Public Works Committee
REPORT 10-006
9:30 a.m.
Monday, April 19, 2010
Albion Rooms A and B
Hamilton Convention Centre
One Summer’s Lane

Present: Chair S. Merulla
Councilors B. Bratina, C. Collins, L. Ferguson,
D. Mitchell, R. Powers

Absent with Regrets: Councillor T. Jackson – Vacation
Councillor M. McCarthy – City Business

Also Present: Councillors B. McHattie, S. Duvall
G. Davis – General Manager, Public Works
J. Harnum – Senior Director, Environment and Sustainable Infrastructure
C. Murdoch – Acting Senior Director, Operations and Waste Management
J. Mater – Senior Director, Transportation, Energy and Facilities
R. Rossini – General Manager, Finance and Corporate Services
C. Biggs – Legislative Assistant, City Clerk’s

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 10-006 AND RESPECTFULLY RECOMMENDS:

1. Community Garden Policy (PW10044) (City Wide) (Item 7.1)

   (a) That the Community Garden Policy and Procedures, as amended, and attached” hereto as Appendix “A”, respecting a Community Garden Policy be approved;

   (b) That a new annual budget in the amount of $20,000 to support the Community Garden Policy as part of the Forestry and Horticulture section budget be referred to the 2011 Budget process for deliberation;

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(c) That staff seek out interested community groups to operate via licence agreement(s) the current city-run Community Gardens by January 1, 2011;

(d) That the matter of a Community Garden Co-ordinator be referred to the Community Food Security Stakeholders Committee for discussion and possible funding source(s), and reported back to the Board of Health.

2. Accessible Transportation Services Master Plan – Eligibility and Registration Policy Revision for Accessible Transportation Services (PW03128(c)) (City Wide) (Item 7.2)

(a) That the General Manager of Public Works be authorized and directed to:

(i) expend $500,000, on an ongoing basis, in previously approved Provincial Gas Tax funds from Account 53330, to increase the 2010 budgeted DARTS trips by 17,000 trips, annualized, from 426,000 to 443,000 trips, in response to growth in demand driving a sustained unacceptable number of unaccommodated trip requests;

(ii) expand the previously approved 2010 ATS fleet capital replacement by four (4) vehicles, increasing overall fleet from 66 to 70, at a cost of $749,700 inclusive of vehicle make-ready contingency, funded from Provincial Gas Tax Reserve 112204, to provide sufficient fleet to implement accommodation measures under Recommendation (a) to Report PW03128c;

(b) That the General Manager of Public Works be authorized and directed to bring forward a multi-year Accessible Transportation Services (ATS) service enhancement and budget plan for consideration of the revised Eligibility and Registration Policy, as identified within Report PW03128c, over and above annual maintenance budget increase requirements, for the consideration of Council as part of the 2011 budget process;

(c) That the General Manager of Public Works be authorized and directed to carry out consultation with community stakeholders to examine and develop cost mitigation opportunities, through community partnerships,

(d) That the General Manager of Public Works be authorized and directed to hire a contract Project Manager for a 24-month period to lead the recommended community consultation and strategic implementation, to be funded from Capital Account 5300483400;
(e) That the Executive Summary of the final report of the study “Implementation of New Eligibility Policy at Accessible Transportation Services” carried out by Nelson/Nygaard Consulting Associates, attached as Appendix “B”, be received.

3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 176 Locke Street North, Hamilton (PW10041) (Ward 1)

(a) That the public unassumed alley running east/west between 176 Locke Street North and 170 Locke Street North in Hamilton, be permanently closed and transferred to the owners of 176 Locke Street North and 170 Locke Street North in Hamilton, as shown on Appendix “B” attached to Report PW10041, subject to the following conditions:

(i) That the applicant makes an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the subject lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicant register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Surveys and Technical Services Section and that the applicant deposit a reproducible copy of said plan with the Manager, Surveys and Technical Services Section;

(b) That provided the Judge’s Order to permanently close the lands is granted:

(i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;
(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;

(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the Public Works Department publish a notice pursuant to Section 34 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, of the City’s intention to pass the by-law.

4. Accommodation and Leasing Strategy (PW10045/PED10101) (Wards 2 and 15) (Item 8.3)

(a) That the City of Hamilton enters into a new lease agreement with Fercan Developments Inc. or its successor on title for the property known as Suite 400, 77 James Street North and for the adjacent storage space, subject to the following terms:

(i) **Term:**


(ii) **Property:**

Comprised of Suite 400, 77 James Street North, with a total rentable area of 5,870 square metres (63,185 square feet) more or less and the adjacent storage space composed of Suites 410 & 420 with a total rentable area of approximately 929 square metres (10,000 square feet).

(iii) **Rental Rate:**

**Suite 400, 77 James Street North:**

June 1, 2010 to October 31, 2010, $460,723.95 (Mod-Gross) per annum, $92,144.79 per month, plus G.S.T. The rental rate is $17.50 gross, per square foot.

November 1, 2010 to October 31, 2015, $1,168,922.50 (Mod-Gross) per annum, $97,410.21 per month, plus G.S.T. The rental rate is $18.50 net, per square foot.

November 1, 2015 to June 31, 2021, $1,232,107.50 (Mod-Gross) per annum, $102,675.63 per month, plus G.S.T. The rental rate is $19.50 net, per square foot.

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Storage Space:

June 1, 2010 to June 31, 2021, $50,000.00 (Mod-Gross) per annum, $4,166.67 per month, plus G.S.T. The rental rate is $5.00 gross, per square foot.

(iv) **Operating Costs**: The City shall be responsible for its share of the operating costs, plus GST/HST;

(b) That the Legal Services Division be authorized to prepare a by-law, under Section 110 of the Municipal Act, to propose that the 4th floor premises become designated as a City Capital Facility, whereby the City would be exempt from paying realty taxes at this location;

(c) That the Mayor and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor and subject to all taxes being paid in full unless otherwise directed by the General Manager of Finance and Corporate Services;

(d) That the Recreation Section of the Community Services Department and Audit Section of the City Manager’s Office remain in Suite 400 and that the following groups of Public Works Department assume occupancy of the remaining space in Suite 400: the Operations and Waste Management Section currently in Suite 350 and 351 at 77 James Street North; the Roads, Traffic Construction & Design Infrastructure Section in Suite 334 at 77 James Street North; the Operations and Waste Management Division currently in Suite 1170 at 120 King Street; and the Environment and Sustainable Infrastructure Division at 55 John 6th floor.

