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UPDATE - NOISE BARRIERS AND HEAVY TRUCK TRAFFIC NINTH LINE, HIGHWAY 407 TO 16TH AVENUE TOWN OF MARKHAM

The Transportation Services Committee recommends:

- 1. Receipt of the communication from Regional Councillor J. Heath, forwarding an email from Sherwood-Amber Glen Ratepayers Association;**
- 2. Adoption of recommendation 1 contained in the following report dated January 24, 2011, from the Commissioner of Transportation Services; and**
- 3. Referral back to staff of recommendation 2, for a report back on truck traffic from Highway 407 to Highway 7.**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council endorse and direct staff to proceed with the design and installation of continuous noise barriers on Ninth Line (Y.R. 69), without gate openings, so as to maximize the effectiveness of the noise barrier system, in accordance with The Regional Municipality of York's 2006 Traffic Noise Mitigation Policy.
2. A truck restriction on Ninth Line (Y.R. 69) between Highway 7 (Y.R. 7) and Highway 407 not be implemented at this time.

2. PURPOSE

This report provides an update on the installation of noise barriers on Ninth Line between Highway 407 and 16th Avenue, presents the advantages and disadvantages of allowing openings in the noise barriers and recommends that gate openings not be permitted because of the significant reduction in effectiveness of the noise barrier system.

In addition, this report responds to a petition from the Sherwood-Amber Glen Ratepayers Association referred by Transportation Services Committee to staff on September 8, 2010. The petition requested the existing heavy truck restriction on Ninth Line, between 16th Avenue and Highway 7 be extended south to Highway 407, and commercial vehicle enforcement be conducted in the area.

3. BACKGROUND

NOISE BARRIERS

York Region's 1995 Traffic Noise Mitigation Policy was updated in 2006 introducing broader eligibility criteria for noise mitigation adjacent to Regional roads

In March 2006, the Region updated its policy for traffic noise mitigation in accordance with Report No. 3 Clause 5 of the Transportation and Works Committee of March 23, 2006: York Region Traffic Noise Mitigation Policy for Regional Roads. This policy replaced the existing 1995 Regional Noise Policy.

As part of the policy update, any road widening projects constructed in 2006 or prior are exempt from the requirements of the new policy. Any projects scheduled for tender in 2007 and beyond are to be subject to the new policy.

Road widening projects tendered in 2006 were designed and constructed in accordance with the old policy; however following construction, staff were to undertake a traffic noise assessment in accordance with the new policy. In the event the recommendations from this application of the new policy differed from those under the old policy, the Region would implement the new recommendations as part of a subsequent contract.

In 1999, a Class Environmental Assessment was completed for Ninth Line from Highway 407 to Main Street (Stouffville) and construction was completed in 2008

In 1999, a Class Environmental Assessment (EA) Study was completed for Ninth Line from Highway 407 to Main Street (Stouffville). As part of this work, a noise analysis was undertaken, and the findings indicated noise mitigation measures were not warranted under the 1995 Policy at any locations within the study limits.

In accordance with the 2006 Traffic Noise Mitigation Policy, the section of Ninth Line between Highway 407 and 16th Avenue required further assessment to determine if noise mitigation is warranted

The section of Ninth Line between Highway 407 and Sixteenth Avenue was identified as a location requiring further assessment to determine if noise mitigation is warranted.

Accordingly, in 2009, AECOM (formerly Totten Sims Hubicki Associates) was retained to assist the Region in conducting traffic noise assessments along Ninth Line and prepare the detailed design for the recommended mitigation measures.

Detailed analysis concluded that noise barriers are warranted and would be effective adjacent to all rear lot properties along the west side of Ninth Line between Highway 407 and 16th Avenue

Throughout 2009, the project team completed the detailed field work and technical analysis. This work has identified the need for the installation of noise mitigation in the form of barriers along the west side of Ninth Line adjacent to all rear lot properties.

