



REPORT

To: Chair and Directors

Date: February 21, 2020

From: Trish Morgan, General Manager of Community Services

Subject: Prespatou Walking Trail – Permit and MoU Update

RECOMMENDATION: *[Corporate Unweighted]*

That the Regional Board defer application to the Ministry of Transportation and Infrastructure for a permit to construct and maintain a trail in Prespatou, on behalf of the Prespatou Planning Committee Society, until such time that a site inspection can be conducted in the spring to examine the potential water and road crossings and a report is provided to the Board outlining potential costs and other requirements of road and water crossings.

BACKGROUND/RATIONALE:

At the January 20, 2020 Regional Parks Committee meeting the following resolution was passed:

That the Regional Parks Committee recommend the report entitled “Prespatou Walking Trail – Permit and MoU” be forwarded to the Regional Board and further;

That the report include financial considerations and options for trail maintenance or remediation by the Peace River Regional District, should the Society go defunct or become unable to care for the trail.

Attached is the report that was provided to the Regional Parks Committee on January 20, 2020. At that meeting, the Committee requested additional information on the costs to maintain and/or remediate the trail if the Prespatou Planning Committee Society (PPCS) goes defunct or becomes unable to fulfill their obligations under a MoU or Service Agreement.

The recommendation above has been brought forward as more investigation is needed, specifically related to the road and water crossings, to identify requirements that are associated with these aspects of the proposed trail, and whether an engineered design plan is required. Examination of the site will need to be conducted in the spring to understand where the water is coming from and going to which could drive the type of water crossing needed (bridge or culvert).

ALTERNATIVE OPTIONS:

1. That the Regional Board authorize staff to apply for a permit to construct a trail in the Ministry of Transportation and Infrastructure right-of-way on behalf of the Prespatou Planning Committee Society (PPCS) for the Prespatou Trail; further, that staff develop a Trail Maintenance Agreement between the Peace River Regional District and the Prespatou Planning Committee Society for signature prior to the Society beginning trail construction and operations to include any conditions required by either the Regional District or Ministry of Transportation and Infrastructure.

Staff Initials:

Dept. Head:

CAO:

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2. That the Regional Board defer a decision on the Prespatou Trail project until after the results of the Wonowon Trail/Street Lighting Feasibility Study are presented, so that the Board may consider the results of that study and associated costs that may be relevant to the Prespatou Trail project.
3. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

The Regional District has granted the PPCS \$38,561.25 through the Recreational Trails Grants-in-Aid program in 2019 for this project.

While the direction from the Board was to provide financial considerations in the event that the trail become the responsibility of the Board, it is noted that the cost of construction, operation, and maintenance will be largely dependent upon the need for bridge and water crossings.

At this time there is no cost to the Regional District (with the exception of staff time) to complete the preparation of the permit application and to develop a MoU. Should the trail be installed, staff would be required to monitor any future agreements, and complete inspections to ensure liabilities to the Regional District are mitigated. It is estimated that staff will spend approximately 35 hours in the development of the Agreement and the permit application. Frequency of inspections by both the Society and PRRD would be determined based on estimated use, the type of trail developed, and risk tolerance of the organization.

In the event that the trail is built and the Society is unable to maintain the trail to an appropriate standard or if the Society ceases to operate, the Regional District would be responsible to ensure that the impacted land be remediated to its original condition. The costs of remediation will depend to what extent the trail is developed and the materials used for development. The below estimation has been determined under the assumption that the trail will be 680m long x 2.44m wide, and that the base and non-organic finishing material for the trail is 4" thick. Under this assumption, the trail is not paved. If the trail was paved, the costs for removal and remediation would increase by approximately two-fold. Staff time to procure the services for removal and to provide project management have not been included in this estimation.

Estimated costs to remove and remediate an un-paved trail of 680m @ 2.44m wide:

Removal of Base Materials @ 4" depth	\$6,120
Replacement of Top Soil and Seeding @ 4" depth	\$30,000
Trucking Materials to NP Landfill- \$850/load for 30 yard bin (can hold 5 tonnes)	\$6,800
Tipping Fee - \$110 per tonne (may be waived at the direction of the Board)	\$4,400
Total Estimated Cost for Removal and Remediation:	\$47,320

In the event that the trail is built, and the Society becomes unable to care for it, and should the Board be in favour of taking on the annual operations and maintenance of the trail, the following costs have been estimated. Depending on the frequency of snow removal and inspections, the cost of operating a trail on an annual basis could be as much as \$10,000. Capital maintenance of the trail would need to occur on a 2-5 year basis and would include replenishing the material used, and costs for the equipment and its operator.

