

MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS

Minimum Maintenance Standards (“MMS”)

Ontario Regulation 239/02, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25

Purpose is to clarify scope of statutory defence available to a municipality under clause 44(3)(c) of *Municipal Act, 2001*

Substantive changes made to MMS as of May 3, 2018, pursuant to Ontario Regulation 366/18

CLASSIFICATION OF HIGHWAYS

Average Daily Traffic (No. of motor vehicles)	Posted or Statutory Speed Limit (kms per hour)						
	100	90	80	70	60	50	40 or less
53,000 or more	1	1	1	1	1	1	1
23,000 – 52,999	1	1	1	2	2	2	2
12,000 - 22,999	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
5,000 - 7,999	1	2	2	3	3	4	4
3,000 - 4,999	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

	CLASS 1	CLASS 2	CLASS 3	CLASS 4	CLASS 5
PATROLLING FREQUENCY	3x every 7 days	2x every 7 days	1x every 7 days	1x every 14 days	1x every 30 days
SNOW ACCUMULATION - Roadways	Depth: 2.5 cm Time: 4 hrs	Depth: 5 cm Time: 6 hrs	Depth: 8 cm Time: 12 hrs	Depth: 8 cm Time: 16 hrs	Depth: 10 cm Time: 24 hrs
SNOW ACCUMULATION - Bike Lanes	Depth: 2.5 cm Time: 8 hrs	Depth: 5 cm Time: 12 hrs	Depth: 8 cm Time: 24 hrs	Depth: 8 cm Time: 24 hrs	Depth: 10 cm Time: 24 hrs
ICE FORMATION PREVENTION	Time: 6 hrs Also applies to bicycle lanes on a roadway	Time: 8 hrs	Time: 16 hrs	Time: 24 hrs	Time: 24 hrs
TREATMENT - Icy Roadways	Time: 3 hrs Also applies to bicycle lanes on a roadway	Time: 4 hrs	Time: 8 hrs	Time: 12 hrs	Time: 16 hrs
WEATHER MONITORING (Section 3.1)	Oct 1 - Apr 30: 1x every shift or 3x per day, whichever is greater, at intervals determined by municipality May 1 - Sept 30: 1x per day				
SNOW ACCUMULATION –Sidewalks After Snow accumulation has ended.	a) reduce snow to depth of ≤ 8 cm within 48 hrs; and b) provide a minimum sidewalk width of 1 metre. If depth is ≤8 cm, sidewalk is in state of repair. If depth is >8 cm while snowing, sidewalk is in state of repair until 48 hrs after accumulation ends				
ICE FORMATION – Sidewalks & Icy Sidewalks	a) monitor weather in 24-hr period preceding a formation of ice on sidewalk; and b) treat sidewalk if practicable within 48 hrs if substantial probability of ice forming. after municipality becomes aware that sidewalk is icy - treat sidewalk within 48 hrs, and icy sidewalk is in state of repair for 48 hrs after it has been treated				
WINTER SIDEWALK PATROL	If substantial probability of icy sidewalks, ice formation, or snow accumulation > 8 cm, patrol sidewalks that municipality selects as representative of its sidewalks at intervals deemed necessary by municipality				
SIGNIFICANT WEATHER EVENT (can be declared by municipalities)	Definition: Approaching or occurring weather hazard with the potential to pose a significant danger to users of highways within a municipality Applies to following sections of MMS: 1) Snow Accumulation on Roadways, 2) Snow Accumulation on Sidewalks, 3) Snow Accumulation on Bicycle Lanes, 4) Icy Roadways, 5) Icy Sidewalks If municipality declares a significant weather event: a) monitor weather; and b) deploy resources to address issue(s) starting from the time that municipality deems appropriate to do so. Once significant weather event is declared to have been concluded, municipality shall address issue pursuant to regular standards.				
DECLARATION OF A SIGNIFICANT WEATHER EVENT	Municipality must declare the beginning & end of a significant weather event in 1 or more of these ways: <ol style="list-style-type: none">Posting a notice on the municipality's website.Announcing on a social media platform, such as Facebook or Twitter.Sending a press release or similar communication to internet, newspaper, radio or television media.Notification through the municipality's police service.Any other notification method required in a by-law of the municipality.				
POTHoles ON PAVED SURFACE - Roadway	Area: 600 cm ² Depth: 8 cm Time: 4 days	Area: 800 cm ² Depth: 8 cm Time: 4 days	Area: 1,000 cm ² Depth: 8 cm Time: 7 days	Area: 1,000 cm ² Depth: 8 cm Time: 14 days	Area: 1,000 cm ² Depth: 8 cm Time: 30 days
POTHoles ON NON-PAVED SURFACE - Roadway	n/a	n/a	Area: 1,500 cm ² Depth: 8 cm Time: 7 days	Area: 1,500 cm ² Depth: 10 cm Time: 14 days	Area: 1,500 cm ² Depth: 12 cm Time: 30 days