(e) That staff be authorized and directed to exercise the City’s **Right of Termination** in the following:

(i) A Lease between the City of Hamilton (Tenant) and Fercan Developments Limited (Landlord) to the premises described as:

(aa) Suite 350 and 351 in 77 James Street North, Hamilton, comprising an area of 11,000 square feet,

(bb) Suite 334 in 77 James Street North, Hamilton, comprising an area of 11,000 square feet, more or less,

(ii) A Lease between the City of Hamilton (Tenant) and Fourth Real Properties Limited (Landlord) to the premises described as Suite 1165 & 1170 in 120 King Street West, Hamilton, comprising an area of 9,920 square feet,
(iii) A Lease between the City of Hamilton (Tenant) and Horizon Utilities Corporation (Landlord) to the premises described as 55 John Street North, 6th floor, Hamilton comprising an area of 10,537 square feet and 576 square feet storage,

(f) That the City owned property located at 594 5th Concession Road West, also known as Millgrove Regional Yard #1, comprising an area of approximately 5.51 acres, more or less, with a shop/garage with a 2-storey office area and 8 Truck Bays (11,906 square feet) along with a salt dome (6,361 square feet) at the rear of the property be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-Law for the Sale of Land”, being By-law No. 04-299;

(g) That the City owned property located at 125 Barton Street comprising an area of approximately 4.46 acres, with a storage warehouse (56,401 square feet) and a shop (10,113 square feet), be declared surplus for the needs of the Public Works Department of the City of Hamilton and that this property be used for the Pan Am Game facilities.

5. Report 10-002 of the City Hall Renovations Steering Committee – April 12, 2010 (Item 8.4)

(a) Request for Proposal Contract C11-23-10 – Revenue-generating Lease and Operation of a Third-Party Eatery at City Hall

(i) That Country Style Realty Limited be selected as the Preferred Proponent for the Request for Proposal Contract C11-23-10, being for the revenue-generating lease and operation of a third-party eatery at City Hall;

(ii) That the General Manager of the Public Works Department be authorized and directed to negotiate all necessary agreements in a form satisfactory to the City Solicitor, including a revenue-generating lease for the operation of a third-party eatery at City Hall with Country Style Realty Limited;

(iii) That the Mayor and City Clerk be authorized and directed to execute the contract finalized with Country Style Realty Limited, together with any necessary ancillary documents, all in a form satisfactory to the City Solicitor.

That the General Manager of Public Works be authorized and directed to provide an HSR Replica Trolley, at no charge, to be used for the Stoney Creek Canada Flag Day Festival Parade on Saturday, May 29, 2010, with the understanding that this is a community service initiative and that the cost can be absorbed within the Transit special events budget.

7. **Grant to Binbrook Agricultural Society (Item 10.2) (Ward 11)**

(a) That the Binbrook Agricultural Society be given a grant of $130,000 for grading, tar and chip treatment works (parking lot/building areas) within the Binbrook Fair Grounds due to the fact that these works are required in the midst of a high growth area;

(b) That the funding come from former Glanbrook non-active Development Charges Reserve Account No. 110240.

8. **Request for All-Way Stop at Francis and Cheever Streets, Hamilton (New Business – No Copy) (Ward 3)**

(a) That an all-way stop control be implemented at the intersection of Francis and Cheever Streets, Hamilton;

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

9. **Request for 3-Way Stop at the Intersection of Fletcher’s Road and Showcase Drive, Binbrook (New Business – No Copy) (Ward 11)**

(a) That a 3-way stop control be implemented at the intersection of Fletcher’s Road and Showcase Drive, Binbrook;

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.
FOR THE INFORMATION OF COUNCIL:

CEREMONIAL ACTIVITIES

Chair Merulla called upon Roy Sheldrick of the Ancaster Rotary Club to present a cheque in the amount of $24,500 which represents the funds raised by the employees in the Environment and Sustainable Infrastructure Division, Hamilton students and community members during their 6th Annual World Water Day. These funds will be put toward the Ancaster Rotary’s “Water for Life” project an initiative dedicated to building water wells in the villages of Haiti.

Chair Merulla invited Councillor L. Ferguson, Gerry Davis, Jim Harnum, Dan McKinnon and Janet Vandehaar to join him at the podium for the cheque presentation. Roy Sheldrick also introduced his guests from Haiti, Dawn Johnson and Renhold and Judith Estime.

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

4.4 Delegation Request from Wilson Nolan, Pete Bloom and Steve Ketler, Liberty Energy respecting the Liberty Energy Peer Review Report

4.5 Delegation Request from Dominic Barbaro, respecting the permanent closure of a portion of the alleyway between 170 and 176 Locke Street North, Hamilton

ADDED NOTICE OF MOTION:

10.3 Request for All-Way Stop at the Intersection of Francis and Cheever Streets, Hamilton

On a motion (Ferguson/Collins) the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3.1)

On a motion (Collins/Mitchell), the Minutes of the April 12, 2010 meeting of the Public Works Committee were approved, as presented.
(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Ruth McCallum, on behalf of the North Hamilton Community Health Centre, respecting the Community Garden Policy (Item 4.1)

(ii) Delegation Request from Sapphire Singh, on behalf of Green Venture, respecting the Community Garden Policy (Item 4.2)

(iii) Delegation Request from John Dolbec, CEO, Hamilton Chamber of Commerce, respecting Truck Route Master Plan (Item 4.3)

(iv) Delegation Request from Wilson Nolan, Pete Bloom and Steve Ketler, Liberty Energy respecting the Liberty Energy Peer Review Report (Added Item 4.4)

(v) Delegation Request from Dominic Barbaro, respecting the permanent closure of a portion of the alleyway between 170 and 176 Locke Street North, Hamilton (Added Item 4.5)

On a motion (Collins/Ferguson) the above-listed delegations were permitted the opportunity to address the Committee at the appropriate time.

