



Council Report

Report Number: RD2025-001
Meeting Date: March 18, 2025
Title: **Review Right-of-Way Responsibilities and the Cost of Entrance Infrastructure**
Description: Council Review and Discussion of Entrance Maintenance Costs and Responsibilities
Author and Title: Chris Porter, Manager, Roads Operations

Recommendation(s):

That Report RD2024-010, **Review Right-of-Way Responsibilities and the Cost of Entrance Infrastructure**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of June 25, 2024, Council adopted the following resolution:

CR2024-329

Moved By Councillor Richardson

Seconded By Councillor Joyce

That Staff be directed to review right-of-way responsibilities and the ownership and cost of entrance infrastructure and report back by the end of Q1, 2025.

Carried

This report addresses that direction.

Report RD2024-008 (Appendix A) identified that there are currently two parties, the property owner and the City, with responsibilities related to the construction and maintenance of entrances. The property owner is responsible for the cost of constructing a new entrance to a property as well as the surface maintenance of the entrance thereafter. The City assumes responsibility for the maintenance of the entrance culvert (if required) once the initial installation is complete.

Surface maintenance generally includes but is not limited to all winter maintenance, pothole repair, resurfacing and washout repair in the portion of the entrance that extends from the edge of the shoulder of the public road to their front property line. Report RD2024-008 identified that this area is technically City property and that the improvement to allow vehicular access only provides benefit to the property owner. Entrance culvert maintenance generally includes but is not limited to culvert replacement, flushing and end repair.

Consideration of entrance culvert maintenance is based off three main means of identification. The first is Staff observation of a drainage issue that can be associated back to a specific entrance culvert or series of them. The second is a proactive review of entrance culverts along roads receiving capital work. If there are culverts that are in a poor condition, Staff will add them to a working list for replacement. Entrance culverts will generally be a lower priority to centerline culverts (culverts that cross the roadway) if there is a time or budget constraint. The third is a reactive response to customer service requests. When reported, Area Supervisors will investigate issues brought forward by the Public and make a determination if maintenance is required in order for the drainage in the area to function as intended. Supervisors then need to prioritize culverts identified through the means above amongst each other to determine what is possible in the current year with the available budget.

Staff do not have a complete inventory of driveway culverts. Staff continue to record details and improve information within the City's GIS system.

There is an emerging trend of municipalities recognizing that entrances are installed for the sole benefit of the property owner and correspondingly, the costs related to the entrance should be borne by the property owner. This is explored more in the alternatives section.

Rationale:

The request for additional information related to entrance ownership and maintenance costs allows Council to be more informed when considering the current process and possible changes to it.

Ownership:

As described in Report RD2024-008 and mentioned above, the area of an entrance that extends from the shoulder of the roadway to the front property line is within the City's right-of-way and thus owned by the City. The City must maintain ownership of this area in order to complete roadside maintenance such as ditching, have adequate snow storage space during the winter and to have space for larger scale operations on the roadway such as centreline culvert replacements. This area of the right of way is also used by utility companies for their infrastructure, which further adds to the need for it to remain in City ownership. Staff do not recommend making any changes in regards to ownership of this area.

Maintenance Costs:

The number of entrance culverts replaced by the Roads Division fluctuates year to year based on maintenance needs/priorities however, an average of 92 entrance culverts are replaced annually. The cost per entrance culvert can vary significantly depending on the specific site conditions, material requirements and complexity of the replacement but Staff have determined that an average cost is approximately \$3,600. Putting these figures together, entrance culvert replacements amount to approximately \$335,000 annually.

Additional to the above, the City also completes other entrance culvert maintenance such as flushing and end repair. This maintenance is typically placed on a list until there is a full day of work as often times the City's vac truck will be utilized to complete the work. In an average year, this adds an additional \$47,000 in maintenance costs.

The above figure does not account for administrative tasks such as reviewing and responding to customer service requests related to entrance culvert maintenance, planning and coordinating the work or requesting locates or other permits where required. None of these factors are specifically tracked and would be difficult to estimate. To summarize, the Roads Division is currently spending approximately \$382,000 annually on entrance culvert maintenance and replacement and costs continue to grow.

The Roads Division operating budget includes \$1,591,000 in 2025 for all culvert work. There is \$680,000 included in this total for a larger value culvert replacement contract that does not typically complete entrance culvert work. Removing that from the budget figure leaves \$911,000 for Staff to complete both centreline and entrance culvert work meaning that entrance culvert maintenance and replacement amount to 42% of the budget.

Long Term Financial Planning:

As mentioned, the City does not have a complete inventory of entrance culverts or their condition rating. This complicates long term planning related to entrance culverts as the total number of assets are unknown. As indicated in the background section, reviewing culvert (entrance and centreline/cross) conditions is primarily reactive aside from proactively reviewing the condition of culverts on roads within the 5-year plan.

