



INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	February 12, 2020
SUBJECT:	Sidewalk Snow Removal (TOM2001) (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Edward Soldo Director, Transportation Operations & Maintenance Public Works Department
SIGNATURE:	

At the January 28, 2020 General Issues Committee meeting, the Sidewalk Snow Removal report PW19022(a) was deferred until the February 13, 2020 meeting.

A number of questions regarding the report have been forwarded to staff and the following provides a comprehensive response.

Do municipalities have to clear snow from sidewalks?

Different legislation governs different properties under City jurisdiction, which can result in different service levels. Conditions within City properties and parks are legislated under the Occupiers Liability Act, while sidewalk conditions are legislated under the Municipal Act, specifically the Minimum Maintenance Standards within the act. The Occupiers Liability Act conveys a higher standard on the property owner to be free of hazards, including surface conditions for pedestrians. As such, it is incumbent on the City to plan its operational response in line with the Acts.

The Minimum Maintenance Standards (Ontario Regulation 239/02) was changed in May 2018 to contain specific sections dealing with sidewalk winter maintenance. Refer to Minimum Maintenance Standards Changes (Report [PW18096](#)).

Section 16.3 of the Minimum Maintenance Standards provides that snow accumulation on sidewalks shall be reduced to less than or equal to eight centimetres within 48 hours of the end of a snow event. The section further provides a standard of a minimum maintained width of one metre. The section does not require clearing to bare pavement; rather, simply reducing the depth to less than or equal to eight centimetres.

Sidewalks are deemed to be in a state of repair with respect to snow accumulation (a) where snow depth is less than or equal to eight centimetres; and (b) during ongoing

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snow accumulation, even where it exceeds eight cm, until 48 hours after the snow accumulation ends.

What is the liability exposure under the current system of not plowing all sidewalks?

The City does not deflect or transfer liability to property owners through the sidewalk clearing by-law. As the owner of the sidewalk the City carries a full liability exposure for sidewalk slip and falls. If it can be established that the City has not satisfied the Maintenance Standards in relation to a particular slip and fall incident, the City will most likely be found liable in a court of law.

Over the last 10 years (2010-2019) Risk Management Services has averaged 45 sidewalk slip and fall claims per year. The average yearly total claims expense over the same period for sidewalk slip and fall claims (settlements, investigation, legal) is \$616,000. The average value of a sidewalk slip and fall claim over the same period is \$13,700.

What are the total number of kilometres of sidewalk by Ward?

The total number of sidewalk kilometres is 2,403 (2,397 km in the urban area) and are listed below by Ward:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
170	132	211	257	179	213	252	201	114	160	55	101	95	162	95

How would the cost to undertake sidewalk snow removal impact the budget?

Sidewalk Snow Removal: There are two scenarios in the report on Sidewalk Snow Removal that have the following incremental levy impact and residential tax impact.

Scenario 2: Additional 783 kilometres of sidewalk bringing the total to 1,180 kilometres
Levy Impact of \$1.78 M over existing budget of \$1.58 M
Residential Impact of 0.2% or \$7

Scenario 3: Additional 1,275 kilometres of sidewalk bringing the total to 2,445 kilometres
Levy Impact of \$3.78 M over existing budget of \$1.58 M,
Residential Impact of 0.4% or \$15

Do we have data showing the average distance HSR users must travel to get to a stop?

Based on our current stop locations approx. 419,000 residents are within 400 m of a transit stop.

From the HSR survey results, have you received any feedback regarding the role of snow covered walks as a deterrent to accessing public transit in the winter?

Insights gathered from the (Re)envision the HSR public engagement efforts:

In the survey, customers indicated that weather protection at bus stops was a very important issue for them, and one with which they were currently not satisfied.

In part, this can be interpreted in relation to access to bus stops via sidewalks during inclement weather, as this was a consistent theme in the long-form comments. It's also a consistent theme heard when conducting public engagement activities out in the community.

Incidences of uncleared sidewalks are particularly challenging for customers with disabilities, seniors, and those with strollers and young children. Staff have heard several tales from our customers using transit in the days after a snowfall who arrived at their destination only to discover the walks were not yet adequately cleared leading away from the stop, and they had to turn around and go back home.

The report identifies restoration costs associated with damaged property that accompanies a municipality assuming sidewalk snow clearing responsibility. Is there an equivalent value assigned to any kind of compensation exercised with the plowing of our roadways?

Damage caused by road plows is minimal as the roadways are generally cleared to the edge of pavement or curb. Damage is limited to mail boxes and minor sod impacts. The value is not specifically traced.

The introduction of sidewalk snow clearing will impact private infrastructure that is not allowed in the right of way such as flower beds, rock gardens, sprinkler systems etc. They are the responsibility of the homeowner to be repaired.

How many days do we plough a year? What is the trend, increase service and decline in service due to weather? What is the cost per snowfall?

Activations for snow fall events over 5 cm are as follows:

Winter 16/17 - 31 events Winter 17/18 - 26 events Winter 18/19 - 29 events

Utilizing 2018 MBNCanada [data](#), Figure 28.4 Total Cost for Winter Maintenance of Roads per Lane Km Maintained. This measure represents the total cost for winter maintenance of a single lane km. It includes all functions included in clearing and maintaining the roadway and is not inclusive of sidewalk snow clearing and parking lots.