In accordance with the 2006 Traffic Noise Mitigation policy, the noise barriers shall be located at the outer edge of the Region's right-of-way, entirely within the Region's property. The barriers will be Regional assets and funding for the design, construction and long-term maintenance will be the Region's responsibility.

HEAVY TRUCK TRAFFIC

On October 26, 2000, Regional Council implemented a truck restriction on Ninth Line between Highway 7 and 16th Avenue

At the meeting of Regional Council on October 26, 2000, a report titled "*Truck Restrictions on Regional Roads*" was adopted with amendments. This report did not support the implementation of truck restrictions on certain roads on the Regional road network; however, it was amended by Regional Council to include a truck ban on Ninth Line between Highway 7 and 16th Avenue. As a result, a full time truck prohibition was implemented on this road and has been in effect since November of 2000 (*see Attachment 1*).

On September 21, 2006, Regional Council adopted a recommendation not to restrict heavy trucks on Ninth Line between Highway 7 and Highway 407

At the meeting of Regional Council on September 21, 2006, a report entitled "Truck Restrictions on Ninth Line" was adopted. This report did not support the implementation of truck restrictions on Ninth Line between Highway 7 and Highway 407, in the Town of Markham.

Regional Council has also previously approved the placement of "Alternate Truck Route" signs in two areas to provide truck drivers with an alternate route around sensitive areas. Although these alternate routes may reduce truck traffic in these areas, these signs are not enforceable and are provided to encourage truck drivers to avoid areas where complaints pertaining to truck traffic have been documented.

4. ANALYSIS AND OPTIONS

NOISE BARRIERS

Implementation of the noise barriers on Ninth Line is currently in detailed design and scheduled for construction in 2011

Detailed design for noise barriers on Ninth Line is well underway and is approximately 90% complete. The current schedule is as follows:

- Complete detailed design – January 2011 to March 2011
- Tender – March 2011
- Construction start – May 2011
- Construction finish – November 2011

Consultations with the Town of Markham and benefiting residents will continue throughout the detailed design and construction phase of the noise barrier implementation

York Region staff will continue to communicate closely with Town of Markham elected officials, Town of Markham staff and the residents who will be benefiting from the installation of a noise barrier.

York Region staff will meet with Town of Markham staff in March 2011 to review the final design details and resolve outstanding concerns, if any. Following this, York Region staff would be pleased to present the project to Markham Town Council at their convenience.

In addition, York Region staff will continue to liaise extensively with the benefiting residents throughout the balance of the detailed design and during construction.

At the July 8, 2010, workshop with the benefiting residents, residents who have existing rear-lot gate access to 9th Line stated they would like to have gates in the noise barrier to maintain this convenience

A workshop was held for benefiting residents on July 8, 2010. The purpose of the workshop was to further engage residents and discuss the project status, design details and answer questions and concerns.

During the workshop 18 out of 110 of the benefiting residents expressed concern that with the installation of the noise barrier, their rear-lot gate access to Ninth Line would be removed. These residents stated that they would like to maintain this convenience and have a gate in the proposed noise barrier.

During the workshop it was communicated to the attendees that gate openings were not recommended. Generally, where rear lots abut Regional roads, the Region does not permit, or design for rear-lot accesses. This practice minimizes the number of private access points to maximize safety and reduce operational conflicts.

The project team has completed a comprehensive review of the benefits and challenges of providing openings in noise barriers

York Region's project team has completed a comprehensive review of the benefits and challenges of providing openings in the continuous noise barrier system.

Some of the issues considered as part of this review included:

- Effectiveness of the noise barrier system with gate openings
- Constructability of a noise barrier with a gate opening
- Provision of gate openings in noise barriers elsewhere in York Region and adjacent municipalities
- Mobility/access benefits resulting from gate openings in noise barriers
- Incremental liability associated with direct access between rear lot residential properties and Ninth Line

The benefits associated with inclusion of gate openings in noise barriers are increased mobility and access and positively responds to resident's requests

York Region currently has initiatives of promoting other modes of travel to reduce vehicular traffic on the roads.

