

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf.           **25 21-97-1602**  
Your File/V/Réf.

DATE                       18 March 1997

TO/DEST.                 Co-ordinator Transportation Committee

FROM/EXP.               Director Mobility Services and Corporate Fleet Services  
Environment and Transportation Department

SUBJECT/OBJET         **COURIER DROP BOXES**

### **DEPARTMENTAL RECOMMENDATIONS**

**That the Transportation Committee recommend Council approve:**

- 1.       The placement and operation of courier drop boxes on Regional roads be permitted;**
- 2.       Amendments to Part 2.10 of the Regional Regulatory Code as required to implement the above.**

### **BACKGROUND**

United Parcel Service (UPS) has requested that the RMOC permit them to "place Express Centres (boxes) on Regional roads". The request was made after UPS drop boxes were observed on the Regional road allowance and after their prompt removal was requested by Regional staff.

This report was held in abeyance pending completion of the Department's newspaper vending box policy review. The Transportation Committee considered a report on the aforementioned subject on 5 June 1996 and Council subsequently approved the staff recommendation to expand the Department's historical definition of a newspaper vending box to include boxes that distribute news in a "non-traditional" fashion.

When the Transportation Committee considered the report on newspaper vending boxes on 5 June 1996, the motion "That a report be prepared for Transportation Committee to come back in one year updating the issue of newspaper vending boxes to include location, numbers, appearance, securing of boxes, safety (sharp corners, etc.) and sight lines" was made. This review, where appropriate, will include courier drop boxes.

## DISCUSSION

Staff find valid reason to grant the request by UPS and, in so doing, extend to all courier companies the opportunity to conduct an on-road operation. Staff also find valid reason to restrict the placement of the courier drop boxes to those Regional roads in the high demand/need area and therefore permit them only in areas zoned "commercial" or "industrial". And within these permitted areas, the placement of courier drop boxes is to be further restricted to hard surfaces.

Courier drop boxes are similar to both publication distribution boxes and Canada Post mail boxes in size and shape. They differ though in terms of the service that is provided. Newspaper vending boxes and Canada Post mail boxes are geared towards use by the general public, whereas courier drop boxes are predominantly for use by the business community.

There are two types of boxes that many of the larger courier companies use. One type is the kind that any member of the general public can use at any time. This type is the one that staff have called "courier drop box" and the one being recommended to be allowed on Regional roads. The other type is the kind that is permanently locked and is therefore not intended for use by the general public. This type, which we will call "courier lock box", is intended to afford businesses and organizations who regularly use a courier service the luxury of not having to call a courier company every time a package needs to be delivered.

As this latter type is meant for private and restricted use and does not directly benefit the general public, these boxes should be placed on private property and not be allowed on Regional roads.

## SURVEY OF OTHER CITIES

A telephone survey of 23 Canadian cities and five Regional municipalities in Ontario was conducted to determine how others deal with the issue of courier drop boxes situated on public property (a list of contacts and comments is on file). Staff in 24 cities/municipalities could not assist.

Of the four that were able to assist, none have written policies or by-laws dealing specifically with courier drop boxes, although City of Mississauga staff are reviewing the issue. The City of Vancouver has a general by-law that, like the City of Toronto, strictly prohibits profit-making structures of this type on their road allowances. The City of Kitchener, on the other hand, allows both courier drop boxes and courier lock boxes on road allowances by "mutual agreement" and does not issue permits, assess fees nor compel courier companies to secure liability insurance and name the City of Kitchener as a co-insured.

## LOCATION REGULATIONS

As it is proposed that the same rules that currently regulate the placement of newspaper vending boxes on Regional roads also apply to courier drop boxes, added hindrance to pedestrians should not occur. In keeping with our commitment to providing safe, efficient and unencumbered passageways for pedestrians, only space that is not needed for the passage of pedestrians will be considered potential lease space for courier companies. Further to this end, a base dimensional maximum of 68.6 cm by 68.6 cm (2.25 ft by 2.25 ft) is recommended and will be strictly enforced.

Cyclists and motorists will also not be adversely affected by having courier drop boxes situated on Regional roads. As drivers of vehicles employed by the newspaper industry are subject to stopping prohibitions when stocking newspaper vending boxes, so too are drivers of vehicles employed by courier companies when picking up contents of courier drop boxes. And, if stopping prohibitions at a particular location are habitually ignored, the permit holder will be requested to relocate that box.

