

Core Service Review: Maintenance of Unassumed and Private Roadways

Roads Operations, Public Works

Core Service Review



Definitions

- **Assumed Road:** A municipally owned right of way opened through By-Law or where the municipality provided full and regular maintenance operations prior to 2003.
- **Unassumed Road:** Right of Way property owned by the municipality where the City is not legally required to provide maintenance services.
- **Private Road:** A right of way owned by a private resident or group of residents where the City has no ownership or legal responsibility to provide maintenance service.

Kawartha Lakes: Assumed Gravel Roads

- ~903km of assumed Gravel Roads City Wide
- Assumed gravel roads receive gravel application on an approximate 10 year cycle
- Provided new gravel to ~75 km of assumed roads in 2015 and ~78 km in 2016
- LSA roads currently receive gravel application on an annual basis per the standard agreement

Legal Opinion

- In 2009 the City received a legal opinion from external Counsel on Limited Service Agreements
- Essentially: The City is not legally obligated to provide maintenance on either category of road (private or unassumed) and not doing so limits both the maintenance costs and exposure to liability for the City

LSA: What are we doing now?

- Limited Service Agreements (LSA) provide limited service on some private and unassumed roads
- Includes 2 gradings/year and up to 2 loads of gravel plus an additional load of gravel for every kilometer of road (or portion thereof) over one km in length per road at no charge
- Can include snowplowing as well
- The road must meet standards and pass inspection before LSA is approved

LSA What are we doing now?

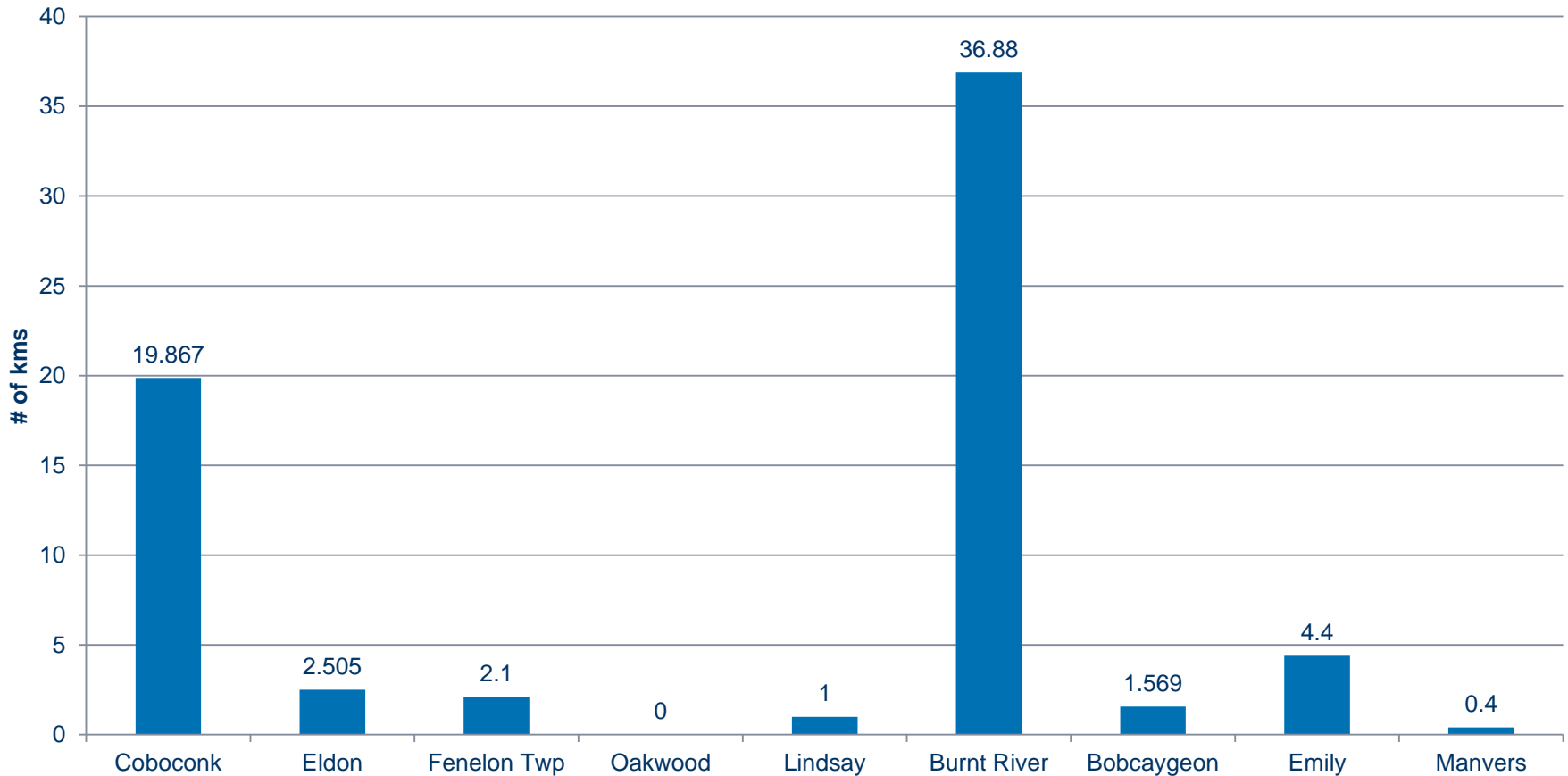
- Currently have 65 agreements to provide service to 68.72km of private & unassumed roads
- There are agreement applications for 22 new roads (17.7km) currently pending
- All current agreements are still receiving service while review is underway
- Applications have been put on hold