By allowing direct access from private backyards onto Ninth Line, pedestrian traffic travelling to/from work such as the hospital complex, recreation to the parks, and other facilities in the vicinity of the Ninth Line community could be promoted. Residents could also have more direct access to transit stops along Ninth Line thereby promoting the use of transit.

Allowing gates in noise fence barriers would also meet the desires of a number of residents.

Allowing openings in the barriers reduces the effectiveness of the intended noise mitigation and, York Region would assume additional costs and potential liabilities by granting the opening(s)

The most significant challenge or impact associated with providing openings in the noise barrier system is the reduction in the effectiveness of the system. In order to achieve the effective noise reduction of 6 dBA, based on the noise barrier design criteria, the noise

barrier should not have any openings or gaps. When an opening is created as part of the noise barrier, the ability to reduce traffic noise levels is compromised.

The reduced effectiveness cannot be quantified however reduction in effectiveness will be experienced at both the residence with the opening and at adjacent homes, thereby reducing or negating the benefit of the continuous noise barrier system.

Current access to Ninth Line are not legal accesses. Presently, there is a legal 0.3 m reserve buffer between the private property and the Region's right-of-way. The purpose of this legal reserve is to restrict direct access from private property directly onto the Region's road allowance. Although some residents currently have gate directly accessing Ninth Line, they have not been approved by York Region.

In order to grant such accesses, York Region would have to legally remove the 0.3m reserve. Furthermore, by doing so, York Region will assume liability for any injuries and damages associated with the use of such accesses be it by pedestrians, bicycle users, or these residents choosing to use these accesses for striate of their recreational vehicles in backyards. While the Region could attempt to transfer such increased risks to the homeowners through additional legal agreements, this would introduce significant administrative effort for both parties with questionable future result.

Construction, maintenance and future replacements of such gates would be significant.

In addition to the construction cost of the gate, there will also be added maintenance requirements to ensure the gate will function properly, including all hinges and locking mechanism. As a result, additional maintenance costs associated with the gate will be necessary.

HEAVY TRUCK TRAFFIC

Ninth Line between Highway 407 and 16th Avenue experiences approximately one truck every two minutes

Ninth Line provides an important link in the Regional road system. This road section provides access to the Markham-Stouffville Hospital, residential neighbourhoods and a direct connection to Highway 407.

The annual average daily traffic on Ninth Line south of Highway 7 is approximately 18,400 vehicles per day. A truck count was conducted on Ninth Line between Highway 407 and 16th Avenue on September 29, 2010, between the hours of 6:00 a.m. and 7:00 p.m. The count identified approximately 400 trucks or one truck every two minutes travelling throughout the study area. In addition, Ninth Line south of Highway 7 experiences comparable heavy truck traffic in comparison to Ninth Line north of Highway 7, which has an all-day truck restriction in effect.

As a result of the redevelopment project at the Markham-Stouffville Hospital, truck traffic is expected to increase. Trucks are anticipated on Ninth Line between Highway 7 and Highway 407 to deliver goods to and from Markham-Stouffville Hospital during the construction period.

York Regional Police routinely enforce the “No Heavy Truck” restriction on Ninth Line between Highway 7 and 16th Avenue

The York Regional Police, Commercial Motor Vehicle Safety Unit, has identified Ninth Line between Highway 7 and 16th Avenue as a complaint area by local residents and therefore, enforcement of the truck restriction and vehicle fitness inspections of trucks are conducted on a routine basis. In addition, York Regional Police indicate the majority of trucks are of the delivery type and are not local to the area.

The completion of the Donald Cousens Parkway extension will provide a preferred route for heavy truck traffic

Donald Cousens Parkway is a bypass arterial route in the Town of Markham which has been opened to traffic since 2006. This road is intended to relieve north-south traffic congestion on Ninth Line and Markham Road, with signage suggesting that drivers use Donald Cousens Parkway as alternate route. However, the section of Donald Cousens Parkway south of Highway 407 is currently under construction and the road section north of Steeles Avenue is projected to be completed by 2014.

