



Proposed Term Sheet for Amendment to the RMA

Date: November 12th, 2021

Purpose of this Document

This document sets out the proposed amendments to the Road Maintenance Agreement (RMA) between County and LMPs as agreed to by the Advisory Committee for the RMA Review conducted by StrategyCorp. All other findings and recommendations from this review that do not involve direct changes to the Agreement are summarized in the Final Report.

Governance & Communications Recommendations

1. The RMA should include the following shared guiding principles as a section of the Agreement:
 - i. The fee schedule is intended to be sufficient to cover the anticipated average costs of maintenance activities in an average year.
 - ii. Municipalities will execute all the services outlined in the Agreement to the standards outlined in the Agreement irrespective of annual operating cost fluctuations.
 - iii. Municipalities will have the flexibility to perform the services outlined in the Agreement using any service delivery methods they choose, so long as they meet the minimum standards outlined in the Agreement.
 - iv. Municipalities will be entitled to the entire amount outlined in the fee schedule irrespective of annual operating cost fluctuations.
 - v. Municipalities should be given the control and flexibility to annually appropriate funds received as part of the Agreement to operations and/or reserves at the Municipality's discretion.
2. The RMA should **establish an Operations Committee** comprised of the County and Municipal Superintendents that meets quarterly with the purpose of sharing upcoming County capital project and repair plans; identification of shared procurement opportunities; and the coordination of shared service delivery, or County-led services.
 - a. *Terms of Reference for the Operations Committee* should be established and attached as a schedule to the RMA. These terms should include:
 - i. Committee mandate (described above)
 - ii. Meeting schedule
 - iii. Standard agenda items



- iv. Agenda pre-publishing requirements
 - v. A mechanism for reviewing LMP and County engagement at operational meetings (i.e. attendance, submitted documentation requests, agenda publishing etc.)
3. The RMA should **establish a Governance Committee** comprised of the County and Municipal CAOs to act in an advisory and steering role with a mandate to assess structural or systemic concerns that arise on a regular basis between renewal cycles and recommend changes to the agreement to County Council, where required; resolve disputes and conflicts that cannot be resolved at the operational level; oversee general compliance with the Agreement.
- a. *Terms of Reference for the Governance Committee* should be established and attached as a schedule to the RMA. These terms should include:
 - i. Committee mandate (described above)
 - ii. Meeting schedule – Governance Committee activities may be rolled into shared service discussions at existing regular CAO meetings, but frequency of these discussions should be prescribed.

Scope of Services Recommendations

Specific recommended structure and language for Schedule C is provided in Appendix A to this Term Sheet, with all recommended new or amended language highlighted in red.

4. The **format of the Scope of Services should be amended** to clearly define and describe all Municipal maintenance obligations.
- a. Schedule C should be amended so standards are organized by service category and include descriptions of all required services including those prescribed in the MMS, including inspections.
 - b. Where service standards are prescribed by the MMS, “to be completed as per MMS,” should be added to the schedule.
 - c. Where a specific service level limit is described in Schedule C, a clause referencing section 4.5 of the RMA should be added to clarify the County responsibility to pay for any additional work necessary to meet minimum service standards.
5. The following **changes to service levels** should be made to Schedule C.
- a. *Grass Cutting* - The existing minimum standard for full width cutting of the ROW every third year should be removed and replaced with a standard that allows the area between biannual cutting and the property line to naturalize to the extent that



it remains free of invasive and noxious weeds, or larger brush and vegetation that impedes sight lines or drainage facilities. Larger vegetation in these areas should also be removed by the municipality before the canopy begins to encroach the road property.