On a motion (Collins/Ferguson) the rules of order were waived to allow the following delegations to address the Committee at today’s meeting:

(i) Ruth McCallum, on behalf of the North Hamilton Community Health Centre, respecting the Community Garden Policy (Item 4.1)

(ii) Sapphire Singh, on behalf of Green Venture, respecting the Community Garden Policy (Item 4.2)


(v) Dominic Barbaro, respecting the permanent closure of a portion of the alleyway between 170 and 176 Locke Street North, Hamilton (Added Item 4.5)
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(e) PUBLIC HEARINGS/DELEGATIONS

(i) Designation of Warren Park as a Leash-Free Park

(aa) Brian Hinkley, on behalf of Friends of Warren Park, respecting leash-free status of Warren Park, Dundas (Item 6.1(a))

Brian Hinkley appeared before the Committee on behalf of Friends of Warren Park and provided the following materials to the members:

- A Request to the Public Works Committee of the City of Hamilton – Keep Warren Park Leash-Free which contains his speaking notes, together with several appendices relating to his presentation;
- A Position Statement regarding Environmentally Significant Areas (ESA) to the Public Works Committee in relation to Keep Warren Park Leash-Free;
- Map of Bowmont Park in Calgary showing park trails and pathways.

Mr. Hinkley acknowledged the members of the Friends of Warren Park as many of these individuals were in attendance.

In his final statement, Mr. Hinkley asked, on behalf of the Friends of Warren Park, that the park remain leash free on a 12-month basis.

Copies of the above-noted materials have been retained in the Office of the City Clerk for the public record.

(bb) Sandra Tait, Robert Travis, Natalie Mancini, Isik Zeytinoglu, Andrew Rainbow and Michelle Gagnon, on behalf of Warren Park for Everyone, respecting leash-free status of Warren Park, Dundas (Item 6.1(b))

The representatives of Warren Park for Everyone provided a power point presentation to the Committee, with each individual speaking to the following issues:

- Sandra Tait – Introduction to Petition
- Rob Travis – History of Warren Park/changes/personal
- Natalie Mancini – Personal experiences/children/cyclists
- Isik Zeytinoglu – Degradation of Habitat
- Andrew Rainbow – Environmentally Significant Area
- Michelle Gagnon – Parking/barking and aggressive dogs.
On behalf of the 119 people who signed a petition, Warren Park for Everyone is asking that dogs be leashed at all times in Warren Park.

A copy of the comments, power point presentation and binder were submitted to the City Clerk and will be retained for the public record.

9.1 Designation of Warren Park as a Leash-Free Park

On a motion (Powers/Bratina) Motion 9.1 was deleted in its entirety and replaced with the following in lieu thereof, and subsequently CARRIED:

That the deputations be received and referred to City staff to review and report back no later than the August meeting of the Committee of the Whole on the designation of Warren Park as a leash-free park, and that the report include possible alternative locations in Ward 13 in Dundas.

(ii) Accessible Transportation Service Master Plan – Eligibility and Registration Policy Revision for Accessible Transportation Services (PW03128(c)) (City Wide)

On a motion (Bratina/Powers) the Committee entertained Delegation Item 6.3 and deal with Item 7.2 of the Public Works Committee agenda.

(aa) Lisa Shumph, on behalf of the Developmental Service Sector Transportation Committee, Lawson Ministries Hamilton, respecting Eligibility and Registration Policy Revision for Accessible Transportation Services (Item 6.3)

Lisa Shumph appeared before the Committee on behalf of the Developmental Service Sector Transportation Committee, Lawson Ministries Hamilton, to express their full support and ongoing input to the implementation of the new Accessible Transportation Eligibility and Registration Policy.

Ms. Shumph provided a copy of her comments to the Clerk which will be retained for the public record.

Julie Watson, representing Hamilton Community Living, addressed the Committee and introduced her husband, Chris. Julie and Chris serve on a committee that meets every two weeks, where they discuss issues that affect their lives, how to speak up for themselves, and about transportation issues for individuals who are not able to get around on their own. She indicated that the DARTS bus assists people to get out and get together with their friends, and it would help if more people were able to use the DARTS service.
The Committee also heard from Franca Cipriani, who spoke on behalf of her son, husband and herself. She told the Committee that her son requires 24-hour one-to-one supervision and cannot be left alone; due to his disability, he will never be able to take public transportation. She and her husband have health issues and over the past few years, it has been extremely difficult to provide the care and supervision required; funding continues to be reduced; her son attends a program at STRIVE to give him social skills. If transportation is provided by DARTS, this will free up more money for more families.

On a motion (Collins/Ferguson) the presentations were received.

7.2 Accessible Transportation Services Master Plan – Eligibility and Registration Policy Revision for Accessible Transportation Services (PW03128(c)) (City Wide)

Don Hull provided the Committee with a power point presentation with respect to the ATS Master Plan – Eligibility and Registration for Accessible Transportation Services.

The presentation included the following components:

- Background, including previous Council approval, Council’s recommendation not to reassess existing passengers; completion of Phase 2, which was to address the operating, financial and social implications of implementing the policy; purpose of report i.e., to seek Council approval for the implementation plan (Phase 3);
- Previous Impact Assessment
- Implementation Study
- Impacts – Trip Demand
- Expenditure Growth by Driver Type
- Summary of Financial Impacts
- Risks
- Opportunities for Mitigation
- Alternatives for Consideration
- Summary of Recommendations.

On a motion (Ferguson/Mitchell) the staff presentation was received.

Members of the Committee expressed concern with respect to sub-section (d) of the recommendations contained in Report PW03128(c) which recommends the hiring of a contract Project Manager for a 24-month period. Mr. Hull indicated that this position is very unique and requires familiarity with the industry; however, he will endeavour to hire internally through the posting process, if at all possible.
On a motion (Collins/Bratina) sub-section (b) was amended by deleting the word “implementation”, and replacing it with the word “consideration”, in lieu thereof. The amendment subsequently CARRIED.

