

**THE CORPORATION OF THE
TOWNSHIP OF BRUDENELL, LYNDPOCH & RAGLAN**

BY-LAW #2023-04

**BEING A BY-LAW TO ESTABLISH A LEVEL OF SERVICE POLICY FOR TOWNSHIP
ROADS FOR THE TOWNSHIP OF BRUDENELL, LYNDPOCH & RAGLAN**

WHEREAS Section 11(3) of the Municipal Act, 2001, as amended authorizes the Municipality to pass By-Laws respecting matters within spheres under the jurisdiction of the Municipality including highways, including parking and traffic on highways;

AND WHEREAS Section 44(1) of the Municipal Act, 2001, as amended provides 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 Section 44(2) of the Municipal Act, 2001, as amended provides that a Municipality that defaults in complying with subsection 44(1) is, subject to the Negligence Act, liable for all damages any person sustains because of the default;

AND WHEREAS Section 44(3) of the Municipal Act, 2001, as amended provides that despite subsection (2), a Municipality is not liable for failing to keep a highway or bridge in a reasonable state of repair if, (a) it did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge; (b) it took reasonable steps to prevent the default from arising; or (c) at the time the cause of action arose, minimum standards established under subsection (4) applied to the highway or bridge and to the alleged default and those standards have been met.

AND WHEREAS Section 44(4) of the Municipal Act, 2001, as amended permits the Minister of Transportation to make regulations establishing minimum standards of repair for highways and bridges being Regulation 239/02, which developed the criteria for Minimum Maintenance Standards;

AND WHEREAS the Council of the Corporation of the Township of Brudenell, Lyndoch & Raglan deems it expedient to enact a By-Law to establish a Level of Service Policy for Township Roads;

NOW THEREFORE the Council of The Corporation of the Township of Brudenell, Lyndoch & Raglan does hereby adopt the "Level of Service Policy for Township Roads" attached hereto as Schedule "A" being the "Level of Service Policy"; Schedule "B" being the "Road Summary by Name, Class and Type" and Schedule "C" being "Seasonal Roads";

AND THAT the Operations Manager is hereby authorized by Council to update, make corrections and/or amendments, at any time to any information contained within Schedule "A" Level of Service Policy, Schedule "B" Road Summary by Name, Class and Type and Schedule "C" Seasonal Roads on an as required basis (i.e., changes in the Class, etc.). The Operations Manager shall provide a copy of all changes to this Schedule to the Clerk-Treasurer to retain with the Original By-Law and Policy for future reference if required; and the Clerk-Treasurer shall also provide a copy of said update to Council for information purposes. Also, the Operations Manager shall ensure the Policy and Schedule remains current on the Township's website;

AND THAT By-Law #97-04 (previous Road Service Standards By-Law) and By-Law 3-82 are hereby repealed in their entirety;

AND THAT all resolutions, By-Laws or parts/schedules of By-Laws, or actions of Council relating to the Level of Service for Township Roads, that are inconsistent with the provisions of this new Level of Service Policy for

Township Roads; or which are contrary to or inconsistent with this new Policy; are hereby repealed and rescinded;

AND THAT this By-Law shall come into force and take effect on the date of its passing.

Read and adopted by resolution 2023-01-05-17 this 5th Day of January, 2023.

