



CITY OF HAMILTON
Public Works Department
Roads & Traffic Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	December 10, 2018
SUBJECT/REPORT NO:	Minimum Maintenance Standards Changes (PW18096) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tammy Blackburn 905-546-2424, Extension 7646 Bob Paul 905-546-2424, Extension 7641
SUBMITTED BY:	Edward Soldo, P.Eng. Director, Roads & Traffic Public Works Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That staff be directed to develop, and report back to Council, an updated policy setting out maintenance standards of repair for highways under the jurisdiction of the City of Hamilton, with consideration of the standards contained in the *Municipal Act, 2001*, Ontario Regulation (O.Reg.) 239/02 - Minimum Maintenance Standards for Municipal Highways, and the existing winter operational level of service standards;
- (b) That the General Manager of Public Works or designate, be authorized and directed to declare the beginning and end of a significant weather event for the purposes of the *Municipal Act, 2001*, O.Reg. 239/02 – Minimum Maintenance Standards for Municipal Highways, on such terms as the General Manager of Public Works or designate considers appropriate;
- (c) That the City Solicitor be authorized and directed to prepare, for Council approval, all necessary by-laws to implement Recommendation (b) of Report PW18096.

EXECUTIVE SUMMARY

On May 3, 2018, a revised Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways - made under the *Municipal Act, 2001* (MMS) came

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into force. MMS outline the minimum maintenance standards for municipal highways in Ontario, and are attached to Report PW18096 as Appendix A.

The MMS were implemented by the Province to assist municipalities with managing the risk associated with the maintenance of roads and as a defence from claims citing negligence. Compliance is voluntary. MMS with proof of compliance through documentation has now become an industry norm used by the courts to assess the compliance of municipalities.

Some of the notable changes implemented into the amended MMS are:

- The ability for municipalities to declare a significant weather event with implications for winter maintenance on roadways, bicycle lanes and sidewalks during the duration of the event;
- The introduction of winter maintenance standards for bicycle lanes; and
- The introduction of winter maintenance standards, including patrol obligations for sidewalks.

Staff identified that existing maintenance processes, procedures and practices utilized within the Roads & Traffic Division require an in-depth evaluation to ensure they are aligned with the current legal standards. Roads & Traffic staff will be conducting reviews from an operational and resourcing perspective to ensure that all regulated activities are delivered in compliance with the provincially legislated minimum standards and capture the benefits of improved public safety, and greater ability to defend claims against the municipality.

Creation of the “Quality Control Manual” will provide staff with clear expectations, detailed procedures, ownership responsibility and communication.

The amendments to the MMS introduced the concept of a significant weather event, which is defined as an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality.

During the course of a declared significant weather event, the standard for addressing winter maintenance is simply "to monitor the weather in accordance with section 3.1" and to deploy resources to address the issue "starting from the time that the municipality deems appropriate to do so." Once the significant weather event is declared to have been concluded, the municipality shall address the issue pursuant to the regular standards for maintenance.

The ability to declare a “significant weather event” will allow supervisory staff to effectively plan and maximize resources in anticipation of and/or during a significant weather event when all resources may be exhausted.

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Staff will notify the public and stakeholders at the start and end of a significant weather event. This communication will provide messaging to the travelling public that will assist them in making informed travel decisions regarding the severity of the event.

The communication will be completed in one or more of the following ways:

- City of Hamilton Website;
- Social Media Platform (i.e. Twitter);
- Radio Media; and
- Council and/or Media Release

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Review of all operational impacts, program changes or additional resource requirements will be analysed during the 2018-19 winter season and recommendations will be brought forward as possible considerations in the 2020 budget. Any costs incurred prior to 2020 budget will be accommodated within the existing winter program funding.

Staffing: Review of all operational impacts, program changes or additional resource requirements will be analysed during the 2018-19 winter season and recommendations will be brought forward as possible considerations in the 2020 budget.

Legal: The ability to declare a significant weather event will permit Roads & Traffic Supervisory staff to effectively plan to maximize resources in anticipation of and/or during a weather hazard, while the MMS will deem the roads to be in repair, subject to the reduced minimum maintenance standards being observed of: monitoring the weather and deploying resources to address the issues starting from the time that the municipality deems appropriate to do so.

HISTORICAL BACKGROUND

The most current version of the MMS came into force on May 3, 2018. Staff have reviewed the amended MMS and current programs from an operational and resourcing perspective to ensure that all regulated activities within Roads & Traffic are delivered in compliance with the provincially legislated minimum standards and capture the benefits of improved public safety, and a greater ability to defend claims against the municipality.

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The amendments include:

- Revising the Table Classification of Highways to better reflect 2016 traffic volumes, especially in large urban centres
- Adding a standard 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 in areas like Garth and Rymal area or Cootes Drive Trail

This winter level of service for bicycle lanes is identified in the table below:

Bicycle Lane winter maintenance table - snow removal		
Class of Highway/Adjacent Highway	Depth	Time
1	2.5 cm	8 hours
2	5 cm	12 hours
3	8 cm	24 hours
4	8 cm	24 hours
5	10 cm	24 hours

After snow accumulation has ended, the snow accumulation is to be reduced to a depth less than or equal to the depth set out in the Table above to provide a minimum bicycle lane width of the lesser of one (1) metre or the actual bicycle lane width.