Estimated costs to maintain and operate an un-paved trail of 680m @ 2.44m wide:

Staff travel time per visit (estimated 4 hrs @ \$30/hour @ 32 trips)	\$3,840
Monthly Inspections per visit (estimated 1 hr @ \$30/hour @ 12 trips)	\$360
Snow removal per visit (estimated 2 hours @ 30/hour at 20 visits)	\$1,200
Total Estimated Cost for Annual Maintenance	\$5,400

An alternate option to having PRRD staff complete the maintenance and operations for a trail would be to hire a contractor to complete the work. Costs for the service could range from approximately \$10,000-\$15,000 annually, but would depend on the availability of contractors. In this scenario, staff would be still be required to complete inspections, at a cost of approximately \$1,800 annually in addition to the maintenance contract.

Should the Regional District take on the permit for this trail as part of the Memorandum of Understanding/Agreement, the Society would be required to adhere to all applicable legislation and to maintain liability insurance. As such, the Society may face additional unanticipated costs and would be required to work with the PRRD prior to the installation of the trail to ensure mutually agreeable trail development guidelines such as;

- **Hiring a civil engineer specializing in waterways to determine what type of bridge or culvert design may be best for the water crossing**
 - o **The crossing may have to be constructed and installed in a method specified and certified by an engineer**
 - o **A permit to work “in and about a stream” may also be required from the Province**
- **In association with MoTI, determine, purchase and install road crossing infrastructure (may be as little as signage and a painted cross walk, or as much as overhead lighting, automated cross walk signals and signs); and**
- **Carry insurance as determined by the Peace River Regional District and the Municipal Insurance Association.**

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. January 20, 2020 Regional Parks Committee Report – Prespatou Walking Trail – Permit and MoU



REPORT

To: Regional Parks Committee

Date: January 10, 2020

From: Trish Morgan, General Manager of Community Services

Subject: **Prespatou Walking Trail – Permit and MoU**

RECOMMENDATION:

That the Regional Parks Committee receive the report entitled “Prespatou Walking Trail – Permit and MoU” dated January 10, 2020 for discussion.

BACKGROUND/RATIONALE:

At the September 19, 2019 meeting of the Peace River Regional District Board, the following resolutions were passed;

That the Regional Board be provided with a report on the process involved for the PRRD to obtain a permit for the Prespatou Planning Committee Society – Prespatou Walking Trail project, and the creation of a MoU between the PRRD and the Society to address trail maintenance.

And;

That a letter be forwarded to the MoTI to request its rationale for denying issuance of a permit for the Prespatou Planning Committee Society – Prespatou Walking Trail project.

The Prespatou Planning Committee Society (PPCS) is working to develop a 680 meter long walking trail to connect the Prespatou Elementary School, restaurant, churches, store, and senior’s complex in that community. This trail has been proposed for development mainly in the road right-of-way – a portion of the trail will fall on School District No 60 property and on private land. Currently, Prespatou residents (specifically seniors and school aged children) walk on a paved road that doesn’t have a shoulder which poses a risk of a harm to both pedestrians and drivers.

The PPCS received a Recreational Trails Grants-in-Aid for 2019 in the amount of \$38,561.25 for the project, but was advised that in order to claim the grant that a permit for development on must be received by the Ministry of Transportation and Infrastructure (MoTI) authorizing the development.

The Society has been in contact with MoTI to request the permit for development of this trail in the road right-of-way, and has reported that in order for the trail to be developed that the Regional District would have to apply for the permit. A letter was forwarded to the District Manager to request the rationale for denying the permit to the Society, and is attached to this report. MoTI has advised that permits for trails in unincorporated areas along road right-of-ways are typically held by the local government to allow certainty that the trail will have ongoing maintenance or is properly decommissioned in the event that it is no longer needed by the community. Depending on the status of trails operated throughout the region, the Board may wish to establish a service area in the event that the Regional District becomes responsible for conducting maintenance.

Staff Initials:

Dept. Head: *T. Morgan*

CAO: *[Signature]*

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The Society and Ministry propose that should the Regional Board move forward with obtaining the permit, the Regional District then they could sub-lease the trail back to the Society through a maintenance agreement.

Obtaining a Permit:

In order to obtain a permit from the MoTI, the following steps must be taken;

1. Board approval to apply for permit for 'Works: Sidewalks and Landscaping'
2. Staff to submit permit application. Design plans must accompany permit application and shall consist of a key-map, general plan, profile and detailed plan.
3. MoTI receives the application and evaluates according to criteria.
4. Permit decision communicated to the PRRD with potential conditions.