Other Alternatives Considered:

Although this report is being presented for informational purposes, Staff are providing alternatives for Council's consideration should there be an interest in transitioning ownership/responsibility of the entire entrance to benefitting property owners.

It should be noted that neither alternative would change the process for requesting to install or alter an entrance. Both requests would still go through the Entrance Permit Application process to ensure Staff can adequately review new entrances and alterations before the work begins.

Alternative 1:

One alternative Council could consider would be transitioning the ownership and responsibility of entrance culverts from the City to the property owner. Other municipalities such as the United Counties of Prescott-Russell and the City of Greater Sudbury have taken this approach with entrance culverts successfully. Copies of the entrance bylaws for the United Counties of Prescott and Russell (Appendix B) and the

City of Greater Sudbury’s (Appendix C) are attached to this report for informational purposes.

Proceeding with this change would allow the Roads Division to reallocate the \$382,000 made up of Staff time, equipment charges and material expenses to complete other road maintenance priorities. The top priority with this reallocation would be to increase the number of centreline culvert replacements City Staff complete annually. Over the last several years, the Roads Division has been placing a higher priority on replacing centreline culverts on roads receiving capital work so that once the new surface is complete, it does not need to be disturbed for work shortly after. When the new surface is excavated to complete culvert replacements after the fact, it will create more joints in the road and could lead to differential settlement that will typically cause that area to show signs of distress or failure sooner than the rest of the road. The table below shows that in three of the last four years, the Roads Division has exceeded the budget for culvert work.

Year	2021	2022	2023	2024
Percent Spent	118%	99%	113%	116%

**This table does not include the budget or actual spend for the larger value culvert contract*

These overages have required funds to be reallocated from other activities in order to achieve the above objective while mitigating overall budget impacts. Transitioning the responsibility of entrance culvert maintenance from the City to the property owner and reallocating the respective funds would allow Staff to direct resources to the more critical assets that benefit all residents versus just the property owners of the entrances.

If Council chooses to proceed with this alternative, the resolution would be:

That Staff be directed to bring forward a Report with draft amendment to By-law 2017-151 for consideration to recognize that benefitting property owner is responsible for all aspects of the entrance infrastructure.

Staff would work to bring a report and revision of the By-law to Council which would identify how the program would be administrated, including scenario response to regular maintenance and emergency support (frozen culverts) for Council direction.

Alternative 2:

A second alternative would be a similar approach to Alternative 1 but with a subsidized option for residential properties. As mentioned in Alternative 1, The City of Greater Sudbury has made the property owner fully responsible for the maintenance of their

entrance, inclusive of the culvert. That said there are two options for entrance culvert replacement that they offer. The first is for the property owner to hire a private contractor to complete the work at their cost. The second option is only for residential properties and allows the residential property owner to request the City complete the work at the cost of the resident. The City of Greater Sudbury uses standard unit rates for various culvert sizes to bill back to the resident that are listed in their user fees by-law. If residents utilize this process, they are required to pay the fee up front and the City only replaces the culvert, replacement of the finished surface remains the responsibility of the resident. The City does not provide any warranty for work completed through this process either.

If this is desired, the resolution would be:

That Staff be directed to bring forward a Report with draft amendment to By-law 2017-151 for consideration to recognize that benefitting property owner is responsible for all aspects of the entrance infrastructure. The amendment shall also include a subsidized option for residential properties.

Council could also ask Staff to explore additional alternative at their discretion.

Alignment to Strategic Priorities

This report aligns with the Strategic Plan as follows:

1. Good Government – Ensuring affordable and sustainable service delivery.

Financial/Operation Impacts:

There are no financial implications from receiving this report.

Proceeding with Alternative 1 would allow a reallocation of \$382,000 of labour, equipment and materials on an annual basis, with the costs passed on to individual rural homeowners. The equipment and material costs would stay within PW programs to enable build out of the asset database and improved management of centreline (cross) culverts. Included within this cost is \$120,000 in material cost that could be reallocated as Council chooses. It should be noted that this annual cost is expected to increase significantly over time. Making the decision now would avoid those incremental costs.

Proceeding with Alternative 2 would create a stream of revenue that would be difficult to determine until it was in practice as it would be dependent on user uptake. Once again, the labour and equipment costs would be reallocated within the Public Works operating activities, but the material costs could be reallocated as desired by Council.

Consultations:

Director, Public Works
Managers, Roads Operations (West A)
Supervisors, Public Works

Attachments:

Appendix A – Report RD2024-008 - By-Law 2017-151 - A By-law to Regulate Access to Municipal Right of Ways in the City of Kawartha Lakes



Report RD2024-008

Appendix B – Untied Counties of Prescott and Russell By-law 2023-21



United Counties of
Prescott and Russell

Appendix C – City of Greater Sudbury By-law 2011-220



City of Greater
Sudbury By-law 201:

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Department Head: Bryan Robinson