Council Direction:

As part of the City’s Rapid Transit initiative, the Rapid Transit Team has brought forward numerous reports for Council consideration, endorsement and information, as staff work towards securing provincial funding for rapid transit in Hamilton. This Information Report provides an update on the Transit Project Assessment Process that was agreed to in the contribution agreement with Metrolinx as outlined in Report PW09088 - Contribution Agreement between Metrolinx and the City of Hamilton for Rapid Transit Studies.

Information:

Transit Project Assessment Process Summary

On June 24, 2008, the Province of Ontario filed Ontario Regulation 231/08, Transit Projects and Greater Toronto Transportation Authority Undertakings. This regulation exempts proponents of all public transit projects from the requirements under Part II of the Environmental Assessment Act (requires completion of an Individual Environmental Assessment) as long as certain requirements are followed. The intent is to provide a streamlined alternative to fulfil Environmental Assessment requirements for transit projects. The Transit Project Assessment Process (TPAP) outlined in the regulation is a proponent-driven, self-assessment process. The Ontario Ministry of the Environment is kept up to date on the process via circulation of notices and at key contact points. The TPAP requires the proponent (the City of Hamilton/Metrolinx) to contact the Director of the Environmental Assessment and Approvals Branch and any Federal/Provincial bodies and Aboriginal communities identified by the Director to ensure that contact and dialogue occurs. The proponent then distributes the Notice of
Commencement to all interested persons. The issuing of the Notice of Commencement initiates the regulated timelines and the mandated TPAP consultation process.

A maximum 120 day consultation period begins, whereby consultation occurs with interested parties and is documented in the final Environmental Project Report. Our work will continue through all project stages.

A Notice of Completion of the Environmental Project Report is issued before the lapse of 120 days. This triggers a 30-day review of the Environmental Project Report where parties are able to submit objections based on potential negative impacts on a matter of provincial importance that relates to the natural environment, or has a cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right.

Following the 30-day review period, the Minister of the Environment has 35 days to give notice to the proponent on an objection being received and the outcome. If no notice is received by the proponent within 35 days then the proponent submits a Statement of Completion and the project can proceed to implementation and construction from an Ontario Environmental Assessment Act perspective.

Completion of this process does not bind the City of Hamilton with implementation of the project.

Municipalities have the option to follow the TPAP, Municipal Class Environmental Assessment or Individual Environmental Assessment processes. The TPAP offers a number of benefits to proponents as it follows a regulated timeline allowing for approvals within a short six month period and restricts the appeal process to concerns related to matters of provincial importance or on a constitutionally protected Aboriginal or treaty right, since it is generally understood that public transportation projects offer overall community benefits. The TPAP process was also the agreed approach in the contribution agreement with Metrolinx.

Regulation 231/08 does not require proponents to look at the rationale and planning alternatives or alternative solutions to public transit or the rationale and planning alternatives or alternative solutions to the particular transit project. That said, the rapid transit team had previously evaluated alternative routes and technologies in previous studies and had received approval from Council, through report PW08043d – Rapid Transit Feasibility Study – Metrolinx Draft Regional Transportation Plan, to complete the Transit Project Assessment Process for Light Rail Transit technology along the B-Line as part of the contribution agreement with Metrolinx.

Contribution Agreement with Metrolinx

On April 1, 2009, the Province of Ontario announced $3M in funding for Rapid Transit Studies in the City of Hamilton. Included in this are the Planning, Design and Engineering (PDE) of the B-Line and Feasibility Study for the A-Line, currently underway. The B- and A- Lines, together with the rest of the proposed BLAST rapid transit network are shown in Appendix “A”. Report PW09088 - Contribution Agreement between Metrolinx and the City of Hamilton for Rapid Transit Studies, gave staff the
authorization to enter into a Contribution Agreement that set out how the $3M would be spent.

One of the work-plan deliverables required through the execution of the contribution agreement is the Environmental Project Report, which is finalized through the Transit Project Assessment Process.

Abandonment or failure to complete the Environmental Project Report, through the TPAP process could result in an “Event of Default” and the City of Hamilton could be required to repay Metrolinx all or part of the $3M contribution agreement funding as liquidated damages.

Staff will be issuing the Notice of Commencement, for the B-Line, on June 17, 2011, in order to complete the TPAP process within the contribution agreement timelines. This would require the Notice of Completion to be issued by October 14, 2011, at the latest.

Staff will be preparing a report for the September 14, 2011, General Issues Committee on “Making the Case” for rapid transit on the B-Line, which will provide an update on the project including; costing of the project, eligibility review, procurement options and what will need to be done to deliver the wider regeneration benefits along the corridor.

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