

COMMITTEE OF THE WHOLE - DECEMBER 6, 2011

ADOPTION OF THE PROVINCIAL MINIMUM MAINTENANCE STANDARDS FOR SIDEWALK REPAIR

Recommendation

The Commissioner of Engineering and Public Works recommends:

That Council adopt the Province's Minimum Maintenance Standards (MMS) as the service objective for providing non-winter related maintenance on the City's assumed network of sidewalks.

Contribution to Sustainability

The repair and replacement of deficient sidewalk sections is essential to the sustainability of this infrastructure and the contribution it makes to the safe movement of the City's residents.

Economic Impact

The adoption of the Provincial Minimum Maintenance Standards, along with the procedures outlined in this report, will result in minimizing the City's financial exposure to third party claims. It will also help define an overall service objective for non-winter sidewalk inspection and repair, without the need for additional resources.

Communications Plan

N/A

Purpose

To have Council adopt the Provincial Minimum Maintenance Standards as the service objective for the non-winter maintenance and repair of its assumed network of sidewalks.

Background - Analysis and Options

The Provincial Minimum Maintenance Standards Need To Be Met

Section 44 of the Municipal Act, 2001 dictates a municipality's obligation or statutory duty to maintain their sidewalks for the safety of all users. The Province's Minimum Maintenance Standards (MMS), for Municipal Highways, O. Reg. 239/02, as amended, further defining this obligation, was passed into law effective February 18, 2010. The amended regulation now includes a requirement for inspection and repair, to eliminate trip edges and other surface discontinuities on sidewalks.

The following is an excerpt from Regulation 239/02, as amended, concerning sidewalks:

"Sidewalk surface discontinuities

16.1 (1) *The minimum standard for the frequency of inspecting sidewalks to check for surface discontinuity is once per year. O. Reg. 23/10, s. 10.*

(2) If a surface discontinuity on a sidewalk exceeds two centimetres, the minimum standard is to treat the surface discontinuity within 14 days after becoming aware of the fact. O. Reg. 23/10, s. 10.

(3) For the purpose of subsection (2), treating a surface discontinuity on a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity, including

making permanent or temporary repairs, alerting users' attention to the discontinuity or preventing access to the area of discontinuity. O. Reg. 23/10, s. 10.

(4) *In this section,*

"surface discontinuity" means a vertical discontinuity creating a step formation at joints or cracks in the surface of the sidewalk. O. Reg. 23/10, s. 10.

Part of the statutory duty requires that a municipality develop written policies and procedures outlining inspection, maintenance and repair of sidewalks for both summer and winter maintenance. This report deals primarily with the non-snow related aspect of sidewalk maintenance, as formal policies regarding winter snow clearing programs already exist.

A Process Review was Undertaken in 2011

In 2011, Public Works staff undertook a process review of the sidewalk inspection and maintenance program. As part of the review, staff looked at what was presently being done to meet the City's obligations, and how these obligations could be met more efficiently. Prior to the review, the City was meeting its obligations as outlined below:

Inspection

- Inspection of the entire assumed sidewalk network was performed each summer by staff documenting sidewalk deficiencies manually and using Global Positioning System (GPS) coordinates. Staff attended to any issues requiring immediate attention, while minor deficiencies were documented for future repair by City or contracted forces (i.e. through the City-wide damaged/displaced sidewalk joint deflection cutting/removal program, or the Curb and Sidewalk Repair/Replacement Program).
- A comprehensive contracted inspection was performed every 3 years. This inspection provided GPS co-ordinates of the system, detailed information concerning deficiencies, as well as a rating for severity of the deficiencies.
- Staff verified the results of the annual Curb & Sidewalk Repair/Replacement Program during the late fall and early spring.
- As part of the annual winter sidewalk plough operator training, staff drove the sidewalk plough units on their designated sidewalk winter maintenance routes. During the patrol, staff documented deficiencies and attended to any issues requiring immediate attention, while minor deficiencies were documented for future repair by City or contracted forces.

