

The subsections below provide additional details for the MMS amendments that came into effect in May 2018.

### **Winter Maintenance Standards for Bicycle Lanes**

The MMS now provides a definition for a bicycle lane which includes a portion of the roadway with marked or buffered lanes, whether for the exclusive or preferential use of cyclists.

The MMS now includes specific sections outlining winter maintenance standards for snow accumulation in bicycle lanes. The table below compares the new snow accumulation depth standards for bicycle lanes as compared with the existing standards for roadways:

| <b>Class of Highway<br/>or Adjacent<br/>Highway</b> | <b>Depth</b> | <b>Time<br/>(Bicycle Lanes)</b> | <b>Time<br/>(Roadways)</b> |
|---|--------------|---------------------------------|----------------------------|
| 1   | 2.5 cm       | 8 hours                         | 4 hours                    |
| 2   | 5 cm         | 12 hours                        | 6 hours                    |
| 3   | 8 cm         | 24 hours                        | 12 hours                   |
| 4   | 8 cm         | 24 hours                        | 16 hours                   |
| 5   | 10 cm        | 24 hours                        | 24 hours                   |

It is noteworthy that the snow accumulation standards for bicycle lanes is lower than for the adjacent roadways in which they are contained, with the implication that where maintenance is performed on the roadway and bicycle lane in unison, both standards should be satisfied.

While there is no separate section in the MMS dealing with ice formation on bicycle lanes, the section which sets out the standards for ice formation on roadways does note in section 5(5) that “this section applies in respect of ice formation on bicycle lanes on a roadway, but does not apply to other types of bicycle facilities.”

### **Winter Maintenance Standards, including patrol obligations, for Sidewalks**

Sidewalk Winter Maintenance is now addressed in the amended MMS. Section 16.3 provides that snow accumulation on sidewalks shall be reduced to less than or equal to

eight centimetres within 48 hours of the end of a snow event and must be maintained to a width of one metre.

Sidewalks are deemed to be in a state of repair with respect to snow accumulation (a) where snow depth is less than or equal to eight centimetres; and (b) during ongoing snow accumulation, even where it exceeds eight centimetres, until 48 hours after the snow accumulation ends.

Section 16.5 sets out standards with respect to ice formation on sidewalks. Municipalities must monitor weather in accordance with section 3.1 and to “treat the sidewalk if practicable to prevent ice formation or improve traction within 48 hours if the municipality determines that there is a substantial probability of ice forming on a sidewalk, starting from the time that the municipality determines the appropriate time to deploy resources for that purpose.”

The sidewalk is deemed to be in a state of repair in respect of ice until 48 hours after the municipality first becomes aware of the fact that the sidewalk is icy. Pursuant to subsection (3), an icy sidewalk is deemed to be in a state of repair for 48 hours after it has been treated.

Section 16.7 addresses winter sidewalk patrols which are to be carried out when there is a substantial probability of snow accumulation on sidewalks in excess of eight centimetres or ice formation on sidewalks. The patrols are to be conducted on sidewalks that the municipality selects as representative of its sidewalks at intervals deemed necessary by the municipality.

## **Significant Weather Event**

A rise in fluctuating weather patterns has increased the frequency and severity of significant weather events. The amendment to the MMS addresses this to permit a municipality to declare a Significant Weather Event in order to extend the time allowed to maintain highways to the regulated levels of service.

A Significant Weather Event 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.” The MMS also now defines the term “Weather hazard” as meaning “the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program.”

A Significant Weather Event could include:

- Significant snow accumulation in the next 24 hrs.;
- Ice formation that occurs without warning;
- High winds leading to snow drifting; and/or

- Extreme cold temperatures at which de-icing operations will not be effective.

The declaration of a Significant Weather Event has a uniform implication for the following sections of the MMS:

- Snow accumulation on roadways (section 4.1)
- Snow accumulation on bicycle lanes (section 4.3)
- Icy roadways (section 5.1)
- Snow accumulation on sidewalks (section 16.4)
- Icy sidewalks (section 16.6)

During the course of a declared Significant Weather Event, the standard for addressing winter maintenance is to monitor the weather in accordance with section 3.1 of the MMS and to deploy resources to address the issue (i.e. snow accumulation on roadways, icy sidewalks, etc.) 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.

In accordance with section 16.9 of the MMS, a municipality must notify the public of the start and end time of a Significant Weather Event in one or more of the following ways:

1. By posting a notice on the municipality's website;
2. By making an announcement on social media platform (i.e. Facebook, Twitter);
3. By sending a press release or similar communication to internet, newspaper, radio or television media;
4. By notification through the municipality's police service; and/or
5. By any other notification method required in a by-law of the municipality.

In order to declare an Significant Weather Event, the municipality should have a policy outlining the declaration of a Significant Weather Event. Said Policy should also include:

- Who at the municipality has the authority to declare a Significant Weather Event (i.e. Chief Administrative Officer, Director of Public Works & Environmental Services or designate); and
- The means by which the public will be notified of the declaration of a Significant Weather Event.

A draft Significant Weather Event Policy is appended to this report as Attachment No.2.

## **Inspection standards for areas “Adjacent to Sidewalks”**

The MMS regulation now defines “sidewalk” as meaning “the part of the highway specifically set aside or commonly understood to be used for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited”. Additionally, the regulation now defines “encroachment” as meaning “anything that is placed, installed, constructed or planted within the highway that was not placed, installed, constructed or planted by the municipality” and “the area adjacent to a sidewalk begins at the outer edges of a sidewalk and ends at the lesser of the limit of the highway, the back edge of a curb if there is a curb and a maximum of 45 cm”.

The standard for the inspection of sidewalk encroachments is to inspect areas adjacent to sidewalk for encroachments once per calendar year, with each inspection taking place within 16 months of the previous inspection. If it is determined by the municipality that an encroachment is “highly unusual given its character and location or to constitute a significant hazard to pedestrians” the standard is to treat the encroachment within 28 days of making such a determination. O.Reg. 366/18 states that an encroachment which is determined to constitute a significant hazard to pedestrians should be treated by taking reasonable measures to protect users, including making permanent or temporary repairs, alerting users’ attention to the encroachment or preventing access to the area of the encroachment.

## **Sidewalk Surface Discontinuities**

Section 16.1 of the Regulation, Sidewalk Surface Discontinuities, has been amended to add surface discontinuities within the sidewalk; specifically, the definition for “surface discontinuity” has been amended to include “any vertical height difference between a utility appurtenance found on or within the sidewalk and the surface of the sidewalk”. Additionally, the Regulation has added the term “utility appurtenance” which includes “maintenance holes and hole covers, water shut-off covers and boxes, valves, fittings, vaults, braces, pipes, pedestals, and any other structures or items that form part of or are an accessory part of any utility”. Previously, the regulation defined “surface discontinuity” as a vertical discontinuity creating a step formation at any joint or crack in the surface of the sidewalk.

## **Pothole Repairs**

Section 6 of the regulation has been amended to state that the area and depth of potholes may be determined by municipal staff or contractors by performing an actual measurement or performing a visual estimate.

By allowing the area and depth of potholes to be visually estimated, the Regulation now allows for the Town to meet its due diligence, from an evidentiary perspective, more quickly, safely and thoroughly where it was not previously practical or safe to do so regularly.

### **Road Classification System**

The amendments to the MMS included revisions to the table for Classification of Highways which is based on Average Daily Traffic and posted speed limits. This table is in section 1(5) of O.Reg. 366/18.