Additionally, as per current Departmental policy, if a complaint is lodged, staff will investigate and take appropriate action to ensure that there is no negative impact on pedestrians, cyclists or motorists.

### PERMIT FEE

Upon completion of a field survey, it was determined that the base dimensions of the vast majority of courier drop boxes ranged from approximately 61 cm by 61 cm (2 ft by 2 ft) to 68.6 cm by 68.6 cm (2.25 ft by 2.25 ft). The smaller of the examples was chosen for purposes of permit fee calculation.

Also in terms of permit fee calculation, courier drop boxes are assigned the usual temporary encroachment fee of \$0.85 per square metre per day for the space occupied. Therefore, an annual flat rate permit fee of \$115.00 per courier drop box is recommended.

### BY-LAW AMENDMENTS

Part 2.10 of the Regional Regulatory Code will be revised to reflect the recommendation to allow the placement and operation of courier drop boxes on Regional roads.

### FINANCIAL IMPLICATION

It is doubtful that courier companies will choose to locate many boxes on the road allowance. Hence, it is anticipated that minimal revenue will be generated as a result of the approval of these recommendations.

Staff administration and inspection costs are adequately covered by the proposed permit fee. If it becomes necessary to remove a box for non-compliance, there is provision in the proposed regulations for cost recovery.

### CONSULTATION

A first draft of this report was circulated to all courier companies who have courier drop boxes as part of their operation. These include Purolator, UPS, Federal Express, Priority and Express Airborne. Comments were received from Purolator and UPS.

The draft report was also circulated to the Transportation Environment Action Plan Community Advisory Group (TEAP/CAG), Ottawalk, the Ottawa Pedestrian Citizens Committee, the Canadian National Institute for the Blind and all members of Regional Council. Comments were submitted jointly by TEAP/CAG and Ottawalk.

The comments by Purolator and UPS that the Department could not agree to are noted below.

Purolator suggested an addition to the proposed waiver clause which affords the RMOC complete and unconditional indemnity. This is a standard Statement of Indemnification that must be signed by all parties using/occupying a part of the road allowance. The suggested amendment would compromise its unconditionality and is therefore not recommended.

UPS would like assurance that all courier companies are to be subject to the proposed terms and conditions set out in the draft report. The Department recognizes that all courier companies provide essentially the same service, including Priority Courier which is owned by Canada Post. However, the RMOC Legal Department has advised that because Priority is part of Canada Post and there is no legislative differentiation between carriers of regular mail and others in the Canada Post Corporation Act or the Mail Receptacles Regulations, Priority is entitled to the same privileges with respect to its use of the road allowance as is Canada Post.

The comments by TEAP/CAG and Ottawalk are attached as Annex A. The Department's responses are listed in the order that the comments are presented.

1. For many reasons, the original draft report was written some time ago and is therefore outdated. Since the writing of the original report, courier drop boxes have been removed from the Regional road allowance. The section titled "Background" has therefore been revised accordingly.

As for the placement of courier drop boxes on City of Ottawa streets, City staff have advised that this issue will be addressed in the future.

2. The placement of courier drop boxes on the road allowance will not result in "additional sidewalk obstructions and constraints to pedestrian circulation". They will be in line with existing street furniture and will not impinge upon the travelled portion of the sidewalk.

As a partner of the Central Area Transportation Strategy who shares a "Common Vision for transportation in Ottawa's central area", the RMOC is committed to ensuring that pedestrians have a "pleasant and functional environment" with safe, efficient and unencumbered passageways.

3. Since the writing of the original draft report, it is the opinion of staff that the placement of courier drop boxes should be restricted to those Regional roads in the high demand/need area and therefore permitted only in areas zoned "commercial" or "industrial". It is also the opinion of staff that the placement of courier drop boxes should be further restricted within these permitted areas to hard surfaces.
4. Schedule B of Part 2.10 of the Regional Regulatory Code demonstrates how the concept of effective sidewalk width is applied and that, at minimum, an effective sidewalk width of 1.5 metres, plus appropriate obstruction clearances, is to be left at all times.
5. It is staff's opinion that it is not necessary to set a maximum limit on the number of potential courier drop box locations. This will be determined by demand and the number of appropriate

and available locations. If at anytime in the future this becomes a problem, staff will report back to Committee on potential solutions.