Mayor, Valerie Jahn

Clerk-Treasurer, Virginia Phanenhour

SCHEDULE "A" TO BY-LAW 2023-04

TOWNSHIP OF BRUDENELL, LYNDOKH & RAGLAN

LEVEL OF SERVICE POLICY FOR TOWNSHIP ROADS

This policy sets out the minimum standards of maintenance and repair for highways (roads) under Municipal jurisdiction for the purpose of clause 44 (3) (c) of the Municipal Act, S.O. 2001, c.25. The minimum standards of repair set out herein are applicable only in respect of motor vehicles using the highways owned and maintained by the Township of Brudenell, Lyndoch & Raglan. It is the objective of the Township Public Works (Roads) Department to conduct its operational activities in an efficient and effective way, so as to provide safe driving conditions on all roads owned and maintained by the Township. Operations will be consistent with the needs of low traffic volume rural road systems. Maintenance will be performed, monitored and recorded as detailed in the following guidelines that comprise, with this policy statement and the definitions below, our Level of Service Document. This document is based on the criteria for Minimum Maintenance Standards as developed by the province of Ontario Regulation 239/02 to provide Municipalities with a legal defence against liability from actions arising with regard to levels of care on roads and bridges. Using the chart provided by the province to determine Highway class based on speed limit and Average Annual Daily Traffic (AADT) counts, all roads within the Township are determined to be either Class 4, 5 or 6 roads. Please see Schedule "B" to this policy for a detailed list. The Operations Manager is hereby authorized by Council to update, make corrections and/or amendments, at any time to any information contained within Schedule "A" Level of Service Policy, Schedule "B" Road Summary by Name, Class and Type and Schedule "C" Seasonal Roads on an as required basis (i.e., changes in the Class, etc.). The Operations Manager shall provide a copy of all changes to this Schedule to the Clerk-Treasurer to retain with the Original By-Law and Policy for future reference if required; and the Clerk-Treasurer shall also provide a copy of said update to Council for information purposes. Also, the Operations Manager shall ensure the Policy and Schedule remains current on the Township's website. However, O. Reg. 239/02 does not specify minimum standards for Class 6 roads and, therefore this document will set a level of service for Class 6 roads that is equivalent to the minimum maintenance standards for Class 5 roads, as set by the province in O. Reg. 239/02. These guidelines are used to provide guidance and set minimum standards for our Roads Department, however; depending on work load and other unknown circumstances, maintenance activities may in some instances occur sooner **OR** in the event of a declared significant weather event later than the minimum times detailed below and do not change the normal minimum standard.

DEFINITIONS

In this Level of Service Document,

"Cm" means centimetres; correspondingly "m" means metres and "mm" means millimetres.

"Day" means a 24-hour period;

"Dead end" roads are those that do not have an exit through another intersecting road;

"Highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

"Ice" means all kinds of ice, however formed;

"Motor vehicle" has the same meaning as in subsection 1 (1) of the Highway Traffic Act, R.S.O. 1990, except that it does not include a motor assisted bicycle;

"Non-paved surface" means a surface that is not a paved surface, otherwise known as "Gravel"; for our purposes.

"O. Reg. 239/02" refers to Ontario Regulation 239/02, and any amendment thereto, which lays out the minimum maintenance standards for Municipal highways

"Ontario Traffic Manual" means the Ontario Traffic Manual published by the Ministry of Transportation, as amended from time to time;

"Paved surface" means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;

"Private road" means a road that is not owned by the Township;

"Roadway" has the same meaning as in subsection 1 (1) of the Highway Traffic Act;

"Seasonal road" means a road that is owned by the Township, but on which no winter maintenance is performed;

"Snow accumulation" means the natural accumulation of new fallen snow or wind-blown snow or slush; alone or together, that covers more than half a lane width of a roadway;

"Snow-packed" means the desired state of a highway during the period of winter road maintenance which includes the compacted snow or ice that can accumulate on Municipal highways during a number of minor snow events;

"Shoulder" means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;

"Surface" means the top of a roadway or shoulder;

"Unmaintained municipal road" refers to a road that is owned, but not maintained, by the Township;

"Weather" means air temperature, wind and precipitation;

"Winter road maintenance" occurs from November 15 to and including April 15 of each year.

CLASSIFICATION OF HIGHWAYS

For the purposes of this policy, every highway or part of a highway under the jurisdiction of a Municipality in Ontario is classified in Table 1 as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the applicable speed limit and the Average Annual Daily Traffic. For the purposes of determining the Class of highway, the AADT on a highway or part of a highway under Municipal jurisdiction may be determined, by estimating the average daily two-way traffic on the highway or part of the highway in accordance with accepted traffic engineering methods. For "dead end" roads, in lieu of a manual 4-hour traffic count, a simple count of the number of permanent year-round residences on the road multiplied by 6, for rural areas, will estimate the number of trips each house generates and is an accepted traffic engineering method for rural areas and those with lower volume as most of the Municipality's roads are. This is the method that the Municipality will use to determine AADT for its roads.

