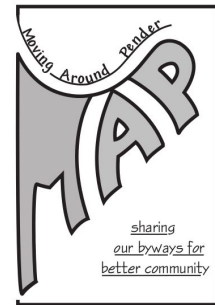


Rationalization of Road Right of Ways



Abstract:

There is a need to improve transportation infrastructure to better support non-motorized modes. Sub-optimal road dedications occur when uses change over time. It is recommended that existing road dedications be reviewed and a policy adopted to rationalize and improve them when possible.

Background:

The present road system in the province has been designed for and largely optimized for use by motorized vehicles such as cars, trucks and buses. For individuals wishing to use more environmentally friendly modes of transportation such as walking, cycling and horses, it is often the case that their safety and comfort is compromised when required to share the often narrow roadways. Motor vehicle users can be delayed and/or attempt dangerous passing situations when the road surface is not wide enough to accommodate all the different users.

While shared use of existing roadways is possible and indeed the most efficient use of resources where the traffic density is low enough, the development of dedicated infrastructure is needed where there is more traffic (often on major arterial routes). Current road design standards typically allow for road allowances on the order of 20 m wide, and when the roads are constructed close to the centerline of the allowance there is usually sufficient space to provide roadside or off road trails without impinging on private property. Unfortunately this is not always the case and there are instances (especially on Pender) where there is no room to build roadside or off road trails for pedestrians and cyclists. Where such trails are necessary, a pre-condition before building is negotiating with the adjacent landowners. In some cases they can be very supportive while in others the landowners value their privacy over a public trail.

As a rule, there is little political appetite for expropriation to force through trails and so these projects are delayed or abandoned, leaving the public with the original issue of crowded roads that discourage environmentally friendly transportation modes. More people choose to

drive, causing increased congestion and resource consumption, with the whole community suffering as a result.

Proposed Solution:

The problem of inadequate road allowances is not one that will be solved quickly, but unless some steps are taken now, we can not look forward to any improvements. A suggested approach is to adopt a policy at the provincial and/or local government level that all future property sales will be subject to a potential boundary adjustment. In any location where the property being sold includes land within 10 m of the road centerline, a new property line will be drawn and the portion close to the road will be purchased at the same rate as the rest of the property by the province and added to the road allowance. The seller is free to negotiate their property price according to the market, and all buyers would enter into the negotiations knowing that any piece too close to the road is not included and not available for sale.

In the interest of expediting this road allowance rationalization, it would be a good idea that the province offer to buy these frontage slices to any property owner with land within the target road allowance. Valuation could be based on previous sale prices or land assessed values. Extra land, where the road allowance includes land greater than 10 m from the road centerline could be offered for sale by the province on the same terms to local landowners and would provide partial funding for this program.

It is very likely that there will be a net cost to the provincial government to implement this program but it should be recognized the tremendous value to the people of the province a rational road allowance would provide. Proponents of roadside trails could then deal directly with a single authority tasked with transportation responsibility. Private landowners will be fairly compensated for the transfer of their land to the public, and we all get a chance to get around in a healthier and more environmentally friendly way.