Who benefits from Current LSAs?

- There are 1968 households benefiting LSA agreements – or approximately 6% of the houses in Kawartha Lakes
- # of houses per road range from 2 to 145
- 29% of houses are on Private Roads
 - 566 Homes
- 71% of houses are on Unassumed Roads
 - 1402 Homes

Where do we have agreements?

LSAs by KM for each Depot Area



Subdivision Agreements

Winter Maintenance is provided to residents living in unassumed subdivisions in our community.

Currently, the Council endorsed Subdivision Agreement template commits the City “to snowplow and sand all roads in the Plan of Subdivision after issuance of the first final occupancy permit”.

Subdivision Agreements

Assumption of subdivision roads depends on the timing of build out of the lots and typically takes:

- approximately 10 to 15 years in the rural areas
- approximately 5 to 10 years in the urban areas

Therefore, the service is provided prior to the municipality accepting and assuming full responsibility for the roads.

Zoning By-laws & Building Permits

- Zoning by-laws for each former municipality still in effect
- Building Permits are issued based on zoning
- Many unassumed roads are zoned Limited Service Residential (LSR)
- Many zoning by-laws have a provision to allow permit issuance in LSR zones

Roads Maintenance Inventory Review

- Database of 4263 road segments
- Continuing to confirm status – assumed, unassumed, private, forced or assumed by service
- Confirming current maintenance activities – summer, winter or fully maintained
- 1655 segments are assumed by by-law
- 2211 require confirmation of ownership because service was provided prior to 2003
- 113 segments have a Limited Service Agreement in place

Roads Maintenance Review

Concerns / Considerations

- Discovered historical maintenance provided to private roads with no agreement in place. Review ongoing.
- Must consider impact on waste collection services.
- Legal / risk considerations.
- Potential cost, resource and staffing implications.

Roads Maintenance Review

Future Review

- Approximate 0.5 hr to pull registry for each road segment and approximately 2 hrs to review data if straight forward.
- 2.5 hrs multiplies by 2211 road segments is 5527.5 person-hours of work or 2.66 FTE for a year.
- Each registry search costs \$25.
- The review is required to have a defendable and accurate inventory.

Option 1- Status Quo

- **Limited Service Agreement program continues**
 - Includes 2 gradings/year and up to 2 loads of gravel per road plus an additional load of gravel for every kilometer of road (or portion thereof) over one km in length **at no charge**
- **Additional Considerations**
 - Cap agreement to current inventory of LSA's
 - Remove snow clearing services
 - Roads not meeting standards have agreements terminated with no renewal

Option 1 – Status Quo Cost

Year	Current Agreements	# of New Agreements	New Agreements	3%	Total
2015	\$ 34,757.37	0	\$ -		\$ 34,757.37
2016	\$ 35,800.09	0	\$ -		\$ 35,800.09
2017	\$ 35,800.09	22	\$ 11,132.00	\$ 1,407.96	\$ 48,340.05
2018	\$ 48,340.05	10	\$ 5,363.60	\$ 1,611.11	\$ 55,314.76
2019	\$ 55,314.76	10	\$ 5,363.60	\$ 1,820.35	\$ 62,498.71
2020	\$ 62,498.74	10	\$ 5,363.60	\$ 2,035.87	\$ 69,898.21

- Potential for 269 additional unassumed road segments to be maintained - cost could increase by ~\$135,000 or more depending on service provided.
- The potential impact of private is unknown and could exceed unassumed roads.

