

Date: April 8, 2015

Planning and Infrastructure  
Services Committee

File: R15.PAT

Date: April 27, 2015

Subject: Renaming of Trails as a Risk Mitigation Strategy  
Recommendation Report

Cycling Advisory Committee

Contact: John Spencer, Manager, Parks and Facility Planning  
Engineering and Development Services Division

Date: June 18, 2015

**Overview:**

- The City of Brampton has a large, well-used recreational pathways network. This consists of predominantly off-road trails in valleys, parks and other corridors, along with some multi-use paths, in roadway boulevards. Some of these pathways have been formally named to promote their networking capacity.
- The City is frequently named in insurance claims relating to incidents occurring along the City's pathway system.
- Under the Occupier's Liability Act, the standard of care for a trail denoted as a "Recreational Trail" is significantly less than a trail denoted simply as a "Trail".
- Having regard for the interpretation by the courts in this matter, the City's Risk Management staff recommends that Brampton's pathways be formally denoted with the 'recreational' reference, and that this term be represented in all signage and promotional material.
- Staff recommends that pathways wayfinding signs and trailhead signs will include the word "...Recreational Trail" on a go-forward basis with the intention of mitigating risk to the City and reducing the cost of claim payouts.

**Recommendations:**

1. **THAT** the report from John Spencer, Manager, Parks and Facility Planning, dated April 8, 2015 to the Planning and Infrastructure Services Committee Meeting of April 27, 2015 re: Recommendation Report – Renaming of Trails as a Risk Mitigation Strategy (File R15.PAT), be received; and
2. **THAT** all multi-use pathways be renamed to "recreational trails" for the purposes of signage and promotional references.
3. **THAT** staff make efforts to retrofit existing trail signage and promotional materials to reference the 'recreational' terminology, as soon as feasible.

**Background:**

The City of Brampton has a large network of multi-use trails throughout the City. The trails consist of off-road trails in valleys, parks and other corridors in addition to multi-use paths, within roadway boulevards. Some of these trails have been formally named to assist in orientation for the user and demonstrate its contribution to the network. Over the past five years, the City has been incrementally installing wayfinding and trailhead signage on the major trails' network to further promote use.

When members of the public use municipal infrastructure, accidents occur and the City of Brampton is routinely named in insurance claims resulting from these accidents. Slip and falls and trip and falls are the most frequent claims against the City by users of the trail system.

During litigation, the courts establish the duty of care owed by the City by determining the type of facility on which the accident occurred. There are two types of applicable law involved in pathway liability: the *Municipal Act* and the *Occupiers Liability Act*.

For the courts to recognize the lower duty of care recognized under the *Occupiers Liability Act*, the trail must be "**marked by notice as such (Section 4(4) of the *Occupiers Liability Act*)**". "Notice as such" means that the trail is clearly marked as a "*Recreational Trail*" on all wayfinding or trailhead signage. As Brampton's trail standard is a 3.0-metre asphalt pathway, even though the function of the trail is intended to be recreational, it could be perceived to have a higher standard of care if it is not specifically marked as a "*Recreational Trail*".

**Current Situation:**

The City of Brampton's Wayfinding signage currently marks many of our multi-use trails as "*Trails*" and not "*Recreational Trails*". The City has been found liable in several claims related to slip and fall accidents, specifically due to the lack of appropriate signage denoting the pathway as a 'recreational' trail. The City has a \$500,000 deductible, which means that the first \$500,000 from each claim comes directly from Brampton's taxpayers. Risk Management advises that by marking our trails as "*Recreational Trails*", the City's liability could be considerably reduced.

Having regard for the above, staff recommends that the formally named trails in the City's pathways network be renamed to include the 'recreational' reference. This includes the Etobicoke Creek Trail, Esker Lake Trail and Don Doan Trail. These would then be known as the Etobicoke Creek Recreational Trail, Esker Lake Recreational Trail and Don Doan Recreational Trail. Future network trails would apply the same use of the term 'recreational' in the formal naming. Multi-use pathways within the boulevard of a roadway, such as Bovaird Trail, will not be referred to as a "*Recreational Trail*", as the *Municipal Act* applies to facilities within a road right-of-way.

Existing wayfinding and trailhead signs will likewise need to be changed to adopt the "Recreational Trail" reference (see attached examples – Appendix # 1). The cost to undertake the signage retrofits should be fairly nominal and could be undertaken using existing approved funds from the wayfinding signage program. Going forward, new signs would adopt this modified naming convention.