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	CLASS 1	CLASS 2	CLASS 3	CLASS 4	CLASS 5
POTHoles ON PAVED OR NON-PAVED SURFACE - Shoulder	Area: 1,500 cm ² Depth: 8 cm Time: 7 days	Area: 1,500 cm ² Depth: 8 cm Time: 7 days	Area: 1,500 cm ² Depth: 8 cm Time: 14 days	Area: 1,500 cm ² Depth: 10 cm Time: 30 days	Area: 1,500 cm ² Depth: 12 cm Time: 60 days
SHOULDER DROP-OFFS	Deeper than 8 cm, for a continuous distance of 20 m or more				
	Time: 4 days	Time: 4 days	Time: 7 days	Time: 14 days	Time: 30 days
TABLE CRACKS	Greater than 5cm wide and 5cm deep for a continuous distance of 3m or more				
	Time: 30 days	Time: 30 days	Time: 60 days	Time: 180 days	Time: 180 days
LUMINAIRES	Time: 7 days	Time: 7 days	Time: 14 days	Time: 14 days	Time: 14 days
CONVENTIONAL ILLUMINATION	If 3+ consecutive luminaires on same-side of highway aren't functioning, repair in time above once aware				
CONVENTIONAL AND HIGH MAST ILLUMINATION	If 30% + of luminaires on any km of highway aren't functioning, repair within time above after once aware If > 50% of luminaires on any km of Class 1 highway with speed limit of 90 km/h + aren't functioning, deploy resources as soon as practicable once aware of fact to repair High mast illumination: if all luminaires on consecutive poles on same side of highway aren't functioning, deploy resources as soon as practicable once aware of fact to repair				
SIGNS If any of the following signs are illegible, improperly oriented, obscured or missing, standard is to deploy resources as soon as practicable after becoming aware:	<ul style="list-style-type: none"> Checkerboard Curve sign with advisory speed tab Do Not Enter Load Restricted Bridge Low Bridge Low Bridge Ahead One Way School Zone Speed Limit 		<ul style="list-style-type: none"> Stop Stop Ahead Stop Ahead, New Traffic Signal Ahead, New Wrong Way Yield Yield Ahead Yield Ahead, New 		
ALL OTHER REGULATORY AND WARNING SIGNS	Time: 7 days	Time: 14 days	Time: 21 days	Time: 30 days	Time: 30 days
BRIDGE DECK SPALLS	Area: 600 cm ² Depth: 8 cm Time: 4 days	Area: 800 cm ² Depth: 8 cm Time: 4 days	Area: 1,000 cm ² Depth: 8 cm Time: 7 days	Area: 1,000 cm ² Depth: 8 cm Time: 7 days	Area: 1,000 cm ² Depth: 8 cm Time: 7 days
ROADWAY SURFACE DISCONTINUITIES OTHER THAN BRIDGE DECK	Height: 5 cm Time: 2 days	Height: 5 cm Time: 2 days	Height: 5 cm Time: 7 days	Height: 5 cm Time: 21 days	Height: 5 cm Time: 21 days
ROADWAY SURFACE DISCONTINUITIES ON BRIDGE DECK	A surface discontinuity on a bridge deck is deemed to be in state of repair if its height is ≤ 5 cm If > 5 cm, standard is to deploy resources as soon as practicable once aware of fact to repair				
SIDEWALK SURFACE DISCONTINUITIES	A surface discontinuity on or within a sidewalk is deemed to be in state of repair if ≤ 2 cm If > 2 cm, to treat the surface discontinuity within 14 days after acquiring actual knowledge of the fact				
ENCROACHMENTS - Area Adjacent to Sidewalk	Frequency of inspecting area adjacent to sidewalk to check for encroachments is 1x calendar year, with each inspection taking place not more than 16 months from the previous inspection. Area adjacent to a sidewalk is in a state of repair unless encroachment is determined by municipality to be highly unusual given its character and location or to constitute a significant hazard to pedestrians. If municipality determines that encroachment is highly unusual or constitutes a significant hazard, treat encroachment within 28 days after making such a determination.				

Municipal Liability Practice Group

The Municipal Liability Group has extensive experience with a broad range of legal issues faced by municipal bodies in the administration of their jurisdictions and the corresponding insurance concerns. Our mission is to provide cost-effective results-oriented services to municipalities and their insurers. Our years of experience and depth of talent allows us to take a creative and innovative approach when navigating the legal complexities faced by today's municipalities.

SERVICES

A recognized leader in its field, we represent municipalities in a wide variety of cases including MVA's involving minimum winter maintenance standards, sewer backups, accidents in public facilities such as arenas and parks, and claims arising from locating underground utilities.

We are particularly qualified to litigate liability claims arising in the following areas:

- winter maintenance
- road maintenance and constructions
- motor vehicle accidents
- *Ontario Building Code* inspections
- police and fire department operations
- land use and development
- employment and human rights
- environmental liabilities
- defamation

We provide expert advice in connection with insurance coverage issues that sometimes face municipalities as a result of liability claims.

Contact

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