6. Staff will respond to all complaints and if it is determined that a courier drop box is placed on the road allowance contrary to any of the provisions of the by-law, it will be removed at the owner's expense as per subsection 2.10.22(6).
7. Drivers of vehicles employed by the courier industry are subject to the provisions of the Traffic and Parking By-law when picking up contents of courier drop boxes. If stopping prohibitions at a particular location are habitually ignored, the permit holder will be requested to relocate that box.

A revised copy of this draft report was circulated to all those who were given an opportunity to comment on the first draft, as well as OC Transpo and representatives of the newspaper industry.

Essentially, the main comment submitted was expressed by the Ward Councillor: "there must be an effective ticketing and removal system for responding to public complaints regarding sidewalk obstructions resulting from courier boxes".

The Department's ability to remove a box and recover expenses either due to non-compliance or a safety/transportation conflict is made clear by revising subsection 2.10.22(6) in the proposed general Permit Requirements/Conditions section. In terms of a more severe penalty for repeat or habitual violators, there is provision already in place. Section 2.10.46 of the Regional Regulatory Code specifies that "Any person who contravenes any provisions of this part of the Code is guilty of an offence and on conviction is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs".

The comment submitted by OC Transpo was a request to change the reference made to "bus stop" in proposed paragraph 2.10.22(9)(c) to "bus stop area". This is to reflect that the whole area is the stop and not just where the bus stop sign is located. The above-noted provision is revised accordingly.

The comment submitted by UPS was a reaffirmation of their opposition to Priority Courier's exclusion from the proposed requirements/regulations.

## CONCLUSION

Subject to the same terms and conditions that apply to publication distribution boxes (recognizing the few noted exceptions), staff are of the opinion that the placement and operation of courier drop boxes on Regional roads in non-residential areas should be permitted. This requires amendments to Part 2.10 of the Regional Regulatory Code.

*Approved by  
Doug Brousseau*

**TEAP and OTTAWALK Comments re:****Proposal to Licence Placement and Operation of Courier Drop Boxes on Regional Roads**

Quote:

"1. Comments on Background: It is inappropriate to use legitimization of a practice which is currently illegal (unlicensed use of RMOC rights-of-way) as rationale for approval. Further it should be noted that the City of Ottawa has deferred proposed amendments to its 'Streets By-law', specifically to consider the matter of pedestrian obstruction. Therefore it is inaccurate to state that the Region will simply be moving into conformity with Ottawa.

2. TEAP and OTTAWALK do not support any amendments to the Regional Regulatory Code which will result in additional sidewalk obstructions and constraints to pedestrian circulation. Sidewalk clutter, sandwich board signs, vendors, utilities, vehicular intrusions and conflicts, and the leasing of the public right-of-way for this kind box further degrade the pedestrian environment. This has a negative impact on all pedestrians, but is especially difficult for the mobility and sight-impaired.

3. It is assumed that most of the proposed locations would be within the Central Area, where sidewalk width is already substandard, and many pedestrian obstructions are now in place.

4. If approved, we wish to see strict conditions set on the courier drop-off box locations which would ensure that a minimum pedestrian circulation radius of 1.5 metres is always maintained. This minimum should be stipulated in the 'Permit Requirements/Conditions'. It is insufficient to leave the matter of 'pedestrian obstruction' to subjective analysis. Performance standards are required.

5. If approved we wish to see a maximum limit set on the number of drop-off box locations to be licenced.

6. If approved, we wish to see an effective mechanism for responding to public complaints regarding obstructions.

7. There are concerns regarding pick-up and emptying of the boxes. Many of these boxes are emptied at the end of the business day, and it is likely that these pick-up vehicles will have to stop in curb-lanes (where they will obstruct vehicular flow), or worse: they will pull up onto the sidewalk, where they will obstruct pedestrian flow."

**PLEASE CITE THESE COMMENTS IN THE REPORT, IN THEIR ENTIRETY.**

**STAFF COMMENT:**

These comments were submitted by Ottawalk and the TEAP Community Advisory Group (not the Department's former TEAP staff).

Therefore, all references to TEAP on this page should correctly specify TEAP/CAG.