**Corporate Implications:**

Staff from Planning and Infrastructure Services (Parks and Facility Planning, Capital Parks Development and Parks Maintenance and Operations) and Corporate Services (Risk and Insurance Management) are in agreement with this report.

Financial Implications:

Changing the naming convention used on our trail signage to include the word 'recreational' will result in significant savings to the Corporation over time by enabling the City to take advantage of legislation within the Occupier's Liability Act that reduces the City's exposure to liability.


It is anticipated that the cost to replace existing wayfinding signage would be approximately \$10,000-\$12,000. Funding is available from Project # 125430 or 105430 'Wayfinding & Signage Implementation'. These accounts are used for all wayfinding signage programs throughout the City.

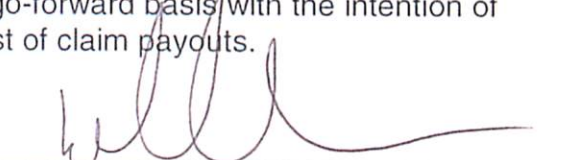
**Strategic Plan:**

This report achieves the Strategic Plan priorities by reinforcing the Strategic Initiative to 'Contain costs' through the tactic of 'Find(ing) efficiencies in delivery of core services'.

**Conclusion:**

With the approval of this report, pathways wayfinding signs and trailhead signs will include the word "...Recreational "Trail" on a go-forward basis with the intention of mitigating risk to the City and reducing the cost of claim payouts.

  
John Spencer  
Manager, Parks and Facility Planning  
Engineering & Development Services

  
Michael Won  
Executive Director  
Engineering & Development Services

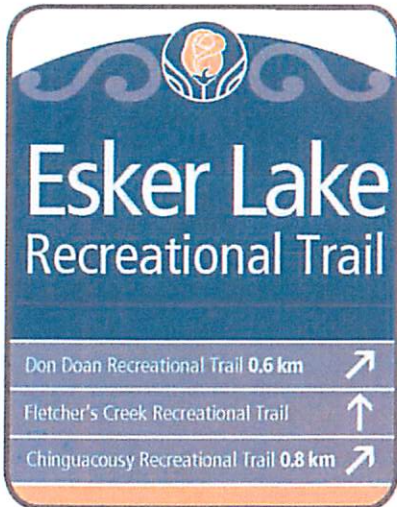
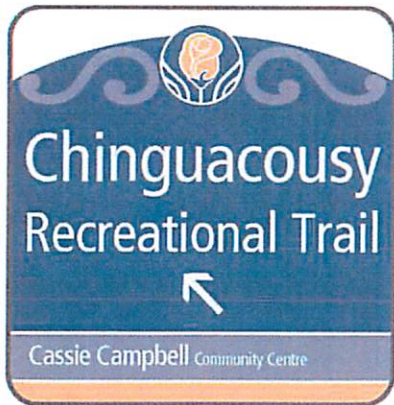
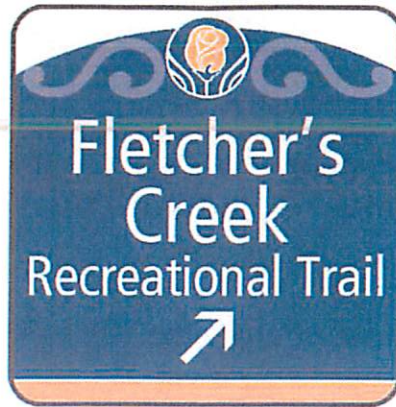
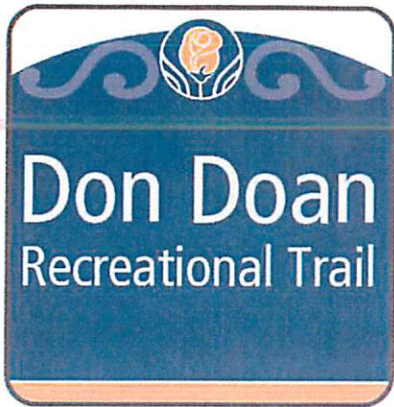
**Appendices:**

- 1. Proposed "Recreational Trail" Wayfinding Sign

Approval for Submission:		
	Initials	Date
Chair, SMT	WLL	10/04/17
Department Chief		
Chief Administrative Officer	WLL	10/04/17



Appendix # 1 – Proposed “Recreational Trail” Wayfinding Sign



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