(iii) Community Garden Policy

(aa) Sarah Wakefield, on behalf of the Community Food Security Stakeholders Committee, respecting the Community Garden Policy (Item 6.2(a))

The Committee received a power point presentation from Sarah Wakefield, on behalf of the Community Food Security Stakeholders Committee, which outlined the following components:

- Mandate of the Committee
- Known benefits of Community Gardening
- Who has Community Gardens
- Comments on Proposed Community Garden Policy
- Recommendations.

Ms. Wakefield indicated that the Stakeholders Committee is supportive of the Community Garden Policy.

Ms. Wakefield provided a copy of her comments and presentation to the Clerk, which will be retained in the public record.

(bb) Russell Ohrt, on behalf of the Hamilton Community Garden Network, respecting the Community Garden Policy (Item 6.2(b))

Russell Ohrt spoke on behalf of the Hamilton Community Garden Network and is an advocate for creation and sustainability of existing community gardens. Mr. Ohrt congratulated staff for the amount of consultation done on this policy with stakeholders and supported the document. He supported the establishment of a city-wide Community Gardens Co-ordinator as is the case in many municipalities.

Mr. Ohrt provided a copy of his comments to the Clerk, which will be retained in the public record.
Ruth McCallum, on behalf of the North Hamilton Community Health Centre, respecting the Community Garden Policy (Item 4.1)

Ruth McCallum appeared before the Committee on behalf of the North Hamilton Community Health Centre. In her comments, Ms. McCallum provided background/historical information with respect to the creation of two community gardens, as well as two children’s garden programs, which was established in 1998. As well as being a program which serves many purposes, its benefits are numerous. She indicated that the proposed policy will be beneficial to seeing more gardens established in areas of need.

She also stated that the City address the need for a city-wide Community Garden Co-ordinator and strongly supported approval of the policy.

Ms. McCallum submitted a copy of her comments to the Clerk, to be retained in the public record.

Sapphire Singh, on behalf of Green Venture, respecting the Community Garden Policy (Item 4.2)

Sapphire Singh, speaking as Green Venture’s Green Gardening Co-ordinator, addressed the Committee to express support for the City’s first Community Garden Policy, which incorporates the recommendations of the Community Food Security Stakeholder Committee. In her comments, Ms. Singh provided her experiences with managing the EcoHouse Community Garden, and the development of Riverdale’s first community garden and children’s garden program, and the value of working with organizations, local citizens and service providers.

Ms. Singh provided a copy of her comments to the Clerk, to be retained in the public record.

On a motion (Bratina/Mitchell) the presentations were received.

7.1 Community Garden Policy

Jennifer DiDomenico provided a response to questions of the Committee with respect to start-up costs involved.

On a motion (Bratina/Powers) Section 1(d)(i) of Appendix “A” of Report PW10044, being the Policy and Procedures related to Community Gardens, was amended by adding the following bullet point:

- Provision of other Public Works services in kind of equal or comparable value.

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On a motion (Bratina/Powers) the following was added as sub-section (d) and the balance renumbered accordingly:

(d) That the matter of a Community Garden Co-ordinator be referred to the Community Food Security Stakeholders Committee for discussion and possible funding source(s), and reported back to the Board of Health.

The above-noted amendments subsequently CARRIED.

(iv) Dominic Barbaro, respecting the permanent closure of a portion of the alleyway between 170 and 176 Locke Street North, Hamilton (Added Item 4.5)

Mr. Dominic Barbaro appeared before the Committee outlining the history and his issues with respect to the permanent closure of the alley between 170 and 176 Locke Street North. He stated that dividing the alleyway as outlined in correspondence sent to him dated January 19, 2010 would not give him enough clearance as legally required for him to build a structure i.e., garage/carport. His preference is that the alleyway remain open.

A copy of Mr. Barbaro’s comments are contained in his delegation request which has been retained in the public record.

On a motion (Bratina/Powers) the presentation was received.

Jennifer DiDomenico presented information providing an overview and photographs of the proposed alleyway division and the alleyway relative to the two properties.

(v) Liberty Energy Proposed Incinerator


Messrs. Wilson Nolan and Pete Bloom of Liberty Energy provided a power point presentation with respect to the Liberty Energy Centre Regional Biosolids Thermal Reduction Facility, addressing the following components:

- Correct lifecycle cost
- Corrected lifecycle cost vs Black & Veatch
- Lifecycle costs with taxes and fees
- 1 or 2 biosolids incinerators
- Current biomass/biosolids truck traffic
- Future biomass/biosolids truck traffic
• Green house gas
• Innovation – SCR
• Cost savings – Emerald Ash Borer.

A copy of the power point presentation, comments and correspondence from Henry H. Berling, Managing Director of Ewing Bemiss & Co., Investment Bankers, was submitted to the Clerk to be retained in the public record.

On a motion (Mitchell/Powers) the rules of order were waived to allow Jim Howlett, President of the Hamilton Beach Community Council, to address the Committee with respect to the Liberty Energy proposal.

(bb) Jim Howlett, President, Hamilton Beach Community Council (New Business)

Mr. Howlett’s comments included the following, but were not limited to:

• From an environmental standpoint, the City needs to stop agricultural disposal of biosolids as soon as possible
• Counter ethical practice to dump on farmland, but the City has a “buy local” program
• Of the opinion that contracting with Liberty Energy will speed up the process
• Looking into the future, will be composting sewage in neighbourhoods and homes but until that time arrives, need to have sludge-to-energy system
• Liberty exceeds MOE standards; City’s will not run as tight as Liberty proposal
• Only thing worse than having one burner is to have two
• City’s plan will help to astigmatize a neighbourhood, which will lead to “ghettoization” of neighbourhood
• Beach Community Council has deliberated on this issue and is supportive of Liberty Energy’s proposal.

On a motion (Bratina/Powers) the presentations were received.

