



**SUBJECT: Revival and extension of the Burlington-Hamilton
Boundary Road Maintenance Agreement**

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: RPF-32-20

Wards Affected: 1 and 3

File Numbers: 195-02

Date to Committee: November 9, 2020

Date to Council: November 23, 2020

Recommendation:

Authorize and direct staff to negotiate, and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a revival and extension agreement of the Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton dated June 3, 2008 and any necessary ancillary documents for a term of one (1) year, in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Parks and Roads and Forestry; and

Authorize and direct staff to negotiate and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a new Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton, and any necessary ancillary documents which sets out the roles, responsibilities, and obligations of the parties with respect to shared road segments along the municipal boundary line in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Roads and Parks and Forestry.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

This report has been prepared to seek Council approval to revive and extend the 2008 Boundary Road Agreement between the City of Burlington and the City of Hamilton for a one (1) year extension in order to allow staff time to negotiate terms of and enter into a new Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton in connection with the shared road segments along the municipal boundary line.

Background and Discussion:

The City of Burlington and the City of Hamilton share several road segments along our boundary limits.

In summary the following are the shared road segments:

- Milborough Town Line from Britannia Avenue to 263m south of Concession 6 east;
- Mountain Brow Road/3rd Concession Rd West from Hwy No. 6 westerly to the end;
- Mountain Brow Road from Waterdown Rd/Mill St to the cul-de-sac;
- Kerns Road from the boundary to Hwy No. 5;
- Milborough Town Line from Concession 8 East to Britannia Avenue;
- Milborough Town Line from Parkside Road to 1st Side Road;
- Milborough Town Line from Carlisle Road to 745 m southerly; and
- York Boulevard from the boundary to Plains Road.

The Ontario Municipal Act, under Section 20(1), allows a municipality to enter into an agreement with an adjoining municipality to maintain and repair a highway for which they share joint jurisdiction, in order to reduce the duplication of maintenance and repair services between adjoining municipalities, and to achieve economies of scale. The City has similar maintenance agreements with the Towns of Milton, and the Town of Oakville for maintenance of boundary roads with these municipalities.

The City of Burlington and the City of Hamilton entered a Boundary and Connecting Highway Maintenance and Repair Agreement effective June 3, 2008 to set out the roles and responsibilities of the parties with respect to the maintenance and repair of highways for which they share Joint Jurisdiction.

Discussion:

The agreement was signed in 2008 for a 5-year period with option for automatic renewal for a further five (5) years. Unfortunately, the agreement lapsed in 2018 without signing an extension. The City of Burlington is working with the City of Hamilton to ensure this

is rectified with this extension agreement, allowing time for negotiating a new agreement for future years.

The Agreement will include all activities required for the routine maintenance and repair of respective road segments as outlined in Schedule A, B, and C, as prescribed under the Minimum Maintenance Standards of the Municipal Act (e.g., winter control, road patrol, pot hole filling, traffic signage and street light repair). These activities are broken down into two main categories - roadway maintenance, and sidewalk and boulevard maintenance.

Each municipality will be responsible for the routine repair and maintenance of sidewalks and boulevards on their respective side of the boundary. No associated costs will be invoiced to either municipality.

The Maintenance Agreement does not pertain to capital projects, such as road resurfacing or culvert replacement. Should such work be required, an appropriate apportionment of costs will be determined, and the project will require the approval of both municipalities prior to moving forward.

The Revival and Extension Agreement will be for a term of one (1) year with a termination date of May 1, 2021. During the term of the revival and extension agreement, staff for the City of Burlington will work with the City of Hamilton to negotiate a new Boundary and Connecting Highway Maintenance and Repair Agreement which will set out the roles and responsibilities of the parties, and help ensure that issues such as liability, insurance, and notice requirements are adequately addressed.

If a new agreement is negotiated and agreed upon between the parties prior to the termination of the Revival and Extension Agreement on May 1, 2021, it is recommended that the Revival and Extension Agreement be terminated early and the new Boundary and Connecting Highway Maintenance and Repair Agreement be executed and entered into.

Financial Matters:

There will be no impact to operating budget.

Climate Implications

Not applicable.

Conclusion:

The proposed revival and extension agreement of the 2008 Boundary and Connecting Highway Maintenance and Repair Agreement will allow for staff to have adequate time to negotiate terms of a new Agreement which will set out the roles, responsibilities, and obligations of the parties with respect to shared road segments.

If authorized, staff with the assistance of the Legal Department will negotiate and finalize the Revival and Extension Agreement to the 2008 Agreement for a one (1) year term and further negotiate and finalize a new agreement prior to the expiration of the Revival and Extension Agreement for the Mayor and Clerk to execute.

Respectfully submitted,

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Manager of Roads Operations

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Notifications: (if none delete section)

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.