



Report to: Special General Committee Meeting

Meeting Date: June 19, 2023

SUBJECT:	Winter Maintenance of Regional Sidewalks and Active Transportation Infrastructure
PREPARED FOR:	Alice Lam – Director Operations
PREPARED BY:	David Plant – Senior Manager Parks Horticulture and Forestry

RECOMMENDATION:

1. THAT the report titled Winter Maintenance of Regional Sidewalks and Active Transportation Infrastructure be received; and
2. THAT the Regional Municipality of York assume winter maintenance of sidewalks on Regional roads; and
3. THAT the Regional Municipality of York assume winter maintenance of active transportation infrastructure including but not limited to separated cycle track or multi-use pathway on Regional roads; and
4. THAT the Regional Municipality of York prepare and outline the total cost and tax implication to the City of Markham to effect the assumption of winter maintenance of regional sidewalks and active transportation infrastructure; and
5. THAT a Maintenance Agreement between the Regional Municipality of York and the City of Markham be executed to outline the change in responsibilities; and
6. THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide Council with the Operations department position on the report titled Winter Maintenance of Sidewalks Adjacent to Regional Roads presented to Regional Council, Committee of the Whole Transportation systems on June 16, 2022. Region of York staff prepared this report in response to a member's resolution to review Regional Winter Maintenance Roles brought forward by Regional Councillor Linda Jackson of the City of Vaughan. Following review of the June 16, 2022 report, Regional Council made the following decision on June 30, 2022 which reads as follows.

On June 30, 2022 Regional Council made the following decision about the report.

1. Councils of local municipalities confirm their positions regarding the Region assuming winter maintenance of sidewalks adjacent to Regional roads, given the Regional tax levy implication.
2. Regional staff work with local municipal staff on opportunities to improve coordination of winter maintenance of sidewalks adjacent to Regional roads for the 2022/23 winter season.
3. The Region investigate ownership and maintenance of separated cycling lanes as part of the 2022 Transportation Master Plan Focus Area and report to Council in 2023.
4. The Regional Clerk forward a copy of this report to the local municipalities and request confirmation of their position by September 30, 2022.

BACKGROUND:

The City of Markham services 1,150km of sidewalks of which 962 km are on City roads and 188 km are on Regional roads with 3.1 km of separated cycle track and 32.4 km of multi-use pathway.

The City of Markham Council approved service level for sidewalk and multi-use pathway winter maintenance is to plow all sidewalks within 24 hours of the end of a snowfall when accumulations reach 5cm or more. Priority service is provided according to the road classification, beginning with sidewalks along arterial and primary roads, followed by secondary and residential sidewalks. Special attention is given to sidewalks near schools and bus stops.

Operations deploys 43 sidewalk plows to clear 1,150km of sidewalks which typically takes 10-14 hours to complete depending on the winter storm. This averages 26.7km of sidewalk per sidewalk machine depending on the exact route location and conditions. The cycle track on Hwy #7 has a different classification than City sidewalks and is serviced in alignment with primary roads.

The City winter sidewalk maintenance exceed the Provincial Minimum Maintenance Standards (MMS).

The Region of York deploys an average of 20 combination plow trucks to clear 188km of Region of York roads in Markham which typically takes 1.5 to 2 hours to complete. This averages 9.4 km of Regional road per unit travelling at about 40kph. The Regional road service level(s) in addition to complying with the MMS is compliance with the Regional Council approved Bare Pavement Policy.

At the completion of one cycle of City winter sidewalk maintenance the regional roads could potentially have been plowed 5-6 times increasing the snow loading to areas with limited or no snow storage. This snow loading on Regional curb facing sidewalks, Regional road bridge decks and Regional road intersections requires additional resources to load and haul the snow to a suitable storage area of move and pile the snow to another location nearby. During the coordination and implementation of these activities this part of the Regional road network is frequently blocked.

OPTIONS/ DISCUSSION:

Operations maintains 1,150 km of sidewalks, multi-use pathways and cycle track with the following breakdown.

City Owned Sidewalks	Regional Owned Sidewalks	Curb Facing/Limited Storage Sidewalks	Multi Use Pathways	Separated Cycle Track	Total City Maintained Sidewalks
891.5km	188km or 16% of all City Maintained	35km or 19% of Regional Sidewalks	32.4km or 3% of City Maintained	3.1km	1,150km

Of the total Regional sidewalks 35km (19.7%) have limited or no snow storage area referred to by the Region of York as curb facing sidewalks. While sidewalks with adequate snow storage can be cleared efficiently, sidewalks with no snow storage result in blockages and can remain obstructed for extended periods of time. These obstructions of primary priority sidewalks prevent residents from access to transit and commerce.

