

# Understanding Minimum Maintenance Standards for Highways

## Introduction

In accordance with Section 44 of the Municipal Act, 2001, municipalities are mandated to maintain highways in a reasonable state of repair, considering the nature and location of the highway. To meet this obligation, the Minimum Maintenance Standards (MMS) have been established, outlining specific guidelines and timelines for highway maintenance.

### **WHY do we have Minimum Maintenance standards in Ontario ?**

Although this element of municipal governance may seem mundane, it is often at the heart of why municipalities find themselves in legal "hot water". In fact, according to industry experts, accidents occurring on municipal roads and highways provide the largest single source of claims against municipalities.

In an attempt to defend against municipal liability, the Ontario government introduced the Minimum Maintenance Standards for Municipal Highways in 2002. This regulation set out the minimum standards of repair for highways under municipal jurisdiction.

## **Summary: Importance of Ontario Minimum Maintenance Standards**

The Ontario Minimum Maintenance Standards (MMS) play a crucial role in ensuring the safety, reliability, and usability of the province's highways. Mandated under Section 44 of the Municipal Act, 2001, these standards outline specific guidelines and timelines for municipalities to maintain their road infrastructure. The key importance of the MMS lies in:

1. **Safety:** The standards establish criteria for patrolling frequency and prompt repair of issues like potholes and shoulder drop-offs, reducing the risk of accidents and ensuring the safety of road users.
2. **Consistency:** By providing clear guidelines, the MMS promote consistency in highway maintenance across different municipalities, contributing to a uniform and reliable road network throughout Ontario.
3. **Liability Protection:** Municipalities that adhere to the MMS are protected from liability in certain situations, provided they meet the statutory defenses outlined in Section 44(3) of the Municipal Act, 2001.
4. **Accountability:** The MMS create a framework for municipalities to be accountable for the condition of their highways, promoting responsible maintenance practices.
5. **Efficiency:** With defined timelines and standards, the MMS help municipalities prioritize and efficiently address maintenance issues, ensuring that resources are allocated effectively. In summary, the Ontario Minimum Maintenance Standards are instrumental in maintaining a high standard of road infrastructure, safeguarding public safety, and promoting responsible governance and accountability among municipalities.

**Highlighted below are some relevant issues much of which we see (or don't see) on a day to day basis in DWL**

## Patrolling Frequency

The frequency of highway patrolling varies based on the class of the highway:

- Class 1: 3 times every 7 days
- Class 2: 2 times every 7 days
- Class 3: Once every 7 days
- Class 4: Once every 14 days
- Class 5: Once every 30 days

## Potholes on Paved Surface of Roadway

**Table 1**

Class of Highway	Surface Area	Depth	Time
1	600 cm <sup>2</sup>	8 cm	4 days
2	800 cm <sup>2</sup>	8 cm	4 days
3	1000 cm <sup>2</sup>	8 cm	7 days
4	1000 cm <sup>2</sup>	8 cm	14 days
5	1000 cm <sup>2</sup>	8 cm	30 days

## Potholes on Non-Paved Surface of Roadway

**Table 2**

Class of Highway	Surface Area	Depth	Time
3	1500 cm <sup>2</sup>	8 cm	7 days
4	1500 cm <sup>2</sup>	10 cm	14 days
5	1500 cm <sup>2</sup>	12 cm	30 days

# Potholes on Paved or Non-Paved Surface of Shoulder

**Table 3**

Class of Highway	Surface Area	Depth	Time
1	1500 cm <sup>2</sup>	8 cm	7 days
2	1500 cm <sup>2</sup>	8 cm	7 days
3	1500 cm <sup>2</sup>	8 cm	14 days
4	1500 cm <sup>2</sup>	10 cm	30 days
5	1500 cm <sup>2</sup>	12 cm	60 days

## Shoulder Drop-offs

If a shoulder drop-off exceeds 8 cm in depth for a continuous distance of 20 meters or more, it must be repaired within the specified timeframes in the following table:

Class of Highway	Time
1	4 days
2	4 days
3	7 days
4	14 days
5	30 days

A shoulder drop-off is considered in a state of repair if its depth is less than 8 cm. The term "shoulder drop-off" refers to the vertical difference between the paved surface of the roadway and the surface of the shoulder, whether paved or non-paved.

These standards aim to ensure the safety and usability of highways, providing clear guidelines for municipalities to adhere to when maintaining their road networks. For more detailed information, refer to [Ontario's Minimum Maintenance Standards](#).

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# The Importance of deficiency reporting

If you have read the above minimum requirements set out in section 44 of the Municipal Act, you will notice the important timelines present through much of the tables shown.

Once the Township has been advised or have been made aware of an issue the timelines become ever so important for them to ensure that they follow they appropriate guidelines for repair set out by the MINIMUM standards. As well as Township By-Law 2020-1653

**Clear, detailed documentation is VERY important when reporting. Document the exact location, and take as many pictures possible.**

Establish Highways and Road Classifications By-Law No. 2020-1653

<https://www.lanarkhighlands.ca/component/edocman/by-laws/public-works/by-law-no-2002-362-establish-highways-and-road-classifications?highlight=WyJwb3Rob2xlcYJd>

[How to report a problem in Lanark Highlands Township](#)

## Roads

**ROAD EMERGENCY PHONE NO.**

**613-264-7329**

Please call this number **ONLY** in case of a road related emergency or potential danger that requires immediate attention.

[publicworks@lanarkhighlands.ca](mailto:publicworks@lanarkhighlands.ca)

The Darling White lake Roads Study Working Group would like to hear from you as well , so please add us to the email report when reporting an issue !!

[roadsdwl@gmail.com](mailto:roadsdwl@gmail.com)