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TRANSPORTATION IMPROVEMENTS DONALD COUSENS PARKWAY TO MORNINGSIDE AVENUE LINK AMENDMENT TO THE ENVIRONMENTAL ASSESSMENT PROJECT UPDATE

(Regional Council at its meeting on March 25, 2010 adopted this Clause subject to the inclusion of a revised Attachment 2.)

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated February 23, 2010, from the Commissioner of Planning and Development Services and Commissioner of Transportation Services.

1. RECOMMENDATIONS

It is recommended that:

1. The recommended alignment modified from the original 2005 Environmental Assessment for the Donald Cousens Parkway to Morningside Avenue road link as determined through the Amendment to the Environmental Assessment process and outlined in this report be endorsed.
2. Staff be authorized to proceed with the public consultation and to formally submit the amended Environmental Assessment Report to the Ministry of the Environment following completion of the consultation and consideration of input received.
3. A copy of this report be forwarded by the Regional Clerk to the Ministry of the Environment, Ministry of Transportation, Ministry of Public Infrastructure Renewal, Ministry of Municipal Affairs and Housing, the Provincial Development Facilitator and the Clerks at the City of Toronto, Town of Markham, Region of Durham and City of Pickering.

2. PURPOSE

In October 2008, Regional Council directed staff to proceed with an amendment to the Donald Cousens Parkway to Morningside Avenue Link EA for the discontinuous alignment. This report provides an update on the project and also seeks Council endorsement of the recommended alignment and authorization to proceed with completing the amendment process and submitting the EA to the Ministry of the Environment.

3. BACKGROUND

Initial EA was completed in December 2005

York Region initiated the Individual EA for the Donald Cousens Parkway (formerly Markham Bypass Extension) to Morningside Avenue Link in 2002. The purpose of the EA was to address existing and future transportation deficiencies across the boundary of the southeastern areas of the Town of Markham and the northeastern area of the City of Toronto. The Environmental Assessment Report for the EA was completed and submitted for formal review from December 23, 2005 to February 17, 2006.

Toronto did not support the original EA recommended alignment and have indicated that the project will likely not be built south of Steeles Avenue

The City of Toronto took a position formally opposing the alignment for the proposed Donald Cousens Parkway to Morningside Avenue Link, identifying a preference for a discontinuous (jogged) alignment alternative that had been identified and evaluated in the original EA. In their opposition to the continuous alignment recommended in the EA, the City identified the need for other boundary area improvements including improvements to Steeles Avenue and cost sharing for necessary improvements, a preference for an alternative that utilizes existing road corridors that could be implemented at lower cost and a desire for additional transit improvements to address growing cross boundary travel demand.

The City of Toronto has indicated that they will not be willing proponents for the continuous alignment identified in the original EA and it will likely not be implemented south of Steeles Avenue.

The original EA was destined to be rejected by the Ministry of the Environment

Following the submission of an Individual EA, the process requires the Ministry of the Environment to publish an EA Review, documenting the results of their technical review of the EA for public comment before the Minister makes a final decision. The MOE published the EA Review in January 2008.

The EA Review identified the significant outstanding issue of Municipal jurisdiction and with York Region's ability to implement the undertaking south of Steeles Avenue. The EA Review carefully positioned the MOE to reject the EA on this basis:

“The Minister may reasonably assume, given the position of the City of Toronto, that the entire undertaking may never be built...The Minister will have to decide, give all of the fact and information at hand, whether it is prudent to make a decision to approve an undertaking that may never be constructed.”

In a letter from the Minister of the Environment dated June 13, 2008, the Minister acknowledged the opposition by the City of Toronto to the proposed continuous alignment. The Minister identified the issue as significant, and if not resolved, it is unlikely that the proposed undertaking can be successfully implemented as contemplated in the EA if approved.

Given that the EA was destined to be rejected, the Region requested that the Minister postpone a final decision to allow the mediation to continue to a final resolution. It is likely that if the original EA were rejected by the Minister, the Minister's decision would have been accompanied by conditions, potentially requiring the Region to begin a new Individual EA from the initial Terms of Reference phase and delaying other planned road improvements in the area.

