

# Staff Report



Infrastructure Services Department

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**REPORT TO:** Community and Infrastructure Services Committee

**DATE OF MEETING:** October 30, 2023

**SUBMITTED BY:** Roslyn Lusk, Director – Operations Roads & Traffic, 519-741-2600 ext. 4599  
Jeff Silcox-Childs, Director Parks & Cemeteries, 519-741-2600 ext. 4518

**PREPARED BY:** Roslyn Lusk, Director – Operations Roads & Traffic

**WARD(S) INVOLVED:** All

**DATE OF REPORT:** September 11, 2023

**REPORT NO.:** INS-2023-079

**SUBJECT:** Significant Weather Event Declaration via Adoption of MMS

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## RECOMMENDATION:

That Council provide delegated authority for a significant weather event declaration and adopt O. Reg. 239/02 as the minimum maintenance standards for highways, bridges, roads, bike lanes, trails and sidewalks set out in the By-law attached to INS Report 2023-079.

## REPORT HIGHLIGHTS:

- The purpose of this report is to re-affirm the City's established practice to comply with Ontario Regulation 239/02: MINIMUM MAINTENANCE STANDARD FOR MUNICIPAL HIGHWAYS (MMS) as the minimum level of service provided on municipal roads, bike lanes, and sidewalks owned and maintained by City of Kitchener by adopting a By-law and to secure delegated authority to declare a Significant Weather Event (SWE) in accordance with governing Provincial Regulation.
- There are no financial implications.
- This report supports the delivery of core services.

## BACKGROUND:

Maintenance services within the right of way are well-defined and regulated through Ontario Regulation 239: Minimum Maintenance Standards for Municipal Highways (O.Reg. 239 MMS).

The City requires a formal By-law to adopt the MMS as the city's minimum maintenance service levels and to be able to declare a "significant weather event" (SWE), if and when

certain triggers are met. In addition, because the city maintains both municipal and regional roadways, the Region must delegate authority to city staff to allow for any potential SWE declaration to apply to all regional roads the city maintains within the City of Kitchener per the Region of Waterloo Transportation Division Maintenance Agreement with the City of Kitchener to operate and maintain regional roads within the City of Kitchener, also known as the Area Municipalities Agreement (AMA). City of Kitchener staff is working collaboratively with area municipalities within the Region and the Region itself to coordinate similar reports.

## **REPORT:**

The By-law attached to INS Report 2023-079 re-affirms the City's practice to comply with Ontario Regulation 239/02: MINIMUM MAINTENANCE STANDARD FOR MUNICIPAL HIGHWAYS (MMS) as Kitchener's minimum level of service provided on municipal roads, bike lanes, and sidewalks owned and maintained by City of Kitchener. There are no operational changes or resource impacts associated with the passing of this By-law.

Formal adoption of minimum maintenance service levels for roads and sidewalks via a By-law aligns with the expectations of the Asset Management Regulation 193/21, as well as requirements set forth in the Region's AMA with the City of Kitchener to operate and maintain regional roads within the City of Kitchener.

By formally recognizing the MMS as the minimum service provision through a By-law, there is an inherent ability to declare a SWE when and if the specific triggers identified in the By-law are met. Through the declaration of a SWE, specific timeframes identified in the MMS can be paused so municipal forces can be prioritized appropriately and deployed when safe and practicable.

The weather hazard triggers for a SWE declaration within the Region were selected through collaboration with the area municipalities and the Region and match those identified by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program, as required by the MMS.

The following is a list of triggers upon which a SWE may be declared when any or all the following is forecast or occurring:

1. Greater than 20cm of snow accumulation expected or occurring during the next 24 hours.
2. Greater than 20mm of ice accretion from a freezing rain event lasting longer than 12 hours.
3. Sustained winds above 60km/hr that will reduce visibility.

The ability for city staff to declare a SWE on regional roads within the City of Kitchener's boundaries requires delegated authority from the Region which will be provided through a Region of Waterloo Staff Report, which is expected to be passed in November 2023.

The MMS undergoes regular reviews to ensure maintenance standards remain relevant and achievable. When MMS changes are made by the Province, staff will evaluate the changes and determine if updates to the By-law schedule are required.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

The City of Kitchener website publishes details on winter maintenance service levels and provides mapping tools to support awareness of winter maintenance activities.

In addition, a communication plan is being developed should the need arise to declare a Significant Weather Event (SWE).

**PREVIOUS REPORTS/AUTHORITIES:**

- Policy I-1240 WINTER MAINTENANCE POLICY (Policy and Procedures for the Municipalities of the Geographic Region of Waterloo)
- INS-7-21 Agreement for Maintenance Services on Regional Roads
- Municipal Act, 2001; O.Reg.239/02 Minimum Maintenance Standard for Municipal Highways (MMS)

**APPROVED BY:** Denise McGoldrick, General Manager, Infrastructure Services

**ATTACHMENTS:**

Attachment A – By-law to Adopt Minimum Maintenance Standards and Delegated Authority to Declare a Significant Weather Event.