TABLE 1 CLASSIFICATION OF HIGHWAYS

Average Daily Traffic (Number of motor vehicles)	91-100 KM/H Speed Limit	81-90 KM/H Speed Limit	71-80 KM/H Speed Limit	61-70 KM/H Speed Limit	51-60 KM/H Speed Limit	41-50 KM/H Speed Limit	1-40 KM/H Speed Limit
53,000 or More	1	1	1	1	1	1	1
23,000 – 52,999	1	1	1	2	2	2	2
15,000 - 22,999	1	1	2	2	2	3	3
12,000 – 14,999	1	1	2	2	2	3	3
10,000 – 11,999	1	1	2	2	3	3	3
8,000 – 9,999	1	1	2	3	3	3	3
6,000 – 7,999	1	2	2	3	3	4	4
5,000 – 5,999	1	2	2	3	3	4	4
4,000 – 4,999	1	2	3	3	3	4	4
3,000 – 3,999	1	2	3	3	3	4	4
2,000 – 2,999	1	2	3	3	4	5	5
1,000 – 1,999	1	3	3	3	4	5	5
500 - 999	1	3	4	4	4	5	5
200 - 499	1	3	4	4	5	5	6
50 - 199	1	3	4	5	5	6	6
0 - 49	1	3	6	6	6	6	6

ROUTINE PATROLLING

The minimum standard for the frequency of routine patrolling of highways is set out in Table 2. Routine patrolling shall be carried out by driving on the highway to check for conditions described in this policy. If it is determined by the Municipality that the weather monitoring indicates that there is a substantial probability of snow accumulation on roadways, ice formation on roadways or icy roadways, the minimum standard for patrolling highways is, in addition to that set out in Table 2, to patrol highways that the Municipality selects as representative of its highways, at intervals deemed necessary by the Municipality, to check for such conditions. Patrolling a highway consists of observing the highway, either by driving on or by electronically monitoring the

highway, and may be performed by persons responsible for patrolling highways or by persons responsible for or performing highway maintenance activities.

TABLE 2 ROUTINE PATROLLING FREQUENCY

Class of Highway	Patrol Frequency
4	Once every 14 days
5	Once every 30 days
6	Once every 30 days

WEATHER MONITORING

The minimum standard for weather monitoring requires the Roads Department, Operations Manager or Foreman, to monitor current and future weather forecasts. The monitoring will generally be carried out by checking the local and regional weather conditions and forecasts on the internet, from sites such as The Weather Network and Environment Canada. A record of weather monitoring shall be maintained in the Roads Department office.

From October 1 to April 30, the minimum standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once every shift or three times per calendar day, whichever is more frequent, at intervals determined by the Municipality. From May 1 to September 30, the minimum standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once per calendar day.

WINTER MAINTENANCE

The Public Works Department will be responsible for winter road patrols and winter maintenance activities. The Public Works Department have the equipment, materials, schedules, manpower and procedures in place to commence winter control operations on the 15th day of November each year until April 15th of the following year. Winter control equipment and manpower will be available on a continuous basis, 7 days a week 24 hours a day to respond to any winter event during this period.

There are a number of roads or road sections that are considered "seasonal" which are owned by the Township but on which no winter maintenance will be performed. Generally, a road may be considered "seasonal" and not require winter maintenance if there are no year-round or permanent residents living on a particular road or road section. Schedule "C" to this policy includes the list of Seasonal Roads. For all intents and purposes these roads are considered "temporarily closed", (i.e., November 15th to April 15th) and may only be used at the individuals own risk. Notice of the temporary closure of these roads will be posted at the point of temporary closure and on our Township's website.

SNOW ACCUMULATION

The minimum standard for clearing snow accumulation is, after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in Table 3, to deploy resources as soon as practical to address the snow accumulation;

AND

after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in Table 3 within the time set out in the Table, to provide a total width of at least five (5) metres on a Class 4, 5 and 6 highways with two lanes. If the depth of snow accumulation on a roadway is less than or equal to the depth set out in Table 3, the roadway is deemed to be in a good state of

repair with respect to snow accumulation. The depth of snow on a roadway may be determined by a Municipal employee whose duties or responsibilities include one or more of the following:

1. Patrolling highways,
2. Performing highway maintenance activities,
3. Supervising staff who patrol or maintain highways.