Councillor Collins requested staff to respond to information that was omitted from the presentation with respect to cost comparison.
7.4 Business Review – Liberty Proposed Incinerator (PW07047(c)) (City Wide)

Jim Welp of Black & Veatch provided a power point presentation on the Liberty Energy Peer Review which included the following components:

- Background – Description (process, environmental, social, risk); Cost; Next Steps
- Biosolids Master Plan as updated in the EA
- Base Case from the Master Plan (w/ preconditioning)
- Base case Environmental Assessment – Advantages/Limitations
- Base case Risk Assessment
- Liberty Energy Proposal (per unit)
- Liberty Energy Assumptions – Biosolids, biomass
- Liberty Energy Environmental Assessment – Advantages/ Limitations
- Liberty Energy Social Assessment
- Liberty Energy Risk Assessment – Advantages/Limitations
- Peer Review Process
- Financial Peer Review
- Assumptions to Normalize Review – Biosolids Master Plan/Liberty Energy
- Levelized Cost of Service
- Caveats for Lifecycle Costs
- Discussion and Summary.

On a motion (Powers/Collins) the Black & Veatch power point presentation was received.

On a motion (Powers/Bratina) the conflicting assumptions by Black & Veatch and Liberty Energy were referred to staff for independent analysis, with a report back to the next appropriate meeting of the Public Works Committee.

(f) NOTICES OF MOTION

(i) Councillor R. Powers introduced the following Notice of Motion:

Replacement of Speed Hump on Lake Avenue Drive (Item 10.1)

Whereas Lake Avenue Drive has experienced over a decade of complaints for speed and volume;

Whereas Lake Avenue Drive is a narrow two-lane road with insufficient room for a bike lane and no room to expand;

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Whereas a pilot speed hump was installed Tuesday, August 25, 2009;

Whereas historically, public opinion surveys have split evenly for stop sign, rumble strips and speed humps;

Whereas only two complaints about the speed hump have been received by the Ward Councillor;

Whereas the majority of e-mails and phone calls support the speed hump, and most requested additional speed humps.

Therefore be it resolved:

That the current speed hump be replaced during Lake Avenue Drive construction and that the speed hump be reviewed in five years (2015).

(ii) Councillor D. Mitchell introduced the following Notice of Motion:

**Grant to the Binbrook Agricultural Society (Item 10.2)**

(a) That the Binbrook Agricultural Society be given a grant of $130,000 for grading, tar and chip treatment works (parking lot/building areas) within the Binbrook Fair Grounds due to the fact that these works are required in the midst of a high growth area;

(b) That the funding come from former Glanbrook non-active Development Charges Reserve Account No. 110240

On a motion (Mitchell/Powers) the rules of order were waived to allow for the introduction of a motion respecting a grant to the Binbrook Agricultural Society.

See Item 7 for the disposition of this item.

(iii) Councillor C. Collins introduced the following Notice of Motion:

**Request for All-Way Stop at Francis and Cheever Streets, Hamilton (Item 10.3)**

(a) That an all-way stop control be implemented at the intersection of Francis and Cheever Streets, Hamilton;

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

On a motion (Collins/Mitchell) the rules of order were waived to allow for the introduction of a motion respecting Request for All-Way Stop at Francis and Cheever Streets, Hamilton.

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See Item 8 for the disposition of this item.

(g) GENERAL INFORMATION/OTHER BUSINESS

(i) Request for 3-way Stop at the Intersection of Fletcher’s Road and Showcase Drive, Binbrook (Item 11.2)

Councillor D. Mitchell introduced a petition with 46 signatories requesting a 3-way stop at the intersection of Fletcher’s Road and Showcase Drive, Binbrook.

Ron Gallo reported that given the results of data collected for this intersection, staff does not support a 3-way stop.

See Item 9 for the disposition of this item.

(ii) Community Garden Policy (Item 7.1)

On a motion (Collins/Bratina) this item was deemed complete and removed from the Outstanding Business List of the Public Works Committee.

(h) REPORTS/ITEMS FOR MAY 3, 2010 PUBLIC WORKS COMMITTEE MEETING

Due to loss of quorum, the following items will be placed on the May 3, 2010 agenda of the Public Works Committee:

(i) Item 7.3 Water Infrastructure Financial Plan (PW10043/FCS10033) (City Wide)

(ii) Item 8.1 Randle Reef Sediment Remediation (PW10042) (City Wide)

(iii) Item 8.2 Integration Study of an Energy From Waste (EFW) with the Operation of the Glanbrook Landfill (PW08113(a)) (City Wide)

(iv) Item 9.2 Winter Maintenance Service Levels for Cycling Infrastructure

(v) Item 11.1(a) Items on Outstanding Business List – Amendments to Due Dates

(vi) Item 12.1 PRIVATE AND CONFIDENTIAL – Proposed Settlement of Commercial/Contract Litigation – Legal Services File No. 05-0140 (LS10005) (City Wide)
There being no further business, the Committee adjourned at 3:00 p.m.

Respectfully submitted

Councillor S. Merulla, Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
April 19, 2010
POLICY

The City of Hamilton (“City”) recognizes the development of community gardens on City lands by community organizations.

Definitions

“Community Garden” means a plot of City land which is used by a Garden Collective to produce food, native and ornamental plants edible berries and food perennials.

“Garden Collective” means a community organization or a group of organized individuals (a minimum 4 – 6) that have come together for the purpose of operating a Community Garden.

“Community Engagement Plan” is a plan developed by the Garden Collective in consultation with the City which will indicate what process will be used to assess whether there is neighbourhood support for the Community Garden, and which plan on its approval, will be implemented by the Garden Collective.

Purpose

Community Gardens provide City residents with an opportunity to engage in a healthy recreational activity while growing nutritious food, benefiting from social interaction by meeting neighbours, and building community ties while learning about the growing cycle and beautifying public open space. A Community Garden may include the following features and/or societal benefits:

a) Promotes urban agriculture, food security and food production;

b) Uses a plot of City land in order for the Garden Collective for: the growing of produce such as vegetables and fruit for use and/or consumption by Garden Collective members in a garden, which garden may be ornamental, native or perennial in nature, and shall be for the community’s enjoyment;

c) Provides demonstration gardening and other environmental education programs to encourage the involvement of schools, youth groups and citizens in gardening activities;

d) Encourages environmental innovation, demonstration and education sessions including: composting, pesticide free and organic gardening practices and drought tolerant plant characteristics/selection in gardening;

e) Donates surplus produce as determined by the Garden Collective;

f) Encourages partnerships with other community organizations;

g) Increases safety and stewardship of public land by providing increased surveillance.