- b. *Line Painting* – A provision should be added to the schedule for the County to take on responsibility for the costs of remarking roads following capital re-surfacing or re-paving projects on County roads but that there should be continued collaboration between Municipalities and the County to eliminate duplication of road markings in cases where capital projects are planned, as has been the practice in recent years.
 - c. *Road Signs* – A provision should be added to the scope of services schedule to clarify that where road signs have become deficient over time (i.e. failed reflectivity tests) the County is responsible for the costs of replacing those signs, as has been the practice in previous years. The municipalities should continue to be responsible for replacing damaged or stolen signs, and for regular reflectivity testing as per the MMS.
- 6. Where Municipalities are expected to provide services with regard to a particular policy referenced in the RMA or Scope of Services, that **policy should be attached at an appendix to Schedule C**, with a provision allowing the County to update these policies between RMA renewal cycles.
 - a. The following County Policies shall be appended as currently referenced in the RMA or Scope of Services:
 - i. “No Spray” Policy
 - ii. Road Salt Management Plan
 - iii. Deer Warning Signage Policy
- 7. **A schedule mapping out all drainage system under the responsibility of Municipalities should be added to the RMA** to better facilitate Municipal maintenance on these structures.
 - a. Schedule C should be amended to include a provision requiring the County to provide a schedule of *known* drainage structures under the responsibility of Municipalities, and will continuously updates that schedule as asset inventories are updated and improved, Municipalities will still be responsible for all drainage structures in the municipality.



Reporting Recommendations

8. **Regular Municipal Monthly County Roads Reports and Inspection Responses should be harmonized** into a single quarterly report to County.
 - a. Section 8.2 (Inspection) and 9.1 (Records) should be amended to prescribe a quarterly schedule for Municipalities to provide reporting on road maintenance activities using a template attached as a schedule to the agreement.
 - b. Schedule F should be amended to include the following fields of information:
 - i. Description of activities by service (inspections, road surfaces, roadside, drainage systems, bridges and culverts, safety devices and road closures, and winter control) and road number completed since the previous report
 - ii. Planned activities by service type and by road number for the next reporting period
 - iii. Number of Winter events, and volume of materials used in Winter Controls
 - iv. Description of work performed in response to previous Inspection Report
 - c. Section 5.1 (Payment to the Municipality) should be amended to remove requirements for Monthly County Road Reports and reporting on winter control material as part of Monthly invoicing requirements.
 - i. Language requiring supporting documentation for all additional charges above the monthly allocation prescribed in Schedule D (section 5.2), should remain.
 - d. Schedule G should be amended or removed to reflect the amended reporting requirements for invoicing.
9. The RMA should **prescribe a standard reporting template and reporting methodologies** for Year-End Financials.
 - a. A template for Year-End Financial reporting should require costs be reported by a set list of service categories and cost centres as outlined in *Table 1* and attached as a Schedule to the RMA.
 - i. Reported work hours for Labour and Equipment costs should be included in Year-End Financial Reports



Table 1: Draft Annual Financial Reporting Template

	Labour	Equipment	Materials/ Contracts	Admin	Other	Totals
Inspection/ Patrol	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Road Surfaces	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Roadside	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Drainage Systems	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bridges/ Culverts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Safety Devices	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Winter Control	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

- b. Section 5.1(3) (Payment to the Municipality) should be amended to reference the new schedule.
- c. The following standard financial reporting methodologies for required cost centres should be added as a section or subsection of the RMA.
 - i. Labour costs should be reported as true costs of salary and benefits paid out.
 - ii. Equipment costs should be reported as machine hours using OPS-127 rates most recently published by MTO.
 - iii. Material and Contract costs should be reported as invoiced to the Municipality by the vendor.
 - iv. A flat fee of up to 5% of the LMPs total annual allocation may be reported as administrative charges
 - v. All other expenses, including major maintenance works, should be reported as "Other" and should be accompanied by supporting documentation on the reported costs.

Enforcement Recommendations

10. The RMA should direct the **County to compile and submit an Annual Compliance Report to the Governance Committee** for review.
 - a. The new section in the RMA should note the following indicators to be included in this report:
 - i. Individual and summary results of Quarterly Inspections
 - ii. Overall LMP response to noted deficiencies



- iii. Summary of LMP compliance with reporting requirements and deadlines
- iv. LMP and County engagement in Operational Committee meetings (as determined in the Terms of Reference)



Appendix A: Amendments to Schedule C

This Appendix sets out draft terms for the updates scope of services schedule.

- All provisions from the existing Schedule are cited with footnotes referencing the corresponding section in the current schedule.
- Provisions in red are recommended changes as per workshop discussions.
- Service descriptions were agreed to by Advisory Committee members in the Scope of Services worksheet completed by all parties.