Regional roads vary in width from 2-4 lanes producing large heavy snow and ice piles or windrows directly on top of the sidewalk leaving sidewalk plows unable to move them without enlisting additional equipment such as snow blowers or loaders to assist, in which adding delays to the overall service.

An equally challenging factor to completing a cycle of sidewalk plowing is the legislated maximum allowable hours of work for operators. Provincial legislation by the Ministry of Labour states that while workers be available to work their hours of service that they be limited to 13 consecutive hours in a day with a maximum of 70 hours for the week. Under the current structure Operations deploys 1 shift per 24-hour period and in an ongoing storm this greatly affects our ability to meet Council approved service level.

In 2022/2023 Winter, the Region of York staff worked with local municipality staff to improve coordination of services. While the Region has been able to periodically assist to clear some blockages such as limited sections of the multi-use pathway on Major Mackenzie Drive, and some bridge decks on Regional roads, their assistance simply helps to reduce the time of the blockages. A better plan is required to address the impacts to sidewalks with limited or no snow storage.

The City of Markham and the Region of York sidewalks are interconnected and together provide the primary and secondary routes for pedestrian travel to transit, shopping or work. When part of the primary sidewalk network is blocked residents are forced to walk on regional roads creating an unsafe condition.

The report to Regional Council on June 16, 2022 which initiated the discussion of the Region of York assuming maintenance of sidewalks on Regional roads made reference to

the responsibilities of lower tier municipalities under section 44 of the Municipal Act states the following.

Maintenance s. 44(1) – A municipality with 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 [includes consideration of cost and personnel limitations].

Section 55 (1) of the Municipal Act states that:

An upper-tier municipality is not responsible for the construction and maintenance of sidewalks on its highways and the lower tier municipality in which the highways are located is responsible for the construction and maintenance of the sidewalks and has jurisdiction over that part of the highway, unless the municipalities agree otherwise.

As a result of the extended significant weather event declaration by Vaughan, Richmond Hill and Markham from the 46cm+ snow storm in January of 2021 and the motion by the City of Vaughan, an enhanced communication plan was implemented in the 2022/2023 winter season. The intent of the enhanced communications was to improve the coordination. The Region of York staff have been responsive to inquiries about service level impacts but have not been able to implement any continuous improvements with the exception of providing a tractor with blower periodically to assist with clearing the blockage in the Major Mackenzie Drive MUP or assisting in the clearing of bridge decks on regional roads.

In addition to the enhanced communications, the Region of York proposed inclusion of a multiyear budget submission of \$1.5M to assist in snow removal of 135km of sidewalks on all regional roads with limited or no snow storage. Markham staff were informed that no budget had been approved and no new equipment had been purchased or ordered. The result was no additional resources to assist with blockages and ultimately service level disruptions.

The statement from the Region of York that the current winter sidewalk maintenance generally works well may be applicable to municipalities with limited regional sidewalk but is not the case in Markham. Operations ability to clear sidewalks Citywide and meet MMS is directly impacted by the Region of York operations.

Improvement in service levels and meeting Council approved service levels on regional sidewalks requires ownership and investment. Despite the Municipal Act outlining the sidewalk responsibility, the sidewalk and active transportation infrastructure are located within the Regional road network. Thus, the same duty of care should be applied to the regional sidewalks as they do to their road network in the interest of resident safety and satisfaction.

FINANCIAL CONSIDERATIONS

Applying the estimated sidewalk Operations budget of \$3,636,481 for the 2023 winter season the 188 km of Region of York sidewalks which the City of Markham maintains

would represent \$594,485 to maintain. While we know that our City and contractor crews spend more time clearing blockages on Regional roads after the City network is open, we will be working with the Region to quantify the costs related to Regional sidewalk and active transportation infrastructures.

Prior to formal transfer of the regional sidewalk and active transportation infrastructure winter maintenance service to the Region of York, staff recommend the Region of York prepare and outline the total cost and tax implication to the City of Markham to effect the assumption. Staff will continue to work with the Region to review and prepare the financial analysis.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Winter Maintenance to the City's public sidewalk network is a core public service in supporting the City's strategic priority to provide for a safe, sustainable and complete community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance

RECOMMENDED BY:

Alice Lam
Director of Operations

Morgan Jones
Commissioner Community Services

ATTACHMENTS:

Regional Council Committee of the Whole Report June 16, 2022
Regional Council Decision June 30, 2022