York Region worked with Toronto, MOE and the Provincial Facilitator to mediate a resolution

Since York Region and the City of Toronto took different positions regarding the preferred alignment, York Region requested the Minister of Public Infrastructure Renewal to assign a Provincial Development Facilitator to assist in resolving the York / Toronto issues in September 2006. A Provincial Development Facilitator was assigned and was involved since the Fall of 2006 to try to move the process forward.

York Region agreed to undertake an amendment to the EA

As an outcome of the mediation process, the Region and the City have agreed to re-examine the alternative alignments that were considered in the original EA to take into consideration jurisdictional issues and to better reflect the needs of each municipality. Staff last reported on the status of this project in a report to Planning and Economic Development Committee on October 1, 2008 and received Council authorization to proceed with an amendment to the EA for the discontinuous alignment preferred by the City of Toronto.

A detailed work plan was prepared for the amendment process and was approved by the Minister of the Environment on July 2, 2009 through Minister's Order MO-2009-01, authorizing the Region to amend the original EA.

4. ANALYSIS AND OPTIONS

Progress on the amendment to the EA

Based on the absence of a willing proponent to implement the project south of Steeles Avenue and that the 2005 EA was likely to be rejected by the Ministry of the

Environment on this basis, Council directed staff in October 2008 to proceed with an amendment to the EA. The work plan approved by the Ministry of the Environment for the amendment to the EA requires the Region to reassess all of the alignment alternatives in the context of the outstanding jurisdictional issue and to better reflect the needs of both York Region and Toronto.

The approved work plan for the amendment to the EA requires the Region to undertake the following tasks:

- update background data from the original EA (natural environment field survey, traffic analysis, existing built environment, etc.
- update the comparative evaluation of the alignment alternative.
- develop a preliminary design of the preferred alternative.
- assess potential environmental effects and mitigation.
- consult with government agencies, First Nations, property owners within the study area, interest groups and the general public (two public consultation centres are scheduled for April 2010, one in Markham and one in Toronto).

Since approval of the work plan by the Ministry of the Environment on July 2, 2009, the project team have issued a notice of commencement advising the public of the EA amendment process, completed the field survey work and traffic analysis, updated the comparative evaluation of the alignment alternatives and developed the preliminary design of the recommended alternative.

The recommended alignment was presented to the Technical Advisory Committee on January 26, 2010, including staff from the Town of Markham, the City of Toronto, the Toronto and Region Conservation Authority, the Ministry of Transportation and other technical agencies and utilities.

Interested stakeholders can stay informed by visiting our project website at www.DCPToMorningsideLink.ca.

Within the context of the outstanding jurisdictional issue, the discontinuous alignment is being recommended

The original EA presented a clear rationale for nine road alignment alternatives that were developed and evaluated. The environmental factors set out in the original EA were used in the amendment to the EA process to revisit the evaluation of the alignment alternatives and update the evaluation based on a current assessment of these factors.

The comparative evaluation concluded that the discontinuous alignment is preferred. This alignment utilizes:

- The planned Town Arterial Road from the existing terminus of the Donald Cousens Parkway at Highway 407, south along the CP Rail line to the Box Grove Bypass.

- The segment of the existing Box Grove Bypass that runs parallel to the CP Rail line to the south limit of the Box Grove Development Area.
- Along existing Ninth Line from south of Box Grove to Steeles Avenue.
- Along Steeles Avenue for a distance of 1.5 kms from Ninth Line to the planned Morningside Avenue Extension.
- Along the planned Morningside Avenue Extension south of Steeles Avenue, tying into the existing terminus of Morningside Avenue within the Morningside Heights Community.

A map showing the discontinuous alignment recommended through the EA amendment and the original EA recommended alignment is included as *Attachment 1*. A summary of the rationale for selection of the discontinuous alignment as compared to the previously preferred alignment identified in the original EA is presented below and presented in more detail in *Attachment 2*.