Development of a MOU or Maintenance Agreement;

Should the permit be approved through MoTI, a Memorandum of Understanding or maintenance agreement will be developed between the PRRD and PPCS. The maintenance agreement would include provisions for insurance, maintenance standards, funding, and decommissioning. The following steps would be required;

1. Staff to prepare a maintenance agreement, review maintenance agreement with the PPCS, make changes as required, forward to the PPCS for signature, forward to the Board for review and signature.
2. Implementation – The PPCS would complete the work according to the provisions laid out in the approval letter (if approved).

ALTERNATIVE OPTIONS:

1. That the Regional Parks Committee provide further direction.

STRATEGIC PLAN RELEVANCE:

- Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

The Regional District has granted the PPCS \$38,561.25. At this time there is no other cost to the Regional District with the exception of staff time to complete this work and to monitor any future agreements.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

Should the Regional Parks Committee consider moving forward with this project, the following issues of note may impact project budget and timeline;

1. Easements for Private Property: While the proposed trail is largely within MoTI right-of-way, it is proposed to also cross School District #60 property and commercial property. It is recommended that the Society obtain legal easements or other land use agreements with the owners of these properties.

2. **Water Crossings:** The trail is reported to cross a waterway. In order to cross a waterway on crown land, any bridge must be engineered to the Ministry of Environment's standards. In addition, a permit to work in and about a stream may be required.
3. **Road Crossings:** There are two places where this proposed trail crosses a road. Any road crossings need to adhere to standards set in the Active Transportation Guide and as a requirement of the permit.
4. **Liability:** Should the trail be built and permit held by the Regional District, the Regional District would be taking on some risk of liability for trail users, even if the Maintenance Agreement has provisions for insurance and risk. The permit holder owes a duty of care to ensure that any person will be reasonably safe in using the trail. According to the Ministry of Forests, Lands, Natural Resources and Rural Development, the duty of care is to (a) not create danger with intent to do harm to the person or damage their property, and (b) not to act with reckless disregard to the safety of the person or the integrity of their property.
5. **Long-term operational costs and management:** Trail development, maintenance, and operational costs are proposed to be borne by the Society. However, should the Society find itself unable to pay these costs, the Regional District as the permit holder may be responsible for outstanding costs related to the trail.
6. **Staff Time:** PRRD staff would be responsible for the permit application, including development of the maps, detailed plan, and preparation and submission of the application. Further, staff would also be responsible for the development of a Maintenance Agreement or MOU, including research, preparation, review, and negotiation. The PRRD would also be responsible for agreement management, which would include ensuring that all of the requirements in the proposed Maintenance Agreement are met, and annual or twice annual site visits.

Attachments:

1. PPCS Letter of Request
2. PRRD Letter to MoTI
3. MoTI Letter in Response

REQUEST FOR PERMIT APPLICATION

September 6, 2019

To the Board of Directors

Peace River Regional District

1981 Alaska Avenue, Dawson Creek, BC V1G 4H8

We, the PPCS (Prespatou Planning Committee Society), are calling on the help of PRRD to help us obtain a permit so that we may go ahead with our walking trail. We have been dealing with Beth Bahm at the MOTI and she claims they have taken it to many different levels and are not capable of issuing us a permit. We are asking if you could apply for a permit and then sub-lease it back to us.

The reason we are trying to establish a trail is so that the students have a safer place to walk, to and from the school, and also for the general public. We believe it will also be used by teachers and community members. The main road through Prespatou, is a narrow, two lane road that is getting increasingly busy. Especially with the new Co-op fuel station. It will be more relaxing and enjoyable for pet owners and child care workers to not be walking on the busy non-shouldered road.

The route we are now asking a permit for would be 680m in length and 2.44m wide. The materials that we are planning on using are shale, crushed gravel and a bridge over the creek. We will not be paving for now as we have limited funds, but thought this would be a start.