1.0 Inspection

1.1 Routine Inspections

Service Description: Routine inspection of roads for defects, safety concerns, and road conditions.

- *Routine inspections should follow a schedule consistent with the MMS.*
- Municipalities shall, as part of their regular road patrols, report any concerns with flashing beacons, traffic signals, or pedestrian crossings to the County and the County's Electrical Services Contractor upon becoming aware of the defect.

2.0 Road Surface Maintenance

2.1 Maintaining asphalt pavement & surface treated surfaces

Service Description: Identification and repair of road surface defects including potholes, cracks, edge drop off etc.

- *Repairs should be complete as per MMS.*
- For asphalt pavement surfaces, original design width, minus 0.1m shall be maintained. ¹⁰¹
- For surface treated surfaces, original design width, minus 0.2m shall be maintained. ¹⁰²
- Total linear work should be limited to 50 m per lane km annually. ^{101/102}
- *In cases where Municipalities believe that more than 50 m of work in a specific lane km is necessary to meet MMS, section 4.5 of the RMA should apply.*

2.1.1 Bicycle Facilities Maintenance

Service Description: Identification and repair of surface defects on designated bike lanes.

- Designated bicycle lanes shall be inspected and maintained considering the facility user. ¹⁰¹
- Identification (e.g. with a traffic barrel) of defects should occur as soon as practical,



while repair being scheduled for repair. ¹⁰¹

2.2 Maintaining gravel shoulders

Service Description: Identification and repair of defects along gravel shoulders including potholes, cracks, and edge maintenance etc.

- *Repairs should be complete as per MMS.*
- Original design width, minus 0.3 meters shall be graded a minimum of 2 times per year and as required. ²⁰¹
- Where partially or fully paved shoulders exist, the shoulder width shall be measured from the edge of the driving lane (white line). ²⁰¹
- Isolated or spot shoulder graveling (supply and install Granular 'A' material to a maximum of 10 tonnes and not exceeding 20m in length per location), shall be completed as required to eliminate edge of pavement drop-offs, standing water or depressions and may require berm removal to promote positive sheet flow. ²⁰¹
- *In cases where Municipalities believe that more than 10 tonnes of Granular 'A' material is needed, exceeding 20 m in length per location, in order to meet MMS, section 4.5 of the RMA should apply.*

2.3 Sweeping

Service Description: Sweeping of roadways.

- Roadway sweeping shall be completed 2 times per year in urban areas and as required in rural areas. ³⁰¹

2.3.1 Bicycle Facilities Sweeping

Service Description: Sweeping of designated bicycle facilities.

- Designated bicycle facilities shall be swept a minimum of five times annually and as required considering the road user. ³⁰¹
- The County will accept an additional service invoice for the cost of sweeping designated bicycle facilities five times annually. ³⁰¹

3.0 Roadside Maintenance

3.1 Debris Control

Service Description: Removal of all material deposited on the traveled portion of the road or shoulder, either intentionally or unintentionally (e.g. mud, rocks, dead animals, trash, etc.). ³⁰⁶



- Material should be removed upon being identified. ³⁰⁶

3.2 Vegetation Control

Service Description: Cutting of overgrown or unwanted vegetation along roads, at intersections, and under and around bridges, culverts, and safety systems.

- Cutting along roads shall be completed 2 times annually to a minimum width of 3.6m from the edge of shoulder in the spring, and a minimum width of 1.8m in the fall. ³⁰²
- Vegetation shall be cut around guide rail posts and a minimum width of 1.8m behind guide rail where practicable. ³⁰²
- Vegetation shall be cut across all road property at intersections to achieve a clear sight distance of at least 200m in all directions from intersections. The vegetation shall not be greater than 0.3m in height. ³⁰²
- Cutting of brush shall be completed annually and removed underneath and within 3 meters of culverts, bridges and safety systems (guard rail). ³⁰³
- Brush and vegetation that obscures any road sign shall be removed. ³⁰³
- ~~• At least once every 3 years, all roads shall be cut full width (from the road shoulder to the road property limits) in all areas where this can be completed unless deemed unsafe by the Municipality or deemed not required by the County. Therefore, a minimum of one third of the roads shall be maintained to the full property limits annually. These areas shall be clearly identified and reported to the County annually. ³⁰²~~
- ~~• An additional service invoice in the amount of \$140 per road kilometer will be accepted by the County annually for the actual number of kilometers cut full width by the Municipality and shall not exceed one third of the total number of kilometers maintained. ³⁰²~~
- *Municipalities shall be responsible for ensuring the full width of the County road right-of-way is free of invasive and noxious weeds, or larger brush and vegetation that impedes sight lines or drainage facilities. Larger vegetation in these areas should be removed by the municipality before the canopy begins to encroach the road property.*
- *Municipalities shall perform maintenance (i.e. weed trimming) around Elgin County "Gateway" signs. ⁵⁰²*