Repair

- Identified joint deflections, or other potential sidewalk safety issues are identified, they are temporarily repaired by Roads staff using either hot mix or cold mix asphalt.
- Permanent joint deflection repairs were managed through the contracted, City-wide saw cutting program. The contracted service involves saw cutting identified trip edges in excess of 16mm (3/4"), in height flush, thereby eliminating potential liability claims. Approximately \$188,000 was spent on the joint deflection cutting/removal program in 2011.
- Severely deficient sections of sidewalk that were replaced through the annual Capital Curb & Sidewalk Repair/Replacement Program, as funding permits. For 2011, funds totaling \$1,220,000 were allocated for repair and replacement of deficient curb and sidewalk.

Process Efficiencies and Improvements

As a result of the staff review completed in 2011, Public Works is now implementing annual contracted sidewalk inspection. The current contractor, and others in the industry, have the ability to provide comprehensive inspection, documentation and joint deflection cutting/removal services for all City owned sidewalks. Staff previously used for the summer inspection program are now dedicated to eliminating identified deficiencies, allowing for earlier action to address liabilities.

Moving to a fully contracted inspection program provides staff overseeing the capital Curb & Sidewalk Repair/Replacement Program with more detailed information regarding the sidewalk deficiencies requiring repair. The Contractor's deficiency data provides severity ratings for the entire network. Staff prioritize resource allocation by addressing only documented deficiency locations, ranked from highest severity to lowest.

Starting in early 2012, a new in-house grinding program will eliminate trip edges in industrial areas utilizing a skid steer equipped with a concrete cold planer (i.e. grinding attachment). Staff will utilize this equipment primarily in industrial areas, where the aesthetics of grinding trip edges pose less impact.

The in-house grinding program, combined with the annual contracted inspection program, the contracted Joint Deflection Cutting/Removal Program, the annual Curb & Sidewalk Repair/Replacement Program, and performing temporary repairs using hot/cold mix asphalt, form the basis of Public Works' sidewalk maintenance strategy. Public Works staff will work with Legal Services and Risk Management staff to formalize the above inspection and repair service objectives.

The MMS timeline requirement for addressing surface discontinuities will continue to be met.

Council Endorsement of MMS as the Service Objective is Needed.

The staff process review, it confirmed that the City is meeting its obligations under MMS. The review also identified efficiencies and improvements to the process, which have been implemented with no additional budgeting impact.

The last step in the process is for Council to formally adopt the MMS as the City's service objective for the non-winter maintenance of its assumed sidewalk network.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Formalizing the procedures for inspection, maintenance, and repair of sidewalks, and introducing efficiencies and process improvements, conforms with the following Vaughan Vision 20/20 Goals and Objectives:

Goal: Service Excellence
Objective: Demonstrate Excellence in Service Delivery
Objective: Promote Community Safety, Health & Wellness

Goal: Organizational Excellence
Objective: Manage Corporate Assets
Objective: Ensure a High Performing Organization

Regional Implications

Sidewalks on Regional roads are owned and maintained by the City. As such, the recommendations contained in this report do not impact the Region.

Conclusion

The Province's Minimum Maintenance Standards require that the City inspect its sidewalks at least once annually. Under the changes identified and implemented in late 2011, a comprehensive, detailed, inspection will now be performed each year in the Spring/Summer period by contracted services, with additional inspection in the Fall by City staff as part of their annual sidewalk plough training.

The Province's MMS also require that the City "*treat the surface discontinuity within 14 days after becoming aware of the fact*". Public Works staff "treat" (as defined by the Regulation), known surface discontinuities on the City's assumed sidewalk network within the fourteen day maximum time period. The MMS will continue to be met under the changes made as a result of the process review.

Attachments

None

Report prepared by:

Jeff Johnston, Manager of Road Maintenance Services
Brian T. Anthony, Director of Public Works

Respectfully submitted,

Paul Jankowski, P. Eng
Commissioner of Engineering and Public Works

Brian T. Anthony, CRS-S, C. Tech
Director of Public Works