Our project budget is as follows:

-mulching	\$1,000.00
-grass seeding	375.00
-base material	5,625.00
-base material hauling	5,625.00
-compactor	1,000.00
-Grader & material placing	4,380.00
-bridge material	9,950.00
-bridge labour	6,000.00
-supervision	2,000.00
TOTAL	\$35,955.00
-contingency fund	<u>3,595.50</u>
GRAND TOTAL	\$39,550.50

For maintenance we have a few options but one in particular that is seeming to stand out. We have a local contractor that gave us a quote for \$3000/winter, on an average winter in Prespatou. He is

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REQUEST FOR PERMIT APPLICATION

currently upkeeping the PRRD waste management yards for Tervita. We plan to get funding through donations and possibly grants. We hope to be getting a minimum of six local companies to sign a funding commitment of \$500.00 annually for a 3-year contract. In case we do not find any more grants or don't get funding, then we can fall back onto our committed contractors. We already have a few 3-year contracts signed worth \$1500.00. We are having a public meeting n September 27th, 2019 where we will be asking for additional support. We are hoping to have our trail open year-round.

We need the PRRD to obtain the permit for us because of the fact that the MOTI will not issue us a permit and wants us to build the trail on private property. Unlike the PRRD who is asking us to keep the trail on the ministries right of way as much as possible.

Thank you in advance;

Prespatou Planning Committee Society





Note: Maps attached


January 20, 2020
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Walking Trail

Co-op

Legend

-  Co-op Station
-  Property Line Store Rd
-  Prespatou Elementary-Secondary School
-  Trail

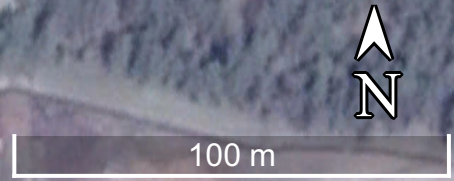
 Co-op Fuel Station

Prespatou Rd

Google Earth

Image © 2019 DigitalGlobe
© 2018 Google

January 20, 2020
March 12, 2020







A north arrow pointing upwards and a scale bar labeled "100 m" are located in the bottom right corner of the map.

Untitled Map

Write a description for your map.



Legend

-  Feature 1
-  Feature 2
-  Prespatou
-  Restraunt

Titad Re

Restraunt



Google Earth

Image © 2019 DigitalGlobe
© 2018 Google





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70 m


Walking Trail

Overview

Legend


-  Co-op Station
-  Property Line
-  Prespatou Elementary-Secondary School
-  Trail

Store 

Co-op Fuel Station 

Prespatou Rd

Trived Rd

Restraunt 

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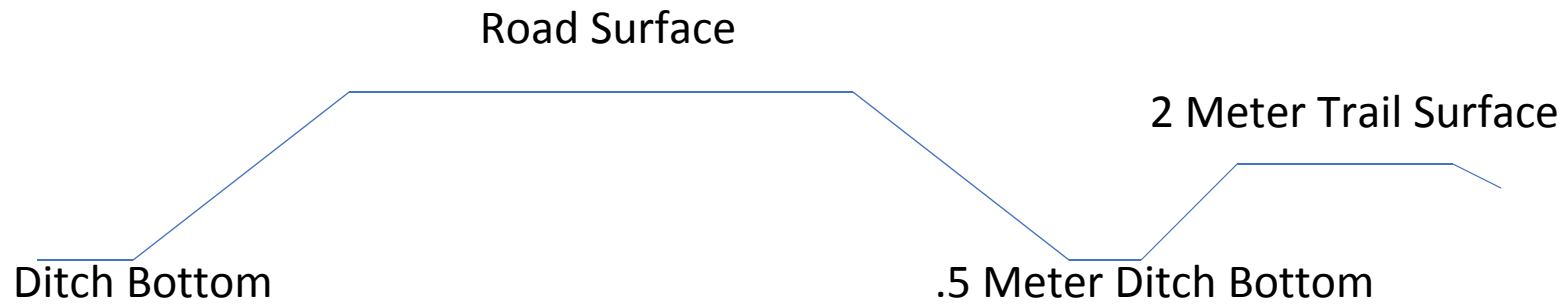
Google Earth

Image © 2019 DigitalGlobe
© 2018 Google



300 m

Typical Walking Trail Profile



Trail is to be constructed using compacted granular material sourced locally and topped with $\frac{3}{4}$ " crush gravel and compacted.

Prespatou Walking Trail

Maintenance Commitment

I/We _____ of _____ commit to funding the maintenance of the Prespatou Walking trail up to a yearly amount of _____ \$ for the next 3 years. This commitment will come into effect upon completion of the trail and then be in effect for three years.

Name	Sign	Date
------	------	------

We wish to have our company name displayed on the maintenance plaque

We do not wish to have our company name displayed on the maintenance plaque

Prespatou Walking Trail

Maintenance Commitment

I/We Joe Bergen of Hotsaw Logging commit to fund the maintenance of the Prespatou Walking trail up to a yearly amount of 1,000.00 \$ for the next 3 years. This commitment will come into effect upon completion of the trail and then be in effect for three years.