3.3 Tree Maintenance

Service Description: Identification and removal of dead trees, and hazardous limbs.

- Tree limbs that pose a public safety hazard shall be remove as soon as they are identified.
- Dead trees should be removed within 1 year of identification. ³⁰⁴



- Stumps shall be ground down to be level with surrounding terrain in rural areas; in manicured lawn areas, ground stumps shall also be restored with topsoil and seed to match surrounding terrain. ³⁰⁴

3.4 Weed Control

Service Description: Cutting and spraying of noxious weeds and invasive species.

- Herbicide use to control unwanted vegetation shall conform to the County of Elgin's "No Spray Policy". ³⁰⁵

4.0 Drainage Systems Maintenance

4.1 Cleaning of Drainage Systems

Service Description: Cleaning and removal of obstructions in all outlets, subdrains, storm sewers, curbs and gutters, catch basins etc. *on all County roads.*

- Storm drainage systems shall be cleaned when they have been identified to be restricting flow (i.e. gutter outlets/swales). This may require video investigations, flushing, removing of obstructions (i.e. roots), etc. ⁴⁰³
- Catch basins shall be cleaned at least once every 2 years or more if debris has filled their sumps. ⁴⁰³
- *The County shall provide a schedule of currently known drainage system assets to be cleaned and will endeavor to update the schedule as its drainage asset inventory becomes more accurate.*

4.2 Repairs of Drainage Systems

Service Description: Identification of deficiencies and repairs to *all* drainage systems *on County roads.*

- Grate replacement, riser repairs and patching around catch basins shall be carried out under maintenance operations. ⁴⁰³
- All other defects shall be reported to the County of Elgin, ⁴⁰³ *and section 4.5 of the RMA should apply.*
- *The County shall provide a schedule of currently known drainage system assets to be inspected for repairs and will endeavor to update the schedule as its drainage asset inventory becomes more accurate.*

4.3 Ditch Maintenance

Service Description: Ditching to maintain positive water flow and to eliminate standing



water.⁴⁰¹

- Ditch maintenance should be limited to 50m in length at each identified area.⁴⁰¹
- *In cases where Municipalities believe that more than 50m of ditching is required to maintain positive water flow or to eliminate standing water, section 4.5 of the RMA should apply.*

5.0 Bridges and Culverts

5.1 Structure Cleaning

Service Description: Cleaning of all bridges and culverts.

- Cleaning shall be completed annually as per the guidelines of the Ontario Good Roads Association's Bridge and Culvert Management Course.⁴⁰⁴
- All culverts shall be cleaned using water jets (flushing) or other effective means where water flow has been restricted by material, debris, etc.⁴⁰²
- Noted deficiencies shall be reported to the County in writing.⁴⁰⁴

5.2 Erosion Control

Service Description: The installation of stone or similar material to prevent erosion around bridges and culverts.

- Municipalities shall be responsible for the costs of supplying and installing up to 10 tonnes of quarry stone or similar repair material per location.⁴⁰⁷
- *Where municipalities have identified areas where more than 10 tonnes of stone is required, section 4.5 of the RMA should apply.*

6.0 Safety Devices

6.1 Road Markings

Service Description: Painting of road markers that includes but is not limited to: centerline markings, edge of lane markings, stop blocks, turn arrows, bike lanes, etc.

