

Type of Decision									
Meeting Date	Friday, April 21, 2017				Report Date	Tuesday, April 18, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Snow on Roads, Rail Bed as Snowmobile Trail - Report #21/04/17/1101

Subject:

Snow on municipal roads, use of the CP rail bed as a snowmobile trail. New information received allows this issue to be brought to Council even though the March resolution was deferred to October.

New* Complaints received from residents concerning the use of the rail bed as a snowmobile trail.

New* Timing required to make trail changes.

New* Information from the Municipal Insurer.

RECOMMENDATION:

That Council consider the requests of local residents personally affected by the change in the route of the snowmobile trail over this past season.

That Council consider the requests of the MLSC to work together for the health and safety of the entire community.

Resolution #1

WHEREAS staff have received written complaints concerning the use of the rail bed as a snowmobile trail through the community this past winter season;

AND WHEREAS staff have previously identified significant safety challenges with trail operations as they occurred over 2016/2017;

AND WHEREAS new information has been obtained which warrants reviewing these issues at this time;

AND WHEREAS Council and staff acknowledge the economic benefits provided by snowmobiling in Ontario and our local community;

AND WHEREAS Council and staff recognize the implications of increased liability by not keeping roadways clean and clear of obstructions including snow on roads, speed and snowmobiles not stopping at municipal road and trail crossings;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby:

1. Prohibit the creation of trails along municipal roads and/or ditches;
2. Prohibit the modification of municipal road snowbanks for use by snowmobiles;
3. Request that the Missing Link Snowmobile Club reroute their "A" trail to the south side of Highway 17 avoiding travel through the centre of the community of Stonecliffe;
4. Allow trail crossing of Pine Valley and Yates Roads at 90 degree angles to provide trail access to accommodation along Pine Valley Road and services at Yates General Store;
5. Direct staff to enter into a Land Use Agreement with the club transferring liability to the club for any municipal road crossings;

AND FURTHER THAT a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive for their information and dissemination to association membership and permit holders.

Resolution #2 Deferred from March 24, 2017 meeting. **Amended.**

WHEREAS a misunderstanding between verbal approvals provided by Council in 2016 and actual practise on the part of the Missing Link Snowmobile Club (MLSC) occurred which resulted in letters sent from the Clerk to the club executive dated February 22, 2017 and March 8, 2017 requesting that they immediately stop placing snow on municipal roads;

AND WHEREAS under Ontario law, a municipality may pass a by-law regulating, governing or prohibiting operation of snow mobiles on municipal roads;

AND WHEREAS no such by-law exists in Head, Clara & Maria;

AND WHEREAS the Motorized Snow Vehicle Act allows that snowmobiles cross serviced roads at a 90 degree angle ;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby:

1. Allow the club groomer to cross municipal roads (Pine Valley and Yates) at a 90 degree angle, paying careful attention to remove as much snow as possible avoiding any build-up of snow on municipal roads;
2. Authorize municipal staff to remove snow placed inadvertently on trail crossings either by the groomer and/or snowmobilers at no cost to the club;
3. Authorize the installation of club provided "Trail Crossing Ahead" signs along municipal roads on the approach to trail crossings;
4. Prohibit the use of Yates Road or Pine Valley Road for snowmobile traffic;

AND FURTHER THAT a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive for their information and dissemination to association membership.

BACKGROUND/EXECUTIVE SUMMARY:

It is the responsibility of council through staff to protect the interests of the municipality. Of utmost concern is reducing liability and mitigating consequences of any actions by completing due diligence and being careful to not place council, staff or the municipality in a position of negligence or increased liability.

Concerns of ratepayers who consider their safety and/or quality of life should be considered as it was when previous council voted against supporting the re-location of Air Swisha to MNR property at the end of Logger's Road. Letters from concerned residents have been included for your information and action.

It is recognized that snowmobiling in Ontario contributes to the economic prosperity of an area. It must also be recognized that quality of life of permanent residents is important as well. Ultimately the use of the rail bed as a snowmobile trail is not one of this Council but instead rests with the county trails committee. They will ultimately make the decision on what types of use are allowed for each section of the trail. It is expected that local councils will be consulted in making that determination however; that has yet to occur.

The lack of or presence of alternate routes for trail use should not affect a decision of council concerning the safety of the travelling public and snow on municipal roads.

The municipal insurer has expressed an opinion after reviewing the March 24th meeting report and resolution. It was not received in time for that meeting.

*"You have done a great job on your response on the bylaws and regulations, your recommendations are great. You have addressed the issue with the groomer leaving extra snow on the road as soon as you became aware of it. You are also correct – **snow should not be deposited on the road - and your plows do have to remove it.**"* The entire email is included for your reference.

It has been stated that public consultation did not occur prior to re-routing the trail last fall due to the lack of time required to do so. As expressed in the letters from ratepayers, if this issue is once again deferred to "fall" will the same situation not occur for the next season?

It is staff recommendation that a Council decision should be made now so that the club can make appropriate changes over the course of the summer when trail improvements/changes are normally made. As stated previously, ultimately this is in the purview of the County however; Council does control the use of/and or crossing of municipal roads.

In attempting to determine what others have done in similar situations to slow or calm traffic of snowmobiles crossing municipal roads, staff have contacted various municipalities across the province. Recommendations include:

1. Any liability should be transferred to the club through a Land Use Agreement should continued crossing of municipal roads be allowed;
2. Gates or chicanes can be installed at road crossings narrowing the width of the trail; causing riders to slow;
3. Rocks or other barriers could be used for the same traffic calming purposes – narrow the trail, cause an s/z shape prior to road crossings;
4. Revoke their authorization.
5. Let them get hit by a truck...

Financial Considerations/Budget Impact:

The above resolution suggests having municipal staff clear excess snow off roads placed by either the groomer or machines while crossing roads free of charge. Council might consider charging for this service.

Should there be a significant incident with the continued practise; the municipality will likely be found liable. With joint and several liability and the deep pocket syndrome, this is not a position which the municipality would like to find itself in.

Policy Impact:

Significant. It is council's legislated obligation to ensure safe travel on municipal roads.

Others Consulted:

Ratepayers' letters: Jim Watters, Robert and Jancis Elder, Crystal Fischer

MIS-municipal insurer representative – Alanna Taylor

Ontario Municipalities

MLSC executive

The Motorized Snow Vehicles Act and Regulations

The Highway Traffic Act and Regulations

The Off Road Vehicles Act and Regulations

Approved and Recommended by the Clerk

Melinda Reith, Municipal Clerk

Melinda Reith