic Elementary School in accordance with Procedure No. ECH-R06-11 (Traffic, School Zone Designation) from the Essex County Highways Best Management Practice Manual;

And that this Motion and Background be sent to the Clerk for the County of Essex requesting they be placed on the next regular meeting of County Council's Agenda for consideration.