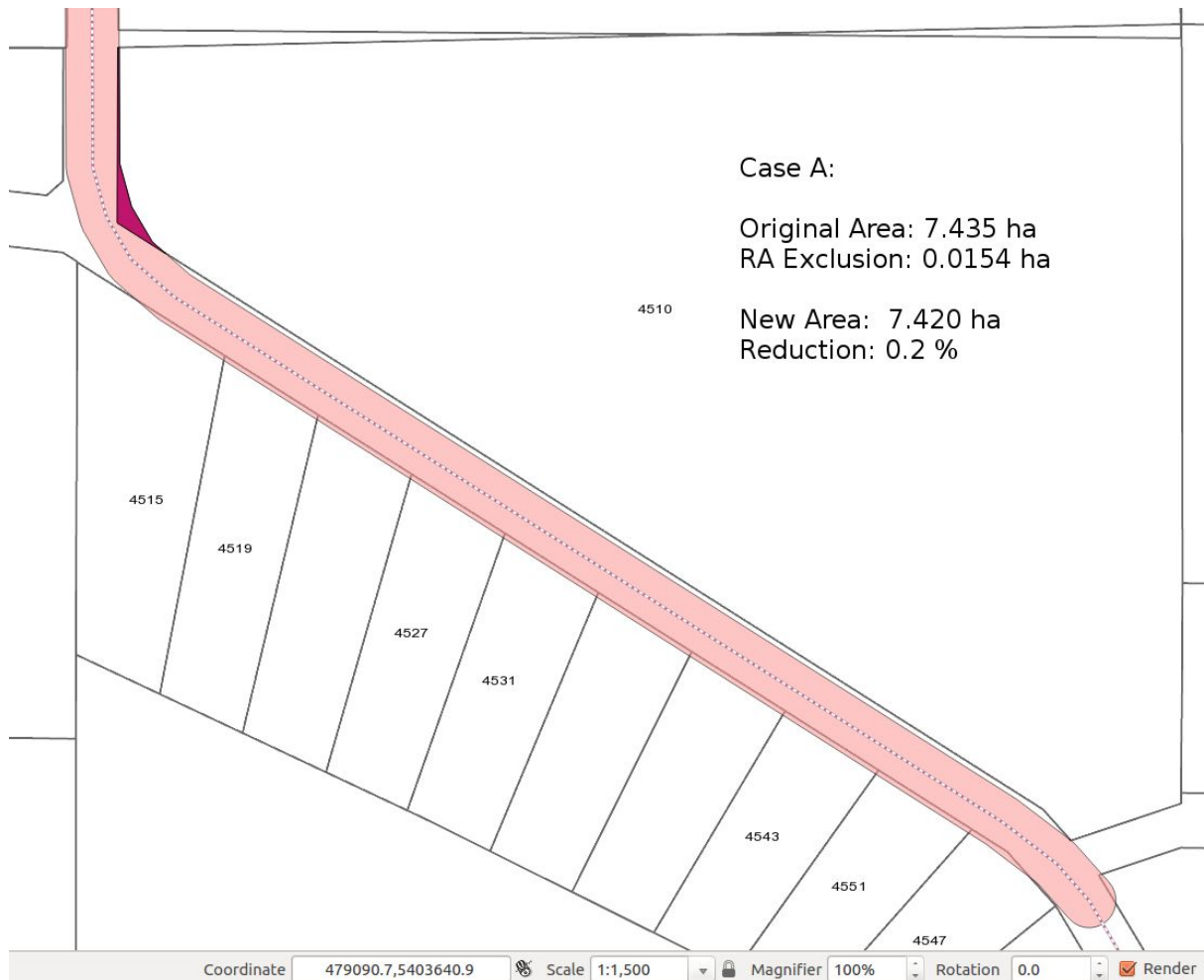
Example Application

A property currently on the market that would benefit from the application of this policy is 4510 Bedwell Harbour Rd., Pender Island. The property lies just north of the Driftwood Centre and on the designated 'Magic Ferry' route. It has a 2019 assessed value of \$729k and a current asking price of \$888k. Total assessed area is 18.5 acres = 7.48 hectares.