The development of Community Gardens is subject to the accompanying procedures.
THE CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
OPERATIONS & WASTE MANAGEMENT DIVISION
POLICY and PROCEDURES

POLICY NO:  
SUBJECT: Community Gardens
ELIGIBILITY:

PROCEDURE

1) Administration

The Public Works Department of the City of Hamilton supports the development of a Community Garden by working with a Garden Collective. The City will promote and raise awareness of a Community Garden through the City of Hamilton’s website and other opportunities when available. The City of Hamilton will support the development of a Community Garden in the following ways:

   a) Providing access to information on the development and operation of a Community Garden;
   b) Creating and maintaining a list of City lands that are suitable for the development of a Community Garden;
   c) Assisting in the development of a licence agreement with a Garden Collective for the use of City land as a Community Garden when a suitable and approved site has been chosen;
   d) For the duration of the Licence Agreement the Public Works Department will make the following commitments:

      i) First
         The City will assist a Garden Collective with the preparation of the Community Garden by the following means:
         - Removing grass
         - Turning soil
         - Provision of other Public Works’ services-in-kind of equal or comparable value

      ii) Subsequent Seasons
         The Garden Collective will be responsible for all Community Garden activities and/or enhancement of Community Garden site amenities moving forward, as per the Licence Agreement.

2) Guidelines for Selecting New Community Garden Sites

The City of Hamilton supports the creation of a Community Garden and will assist a Garden Collective in locating a new Community Garden on suitable and approved City land where:

   a) A Garden Collective expresses, in writing, an interest in developing a community garden on City-owned land;
   b) The City has determined that the location of the proposed Community Garden is available and is suitable for this use;
   c) The neighbourhood/community residents have been consulted and are supportive of the use of the City land as a Community Garden;
   d) The Community Garden does not conflict with established amenities/programs; and
e) The Community Garden fits with the character and function of the area, and is compatible with adjacent land use.

3) CONDITIONS FOR USE OF CITY-OWNED PROPERTY

The use of City land for a Community Garden shall be decided on a case-by-case basis following consultation with the affected community and subject to approval by the Portfolio Management Committee. On the approval by the Portfolio Management Committee, the General Manager of Public Works or designate is authorized to enter into such agreements as may be necessary with the applicant(s) to the satisfaction of the City Solicitor.

The following conditions will apply to a Community Garden on City land:

a) A Community Garden is expected to be developed, managed and maintained at no direct cost to the City, and is expected to have minimal impact on City resources;

b) The Garden Collective, will in consultation with the City, develop a Community Engagement Plan which will indicate neighbourhood support, and which on its approval, will be implemented by the Garden Collective;

c) The Garden Collective shall agree to develop, manage and operate the Community Garden in accordance with a Licence Agreement entered into between the Garden Collective and the City. The Licence Agreement will provide for the terms of use, management responsibilities, capital improvements and access to the Community Garden, which will include but is not limited to the following:

i) An initial term of three years, with an option to renew;

ii) A list of criteria developed for the use of the site which all members of the Garden Collective will be required to sign indicating their agreement to comply with regular maintenance and gardening standards for the Community Garden;

iii) Development of a plan by the Garden Collective that includes key principles such as the not for profit nature of the Garden Collective, how plots will be allocated and ensuring that unallocated plots are made available to the general public;

iv) Minimum maintenance standards including aesthetics, orderliness, signage, any fencing requirements and acceptable and/or prohibited plantings;

v) That no chemical pesticides are to be used on the Community Garden;

vi) That produce grown in the Community Garden shall be for personal consumption and not for private profit; excess produce is encouraged to be donated to community food programs such as Food Share, Student Nutrition Programs or local food banks;

vii) Providing for public access to the site;

viii) The Garden Collective shall be required to take out and maintain Commercial General Liability Insurance in the amount of $2 million and shall be required to indemnify the City with respect to its activities;

ix) The Garden Collective agrees to cover the cost to restore the lands to their original condition on termination of the Licence Agreement;

x) All Garden Collective practices shall comply with all Provincial legislation, regulation and all City policies and by-laws; and

xi) Raised beds may be required by the City or requested by the Garden Collective and any costs related will be borne by the Garden Collective.

DIRECTOR APPROVAL: ________________________________________________________________

APPROVED DATE: _________________________________________________________________

REVISED DATE: _________________________________________________________________
CITY OF HAMILTON

Implementation of New Eligibility Policy at Accessible Transportation Services

Final Report

August 2009
Executive Summary

Overview and Goals

The City of Hamilton, through its Transit Division, provides an extensive, accessible fixed-route transit system known as The Hamilton Street Railway Company or HSR, which covers about 650 sq. km.; and specialized transit services through its Accessible Transportation Services or ATS section which services the entire 1100 sq. km municipality by means of a contracted operator, DARTS (Disabled and Aged Regional Transit System), as well as a substantial taxi scrip program. In addition, transportation services are provided by a variety of human service agencies throughout the community. Despite the current network of transportation services, many people with disabilities remain unserved or underserved due in part to the limitation of the Conventional Fixed-route Transit service area, capacity constraints of the Specialized Transit system, and the current limitations of Specialized Transit eligibility.

Transit administrators articulated a vision as early as 2003 to design and implement an in-person eligibility process that would support the goal of identifying ability and potential for fixed-route use, and serve as a tool to place the individual on the least restrictive mode of public transit for each trip, based on personal ability, and the accessibility of the environment and the transit system. This approach to eligibility is an essential component of mobility management.

Rationale for Revising the Eligibility Screening Process

Four compelling trends call for the revision of the current eligibility process:

1. Implementation of full HSR fleet accessibility by June 2009 will create options for riders with disabilities that have not previously existed in the City of Hamilton,
2. Current specialized transit service is already significantly constrained, with trip denials and an unquantified level of discouraged demand,
3. The service is likely to be far more constrained when additional eligibility categories are added to comply with the Accessibility for Ontarians with Disabilities Act (AODA), and
4. Demographic trends, particularly the rapid increase in the over 85 age cohort, will place an even greater strain on current resources.