The cycling network that is currently part of our road network with no segregation between the bike lane and roadway will be maintained at the same level as the winter road class. The Winter Control Level of Service Standards is attached to Report PW18096 as Appendix B.

The cycling network that is segregated from the road with either barriers or other devices, may incur additional costing due to size of equipment needs, increased man power and contractor costs.

The pilot for the Cannon Street segregated bike lanes has just been completed and the operational impacts and cost analysis are being reviewed considering the newly enacted maintenance standards. In regard to new segregated bike lanes recently installed (i.e. Bay Street), staff will monitor during the 2018-19 winter season to determine the cost implications and will bring forward for possible consideration any financial impact in the 2020 budget. Summer maintenance will include asphalt patching, sweeping, line marking and signing.

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- Encroachment area near the sidewalk, and on either side, is to be inspected at the same frequency as the sidewalk and if the encroachment constitutes a significant hazard to pedestrians, the standard is to treat the encroachment within 28 days.
- Standards for winter sidewalk. The MMS standard has a threshold to clear sidewalk once 8 cm of accumulation occurs and allows 48 hours to clear the sidewalk after the snowfall ends. This would apply to sidewalks the City currently maintains in their winter maintenance programs.
- New standards for prevention of ice formation on sidewalks and icy sidewalks.
- Standards for 'Winter Sidewalk Patrol'. When it is determined by the municipality that there is a substantial probability of snow accumulation on sidewalks in excess of 8 cm, ice formation on sidewalks or icy sidewalks, the standard for patrolling sidewalks is to patrol sidewalks that are selected as representative of its sidewalks at intervals deemed necessary, and to complete a visual observation of those sidewalks.
- New ability to declare a 'significant weather event'. Where severe weather with the potential to pose a significant danger to users of the highways within a municipality is approaching or occurring, a municipality may declare a significant weather event. During the course of a declared significant weather event, the standard for addressing winter maintenance is reduced to monitoring the weather in accordance with the standards and to deploying resources to address the issues starting from the time that the municipality deems appropriate to do so. If those amended standards are followed, the road is deemed to be in repair for the duration of the significant weather event. Once the significant weather event is declared to have concluded, the municipality must address the issue pursuant to the regular standards of maintenance. The declaration allows supervisory staff to effectively plan and maximize resources in anticipation of and/or during the significant weather event when all resources may be exhausted.
- Standards for luminaires identifies that if three or more consecutive luminaires on the same side of the highway are not functioning, the standard is to repair within the time set out as described in the table below:

Class of Highway	Time
1	7 days
2	7 days
3	14 days
4	14 days
5	14 days

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For high mast illumination, if all of the luminaires on consecutive poles on the same side of the highway are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

Operational impacts may result in exceeding repair timelines due potentially from extent of repair and locates being completed by third party.

Other notable amendments to the MMS include:

- The definition of “surface discontinuity” which deals with sidewalk surface discontinuities was amended to add “any vertical height difference between a utility appurtenance found on or within the sidewalk and the surface of the sidewalk.”
- Potholes are identified as the surface area of a pothole and do not include any area that is depressed and not yet broken fully through the surface of the roadway.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The amended MMS clarify the scope of the statutory defence available to the City under clause 44(3)(c) of the *Municipal Act, 2001*, as it relates to its roadway and sidewalk maintenance obligations.

RELEVANT CONSULTATION

Corporate Services – Legal Services Division has been consulted in the preparation of this Report.

Public Works Department

Planning and Economic Development – Transportation Planning and Parking

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The following was considered as part of the analysis for these recommendations:

Evaluate existing processes: Evaluation is required of existing maintenance processes, procedures and practices utilized in the Roads and Traffic Division to ensure they are aligned by utilizing the tools provided in the MMS.

Delegation of winter events: The ability to declare a significant weather event will allow staff to maximize resources and plan more affectively in anticipation of and/or during a

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significant weather event. This will also provide more opportunities to provide communication on type of event and travel warnings.

Financial Impacts: The revised maintenance standards, such as those that relate to the level of service for bike lanes, winter sidewalk patrol and ice prevention/formation, will require additional monitoring of staff resources and material usage. Staff will be required to monitor a designated section of sidewalk for snow and ice accumulations as well as review any preventative measures. Due to this being the first year to implement, a financial impact review as well as procedure workflow and processes need to be undertaken.

ALTERNATIVES FOR CONSIDERATION

Not conducting a review of the City's existing road maintenance standards will impact the ability to align those standards with the current regulatory framework, and is not recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix A – O.Reg. 239/02 – Minimum Maintenance Standards for Municipal Highways

Appendix B – Winter Control Level of Service Standards