



City of
Peterborough

To: Members of the Committee of the Whole

From: W.H. Jackson, Director of Utility Services

Meeting Date: November 9, 2015

Subject: Report USTR15-014
Agreement for Snowmobile Trail to Endicott Fuels

Purpose

A report to update Council on the agreement between the City of Peterborough and Rice Lake Snow Drifters Inc. to provide a snowmobile trail from the City limits to Endicott Fuels, a parking lot on the north side of Technology Drive and to establish a speed limit of 20 km/hr for a portion of the snowmobile trail where it is in close proximity to the non-motorized section of the Trans-Canada Trail within the City limits.

Recommendations

That Council approve the recommendations outlined in Report USTR15-014, dated November 9, 2015, of the Director of Utility Services as follows:

- a) That a by-law be passed to authorize the Mayor and Clerk to execute an agreement between The Corporation of the City of Peterborough and the Rice Lake Snow Drifters Inc. (the "Snow Drifters") for the construction, operation, inspection and maintenance of a snowmobile trail and parking lot, and to affix the Seal of the Corporation thereto, such execution to occur only after acceptance of the terms of the agreement by the City Solicitor; and
- b) That upon execution of the agreement in Recommendation a), existing By-laws 1975-190, and Chapter 761 of the City of Peterborough Municipal Code be repealed and replaced with Bylaw 15-156.

Budget and Financial Implications

Construction, operation and winter maintenance of the snowmobile trail and parking lot will be the Snow Drifter's sole responsibility. There are no anticipated direct costs associated with the snowmobile trail to the City.

Since the parking lot, and potentially a portion of the trail south of Technology Drive, would serve users of both the snowmobile trail and the non-motorized multi-use trail, the City will maintain these areas during the summer and fall at an estimated cost of \$1,500.00 per year, with the cost of this reflected in future operating budgets.

Background

This fall, the City completed the Trans-Canada Trail from Lansdowne Street to the City limits, thereby connecting to the Lang-Hastings section of the trail and points further east. This connection has long been anticipated by trail users eager to explore the trail to Hastings and beyond. While motorized activities, including snowmobiling, are not permitted on City multi-use trails, snowmobiling is permitted on the Trans-Canada Trail between the City limits and Hastings. The Snow Drifters is the snowmobile club active in this area and it has requested access into the City. Staff has been working with the Snow Drifters, on the design of a separate snowmobile trail within the former CP Rail right-of-way from the City limits to Endicott Fuels (Appendix A attached) and on the development of an agreement to cover (1) the construction, operation, inspection and maintenance of this snowmobile trail and (2) the insurance and indemnity issues which the agreement raises.

At its meeting of August 4, 2015, Council, in considering Report USTR15-012 dated July 27, 2015, approved the following:

- a) That Council support in principle the proposal for construction and maintenance of a separate snowmobile trail within the former CP Rail right-of-way from the connection to the Trans-Canada Trail at the south-eastern limit of the City to Endicott Fuels; and
- b) That staff continue to work with the Rice Lake Snow Drifters Inc. on the snowmobile trail design and an Agreement for snowmobile trail construction and maintenance.

Status of Trail and Parking Lot

The Snow Drifters have provided a trail and parking lot design to staff and, at this time, the design is approaching completion.

The parking lot and potentially a portion of the trail would serve users of both the snowmobile trail and the non-motorized multi-use trail and help to alleviate existing parking problems on private property adjacent to the Trans-Canada Trail where it intersects Old Keene Road. The agreement requires the Snow Drifters to inspect and maintain the parking lot and trail during the winter months and to re-grade the joint use areas in the spring. During the summer and fall, the City would inspect the gravel parking lot and, potentially that portion of the trail running south from Technology Drive to the City-limit as necessary and maintain same as required.

Both staff and the Rice Lake Snow Drifters are working toward completion of the trail and parking lot construction for the 2015/2016 winter season.

Agreement with the Rice Lake Snow Drifters

An agreement has been developed with the Snow Drifters for the construction, operation, inspection and maintenance of a snowmobile trail and parking lot. The agreement gives the Snow Drifters authorization to build and maintain a snowmobile trail and parking lot on City property within the former CP Rail right-of-way from the City limits to the Endicott Fuels property, approximately 70 metres south of Lansdowne Street.