Case 1: CRD Boundaries accurate

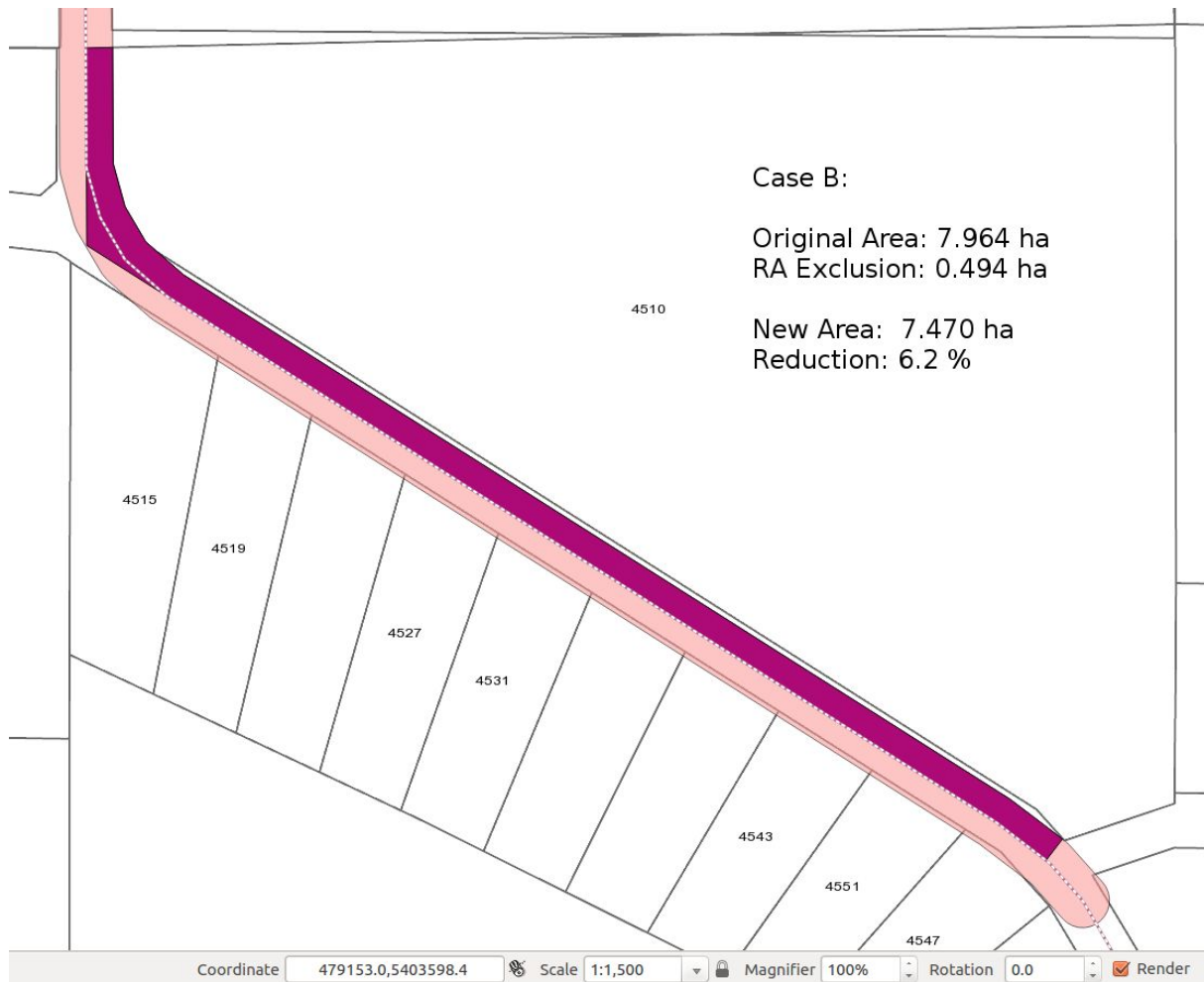
Using data from the CRD Natural Area Atlas property boundaries, we can see that the property intersects the rational road allowance (10 m) at the corner and that by dividing it when sold would give the community significant benefit for minimal outlay.



If sold for the asking price, the portion to be purchased by the province would be valued at \$1776 (re-surveying the boundaries is likely to be more expensive)

Case 2: Property Boundary to Road Centerline

It is presently unclear whether the CRD data can be relied upon, it is claimed by the owners that their property boundary actually extends to the road centerline. If this is the case then land area to be purchased will be larger but still not unreasonable given the value to the community.



In this case, assuming the asking price is met, the cost to the province¹ would be \$54950 plus survey costs.

¹ It should be noted that the reduced area corresponds closely to the actual assessed area and it may be possible that the land transfer has already occurred.

Possible Issues:

The goal of this proposed policy is that landowners can still get the full value for their land when they go to sell it, even though it will consist of two separate transactions. It will likely be claimed (and may be true in some instances) that the overall market value of the property is reduced. Landowners will naturally be opposed to losing value and key to the minimization of any possible loss in value would be the consistent application of this policy throughout the province.

There are a few ways in which landowners may feel their property value is decreased. Land parcels that go down in size may cross existing cutoffs for land use. Cooperation with local governments to preserve existing density and zoning would minimize the downsides of the road allowance rationalization. While most jurisdictions already have setback requirements that would preclude building within the transferred zone, it may be necessary to grandfather or adjust the bylaw wording for the measuring of setback distances so existing and new landowners do not lose development rights. This is another area where coordination with local government would be useful. Decisions about heritage values will also play a role, we may wish to retain some older buildings that are too close to the existing roads and will need to consider alternatives to achieve the continuous ROW that is the goal of this policy.

Next Steps:

Next steps should include a review of the applicable legislation and policy. If land within the road allowance area has not been taxed as part of overall property then it can reasonably be treated as public going forward, regardless of the legal property boundaries. If it turns out that property within the allowance has been treated and taxed as private land then the owners will expect compensation to transfer it to the public domain. Value based on the fraction of property area as described above is a simple and reasonably fair approach.

A review of existing roads and road allowances should be completed to determine how widely this rationalization can be applied. An estimate should be made of the net cost of implementation both on the total amount of land to be exchanged as well some expectation of the annual budget required given the rate of property sales. Some estimate of the special costs associated with heritage buildings and the extent to which this is likely to apply would also be useful.