Development of this area has been ongoing for a number of years. The concerns related to truck traffic can be partially attributed to the overall development in the area. As well, the recent construction of Donald Cousens Parkway has provided an alternate route between Highway 407 and Highway 48 for all types of vehicles travelling in a north-south direction. This route has been signed on Regional roads as a preferred truck route.

In consideration of the above information, a heavy truck restriction is not recommended on Ninth Line between Highway 7 and Highway 407 at this time.

5. FINANCIAL IMPLICATIONS

Due to the poor soil condition along Ninth Line and the requirements to meet the current Canadian Highway Bridge Design Code for the noise barrier, the estimated incremental construction cost for each gate is approximately \$5,000. There are 18 gates currently being requested.

The installation of the noise barrier will cost, on average, approximately \$22,500 per property. If a gate were to be provided, this would represent an increase in the cost of the noise barrier, at properties receiving a gate, of approximately 22%.

6. LOCAL MUNICIPAL IMPACT

Installation of the noise barrier will have a positive benefit to residents and improve the landscape of the Ninth Line corridor

Installation of the noise barrier will reduce the level of traffic noise and its impacts for benefiting residents. This will improve their enjoyment of their backyard living areas.

Installation of the noise barrier will also improve the aesthetics and landscape of the Ninth Line corridor. Presently the fencing along the west side of the roadway is a mix of wood and steel fences and vegetative screening. The noise barrier installation will create uniformity and consistency along the corridor. The wood fence will also compliment the existing vegetation and trees.

Installation of openings in the noise barrier has been informally supported by the Town of Markham

In July 2010, it was indicated to residents by the Town of Markham that gate openings should be permitted, subject to possible construction and maintenance costs being borne by the residents, and a signed waiver from the residents that they are accepting the diminished effectiveness of the noise barrier with the gate opening.

7. CONCLUSION

In order to maximize the effectiveness of the noise barrier system to all benefiting residents, the safety and security of residents adjacent to Ninth Line and to minimize the incremental cost and to York Region, the noise barrier should be constructed as a continuous system, without openings.

Regional staff initiated a review of the existing truck restriction on Ninth Line between 16th Avenue and Highway 407 on a request from the Sherwood-Amber Glen Ratepayers Association. It is recommended that a truck restriction on Ninth Line between Highway 7 and Highway 407 not be implemented at this time.

For more information on this report, please contact Paul Jankowski, General Manager, Roads at Ext. 5901.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

From: Heath, Jack
Sent: Tuesday, February 01, 2011 6:31 PM
To: Sherwood-Amber Glen Ratepayers Association; Kelly, Denis
Cc: Regional Councillor Gordon Landon Markham; Regional Councillor Jim Jones Markham; Fisch, Bill; Scarpitti, Frank; Li, Joe
Subject: RE: Ninth Line Truck ban extension

Denis Kelly, Clerk, York Region: can you please table this as correspondence for Transportation tomorrow. Thanks.

Jack Heath

Deputy Mayor of Markham & York Region Councillor
Chair, York Region Community & Health Services Committee
905-415-7506 Cell 416-464-5517
jheath@markham.ca

From: Sherwood-Amber Glen Ratepayers Association
Sent: February 1, 2011 6:05 PM
To: Landon, Gord; Jones, Jim; Heath, Jack
Cc: Campbell, Colin; Li, Joe; Bob Baird; Alex (Sandy) Jenkins; Dan McGarry; Norm Pemberton
Subject: Ninth Line Truck ban extension

Gentlemen,

There is a fairly good likelihood that, owing to weather conditions, I will not be in attendance at tomorrow's Regional Transportation Committee meeting to present our case to over turn York Region staff recommendation **NOT** to extend the Ninth Line truck ban south of Highway 7 to the 407.