Study Methodology

The Nelson\Nygaard team initially documented eligibility screening practices at the City of Hamilton, which included a series of interviews with City and contractor staff, in addition to meetings with the Steering Committee and key stakeholders in the community. The team provided an assessment of the strengths and weaknesses of the current screening process, and then developed recommendations for changes which would support a process based on assessment of functional abilities.

Following review of the recommendations with City staff, the team presented the recommended policy to the Steering Committee. Steering Committee members played an active role at key points in the study, including meeting with the study team, providing input on draft documents, and making presentations at the public information meetings. The Committee consisted of representatives from the Advisory Committee for Persons with Disabilities (ACPD), Seniors Advisory Committee (SAC), City of Hamilton Access and Equity Office, and service agencies...
such as the Salvation Army – Lawson Ministries. The Committee provided solid support for the recommended approach, with minor modifications which were incorporated before public review.

The recommendations were then presented at a Public Information Centre (PIC) attended by over 60 members of the disability and human service agency communities. Key areas of feedback provided at the PIC regarding HSR’s viability as an alternative to specialized transit services resulted in an expanded set of team recommendations that included a series of steps that should be considered by HSR to enhance fixed-route accessibility, as described later in this Executive Summary.

The revised eligibility recommendations, projected ridership increases and recommended service strategies were all presented at a second PIC in March 2009. Input from that PIC has been incorporated into this report.

**Eligibility Policy Proposals**

The key element in the team’s recommendations is the introduction of in-person functional assessments for all new applicants. This model, increasingly in use by transit agencies throughout North America, generally takes the form of an interview with a transit agency staff person, followed by an assessment of an applicant’s ability to perform the tasks needed to take a bus. The latter assessment would be conducted by a contracted rehabilitation therapist, and will be limited to those applicants whose eligibility cannot be readily determined solely based on the interview. While the majority of functional assessments will be conducted for people with physical disabilities, the report also provides guidance for assessments of those with cognitive disabilities, and recommends that a separate process be used for those with psychiatric disabilities, seizures, Alzheimer’s type dementia, and visual impairments. The report provides a detailed discussion of the steps needed to implement functional assessments.

Some of the critical questions addressed in the eligibility policy proposal include whether all new applicants should be expected to come in for an assessment; whether existing customers need to be recertified; and how the recommended approach might affect HSR’s fixed-route policies. These are briefly discussed below, and in greater detail in the body of the report.

**Requirement for all New Applicants to Participate in a Functional Assessment**

An eligibility process which is equitable and consistent is one which has the same requirements for all new applicants.

The proposed policy recommends that all applicants for Specialized Transportation Service will apply in person, ensuring decisions that are based on objective, functional criteria directly linked to key minimum abilities essential to the use of fixed-route transit, including getting to and from the bus and navigating the system.

**Recertification of Existing Specialized Transit Customers**

In order to meet the goal of an equitable process which creates a level playing field and consistency of outcomes, this report recommends that existing Specialized Transit eligible customers will be required to undergo a recertification process. A reasonable approach to this task could be to establish an expiration date of 18-24 months for all current Specialized Transit customers. This cushion provides ample time to notify and plan for rectification of current customers, yet avoids criticism of permanent “grandparenting” which has been described locally as inequitable and difficult to defend.
Recertification can be designed to “screen in” current customers who, based on the information provided in a recertification form and supporting documentation from professionals, clearly meet the criteria for Unconditional use of Specialized Transit. These individuals would not be required to participate in an in-person interview or functional assessment. Requiring 100% in-person participation in the initial recertification has the advantage of equity, but also adds considerable cost and length of time in which the process will be completed.

Besides meeting the goals of equity and consistency, recertification is also an important cost-mitigation measure. Failure to recertify existing customers would mean that individuals who have been granted full eligibility under the existing screening process will continue to ride Specialized Transit indefinitely, even though they may be able to use fixed-route service for at least a portion of their trips. Considerable cost savings will be realized if even a small percentage of current riders shift their trips to fixed-route service due to the recertification process. Trip rate estimation within this report indicates there is a requirement for about 50,000 more annual passenger trips in the event of no recertification being undertaken, with a cost in the $800K to $1,300K range based on current trip costs as determined by Transit staff.

Potential Eligibility Outcomes Resulting from Proposed Eligibility Process

A number of different eligibility outcomes will be possible as a result of the proposed eligibility process. Categories of eligibility include:

1. Personal eligibility, (which can be any of the following):

   Unconditional
   The registrant is not able to independently used fixed-route transit now, and their ability is not likely to improve. This person would be eligible for Specialized Transit for all trips

   Conditional
   Registrants with this eligibility determination are able to used fixed-route service under some conditions. Specific conditions of eligibility will be determined which reflect the most limiting condition of the individual, the environment and the transit system. Individuals with conditional eligibility are expected to use fixed-route transit unless one of the conditions exists which prevents travel on fixed-route.

   Temporary (Transitional)
   Persons will be granted 3-12 months of eligibility for a temporary condition that is expected to improve or to enable participation in Travel Instruction or Orientation and Mobility training to learn to use the fixed-route system.

   Not Eligible
   Some applicants will be found ineligible because their disability does not prevent them from getting to or from bus stops, boarding buses and navigating the fixed-route system.

2. Trip eligibility is applied to trip requests from individuals with Conditional eligibility as part of the trip screening process

   • To accurately determine whether particular barriers would prevent the individual from using fixed-route service for the trip planned
   • To support and facilitate an individual’s use of fixed-route transit service
Anticipated Influx in Demand

The new eligibility process proposed in this report is likely to result in an increase in eligibility applications. Under the proposed AODA rules, eligibility will be based entirely on ability to use transit, and not on use of mobility aids or any particular diagnosis such as Alzheimer’s or need for dialysis. The new process will enable many people to qualify for Specialized Transit services who are not eligible under the current policy, or who are only eligible for Taxi Scrip. This group is likely to include many people with developmental, visual, and psychiatric disabilities, as well as some people with mobility limitations who do not use mobility aids. Somewhat balancing this trend is that the new process will examine each individual’s application much more carefully, so that some people who are currently eligible, should they have their eligibility status reviewed, may be found ineligible or only conditionally eligible. In addition, with the expansion of Accessible Low Floor (ALF) transit service, some mobility aid users may no longer be eligible, or may be conditionally eligible, meaning that they will be eligible only for certain trips or at certain times.