Option 2

Fee For Service & Administration Fee-Limited Service Agreements

- Fee for grading and gravel to be charged to Road Association
- Annual Administration Fee changed to Road Association
- LSA Stays in Place for Private & Unassumed Roads

Option 2 Costs

- Cost neutral to the municipality
- Approximately \$500/km cost to association for grading and gravel at current level
- Admin fee of \$100
- Annual inflationary cost increase

Option 3

Fee For Service Private Roads- LSA & Seasonal Level of Service for Unassumed Roads

- Private Road Fee for grading, gravel & an Administration fee to be charged to Road Association
 - LSA Stays in Place for Private Roads
- Unassumed Roads- Establish Seasonal Level of Service Policy for maintenance until roads are assumed (where possible)

Option 3: Seasonal Level of Service

Policy to identify:

- Minimum standard of road to qualify for maintenance
- Maintenance limited to grading and gravel (does not include brushing, tree removal, culverts, ditching, signs, etc.)
- Definition of the season (no maintenance provided Nov 1- April 30)
- No winter service/maintenance

Option 3 Costs

Private Roads

- \$500/km charge plus \$100 admin fee

Seasonal Level of Service for Unassumed

Year	Current Agreements	# of New Agreements	New Agreements	3%	Total
2016	\$ 22,993.65	0	\$ -		\$ 22,993.65
2017	\$ 22,993.65	16	\$ 8,581.76	\$ 947.26	\$ 32,522.67
2018	\$ 32,522.67	10	\$ 5,363.60	\$ 1,136.59	\$ 39,022.86
2019	\$ 39,022.86	10	\$ 5,363.60	\$ 1,331.59	\$ 44,386.46
2020	\$ 44,386.46	10	\$ 5,363.60	\$ 1,492.50	\$ 49,750.06

Potential for 269 additional unassumed road segments to be maintained - cost could increase by \$135,000

Option 4

Cancel LSAs on Private Roads & Seasonal Level of Service for Unassumed Roads

- Limited Service Agreements cancelled on Private Roads with phase out period
- Unassumed Roads- Establish Seasonal Level of Service Policy for maintenance until roads can be assumed (where possible)

Option 4 Costs

- No cost for private roads as LSAs would be cancelled

Seasonal Level of Service for Unassumed

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2016	\$ 22,993.65	0	\$ -		\$ 22,993.65
2017	\$ 22,993.65	16	\$ 8,581.76	\$ 947.26	\$ 32,522.67
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Potential for 269 additional unassumed road segments to be maintained - cost could increase by ~\$135,000.

Option 5

Bring Road up to Standard for Assumption (Local Improvement Charge)

- Private & Unassumed Roads
- Work with resident groups to bring road up to standard for assumption (Local Improvement Charge)
 - Local Improvement charge would be placed on taxes