The depth of snow accumulation on a roadway may be determined by:

1. Performing an actual measurement,
2. Monitoring the weather,
3. Performing a visual estimate.

During winter operations a number of minor snow events may result in surfaces becoming snow-packed. Once this compacted snow accumulates it is considered part of the road for the application of our Level of Service and is the desired condition. During periods of thaw, appropriate remedial action would be required as the depth of the compacted snow base becomes unstable. This remedial action may include plowing, salting and sanding, as determined, to break up the base and remove it from the traveled sections of the road. It will be the duty of the Operations Manager and Foreman to determine best treatment methods for implementation. This section only applies to a Municipality during the season when the Municipality performs winter highway maintenance.

TABLE 3 SNOW ACCUMULATION

Class of Highway	Depth	Time
4	8cm	16 Hours
5	10cm	24 Hours
6	10cm	24 Hours

ICY ROADWAYS

The minimum standard for treating icy roadways is to deploy resources to treat an icy roadway as soon as practical after becoming aware of the condition; and to treat the icy roadway within the time set out in Table 4 after becoming aware of the condition. It is acceptable to "spot" treat only those sections that are in fact icy. The entire road does not require the same treatment; however, the treatment that is applied and the locations are required to be documented each and every time this treatment method is used. This section only applies to the Municipality during the season when the Municipality performs winter highway maintenance.

TABLE 4 TREATMENT OF ICY ROADWAYS

Class of Highway	Time
4	12 Hours
5	16 Hours
6	16 Hours

POTHOLES

If a pothole exceeds both the surface area and depth set out in Table 5 A-C, as the case may be, the minimum standard is to repair the pothole within the time set out in Table 5 A-C, as appropriate, after becoming aware of the fact. A pothole shall be deemed to be repaired if its surface area or depth is less than or equal to that set out in Table 5 A-C, as appropriate.

TABLE 5A POTHOLES ON PAVED SURFACE OF ROADWAY

Class of Highway	Surface Area	Depth	Time
4	1000cm ²	8cm	14 Days
5	1000cm ²	8cm	30 Days
6	1000cm ²	8cm	30 Days

TABLE 5B POTHOLES ON NON-PAVED SURFACE OF ROADWAY

Class of Highway	Surface Area	Depth	Time
4	1500cm ²	10cm	14 Days
5	1500cm ²	12cm	30 Days
6	1500cm ²	12cm	30 Days

TABLE 5C POTHOLES ON PAVED OR NON-PAVED SURFACE OF SHOULDER

Class of Highway	Surface Area	Depth	Time
4	1500cm ²	10cm	30 Days
5	1500cm ²	12cm	60 Days
6	1500cm ²	12cm	60 Days

SHOULDER DROP-OFFS

If a shoulder drop-off is 8cm or deeper, for a continuous distance of 20 metres or more, the minimum standard is to repair the shoulder drop-off within the time set out in Table 6 after becoming aware of the fact. A shoulder drop-off shall be deemed to be repaired if its depth is less than or equal to 8cm. In this section, "shoulder drop-off" means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder.

TABLE 6 SHOULDER DROP-OFFS

Class of Highway	Time
4	14 Days
5	30 Days
6	30 Days

CRACKS

If a crack on a paved surface of a roadway is greater than 5cm wide and 5cm deep, for a continuous distance of 3 metres or more, the minimum standard to repair the crack within the time set out in Table 7 after becoming aware of the fact. A crack is deemed to be in a good state of repair if its width and depth is less than or equal to that set out in the Table.

TABLE 7 CRACKS

Class of Highway	Time
4	180 Days
5	180 Days
6	180 Days

DEBRIS

If there is debris on a roadway, the minimum standard is to deploy resources, as soon as practical after becoming aware of the fact, to remove the debris. In this section, "debris" means any material or object on a roadway that is not an integral part of the roadway or has not been intentionally placed on the roadway by a Municipality, and that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle. It may include, but not be limited to, garbage, garbage bags, tires, or other large quantities of litter.

LUMINAIRES

As per section 10.6.(b) of O. Reg. 239/02, the standard only applies to Class 3, 4 and 5 highways with a posted speed of 80 km/hr or more. All Municipally maintained luminaires are located in hamlets or built-up areas where the posted speed is less than 80 km/hr.