While I applaud Regional staff for listening to our concerns and for taking the time to develop, and share, their decision, I find their argument severely flawed in it's conclusion. Without going into too much detail I will list their main arguments and my rebuttals;

- p 3. Sept. 2006 Regional Council decision NOT to extend the existing ban
- **I can see the rationale behind this decision as this was the only access to the 407 at the time so traffic on the DCP had no access to the 407. HOWEVER, the interchange at the DCP and the 407 is now open allowing traffic to move northbound from east/west 407 and east & westbound from southbound 407.**
- p 6. Traffic study concluded by the Region on Sept. 26, 2010 stated that there was one truck every two minutes (400 trucks) between 16th & 7 and **CONCLUDED** that the **traffic south of Hwy 7 was COMPARABLE.**
- **This tells me is that the truck traffic is travelling from 16th to the 407 and ignoring the ban. Why can the residents north of Hwy 7 have a ban and our residents cannot? Especially since the new DCP/407 interchange changes the entire rationale no truck ban south of Hwy. 7.**
- p. 6 Anticipated increase in MSH related traffic.

- This is a separate one-time issue and is being addressed as such in on-going discussions with MSH. There are always temporary exemptions to the ban available.
- p 7. YRP routinely enforce the existing truck ban,
- In conversations I've had with various members of YRP, routinely is not the word they would use. Please provide us with stats as to times and number of infractions as we've requested in the past.
- p 7. The second paragraph on this page clearly states the intention of the creation of the DCP was "intended to relieve north-south traffic congestion on Ninth Line and Markham Road". They then go on to say that due to the incomplete extension of the DCP to 14th, Ninth Line will be needed as access to projects in Box Grove and beyond.
- I looked at a map of the Box Grove area and everything east of the railway tracks is Bob Hunter/Rouge Park and, based on personal experience, I'd estimate that 95% of Box Grove is now built out. I would also challenge their assumption that truck traffic is proceeding to Steeles and ask one pertinent question....did they do a traffic count between the 407 and Steeles (doubtful) but if so, what was the count?

I believe that the intention of the original truck ban between 16th and Hwy 7 was to encourage trucks to use the DCP and that Ninth Line south of Hwy 7 was left as 407 access. Since 2006 this situation has changed and if we want everyone, but especially trucks, to use the DCP as it was intended then the ban must be extended to the 407. This 'closing of the gap' will encourage trucks to use the DCP for the purpose it was built and have the added benefit of reducing truck traffic in between 16th and Hwy 7 where they are currently ignoring the existing ban.

There is a positive aspect to this for the trucking community as well; there are NINE traffic signals between the 407 and the DCP where it crosses Ninth Line whereas there are only FOUR on the DCP in that same distance. The distance between Ninth Line and the DCP on the 407 is 2 km, and, at a maximum charge of \$.68/km this is \$1.36 per trip. My guess is that this would be easily saved by eliminating the stop/start of the nine traffic signals and the resulting wear and tear on the vehicles, not to mention the time saved.

In conclusion I can only ask that you consider these points and that, having done so, you will champion our desire to see the right thing done for our residents and recommend that before this goes to Regional Council for a vote, the staff recommendations be challenged.

Thank you for your support.

Gord Walter,
President

Sherwood Amber-Glen Ratepayers Association

sherwoodamberglen@gmail.com

<http://sites.google.com/a/sherwood-amberglen.com/www/home>

Working for you & the community

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SHERWOOD-AMBER GLEN RATEPAYERS ASSOCIATION
Working on behalf of our residents & our neighbours north of Hwy. 7

Petition to Region of York and Town of Markham

Attached is a summary of 115 signatures representing the views of residents who back lot onto Ninth line from Delmark to 16th Avenue. These signatures were collected from 121 affected households.

