

<b>TO:</b>	<b>CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON AUGUST 13, 2018</b>
<b>FROM:</b>	<b>KELLY SCHERR, P.ENG, MBA, FEC MANAGING DIRECTOR OF ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>
<b>SUBJECT:</b>	<b>PROVINCIAL MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS – AMENDMENTS 2018</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director of Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the Provincial Minimum Maintenance Standards for Municipal Highways:

- a) the *Municipal Act, 2001*, O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways **BE ADOPTED** as the City of London’s Minimum Maintenance Standards for Highways;
- b) the City of London’s Quality Standard for Sidewalk Winter Maintenance and Maintenance Guideline for Sidewalks **BE REPLACED** with the *Municipal Act, 2001*, O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways Municipal;
- c) the Civic Administration **BE DIRECTED** to bring forward a business case for consideration as part for the 2019 budget process with respect to additional costs as a result of a) and
- d) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2018, to delegate authority to the City Engineer or City Engineer’s, Director, Roads and Transportation or Division Manager, Transportation and Roadside Operations, to declare the beginning and end of a significant weather event for the purpose of administering the *Municipal Act, 2001*, O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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- Environment and Transportation Committee – April 14, 2003 – Minimum Maintenance Standards for Municipal Highways
- Environment and Transportation Committee – June 7, 2004 – Walkway Winter Policy Review
- Environment and Transportation Committee – January 21, 2005 – Service Level - Winter Sidewalk Maintenance
- Environment and Transportation Committee – November 16, 2009 – Service Level – Winter Sidewalk Maintenance

- Civic Works Committee – October 7, 2014 – Provincial Minimum Maintenance Standards – 2013 Update
- Civic Works Committee – February 3, 2015 - CWC Roadway Winter Maintenance Program
- Civic Works Committee – June 8, 2016 – London ON Bikes Draft Cycling Master Plan
- Civic Works Committee – August 22, 2016 – Provincial Minimum Maintenance Standards – Proposed Amendments 2016

## 2015 – 19 STRATEGIC PLAN

The initiative supports the Strategic Plan through the strategic focus area of *Building a Sustainable City* by managing our infrastructure and *Leading in Public Service* by providing excellent service delivery.

## BACKGROUND

The purpose of this report is to provide an update on the approved amendments to the Provincial Minimum Maintenance Standards for Municipal Highways (MMS).

On November 1, 2002, Ontario Regulation 239/02 Minimum Maintenance Standards was enacted. The City of London adopted this regulation in April 2003. The regulation has subsequently been amended by the Province of Ontario on February 18, 2010 and January 25, 2013. The Ontario Regulations 239/02 can be found at the following link: <https://www.ontario.ca/laws/regulation/020239>.

Municipalities rely on the MMS to manage community demands for road maintenance activities and when defending against claims of damages incurred by residents and other road users. Provided patrolling and inspection records can be produced and subsequent repairs are performed within the time limits set out in the various sections of the regulation, MMS are helpful in ensuring municipalities are providing consistent levels of maintenance throughout the province and in reducing liability.

The Ontario Good Roads Association (OGRA) manages the amendment process and, through the appointed Task Force, released the document to municipalities for comment in 2015. The review process with municipalities is now complete and the revised version of the new MMS is attached to this report.

The 2015 review, unlike previous reviews that focused largely on roadway and sidewalk users, has focused on all users of the road allowance, including cyclists.

The new proposed amendments have been approved by the Province and were enacted on May 3, 2018.

### **Updates**

The Civic Administration has reviewed the amendments from an operational and resourcing perspective. Highlights of the amendments include:

- Winter sidewalk maintenance standards have been added to the MMS. The new MMS standard has a threshold to clear sidewalks once 8 cm of accumulation occurs and allows 48 hours to clear the sidewalk after the snowfall ends. There are also provisions to treat icy sidewalks.

The Civic Administration recommends that the current Quality Standard for Sidewalk Winter Maintenance and Maintenance Guideline for Sidewalks be replaced with the provisions set out in the MMS.