In order to estimate the impact of the new process, the team examined data from the current registration rolls and also from the 2006 Participation and Activity Limitation Survey (PALS) conducted by Statistics Canada. In addition, population forecasts by the Ontario Ministry of Finance were used to estimate growth in the eligible population.

Finally, likely growth in demand has been estimated by taking into account the eligibility changes, population growth, and service changes that will be needed to comply with the Accessibility for Ontarians with Disabilities Act (AODA).

The results of this analysis suggest that the combination of eligibility policy changes, demographic shifts, and service improvements to comply with the AODA will result in an increase in demand for DARTS service of 31% by 2013, with an anticipated increase in costs of approximately similar magnitude, due to the need for increased vehicle fleet and operators.

Figure ES-1 Unconstrained Demand Forecasts – Low
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<th></th>
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<td>422,342</td>
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<td>Increase due to population growth</td>
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<td>13,076</td>
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<td>Total demand before service changes</td>
<td>422,342</td>
<td>459,660</td>
<td>497,361</td>
<td>536,383</td>
<td>544,111</td>
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<tr>
<td>Increase due to service changes</td>
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<td>0</td>
<td>13,938</td>
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<tr>
<td>Total demand</td>
<td>422,342</td>
<td>459,660</td>
<td>497,361</td>
<td>550,321</td>
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</tr>
</tbody>
</table>

In the event that there is no review of current registrants’ eligibility, and if AODA requires the reduction of current trip denial rates to much lower levels, then the anticipated increase in trip demand is estimated at 55%.

**Figure ES-2 Unconstrained Demand Forecasts – High**

These are *unconstrained forecasts*, meaning that they assume that the City and contractors are able to put in place any capacity needed to accommodate the expected increases in demand, such as additional staff, vehicles and facilities. It assumes that conditional eligibility is effectively implemented, and that the City’s Accessible Low Floor bus service is able to provide attractive,
Service Strategies to Address Increased Demand

Since the City’s resources are limited, a variety of steps will need to be considered that may reduce resource requirements, reduce the cost of those resources, or meet more trips within available resources.

While the most important step remains the implementation of an accurate eligibility screening process, along with trip-by-trip eligibility screening in daily specialized transit operations, there are a number of additional demand management strategies that are examined in this report which may effectively mitigate some of the impacts of demand growth. These include:

- A coordinated approach to mobility
- Improvements to Conventional Fixed-route Transit accessibility
- Community bus and flexible bus services
- Feeder service (transfers from specialized transit to fixed-route bus)
- Partnerships with human service organizations
- Fixed-route fare incentives
- Travel training
- Efficiency measures
  - More efficient trip scheduling
  - More efficient driver scheduling
  - Optimal use of taxicabs
  - Using more small vehicles, including sedans
  - Modified policies for spontaneous trips
  - Overbooking (as practised by airline companies to account for cancellations)
  - Automatic Vehicle Location and digital dispatching (MDTs)
  - Shortening the advance reservation period

A number of the above strategies address key issues that were raised by participants in the two PIC’s that were held during the course of this study. Particular to demand management strategies dealing with a coordinated approach to mobility, Transit should consider conducting a full policy review of fixed-route and Specialized Transit policies to ensure that they are consistent, mutually supportive, and encourage the use of the Conventional Fixed-route Transit service. Areas to be addressed:

- Fixed-route operator assistance
- Fixed-route boarding policies in crowded conditions
- Guarantee of a seat before the bus moves
- Availability of wheelchair securements on fixed-route upon request
- Fixed-route transfer locations, available supports and amenities
- Fixed-route fare incentives
- Policies regarding strollers, shopping carts and other non-mobility aids which block aisles and access to securement and priority seating.
- As part of the eligibility process, include functional ability to independently board low floor buses from the street as opposed to the curb until such time as policies requiring bus operators to assist are in place.
- Conduct a bus stop inventory that includes the accessibility and amenities of important stops along key routes and near trip generators.
- Consider implementing limited Specialized Transit feeder to fixed-route service, or notifying customers with conditional eligibility that feeder service may be required for some trips.
- Provide ongoing feedback to fixed-route operations regarding barriers to use by people with disabilities, such as overcrowding. Make ongoing transit evaluation and service development multi-modal, including Specialized Transit and Conventional Fixed-route Transit as partners in the service delivery system.
- Consider conducting a community wide education and public relations campaign regarding accessibility, and how all HSR users have a part to play.

**Travel Training**

North American transit agencies increasingly view the establishment of travel training programs as an integral step in the enhancement of eligibility screening programs. While it is important to conduct outreach in the community to recruit individuals into training programs even before they consider applying for Specialized Transit, eligibility screening programs also create an opportunity to identify individuals who could potentially benefit from travel training. This is particularly helpful for those individuals who have been determined conditionally eligible or denied eligibility.

The final chapter in the report presents an overall plan for implementation of a travel training program. A detailed guide for implementation of this program has been provided to the City as a separate document. In the development of the travel training plan, key assumptions have been built into the proposed travel training model, including:

- It is easier to convince individuals to try public transportation before they explore paratransit as an option.
- Orientation and Mobility Training for low and no-vision participants must be performed by a qualified Orientation and Mobility Specialist.
- Individuals cannot be forced to ride public transportation or participate in a travel training program.
- A travel trainer’s expertise can be used as part of an eligibility determination.
- The success of a travel training program is contingent upon continued improvements in the accessibility of the fixed-route service.
- The proposed travel training model is based on a framework for a coordinated mobility support program which includes: consumer education and outreach; fixed-route familiarization; group training; support of social service agency professionals; and one-on-one training.