



Significant Weather Event

As municipalities prepare for winter, they plan their operations based on their knowledge of local weather and historic weather records. Sometimes, however, a winter event occurs that is beyond the municipality's capabilities to provide a reasonable response or comply with the Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Roads (MMS). Section 16.9 was added in the 2018 revision to the MMS which allows a municipality to declare a Significant Weather Event. In doing so the municipality may, due to the severity of the event, suspend operations and have their roads deemed to be in a state of repair during the timeframe that Significant Weather Event is declared. When the Significant Weather Event subsides, a municipality can declare an end to the event when, in their sole discretion, they determine that they can provide service that meets the tables of sections 4 and 5 and section 16 of the MMS.

Definitions included in MMS

"Significant Weather Event" means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality;

"Weather Hazard" means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program.

"Winter Event" means a weather condition affecting roads such as snowfall, wind blown snow, sleet, freezing rain, frost, black ice, etc. to which a winter event response is required.

Requirements of Sections 4.1, 4.3, 5.1, 16.4 and 16.6

All sections mentioned above have similar wording to 4.1 copied here:

4.1(1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on roadways until the declaration of the end of the significant weather event is,

- (a) to monitor the weather in accordance with section 3.1; and
- (b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on roadways, starting from the time that the municipality deems appropriate to do so.

(2) If the municipality complies with subsection (1), all roadways within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4 expires following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 7.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on roadways in accordance with section 4.

Revisions a municipality should consider to your Level of Service policy

The municipality's Level of Service (LOS) policy should be revised to include but not limited to:

- Who at the municipality has the authority to declare a Significant Weather Event e.g. the Mayor, the Chief Administrative Officer, the Director of Public Works or someone else;
- Section 16.9 provides options for notifying the public of the declaration of a Significant Weather Event. The LOS should be revised to include the option(s) to be used by a local municipality to notify the public that a Significant Weather Event has been declared;
- Include in the LOS, a reference to Environment Canada's "Criteria for Public Weather Alerts" and the type and severity of winter events for which a declaration of a Significant Weather Event may be initiated e.g. freezing rain event, blizzard event, snow squall event, etc.;
- Add a clause to the LOS that indicates that the authorized person will declare an end to a Significant Weather Event when in the authorized persons discretion determines that the municipality can provide winter maintenance services that meets the requirements of the tables to sections 4 and 5 or the timeframes set out in section 16.

Other Considerations

The purpose of Sections 4.1, 4.3, 5.1, 16.4 and 16.6 is to provide an ability for a municipality, due to the severity of a winter event, to suspend operations during a declared Significant Weather Event and have their roads deemed to

be in a state of repair until an end to the Significant Weather Event is declared. This new ability should not be misused. Some factors to consider are:

1. If Environment Canada issues an alert under the Public Weather Alerting Program a municipality is not obligated to declare a Significant Weather Event. A municipality can determine if an approaching or occurring winter event poses a significant danger to users of the highways. If it is determined that the event is not a severe as the criteria for a Public Weather Alert and the winter event does not pose a significant danger to users of the highways within a municipality, the municipality should provide service that complies with sections 4, 5 and 16 of the MMS.
2. If Environment Canada issues an alert under the Public Weather Alerting Program and a municipality via their monitoring of the weather determines that it is appropriate to declare a Significant Weather Event before the event occurs. If the weather hazard does not materialize an end to the event can be declared. If this happens a municipality should provide service that complies with sections 4, 5 and 16 of the MMS during the timeframe that the Significant Weather Event was declared. What is important to remember is that it is okay to make the wrong call, but that there is always a requirement to act reasonably.
3. If Environment Canada does not issue an alert under the Public Weather Alerting program and severe weather occurs that poses a significant danger to users of the highways a municipality could declare a Significant Weather Event. What must be remembered: a plaintiff's lawyer could challenge the declaration and imply that the municipality was using the declaration of a Significant Weather Event to circumvent sections 4 and 5 of the MMS. If the challenge was successful, a court could determine that the municipality was not acting in good faith. Therefore, it is important to document the event and record the type of winter event that required the declaration, the severity of the event such as wind speed, significant drifting, snow accumulation per hour, etc.

4. If Environment Canada issues an alert under the Public Weather Alerting program and the municipality declares a Significant Weather Event and due to the severity of the event suspends operations, during that timeframe staff should:
 - a. Remain on-duty until the end of their shift;
 - b. Monitor the weather at frequent intervals, which may be more often than required by MMS;
 - c. When the Significant Weather Event begins to subside, and the municipality determines it is appropriate to do so, patrol the roads to develop a plan of action to address the Significant Weather Event that may or may not vary from normal operations;
 - d. When the municipality determines it is appropriate to do so, respond with resources to address the Significant Weather Event in accordance with the plan of action;
 - e. Keep accurate records of the response to the Significant Weather Event noting the times when the beginning and end of the Significant Weather Event were declared, any changes to normal operations required because of the Significant Weather Event and the time when the level of service or MMS were achieved.