2016 - \$4,736 / lane km 2017 - \$3,725 / lane km 2018 - \$3,788 / lane km

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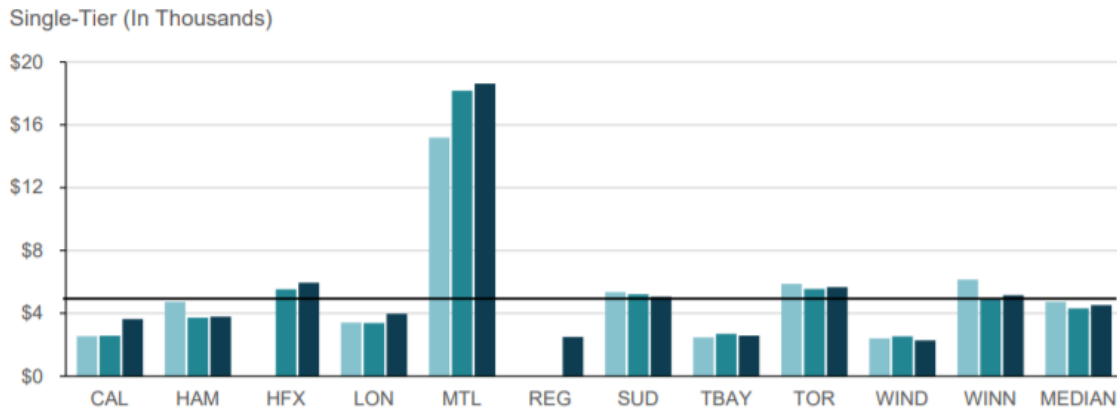
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Over the last number of years, we have had more mixed rain/snow events which trigger prewetting and call outs for salt trucks but not necessarily snow plowing.

City of Hamilton costs in comparison to other single tiers municipalities (snow accumulation varies significantly) are as follows:



2016	\$2,541	\$4,736	N/A	\$3,406	\$15,189	N/A	\$5,352	\$2,464	\$5,872	\$2,406	\$6,147	\$4,736
2017	\$2,566	\$3,725	\$5,538	\$3,383	\$18,167	N/A	\$5,215	\$2,693	\$5,553	\$2,534	\$4,905	\$4,315
2018	\$3,637	\$3,788	\$5,946	\$3,974	\$18,624	\$2,496	\$5,065	\$2,580	\$5,665	\$2,275	\$5,159	\$3,974

Source: ROAD309T (Efficiency)

How much does our current, existing level of service for snow clearing on roads cost? How much would it cost to move to provincial standards on all road ways?

The existing level of service for snow clearing on roads in 2018 was \$3,788 per lane kilometre. The actual cost of the overall winter maintenance program in 2019 was \$28.1 M (\$25 M budget). The proposed 2020 budget is \$27.25 M and includes the new salt contract (\$1.5 M) but not the new contractor contract (\$250 k).

Modifying the service level for Priority 3 roadways in residential areas to allow plowing activation at 10 cm to be completed within 24 hours with the surface maintained in a snow packed condition as per the level of service that is outlined in O.Reg. 230/02 would amount to an annualized \$500,000 savings, \$150,000 savings in 2020.

What would the sidewalk look like after plowing? Would they be bare?

After 5 cm accumulation on City sidewalks, sidewalk plows would be activated. The plows would leave a layer of snow pack on the sidewalks. They would not be bare. The

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City would not be sending out plows at less than 5 cm of accumulation. Homeowners would be expected to clear the snow.

Bare pavement condition can only be achieved through the application of salt and de-icing material. The use of salt material will increase the costs associated with manpower, equipment time and materials, which will increase the overall program costs. Those costs are not included in the estimates and would be approximately \$500 k in addition to the costs identified in the report.

What is the standard that the City applies in paved parks pathways?

The paved pathways in parks are cleared to meet the Occupiers Liability Act and do generally meet the Minimum Maintenance Standards. A sand/salt mix is used to achieve a bare pavement.

How many kilometres of sidewalk are cleared in Ancaster at present and what is the cost of that clearance practice? Is this service privately contracted?

The service is part in-house and part contractor. There are 105 km of sidewalks and the cost in 2019 was \$345 k.

Is no snow angel program active in Ancaster?

There is a limited snow angel program in Ancaster with two households on the list.

What is the level of service in Ancaster? I think the report is telling me that in Ancaster the sidewalks are plowed at 5 cm accumulation. Could you confirm that this is the service and costing model used?

The level of service is snow covered which is a higher standard than 5 cm. Salt is used in areas of Ancaster. The cost to provide the service in Ancaster in 2019 was \$345 k.

How do we currently account for sidewalk clearing on the sidewalks we do clear?

The City currently clears sidewalks on municipally-owned property, along reverse frontage lots, formerly Ward 12 in its entirety, and sidewalks adjacent to school property, owned by either the Public or Separate School Board, in conjunction with By-law No. 03-296 on a charge-back basis.

The net cost to clear those sidewalks is included in the winter maintenance program budget (\$1.58 M budget) in 2018.

For further information on this subject, please contact Edward Soldo, Director, Transportation Operations & Maintenance at ext. 4622.

APPENDICES AND SCHEDULES ATTACHED - N/A