SIGNS

The minimum standard for the frequency of inspecting signs of a type listed below to check to see if they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. If any sign of a type listed below is illegible, improperly oriented or missing, the minimum standard is to deploy resources as soon as practical after becoming aware of the fact to repair or replace the sign.

This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
4. One Way.
5. School Zone Speed Limit.
6. Stop.
7. Stop Ahead.
8. Stop Ahead, New.
9. Traffic Signal Ahead, New.
10. Two-Way Traffic Ahead

11. Wrong Way.
12. Yield.
13. Yield Ahead.
14. Yield Ahead, New.

REGULATORY OR WARNING SIGNS

If a regulatory or warning sign other than a sign listed above is illegible, improperly oriented or missing, the minimum standard is to repair or replace the sign within the time set out in Table 9 after becoming aware of the fact. In this section, "regulatory sign" and "warning sign" have the same meaning as in the Ontario Traffic Manual.

TABLE 9 REGULATORY AND WARNING SIGNS

Class of Highway	Time
4	30 Days
5	30 Days
6	30 Days

SURFACE DISCONTINUITIES

In this section, "surface discontinuity" means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints and approach slabs to a bridge. If a surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, exceeds the height set out in Table 10 to this section, the minimum standard is to repair the surface discontinuity within the time set out in the Table after becoming aware of the fact. A surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, is deemed to be in a good state of repair if its height is less than or equal to the height set out in the Table to this section.

TABLE 10 SURFACE DISCONTINUITIES

Class of Highway	Height	Time
4	5cm	21 Days
5	5cm	21 Days
6	5cm	21 Days

MINIMUM STANDARDS FOR CATEGORIES NOT INCLUDED IN O. REG. 239/02

DANGER TREES

This section applies to the mitigation of a tree-falling on a roadway. A tree shall be deemed a hazard to a roadway if all the following conditions are present:

1. The entire tree or a significant portion of the tree appears dead, as evidenced by no leaves during normal in-leaf season, the tree must be on the Township right-of-way, and;
2. The trunk of the tree must be greater than 30cm in diameter, and
3. There must be a significant likelihood of the tree falling on the roadway, if it falls.

After becoming aware of the fact that one or more of the conditions noted above exist the level of service is to secure the tree from falling on a roadway within the time as shown in Table 11.

TABLE 11 DANGER TREES

Class of Highway	Time
4	30 Days
5	30 Days
6	30 Days

FLOODING

A flood condition exists where water, flowing or standing, covers more than half a lane width of a roadway. Where floods exceed the depth of 10cm, a response is required. Flood conditions on roadways should have warning signs posted as a response. Further, where the roadway is not closed, it should be monitored at reasonable intervals during the flood. The time for responding should be no more than 12 hours after becoming aware of the condition. Flood mitigation, while in a flood condition, is at the discretion of the Operations Manager. Repeat flooding within a two-week period is considered a single occurrence. Where the maximum depth is exceeded, the zone shall be posted to advise of the hazard, the road shall be closed and barricaded. Where flooding occurs more frequently than once every two years, remedial action shall be considered.

TABLE 12 FLOODING

Class of Highway	Acceptable Depth	Depth at which action is required
4	10cm	10cm
5	10cm	20cm
6	10cm	20cm

DUST

Where dust caused by traffic on a gravel road surface causes impact on reasonable vehicle safety, relative to the ambient condition of the road, that condition should not occur for more than 6 months of the year. This policy does not apply where the condition occurs over a distance of less than 100 metres or where there are no permanent structures adjacent to the roadway. This standard does not apply to shoulders but to the travelled portion of the road. Dust suppression will be applied in accordance with the guidelines of the Ontario Ministry of Environment and Ministry of Transportation. Dust abatement to address other criteria such as field crops, and air quality are not addressed in this policy.

REDUCED LOADS

March 1st to May 31st annually shall be considered reduced load season. At the discretion of the Operations Manger a reduced load limit may be implemented sooner or run later than the prescribed timeline should conditions warrant. A reduced load designation shall be enacted for the protection of certain roadways in the Municipality, but will be aimed at LCB (low class bituminous) surfaced roads. During such time road users are permitted to carry 5 tonne per axel or less. Reduced loads shall be advertised using warning signs, news paper ads and Municipal website.

