

Minimum Maintenance Standards for Municipal Highways, A.K.A. Roads

By Don Payne, FOCA Roads Advisor (From FOCA Report to the membership, Spring 2003)

When portions of provincial highways were downloaded to municipalities a few years ago, municipalities found that they were faced with more roadway to maintain without adequate provincial grants to do so. In addition, they found that they were saddled with additional liability insurance costs for those roads.

In order to better address the liability costs, a number of attempts to standardize road maintenance issues were made. Finally on November 1, 2002 "Minimum Maintenance Standards for Municipal Highways" came into being as Regulation 239/02 of the new Municipal Act. Municipalities, which now have complete administrative control over highways/roads under the jurisdiction of the new Municipal Act, do not have to adopt the Standards. However, in cases where the Standards are not adopted by a municipality, judgements against such municipalities for poor maintenance will be made by the courts after comparison with the Standards. Such being the case, the Standards will be the defacto standard for all municipalities as far as road maintenance is concerned. The Standards call for the classification of each road in a municipality as one of six types based on the Average Annual Daily Traffic count and the speed of those vehicles. The highest classification a municipal road would get would be 1 if the traffic count was 15,000 or more and the speed was in the 90 km/hr range. The lowest classification of 6 would be for roads that have a 0-59 traffic count with speeds in the 40-80 km/hr range. Class 1 roads must be routinely inspected three times every seven days and Class 5 roads once every 30 days. The regulations do not apply to Class 6 or private roads.

For each classification, there are minimum times to effect maintenance in order for the municipality not to be held liable for accidents caused by the condition of the road. For example, a Class 3 road requires a municipality to clear snow that has accumulated to a depth of 8 cm in 12 hours or less. They have just 8 hours to deal with icy conditions. Other standards have to do with potholes on the road surface and on the shoulders, shoulder drop-off, cracks, debris, lighting, signs, traffic lights and bridge surfaces.

If your cottage driveway comes off a municipal road, you may be interested to know what its classification is. Knowing that classification and the minimum maintenance standards associated with it gives you an opportunity to assess how well your municipality maintains the municipal road that serves your cottage.