We, the undersigned residents adjoining Ninth Line, having the right to peaceful enjoyment of our property, hereby request the Region of York to immediately:

- 1. Extend the current truck ban on Ninth Line from 16th Avenue to Highway 7, to include the section south of Highway 7 to the 407.*
- 2. Empower York Regional Police and the Regional Traffic Watch Committee to begin immediate enforcement of the existing ban and enforcement of the extended truck ban once approved.*

Rationale:

With the widening of Ninth Line and the substantial increase in traffic volume over the last several years, the residents have been subjected to increasing noise pollution, which adversely impacts their right to peaceful enjoyment of their property. The noise mitigation barrier which the Region is proposing will help in reducing the noise that these residents are experiencing on a daily basis, but the largest contributor to this noise pollution is truck traffic, particularly when engine retarder brakes are used. The barrier and enforcement of the truck ban should help to alleviate this situation.

We urge both administrations to give careful consideration to our requests, and we look forward to a positive response.

Gord Walter
President
Sherwood – Amber Glen Ratepayers Association
9 Radford Crescent, Markham, L3P 4A2
sherwoodamberglen@gmail.com
905.471.4323

Sherwood Amber-Glen Ratepayers Association

Dear Friends

9th Line Noise Mitigation

Sherwood Amber-Glen Ratepayers Association represents residents of an area south of Hwy 7, to the west of 9th line, including those whose properties back on to 9th line.

We, along with our Ward 5 Councillor, John Webster, Deputy Mayor, Jack Heath and Regional Councillor, Gord Landon have been working for years to resolve the following issues.

As became abundantly clear at the recent meeting with Regional and Town representatives regarding noise barriers on 9th line which will extend from 16th Ave. to Delmark, we are all faced with the same issue – **noise, and particularly truck noise, on 9th line.** All of which is the result of the Region's decision to widen a clearly residential street into becoming the de facto Markham By Pass.

The noise barriers that the Region is proposing will certainly help in mitigating the noise that we are experiencing on a day to day basis, but, as we have always maintained, the largest contributor to that noise is truck traffic.

Some years ago, a truck ban was imposed on 9th line from Hwy 7 north to the Don Cousens Parkway (DCP), but as we know, enforcement has been nonexistent, and even the signs have disappeared following 9th line widening. South of Hwy 7 there is no such ban, and our members are subject to constant infringement of their right to quiet enjoyment of their property by the daily impact of trucks and their use of engine retarder brakes. Extending the truck ban south of Hwy. 7 to the 407, and enforcing the ban from 16th to the 407, will increase the likelihood that trucks will give up using 9th line and start using the By Pass as was the original intention.

There's more to come

- York Region plans to widen 9th line from Major Mackenzie to Stouffville with a projected start in Spring 2011, therefore we can expect even more traffic adding to the existing noise levels we face daily.
- The extension of the Don Cousens Parkway at the north end and the plans to discourage traffic on Main Street Markham will direct southbound Hwy 48 traffic to the DCP. When that traffic hits 9th line, its natural path will be to take a right turn down 9th line rather than continuing on the DCP.

For these reasons, we believe the time is right to marshal our forces, and tell the Region that "Enough is Enough". We are not against progress, and understand that our area is growing. However, we must tell them that we will not tolerate trucks and their associated noise on 9th line.

We therefore ask you to join us in completing a petition to the Region of York which asserts that:

We the undersigned are concerned with the effect that noise from truck traffic on Ninth Line, in contravention to the existing truck ban AND the lack of a similar ban south of Highway 7 is having on the quiet enjoyment of our properties.

We therefore request that Region of York in concert with the Town of Markham and York Regional Police;

- Enforce existing truck ban on Ninth Line from 16th Avenue to Highway 7, and
- Immediately extend said truck ban south from Highway 7 to the 407.

Name: _____

Address: _____

Signature: _____

Please sign & return this by post to: Sherwood Amber-Glen Ratepayers Association
88 Senator Reesor's Drive, Markham, ON. L3P 3E5

OR by email to: sherwoodamberglen@gmail.com

PLEASE RETURN BEFORE AUGUST 15TH

