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Maintenance Standards for Municipal Highways		
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Maintenance Standards for Municipal Highways Policy

POLICY STATEMENT	<p>Part III of the <i>Municipal Act, 2001 S.O. 2001, Chapter 25</i>, gives municipalities jurisdiction over highways and provides for the municipality to keep the highway or bridge in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge, 2001, c. 25, s. 44(1).</p> <p>In addition, the Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them, 2001, c. 25, s. 44(4).</p> <p>The Minister made Ontario Regulation 239/02, amended by Ontario Regulation 366/18, filed on May 3, 2018 which provides for Minimum Maintenance Standards for Municipal Highways and is the foundation for the highway maintenance program.</p> <p>The City of Hamilton is committed to providing a safe, accessible and efficient transportation system for the movement of people, goods and services across the City in keeping with applicable provincial legislation, accepted standards, and Council approved service levels. This Policy outlines the City's approach to maintenance of its municipal highways.</p>
PURPOSE	<p>The purpose of this policy is to clarify that the City of Hamilton will reference the Minimum Maintenance Standards for Municipal Highways (O. Reg. 239/02 as amended) as a guideline for delivering a level of service for maintenance operations.</p> <p>This policy will provide the Road Authority with clear direction from Council on the level of maintenance effort as it relates to the different classification of municipal highways.</p> <p>The provisions and standards in this policy should be followed to manage the City's liability and risk to keep its highway infrastructure, including sidewalks in a good state of repair.</p>
SCOPE	<p>This policy shall apply to all highways assumed and maintained as public highways by the City of Hamilton. Notwithstanding the foregoing, neither the City of Hamilton nor its officials or employees make any promise, assurance or guarantee that the services provided by the Road Authority will be in excess of the minimum standard, as required by regulation and detailed herein. Inherent within the standard is the expectation that drivers will act responsibly and will operate their vehicles, at all times, reasonably</p>

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	<p>with due regard for the prevailing weather and roadway conditions.</p> <p>The Minimum Maintenance Standards in O. Reg. 239/02 (MMS) identifies road classifications, levels of maintenance and service frequencies for various highway components. The standards apply to a range of infrastructure elements including but not limited to:</p> <ul style="list-style-type: none"> • Pavement surface • Street Light Luminaires • Signs • Traffic Control • Winter maintenance • Monitoring <p>In the MMS, municipally owned highways are classified based on their average daily traffic and posted speed limits. Based on the classification, the MMS defines minimum levels of inspection and repair.</p> <p>Associated maintenance activities will be established to protect the quality, integrity and safety of the transportation infrastructure.</p>
PRINCIPLES (if applicable)	<p>The following principles apply to this Policy:</p> <ol style="list-style-type: none"> 1. Operational activities of the Road Authority shall be directed to maintain the City of Hamilton's public highways to the prescribed standards herein. Care shall be taken first to assure that the minimum standards are maintained and secondly that such services are efficiently and effectively rendered. 2. Neither the City nor its officials make any promises or assurance that public highways or any public highway in particular will be maintained in excess of the minimum standards herein defined now or in the future. The fact that the City may exceed those standards, when the resources available permit it to do so, does not change the minimum standards prescribed herein. 3. The Maintenance Standards Policy is based on the assumption that not all infrastructure need be maintained at the same level of service but depends on its role in the total transportation network and on other various services the City provides, be they emergency or non-emergency. 4. This policy uses the MMS as a guide to set out the level of

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	<p>service for maintenance of highways, with the exception of winter maintenance and streetlighting, which is a higher Council approved level of service.</p> <p>5. That where situations arise or applications be made which fall outside of the scope of standards, the Road Authority shall respond in a manner that is appropriate with respect to budgetary constraint and reasonable best practice.</p> <p>6. This policy will promote environmental stewardship by managing lifecycle costs of asset ownership and making use of acceptable recycled materials.</p> <p>7. The standards will assist in inform preparing budgets and decisions prioritizing resources.</p>
TERMS & CONDITIONS	<p>The following terms and conditions apply to this Policy:</p> <p>(From the <i>Highway Traffic Act</i>, R.S.O. 1990, c. H.8) Highway – includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof</p> <p>Roadway – means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively</p> <p>(From the Minimum Maintenance Standards for Municipal Highways, O. Reg. 239/02 as amended)</p> <p>Classification of Highways – every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average daily traffic on it. O. Reg. 239/02, s. 1 (2); O. Reg. 366/18, s. 1 (3).</p> <p>(From the <i>Public Transportation and Highway Improvement Act</i>, R.S.O. 1990, c. P.50)</p> <p>Road Authority – means a body having jurisdiction and control of a highway.</p>

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	<p>Maintenance – includes repair.</p>
COMPLIANCE	<p>The City is required to maintain all highways and sidewalks within its jurisdiction in a reasonable state of repair.</p> <p>The City must keep records to prove that at the time an action arose the alleged default was covered by the standard and that the service provided by the municipality met or exceeded the standard.</p> <p>The policy recognizes that operational decisions during the winter season will need to be made based on local conditions in the field depending upon the extent and severity of a winter storm event, and as a result, there may need to be some reasonable deviations from this policy. Under such circumstances, the City will endeavour to recover winter maintenance operations in accordance with the level of service as soon as practicable.</p> <p>This policy is based on normal circumstances (e.g. winter weather conditions), reliability and availability of resources both human and physical. The City does not guarantee a level of service under abnormal, emergency, or extreme winter conditions nor in the event of a work stoppage.</p> <p>It is acknowledged that conditions may occur which temporarily prevent achieving levels assigned. In such cases, efforts will be made to keep roads open and in a reasonable state, consistent with available resources.</p>
RELATED	<p>The following documents are related to the Maintenance Standards for Municipal Highways Policy and employees must be aware and abide by these as well:</p> <ul style="list-style-type: none"> • City of Hamilton Maintenance Guidelines for Levels of Service for Highways • By-Law 03-296, the Snow Removal By-Law • Strategic Asset Management Policy • <i>Municipal Act 2001, S. O. 2001, c. 25</i> • Minimum Maintenance Standards for Municipal Highways (O. Reg. 239/02 as amended) • <i>Highway Traffic Act, R.S.O. 1990, c. H.8</i> • Standards for Bridges (O. Reg. 104/97) • Ontario Traffic Manual, Book 11
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p>

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Public Works Department, Transportation Operations & Maintenance Division – Roadway Maintenance Section, Transportation Operations Section

Public Works Department, Engineering Services Division – Asset Management Section

Planning and Economic Development Department - Transportation Planning and Parking Division

Corporate Services Department, Legal & Risk Management Services Division – Legal Services Section, Risk Management Section