

TOWNSHIP POLICY FOR CO-OPERATIVE ROADSIDE DRAINAGE IMPROVEMENT

INTRODUCTION

The improvement of roadside drainage systems within road allowances is generally governed by the standards of the road authority. Some differences exist as between Municipal, County, Regional, and Provincial Standards. However, it is generally accepted that roadside drainage systems constructed by the Road Authorities are intended for roadside drainage purposes only. Drainage systems which outlet into road ditches affect the road authority and ultimately the landowner since the road authority has no responsibility in maintaining a sufficient outlet.

When adjoining landowners approach Road Authorities for mutual use of a roadside drainage system, the application of the provisions of The Drainage Act should be considered.

The Drainage Act outlines two options which can be applied to roadside drainage improvements which are intended for the mutual use of the road and the adjoining property.

1. Section 4(1)(c) of The Drainage Act gives authority to the Road Superintendent to file a petition for drainage improvements if it is required. Under this section, an Engineer is appointed to prepare a report which addresses the issues of design, affected area, project costs, cost distribution, and specifications for construction.
2. Section 2 of The Drainage Act outlines the method by which two or more landowners may mutually agree upon the design, construction, distribution of costs, and future maintenance of a project without the need to prepare a formal report under Section 4 of The Drainage Act. This agreement is called a "Mutual Agreement Drain" and it must be registered against the title of the properties involved.

[Menu](#)

WHEN IS A MUTUAL DRAIN AGREEMENT REQUIRED

When a Road Authority undertakes road drainage improvements and must cross private properties in order to achieve a sufficient legal outlet for the road drainage improvements the application of a "Mutual Agreement Drain" or an application for a Section 4 should be considered.

When a landowner adjacent to a Road Authority wishes to utilize the road drainage scheme as an outlet for drainage improvements on the private lands, a Mutual Agreement Drain or an application for a Section 4 with the Road Authority should be considered.