

Ownership and Maintenance of Cycling Paths Transfer Policy

Approved By: Regional Council

Approved On: June 26, 2025

Policy Statement

A policy to govern the transfer of ownership and maintenance responsibilities of an off-street cycling path located within the Regional right-of-way from a Local Municipality to the Region.

Application

This policy applies to York Region and its Local Municipalities, including Regional staff involved in evaluating and recommending the transfer of ownership and maintenance responsibilities of a cycling path from a Local Municipality to the Region.

Purpose

This policy establishes the criteria and issues to be considered when recommending the transfer of ownership and maintenance responsibilities of an off-street cycling path located within the Regional right-of-way from a Local Municipality to the Region.

Definitions

Local Municipality: Refers to one of the nine lower-tier municipalities within York Region. Specifically, Town of Aurora, Town of East Gwillimbury, Town of Georgina, Township of King, City of Markham, Town of Newmarket, City of Richmond Hill, City of Vaughan and Town of Whitchurch-Stouffville.

Cycling Paths: Refer to in-boulevard (off-street) Cycle Tracks and Multi-Use Paths which allow the use of bicycles and micromobility (where permitted) within the boulevard.

Right-of-Way: Right-of-Way (ROW) means publicly owned Regional Roads or lands including the publicly owned land between private property limits including but not

limited to the roadway, medians, curbs, shoulders, sidewalks, cycling tracks, multi-use pathways, boulevard elements, utilities and other associated above and below infrastructure.

Description

Where a Local Municipality has confirmed their support of Regional ownership and maintenance responsibilities of cycling paths by way of local Council resolution, the following criteria and issues shall be considered when assessing the proposed transfer of ownership and maintenance responsibilities of an off-street cycling path located within the Regional right-of-way:

Regionally Significant Transportation Network Criteria

Regional cycling paths must form part of the Regional cycling network. To form part of the Regional cycling network, the cycling path must support the Region's transportation plans and objectives as defined by (but not limited to) the Transportation Master Plan, Regional Official Plan and Regional Vision document.

Additionally, to form part of the Regional cycling network, the cycling path must meet one of the following functions:

- Be located off-street within the right-of-way of a road that is under the jurisdiction of the Regional Municipality of York.
- Comprise an existing or planned Regionally significant cycling connection as identified in Map 1 (2051 Regional Road Cycling Network) or Map 2 (2051 Regional Trail Network) of the Transportation Master Plan.

Existing Corridor and Environmental Conditions and Issues

The transfer of ownership and maintenance responsibilities of an off-street cycling path located within the Regional right-of-way must include an assessment of the existing conditions of the cycling path and any related issues, including:

- Any outstanding legal issues
- The condition of:
 - Pavement and pavement markings
 - Streetscape elements and/or trees
 - Culverts, handrails, retaining walls and any other structures associated with the path
- Any concerns regarding:
 - Drainage
 - Access
 - Intersection design

- Signage

The Region may determine that conditions or issues require additional analysis or assessment by the Region or the Local Municipality prior to a recommendation being made regarding the transfer of ownership and maintenance responsibilities of the cycling path.

Financial and Operational Costs

A recommendation of ownership and maintenance responsibility transfer requires an assessment of all relevant financial and operational matters including:

- Anticipated long-term operating and capital costs of the off-street cycling path asset management/life cycle costs)
- Short-term maintenance costs taking into consideration the condition of the off-street cycling path
- Impact on cycling path operational plans

Consideration of Cycling Paths with Existing Agreements

Any existing agreements between the Region and a Local Municipality governing the ownership, and/or maintenance of cycling paths will remain in effect until a transfer is agreed upon and approved.

Cycling path segments governed by such agreements shall become eligible for consideration for transfer of ownership and maintenance responsibilities under the criteria and processes outlined in this policy once the agreement term expires, or earlier if mutually agreed upon by the Region and the Local Municipality.

Consultation between Local Municipalities and the Region

The Region and the Local Municipality shall consult with each other and provide all relevant information for evaluating the condition of the cycling path, including all available information regarding surface and sub-surface infrastructure, engineering drawings, reports and digital files.

Responsibilities

York Region - Public Works Department:

- Administration of the Ownership and Maintenance of Cycling Paths Transfer Policy.
- Recommend to Council transfer(s) of ownership and maintenance responsibilities of cycling paths based on the criteria outlined in this policy.
- Implement, manage and amend Cycling Path Maintenance Agreements with Local Municipalities as required.

- Develop and implement processes and procedures for transferring ownership and maintenance responsibilities of cycling paths with Local Municipalities.
- Engage Local Municipalities to build consensus on ownership and maintenance responsibilities for cycling paths and the division of assessment, analysis and review responsibilities in accordance with the criteria outlined in this policy.

York Region - Corporate Services Department:

- Ensure the Regional Official Plan, its amendments and other Corporate Strategies comply with the policy as required.

York Region - Legal and Court Services Department:

- Prepare legal documents required to support policy implementation including:
 - Cycling Path Maintenance Agreements with Local Municipalities
 - As required, bylaws and policies to support the allocation and transfer of cycling path ownership and maintenance responsibilities

Local Municipality:

- Confirm support of Regional ownership and maintenance responsibilities for cycling paths by way of local Council resolution.
- Provide to the Region all relevant information for evaluating the condition of the cycling path.
- Obtain approval from the relevant Municipal Council to transfer ownership and maintenance responsibilities of the identified cycling path prior to a recommendation being made to Regional Council.

Compliance

Cycling paths that do not comply with this policy shall be identified, and ownership and maintenance arrangements, including transfer(s), shall be recommended by Public Works. If the transfer of ownership and maintenance responsibilities of a cycling path is being considered, the Region and the Local Municipality shall refer to the issues and criteria set out in this policy to evaluate the appropriateness of the transfer. All York Region employees involved in activities related to the transfer of ownership and maintenance responsibilities of a cycling path must adhere to this policy. Regional staff's failure to comply with this policy is a violation of authority vested in staff and is subject to appropriate disciplinary action by the Commissioner, Public Works, up to and including dismissal.

Reference

Legislative and other authorities

- [Municipal Act, 2001](#)

Contact

Director, Infrastructure Asset Management (TRN), Public Works Department

Approval

Council Date: <u>June 26, 2025</u>	Committee Date: <u>June 12, 2025</u>
Council Minute Item: H.1	Committee Minute Item: F.2.2

Accessible formats or communication supports are available upon request.

#16948590