- Encroachment areas near the sidewalk are now to be inspected at the same frequency as the sidewalk itself and, if the encroachment constitutes a significant hazard to pedestrians, the standard is to treat the encroachment within 28 days. Operational and financial impacts are not anticipated with respect to this change.
- The Table Classification of Highways has been revised to better reflect 2016 traffic volumes, especially in large urban centres. Operational or financial impacts are insignificant.
- A standard has been added for cycling networks. Bicycle lanes are defined as a portion of the roadway that has been designated by pavement markings or signage for the preferential or exclusive use of cyclists, or a portion of a roadway that has been designated for the exclusive use of cyclists by signage and a physical or marked buffer. This does not include multi-use pathways within raised boulevards, such as those along Fanshawe Park Road or Wonderland Road.

This new service will require, removing snow from the bike lane facilities to the depth and time outlined in the table below.

Bicycle Facility Winter Maintenance Table for Snow Removal		
Class of Highway or Adjacent Highway	MMS	
	Depth	Time
1 (i.e. Highbury, Wellington, Exeter, Fanshawe )	2.5 cm	8 hours
2 (i.e. Southdale, Oxford, Dundas, Wharncliffe)	5 cm	12 hours
3 (i.e. Viscount, Dufferin, the Colborne St Cycle	8 cm	24 hours
4 (i.e. Aldersbrook, Doon, Tweedsmuir)	8 cm	24 hours
5 (i.e. local streets and some cul de sacs)	10 cm	24 hours

The increased winter maintenance cost for this service includes plowing and snow bank removal approximately five (5) times per season in areas where snow storage is limited. Summer maintenance will include asphalt patching, crack-sealing, sweeping, line-marking and signing.

The estimated cost per kilometer for this increased service level was identified in the Cycling Master Plan and is estimated to be \$410,000. These costs are not included in the 2019 budget. A business case will be provided through the 2019 budget amendment process.

- Adding the ability to declare a 'Significant Event'. When severe weather is approaching or occurring a municipality can suspend its requirement to follow these regulations and other provincial regulation governing hour of service. The declaration allows supervisory staff to effectively plan and maximize

resources in anticipation of and/or during a Significant Event when all resources may be exhausted.

Operational impact that will require a Council approved by-law for such a declaration (Appendix "A").

- The MMS now applies to all street lights, whereas the current MMS only applied to higher speed and higher volume roads. There are operational impacts from a response time perspective, which will increase the cost to maintain the street lights. The specified timeline to repair street lights (7 days or 14 days depending on the classification of the road) is achievable in most instances; however, these dates will be exceeded if excavation work is required or new equipment needs to be ordered. The time required to obtain locates from all of the utilities may further extend the repair time beyond the specified limits where excavation is required. In these instances, troubleshooting will be done within the specified time, locates will be requested from Ontario One Call, and the repair will be completed within 7 or 14 days after all locates are received.

<b>CONCLUSION</b>
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The Civic Administration will implement the required changes and include a business case for the 2019 budget process.

**Acknowledgements**

This report was prepared with the assistance of John Parsons, Division Manager Transportation and Roadside Operations, Shane Maguire, P.Eng. Division Manager Roadway Lighting and Control, Geoff Belch, Danilo Popadic, Legal and Corporate Services and Jason Wills, Risk Management.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>JOHN PARSONS, C.E.T DIVISION MANAGER – TRANSPORTATION AND ROADSIDE OPERATIONS</b>	<b>KELLY SCHERR, P. ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>

July 2018/JP

Appendix "A" – By-law - Delegated Authority

cc: Geoff Belch, Danilo Popadic, Jason Wills

## APPENDIX “A”

Bill No.  
2018

By-law No.

A by-law to delegate authority to the City Engineer or the City Engineer’s designate, Director, Roads and Transportation or Division Manager, Transportation and Roadside Operations, to declare the beginning and end of a significant weather event for the purposes of administering the *Municipal Act, 2001*, O.Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 44(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

AND WHEREAS the *Municipal Act, 2001*, O.Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways establishes minimum standards of repair for highways and bridges or any class of them;

AND WHEREAS section 1(1) of the *Municipal Act 2001*, O.Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways defines a “significant weather event” as an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality;

AND WHEREAS the *Municipal Act, 2001*, O. Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways details the standards for addressing snow accumulation and ice formation arising from a significant weather event;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The City Engineer or the City Engineer’s designate, Director, Roads and Transportation or Division Manager, Transportation and Roadside Operations, to declare the beginning or end of a significant weather event for the purposes of administering the *Municipal Act, 2001*, O.Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on [date].

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – [Date]  
Second Reading – [Date]  
Third

Reading – [Date]