- All road markings shall be painted annually as per the Ontario Traffic Manual – Book 11.⁵⁰¹
- White, edge of lane marking locations to be painted annually are shown on Attachment #2 to this schedule. Generally, these locations are at road crests, sags, curves, narrow structures, Class 1 roads and roads with partially or fully paved shoulders. Most county road intersections also have diverging lanes, turning tapers and radii that also require annual painting, and are not specifically depicted on these maps and OTM Book 11 shall be followed.⁵⁰¹



- On paved shoulders that the County has defined as a bicycle lane, two solid white edge lines will be painted annually to create a buffer zone. The County will accept an invoice from the municipality for the cost to paint the second and additional white edge line where bicycle lanes are designated. ⁵⁰¹
- Municipalities will be made aware of planned resurfacing at the beginning of each year ⁵⁰¹ ; ~~if a municipality marks a roadway planned for resurfacing by the County that year, the municipality will be responsible for re-marking that road at their cost.~~ ⁵⁰¹ so municipalities may defer road marking for that year. *Re-marking made necessary by County capital works projects shall be funded and coordinated by the County.*

6.2 Road Signs

Service Description: Maintenance of all existing regulatory, warning, and information road signs and beacons; re-installation of damaged or stolen road signs; and removal of unapproved signs.

- Road signs to be installed and maintained *as per MMS* and the Ontario Traffic Manual. ⁵⁰²
- Municipalities are responsible for all costs to supply signs and materials to re-install damaged or stolen signs and to maintain battery operated beacons. ⁵⁰²
- *If requested by the County, all municipality labour and/or material costs required to replace road signs that fail reflectivity inspection as part of routine testing, shall be invoiced to the County.*
- Any unapproved signage attached to County infrastructure shall be removed immediately. ⁷⁰²
- The municipality shall remove any and all signage that becomes a safety concern due to sight line or drainage obstruction or is found to be in an unsafe condition or position that has the potential to threaten pedestrian or motorist safety. ⁷⁰²
- Signage to warn motorists of areas identified to have high incidents of deer vs. vehicle collisions will be installed with operating beacons on October 1st and remain in place until January 1st; all other times the beacons shall be removed, and alternative approved signage will be installed. ⁵⁰²
- Elgin County “green” roadway directional/information signs and Elgin County Tourism signs will be supplied by the County. Labour and material costs required to re-install “green” roadway directional/information signs will be included within the base maintenance allocation. Labour and material costs required to re-install Elgin County Tourism signs shall be invoiced to the County. ⁵⁰²
- The municipality is fully responsible for Hamlet Identification signs. ⁵⁰²



- All signs shall be installed on wooden 4"x4" posts, with the exception of 90cm x 90cm signs (or greater), that shall be installed on 6"x6" wooden posts with a 2"x4" cross bracing. ⁵⁰²

6.3 Guide Rail and Traffic Barrier Systems

Service Description: Maintain all existing safety systems (i.e. cable, steel beam guide rail, end treatments, etc.).

- Systems to be maintained to the Ontario Provincial Standard Specifications. ⁵⁰³
- When damage has occurred from a motor vehicle collision, the municipality shall notify the County. ⁵⁰³
- The municipality is responsible for the first \$10,000 spent annually to complete repairs and maintenance on all existing systems; complete documentation shall be provided to the County once this limit has been reached. ⁵⁰³
- Damage occurring as a result of municipal operations shall not form part of the annual \$10,000 deductible. ⁵⁰³

6.4 Road Closures

Service Description: Management, coordination and participation of road closures and detours on County roads.

- The municipality shall cooperate and participate with all emergency road closures and emergency detour routes that occur. ⁷⁰¹
- All costs to facilitate and supervise the event shall be borne by the municipality and are included in the base annual allocation for maintenance services. ⁷⁰¹
- The municipality shall participate to manage all temporary road closures that are approved by the local municipality (i.e. parades). ⁷⁰¹

7.0 Winter Control

7.1 Winter Control

Service Description: Salting/sanding, plowing, ice blading, additional patrols, standby etc.

- *Winter Maintenance activities to adhere to MMS.*
- Municipality will also provide routine winter maintenance of highway bridges and overpasses not owned by the County but connecting at least to portions of County roads. ^{4.9}
RMA
- Municipalities shall follow the "Canadian Code of Practice for the Environmental Management of Road Salts" and the County of Elgin's "Road Salt Management Plan". ⁶⁰¹