Joe Bergen

Name

[Signature]

Sign

Sept 6/19

Date

We wish to have our company name displayed on the maintenance plaque

We do not wish to have our company name displayed on the maintenance plaque







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Example of a barrier to keep vehicles off of the trail



January 20, 2020
March 12, 2020



PEACE RIVER REGIONAL DISTRICT

October 29, 2019

Katie Ward
Acting District Manager Transportation
Peace District
Suite 300, 10003 – 110th Avenue
Fort St. John, BC
V1J 6M7

via email: Katie.Ward@gov.bc.ca

Re: Prespatou Trail Permit Request

At the September 19, 2019 Board Meeting of the Peace River Regional District (PRRD), the following resolution was passed;

“That a letter be forwarded to the Ministry of Transportation and Infrastructure to request its rationale for denying issuance of a permit for the Prespatou Planning Committee Society – Prespatou Walking Trail project”

As you may know, the Prespatou Planning Committee Society is seeking to apply for a permit from the Ministry of Transportation and Infrastructure (MoTI) in order to establish a trail in the road right-of-way. The proposed route is 680m in length and the path would be 2.44m wide. This trail is proposed to connect the Prespatou Elementary School, restaurant, churches, store, and senior’s complex. Currently, Prespatou residents (specifically seniors and school aged children) walk on a paved road without a shoulder which poses a risk of harm to pedestrians and drivers alike.

The Prespatou Planning Committee Society has informed the PRRD that MoTI is unable to issue the Society a permit for the project, but that it may be possible for the PRRD to obtain such and enter into an agreement with the Society for continued maintenance. Per the abovementioned resolution, could you please provide a rationale for denying the issuance of the permit to the Society? Furthermore, are there any other avenues that could be explored that would allow this Society the ability to establish this trail without the PRRD holding the permit?

We look forward to receiving your written response at your earliest convenience.

Thank you,

Trish Morgan
General Manager of Community Services
Trish.Morgan@prrd.bc.ca
250-784-3218

diverse. vast. abundant.

PLEASE REPLY TO:

Box 810, 1981 Alaska Ave, Dawson Creek, BC V1G 4H8 Tel: (250) 784-3200 or (800) 670-7773 Fax: (250) 784-3201 Email: prrd.dc@prrd.bc.ca
 9505 100 St, Fort St. John, BC V1J 4N4 Tel: (250) 785-8084 Fax: (250) 785-2025 Email: prrd.fsj@prrd.bc.ca

January 28, 2020
March 12, 2020



Ministry of Transportation and Infrastructure
300-10003 110th Ave
Fort St John BC
V1J 6M7

Peace River Regional District
c/o Trish Morgan GM of Community Services
1981 Alaska Ave
Dawson Creek BC
V1G 4H8

Sent via email

Re: Prespatou Trail Permit Request

Dear Trish Morgan

Thank you for your request as to our Ministry's reasoning for not approving a permit for an application for a trail from the Prespatou Planning Committee Society (PPCS).

In review of the application there is a portion of the trail that is parallel and within the Ministry right of way. Generally speaking approval for these types of facilities within Ministry right of way is extended to local or regional governments provided they meet the guidelines in the Active Transportation Guide.

This allows certainty that the trail will have ongoing ownership well into the future, ongoing maintenance or decommissioning if no longer in use. Also it ensures that the trail reflects the needs and priorities of the area as a whole.

Additionally, as we do not typically manage trails, our ministry does not have the legal mechanisms in place to address common trail use issues such as type of trail use or trail users over another use of right of way.

A Memorandum of Understanding (MoU) or permit between the Ministry and Local Government has been a successful option in other parts of the province and would outline the type of trail, proposed use, location within the right of way, care and maintenance.

Name of addressee

Date

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In many cases the Local Government creates a maintenance agreement with a third party such as the PPCS.

Another benefit under local government management is that the trail would be eligible to apply for cost share funding under our active transportation program . The intent of this program is to promote Active Transportation to work, school or errands. Active Transportation infrastructure improves safety, reduces traffic congestion, and reduces greenhouse gas (GHG) emissions.

While we appreciate that this trail is small in nature a framework such as a permit or MOU with local government could allow for future expansion to the network if needed

Should you wish to discuss any of these further I would be happy to review with you at your convenience.

Sincerely,

Katie Ward

Katie Ward
A/District Manager of Transportation
Peace District
Katie.ward@gov.bc.ca
250-787-3238

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