The Agreement requires the Snow Drifters to:

- Remain a member in good standing with the Ontario Federation of Snowmobile Clubs;
- Be responsible for the design, construction, inspection and maintenance of a snowmobile trail from the City limits to Endicott Fuels in the former CP right-of-way and a gravel parking lot on the north side of Technology Drive;
- Inspect and maintain the Trail in a safe condition year round;
- Inspect and maintain the Parking Lot in a safe on a seasonal basis;
- Pay the City its reasonable cost to repair the road surface of Technology Drive in the vicinity of the Trail crossing in the event of any damage to the road caused by Snowmobiles or the Club's grooming equipment crossing Technology Drive;
- Developing, publicizing and enforcing guidelines and rules for the use of the City Property by its members;
- Determining when the trail is open or closed for Snowmobile use; and
- Erecting and maintaining appropriate signage regarding speed limits, the Trail crossing, way-finding and other matters related to Trail safety.

The Agreement is for an initial term of one-year but following the expiry of the initial term, the Agreement will automatically renew on a year-to-year basis for a maximum period of five years provided the Club is not in breach of its obligation under the Agreement.

Section of Agreement Still to be Resolved

The City and Rice Lake Snow Drifters are continuing to discuss the insurance terms of the agreement. Staff understands that City Council supported establishing the snowmobile trail provided there was no cost and no risk to the City. This is the arrangement Staff is working toward.

In order not to unduly delay the construction of the trail and parking lot, it is proposed to solicit Council's approval to continue with this project but make the execution of the agreement contingent on acceptable insurance terms. In order to reach the "no cost-no risk goal", Legal Services will require the Snow Drifters to agree to:

- Hold a minimum level of comprehensive liability insurance of \$15,000,000 per occurrence with the City named as an additional insured party;
- Indemnify and hold the City harmless for incidents involving the Club and third party users of their trail (The risk and indemnity for the parking lot will shift back and forth between the Snow Drifters and the City on a seasonal basis);

By-Laws Related to Trail Operation

By-Law 09-164, currently prohibits the operation of motorized vehicles on public lands or property in the City of Peterborough that are not designated as public roads or designated for the driving, operating, parking or stopping of such vehicles. Allowing snowmobiles to legally operate on the new snowmobile trail within the City boundary will require current by-laws regulating the operation of motorized snow vehicles to be revised.

The **Motorized Snow Vehicles Act of Ontario** sets the provincial speed limit of 50km/hr on trails and gives municipalities the right to create a by-law to set a slower speed limit on trails under their jurisdiction. Because snowmobile trails are an off-road environment and because there is no uniform design standard for snowmobile trails establishing a speed limit significantly slower than 50 km/hr within the City's municipal boundary is prudent from a risk management perspective given the pedestrian activity around the parking lot and the close proximity of the snowmobile trail to the adjacent non-motorized trail. The Club agrees that a speed limit of 20 km/hr from Technology Drive to 70 metres south of Lansdowne Street is appropriate.

Staff is recommending that the various by-laws covering the operation of motorized vehicles on public land and the operation of snowmobiles within the City limits be reviewed and revised, as necessary, to implement the intent of the agreement.

Update on Request for Snowmobile Trail Extension to the Best Western

As noted in the previous report to Council (USTR15-012) the Rice Lake Snow Drifters have indicated their longer term desire to obtain access for snowmobiles between Lansdowne Street and the rear of the Best Western property along the former CP Rail

corridor. Staff continue to work with the Snow Drifters to review the feasibility of this extension, and will report back to Council at a later date with recommendations for consideration.

Summary

The Rice Lake Snow Drifters have worked diligently with City staff on a design and agreement for a snowmobile trail from the City limits to Endicott Fuels that will enable them to complete construction this fall and allow operation this winter provided the insurance terms of the agreement can be confirmed to the City's satisfaction. A speed limit of 20 km/hr is recommended where the snowmobile trail is in close proximity to the non-motorized multi-use trail and parking lot. This agreement will represent the first time that snowmobiles are formally sanctioned in the City.

Submitted by,

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Appendices:
Appendix A – Map Illustrating Limits of Snowmobile Trail

Appendix A: Location Map