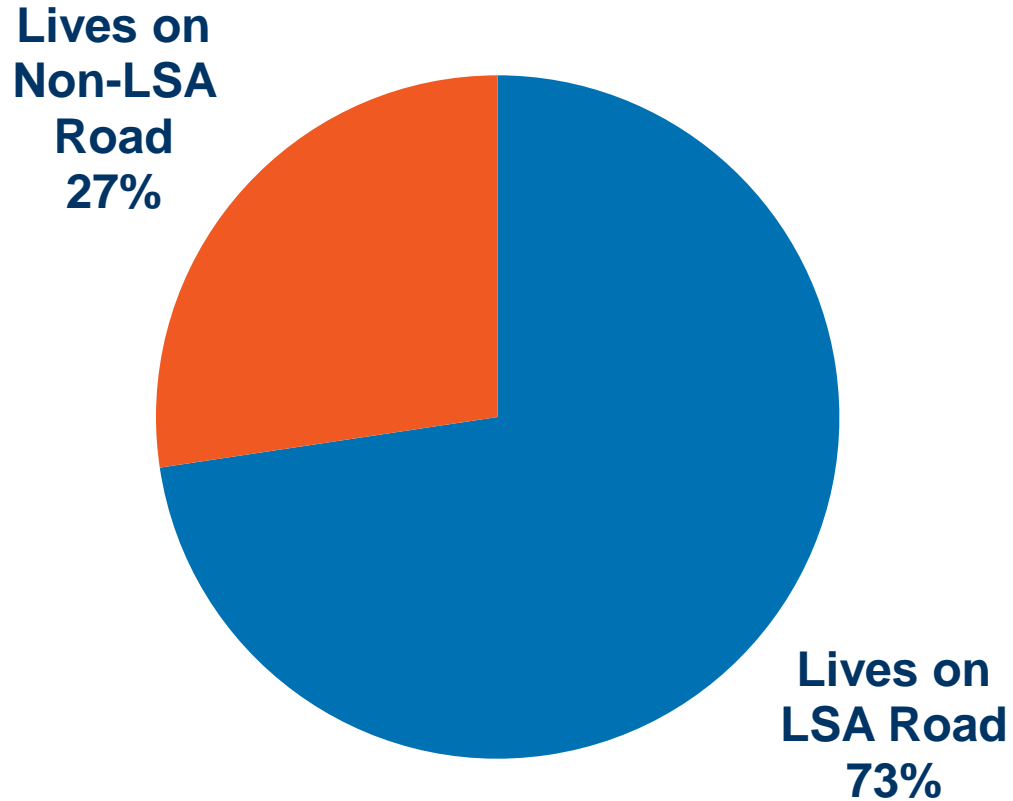
Option 5 Costs

- Upfront capital costs funded by the municipality
- Costs recovered over a period of time on taxes through a Local Improvement Charge
- Operating budget would have to increase for year round maintenance of newly assumed roads

Public Consultation

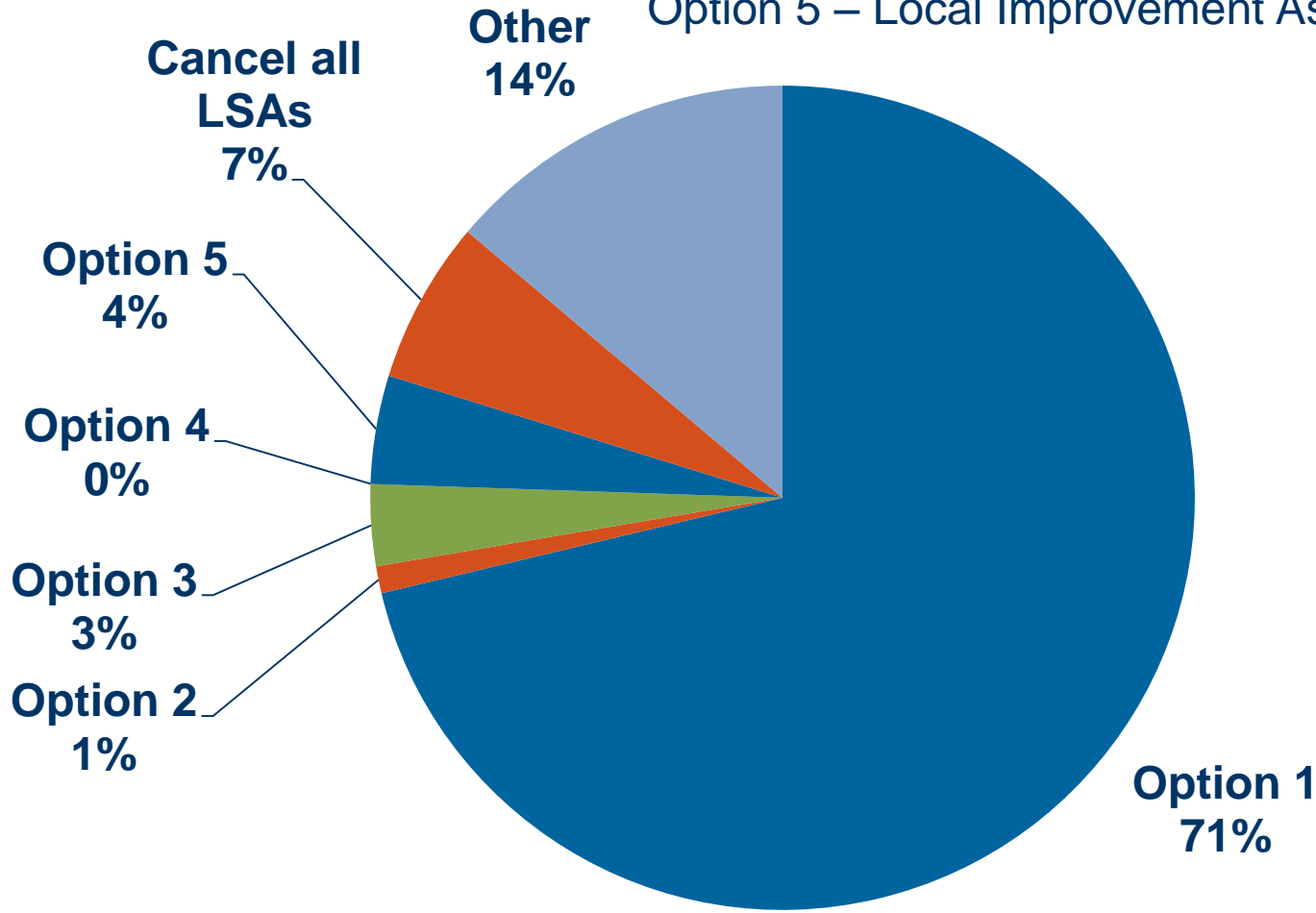
- Two public meetings were held to outline the options and receive feedback
- Fenelon Falls Community Centre on Wednesday, August 24 (86 people attended)
- Omemee Coronation Hall on Saturday, September 24 (58 people attended)
- Feedback was collected at the meetings, by mail and by email until October 31

