



Infrastructure Services Staff Report

Report Number: IS05-2022
Report Title: Road Closing By-Law for Parts of Peel Street and Middlebrook Place
Author: Ryan Tucker, Engineering Project Supervisor
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Consent Item: Yes
Final Version: Yes
Reviewed By: Jared Puppe, Director of Infrastructure Services
Final Review: Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, considering Report IS05-2022 respecting Road Closing By-Law for Parts of Peel Street and Middlebrook Place, adopts the by-laws to stop up and close portions of road allowance on both ends of the Peel Street Bridge (Structure #270148), as well as the Middlebrook Steel Truss Bridge (Structure #180160), attached as Appendices 1 and 2.

Background:

Currently, the Peel Street bridge (Structure #270148) located in Winterbourne, and the Middlebrook Steel Truss bridge (Structure #180160) located on the border with Centre Wellington, are both closed due to structural issues. Staff undertook Environmental Assessments for both of these structures, with the ultimate direction to convert the Peel Street Bridge for pedestrian use, and to remove the Middlebrook structure without replacement. An open road allowance requires a specified level of maintenance be undertaken on that section of road, as per minimum maintenance standards (O.Reg.239/02). Even though the bridges are closed and barricaded, the road allowances are still open, which does require a higher standard of care.

Comments:

Since the decision has been made to change the use of the Peel Street Bridge to pedestrian use only, and to remove the Middlebrook Place Steel Truss bridge without replacement, a by-law is required to stop up and close the road approaches on either end of the structures to reduce the Township's liability in relation to the structures. Since both

bridges are currently considered “highways”, stopping up and closing each road allowance will shift the structures away from the authority of the Municipal Act, and instead the structures will be governed by the Occupiers Liability Act, which will eliminate the requirements in relation to minimum maintenance standards and reduce the Township’s liability and defined maintenance requirements. Under the Occupiers Liability Act, the Township would be obligated “to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises”. As both structures are currently barricaded and signed as closed, no access is currently being permitted to either structure. The Peel Street bridge will not be opened until the specified rehabilitation works are completed, and the structure is safe for use.

Both structures will continue to be inspected on a biennial basis, as per O.Reg.104/97, to ensure that the bridges are in an acceptable state. Once the Middlebrook Place bridge is removed, the requirement for inspection on that structure will no longer exist.

Interdepartmental Impacts:

None.

Financial Impacts:

None.

Strategic Plan Impacts:

Not Applicable.

Conclusion:

To reduce the Township’s liability in relation to the Peel Street Bridge (Structure #270148), and the Middlebrook Steel Truss Bridge (Structure #180160), by-laws are required to stop up and close the approaches to both structures.

Attachments:

1. A By-law to stop up and close a portion of road allowance being Woolwich Township Road No. 60 through Lot 64, German Company Tract, in the Township of Woolwich
2. A By-law to stop up and close a portion of road allowance being Peel Street, Registered Plan 598, and part of Lots 2 and 3, Broken Front Concession, in the Township of Woolwich
3. Bridge Approach Reference Plans