

Steps to Municipal Road Assumption

By Don Payne, Chair, FOCA Volunteer Roads Advisor

Municipal road assumption takes place when a municipality agrees to take responsibility for maintaining a road. Under normal circumstances, a municipality simply passes a by-law taking a road into its road system and thereby assumes all liability for its condition.

Cottagers sometimes come to the conclusion that it would be best if their cottage road was taken over/assumed by their municipality. The road allowances over which the road runs may be owned by the cottagers themselves or by other organizations, both private and public, including their municipality.

Steps:

1. Set down the reasons for wanting road assumption.

- * Get rid of the liability and the cost of road liability insurance.
- * Get rid of the problems associated with collecting annual road maintenance dues.
- * Get rid of the need to organize road maintenance work parties or finding and dealing with private contractors for maintenance and snow plowing service.
- * Get better value for your "road tax" dollar, or at least as good value as others on municipally maintained roads.
- * Get better assurance that the 911 Emergency Services you pay for can get to your cottage.
- * Get tax supported snow plowing service so that you know you can get to your cottage at any time during the snow months.
- * Get the road ready for retirement years when it will be used both earlier and later in the year.
- * Get rid of increasing cost of road maintenance; it keeps growing every year as more and more children, grandchildren, relatives and friends visit the cottage.

2. Be certain that there is a high degree of agreement for road assumption among those who will be affected - those who get the benefits and the ones who are going to share in the cost. Always keep in your mind that it is unfair and undemocratic for a minority to hold up the wishes of the majority.

- * Most likely your municipal council will not want to take your road over, but if you can show that it is a popular idea, then it may be easier to get them to agree to the assumption.
- * You may lose some support after you have determined what the shared cost of the road upgrading is.
- * You may lose some support when it is determined how the upgrading will change the physical ambiance of the road.

- * You may lose some support from individuals who will have to give up something they hold dear in order to have the road upgraded to suit the requirements of the municipality.
- * You may lose some support from those who use their cottages little or who otherwise would find it difficult (currently or in the long run) to pay their share of the upgrading costs.
- * Be prepared to hold information meetings and send out information to all affected on a regular basis as negotiations proceed. Tell the whole story, good and bad, but always be optimistic and positive. Keep an up-to-date list of affected owners names, addresses and phone numbers.
- * Hold all votes by secret ballot. Make sure you include everyone affected in the vote because you are dealing with the expenditure of other people's money.
- * Very seriously consider the benefits of incorporating your association if not already incorporated. Municipalities don't really like to make agreements with unincorporated organizations if an agreement is to be made. It is easier to negotiate as an incorporated entity since one or two officers can sign for all the individuals they represent. Also the officers and directors can be insured against suit brought on by the municipality, third parties and members of the organization itself.

3. Go to your municipal council and find out what standard of road they will accept for assumption.

- * Council may try to discourage you but get the standard regardless. They may have a municipal standard or they may agree to something different; say MTO Cottage Road Standard (CRS). If CRS, send away for a set of standard plans, or if municipal, get a set of plans.
- * From Council or its Road Committee, get a list of approved contractors for road construction.
- * From Council, get a list of names of approved (usually used) civil engineers who would draw up the bidding documents for road contractors and who would supervise the construction if the municipal staff (Road Superintendent etc.) cannot do so.

4. Get estimates of the cost to build your road to the standard that your municipality will accept for assumption.

- * Hold an on-road (on-site) meeting with all contractors you wish to get estimates from. Invite the municipal Road Superintendent to attend. Walk the road as a group. The Road Superintendent should be invited to comment on what changes would have to be made to "get the road right."
- * Ask for the estimates to be submitted to you by a given date. Since your membership may be willing to do some of the preparatory work, ask that the estimates be broken down into the following cost items: clearing/ brushing, road base preparation, ditching, culverts and/bridges, relocation of power poles, rock removal, volume and cost of sub-base sand, pit-run gravel and road surface gravel. If the clearing/brushing is performed by your membership, you can save some cost.
- * Be aware that some contractors will only give an estimate because they don't want to be left out of the final bidding. Their estimates most likely will be high since they won't spend much time on them. They will "sharpen their pencil" when the real bidding process takes place.
- * Get an estimate of the expected engineering costs.

5. Share the cost to build the road to standard with all those who will be expected to share the cost including the municipality.

* Someone may ask for a secret ballot for approval to enter into negotiations with the municipality based on the estimates. Have one to demonstrate that you are keeping the monetary as well as any other interests of those affected in the forefront. Such a vote will give you some idea of how strong your negotiating mandate is. If the municipality is in doubt, they may ask for a municipally run vote to determine how strong your mandate is. They could do this at any time.

6. Ask to be put on the agenda for a regular Council Meeting with the purpose of making your initial request for municipal road assumption.

* Take as many of your members as possible to the initial meeting to show force of unity.

* Always pack the Council Chamber with as many of your members as possible whenever Council is to discuss anything to do with your road in public.

* Outline the issues that have brought all those who will be affected by the road assumption to the conclusion that road assumption is a must.

7. Ask Council for a special meeting to discuss road assumption.

* Present the value of past taxes and what you got for them and what they paid for in other areas of the municipality.

* Present what others in the township have gotten and get for their tax dollars and for how long.

* Make road comparisons: within the municipality and without, including snow plowing service.

* Develop and present ways to equitably share the cost of rebuilding the road to "standard" (all affected users pay the same except for the municipality and others who may be exempted or who would pay a reduced share etc.).

* Present ways to collect the money to pay for the construction and engineering work.

* Make an offer to share the cost of rebuilding the road to whatever standard, giving percentages that would be charged to those affected including the municipality.

* Ask for another meeting to clarify issues; set its date, time and place.

* Form a negotiating team. Never negotiate alone, and keep all members of the team up-to-date.

* Keep good records of what was achieved at negotiating meetings.

* Consider negotiating by letter when you cannot keep meeting face-to-face. It is hard for anyone to say they weren't aware of your position when you have sent a letter stating it and asking for their comments, other information and/or agreement.

* Be Patient but Persistent until you get what you set out for - assumption!

8. Report the results of road assumption/negotiating meetings to all those who are affected and ask for comments.

* Always state benefits, both long and short term, when communicating with those who are affected.

* Use a newsletter if you can to keep everyone up-to-date. Always be up-beat, positive and optimistic in spite of setbacks.

* Give a deadline for comments and answer any questions or negative comments. Deal with them as they come up. Sometimes they will give you greater insight into the way negotiations should proceed. Ignore them at your peril!

9. Ask Council for a date by which bidding/tendering documents will be ready and sent out to construction companies.

* Asking for "due dates" after finalizing the details of the road assumption gives notice that you will be keeping tabs on things until after reconstruction of the road is complete. Council has to create and pass by-laws to charge all those who benefit their share of the cost, and to accept the road into the municipal road system.

10. Celebrate your success and toast the future of long and happy use of your cottage on a year-round, municipally maintained road.