Who provided feedback?



Options

- Option 1 – Status Quo
- Option 2 – Fee for Service All
- Option 3 – Fee for Service Private, LOS Unassumed
- Option 4 – Cancel Private, LOS for Unassumed
- Option 5 – Local Improvement Assume Roads



Feedback

- Of the 69 people who live on LSA roads, 60 of them prefer Option 1 – Status Quo
- All 6 who responded “Cancel All LSAs” do not live on an LSA road

Comments Received

- “We are getting short changed since the volume of tax we pay and it all seems to go to Lindsay”
- “Cottagers as a class pay higher taxes than most of the City’s other ratepayers”
- “Capping LSAs at the current inventory would be extremely unfair”
- “If LSAs are cancelled then what will our taxes cover besides garbage pick up?”

Comments Received

- “If the CKL takes away our gravel service, it will leave garbage pickup as the only direct service that we receive”
- “LSA represent mostly waterfront residences (with the only service being garbage pickup) and that these residences pay a great deal more taxes than non-waterfront on assumed gravel roads
- “The cost associated with unassumed and private road maintenance is so trivial I can’t see why the City is even reviewing it”

Comments Received

- “Given the high taxes paid to the city, the CKL should enhance LSAs on unassumed roads, not try to reduce the current level of service”
- “As a tax payer and gravel contractor I feel that people having their private roads graveled and graded is the same as having my private driveway maintained”

Comments Received

- “Why is CKL working on private roads?”
- “I strongly disagree with my taxes being spent on the upkeep of private and unassumed roads”
- “There are many public roads in the City which are in dire need of the money and attention being spent on unassumed roads”

Preferred Recommendations

Unassumed Roads

- Develop a Seasonal Level of Service Policy that includes a list of seasonally maintained roads
- Must meet road standards in LSA checklist
- No winter service
- No capital repairs, brushing, ditching, culverts
- Signage to be placed – Use at Own Risk
- Will need agreements for work being done on the road allowance by road association
- Work with associations who prefer Local Improvement Charge and assumption (Option 5)

Preferred Recommendations

Private Roads

- Discontinue service on all private roads
- Potential phase out period
- Still have alternative for road assumption

Next Steps

- Continue confirmation of road segments
- Refinement of potential cost implications for assumed roads (unable to quantify private)
- Update Assumption Policy
- Report to Council Q1 2017 with recommendations on Limited Service Agreements