

## REVIEW OF ROAD LEGISLATION IN ONTARIO\*

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SINCE the organization of the Ontario Good Roads Association, 26 years ago, there have been some remarkable changes in public opinion. The advent of bicycles and the propaganda fostered by their progressive owners, created a spirit of unrest and a demand for larger expenditures for the improvement of highways. There was considerable opposition from rural municipalities in which the time-honored compulsory system of statute labor had been in force since its introduction by the first settlers. The bicycle was a constant source of annoyance. It disturbed those travelling on the highway with uneducated horses, the result being that the new means of transportation was largely confined to special paths on the roadside.

The formation of the Ontario Good Roads Association in 1894 was a response to a demand for a proper consideration of the whole question of highway improvement. An active educational campaign was inaugurated, followed by the appointment of a provincial highway commissioner who devoted his whole time to the work. The press of the province was of the greatest assistance. Public meetings were held throughout the province.

### Another "Pest" Introduced

The statute labor system was attacked, and the use of machinery for road construction advocated. In the meantime the objections to the bicycle were forgotten. Expression was given to an educated public opinion in 1901, when the Highway Improvement Act was passed and \$1,000,000 appropriated for the improvement of roads designated by county councils.

About this time another road pest known as the automobile was introduced. It was not safe to drive on roads frequented by them. The association's delegates in 1906 discussed at length the difficulties arising therefrom, and unanimously favored the restriction of motor traffic. The act to regulate and license motor vehicles was passed the same year. The motor car has since proved to be a blessing in disguise. It has supplanted the family horse, and revolutionized highway transportation generally.

The operation of the Highway Improvement Act was gradually extended, and in 1913 the demand for better roads was so great that a commission was appointed to consider the whole question. Their report was presented in 1914, and as a result we now have a Department of Public Highways, provincial county roads, suburban areas and increased provincial subsidies.

The provincial highway idea was adopted in 1917; and when federal aid was granted in 1919, the highest anticipation of the originators of the movement for better highways was apparently realized.

### Expenditures Will Exceed \$8,300,000

Ten thousand miles of road have been assumed by the county councils, of which 233 miles are included in suburban areas. The estimated provincial subsidies payable for 1919 amount to \$2,300,000, and the expenditure on all classes of highways—township, county and provincial—will exceed \$8,300,000. The once despised automobile is an important factor in highway improvement.

The number of motor licenses issued during 1919 was 144,804, being an increase of 30,500, or 26%, over the previous year. Of these licenses, 47% were issued to residents of cities, the remaining 53% being distributed throughout the other districts of the province. The fees collected amounted to \$1,580,105. With such a progressive source of revenue, the financing of subsidies for improved highways would appear to be on a safe foundation.

\*Address of the retiring president at the 18th annual meeting of the Ontario Good Roads Association, March 3rd-5th, Toronto, Ont.

The trend of all public legislation should be towards the equalization of opportunity and expense. In Ontario the legislature has kept this in view. One matter that should receive immediate consideration is the advisability of imposing a direct assessment for benefit.

Highways are naturally classified by the amount of travel thereon, the most expensive roads being constructed where the traffic is greatest. The improvement of any highway has the effect of increasing land values in proportion to the expenditure necessary to provide a road sufficient to accommodate the traffic over it. When a county road is constructed, it is generally of a higher standard than the average township road, and the benefits derived by the district in which it is located is proportionately greater. Property values are largely influenced by improved transportation facilities, be they in the form of steam railways, electric lines or well built roads. When a county completes a system of roads under the provisions of the Highway Improvement Act, the value of the property is increased because local transportation facilities are improved. The townships in which the roads are located are relieved of the care of many of the more important highways and the citizens generally derive a direct benefit from this, as well as from the improved means of transportation in their midst.

The present legislation appears to be lacking in two respects if perfect equalization is desired. Townships in which provincial highways or county roads are located should be required to make a direct contribution towards the cost of construction and maintenance, and the councils should have the right of shifting their liability to the property-owners benefited by the construction of the roads. That public improvement does increase the value of land is well recognized, but there is no hard and fast plan for determining the benefit derived. This can only be fixed after each individual case has been considered by an engineer competent to report thereon. To enable this to be carried out, each township should be looked upon as a construction area in so far as roads located therein are concerned, and their contribution to the cost of the roads limited to from 20 to 30%.

### Administration of Assessment Law

If a township council decides that the man living on a back concession should pay the same rate of taxation as the man living on an improved highway, whose property has been largely increased in value thereby, the question of assessment for benefit may be eliminated. If the council decides that the land-owners fronting on or contiguous to the road should make direct contribution towards the cost of construction, the procedure laid down in the Drainage Act should then be applied for the apportionment of the cost payable by the township amongst the land-owners benefited. There is considerable difference between a frontage rate and assessment for benefit, for there are properties that would derive little or no benefit whatever from the construction of an improved highway.

The Ontario Highway Commission made a comprehensive report on the effect of good roads in raising land values and the necessity for a proper assessment. From information before the executive of this association last year, the assessors' valuations of land along the Toronto-Hamilton Highway in at least one township were shown to be less than they were before the highway was constructed, and that sales had been made at very considerable increases over these values. The Highways Department should procure a report on actual conditions in different parts of the province, with a view to having the assessment law properly administered.

### The Highway Improvement Act

The Highway Improvement Act is a very complete piece of legislation. There is, however, one matter the Highways Department should consider, and that is the necessity for some supervision of debenture issues for road expenditures. In paying for road improvement, three systems are available: (1) By annual levy; (2) by a combination of annual levy; and (3) by debentures issue for the whole cost.

The provision of the Act providing for the issue of debentures for any expenditure and limiting the debenture