Table 1
Summary of continuous vs. discontinuous alignment alternatives

Continuous alignment recommended in the original EA	Discontinuous alignment
• Can never be built south of Steeles Avenue without Toronto as a willing proponent. • More costly to implement. • Significantly greater impact to the socio-economic environment given the development in the area since the original EA was completed. • Provides the best transportation solution but is not achievable.	• Can be easily implemented south of Steeles Avenue in conjunction with planned development in the Tapscott Employment Area. • Less expensive to implement. • Significantly less impact to the existing and planned development in the area. • Provides the best transportation solution that is achievable given the position of the City of Toronto and the Ministry of the Environment.

Changes to the discontinuous alignment significantly improved its viability

Prior to undertaking the comparative evaluation of the alignment alternatives, the discontinuous alignment that was presented in the original EA (alternative C) was modified to reduce environmental impacts, be less costly and more practical from the perspective of implementation as follows:

- The original EA envisioned an 8-lane cross section on Steeles Avenue to deal with east-west traffic demand plus north-south traffic surcharging on Steeles Avenue between Morningside Avenue and 9th Line. The revised undertaking proposes a 6-lane cross section on Steeles Avenue between Morningside Avenue and 9th Line, reducing both cost and impacts to the natural environment.

- The original EA envisioned a complex three-way grade separation at 9th Line where it crosses both the CP and CN Rail lines in close proximity. The revised undertaking proposes to widen 9th Line to 4-lanes between Steeles Avenue and the Box Grove Bypass while utilizing the existing at-grade crossing of the CP Rail and the existing underpass of the CN Rail (the span of the existing CN underpass structure is sufficient to accommodate widening of 9th Line). This revision to the discontinuous alternative reduces costs significantly and makes the construction much simpler.

There are a total of four at-grade road crossings of the CP Rail in this corridor (three existing at 14th Avenue, 9th Line and Steeles Avenue and one proposed at the Morningside Avenue Extension). The EA will identify the need to protect for grade separations at all of these locations, with the timing of implementation to be determined in coordination with implementation of GO Rail services on the CP Havelock line and in consideration of priority setting for other grade separations within York Region and within the GTA.

Next Steps

Staff are seeking authorization to proceed with the public consultation in April 2010 and to formally submit the amended Environmental Assessment Report to the Ministry of the Environment following completion of the consultation and consideration of input received. Following the public consultation and confirmation of the recommended alignment, the detailed technical assessment of the preferred undertaking will be documented in the amended EA. The circulation of the draft EA Report is expected in late spring 2010 with formal submission of the final EA to the Ministry of the Environment during the summer of 2010.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report.

McCormick Rankin Corporation completed the consulting assignment for the original EA and are undertaking the amendment. The consulting assignment is on budget and there are sufficient funds in the Roads Capital Budget to complete the assignment.

6. LOCAL MUNICIPAL IMPACT

The Town of Markham has been actively involved in every aspect of the EA project. Markham staff are key members of the Technical Advisory Committee for this project and have the opportunity to provide input on the technical analysis and on the conclusions and recommendations as they are developed.

The first phase of development in the Box Grove Planning Area is complete and the remainder of the development is proceeding. The Box Grove Bypass was constructed in conjunction with the first phase of development, a section of which has been identified in the EA as part of the preferred alignment for the Donald Cousens Parkway to Morningside Avenue Link (a 900 metre section parallel to the CP Rail line).

In conjunction with the final build-out of the Box Grove Planning Area, Markham is constructing a Town road to address local traffic needs from the Box Grove Bypass to the existing terminus of the Donald Cousens Parkway at Highway 407, the approval of which has been secured by Markham through the Planning Act approvals for the plans of subdivision. This road is scheduled to be constructed in 2010 (Markham's implementation of this road was dealt with in a report to the Finance and Administration Committee on June 11, 2009). The Town road has also been identified in the EA as part of the preferred alignment for the Donald Cousens Parkway to Morningside Avenue Link, subject to final approval of the amended EA.

Completion of the remainder of the Donald Cousens Parkway to Morningside Avenue Link as identified in the amended EA will provide much needed road capacity in this boundary area of Markham and Toronto.

7. CONCLUSION

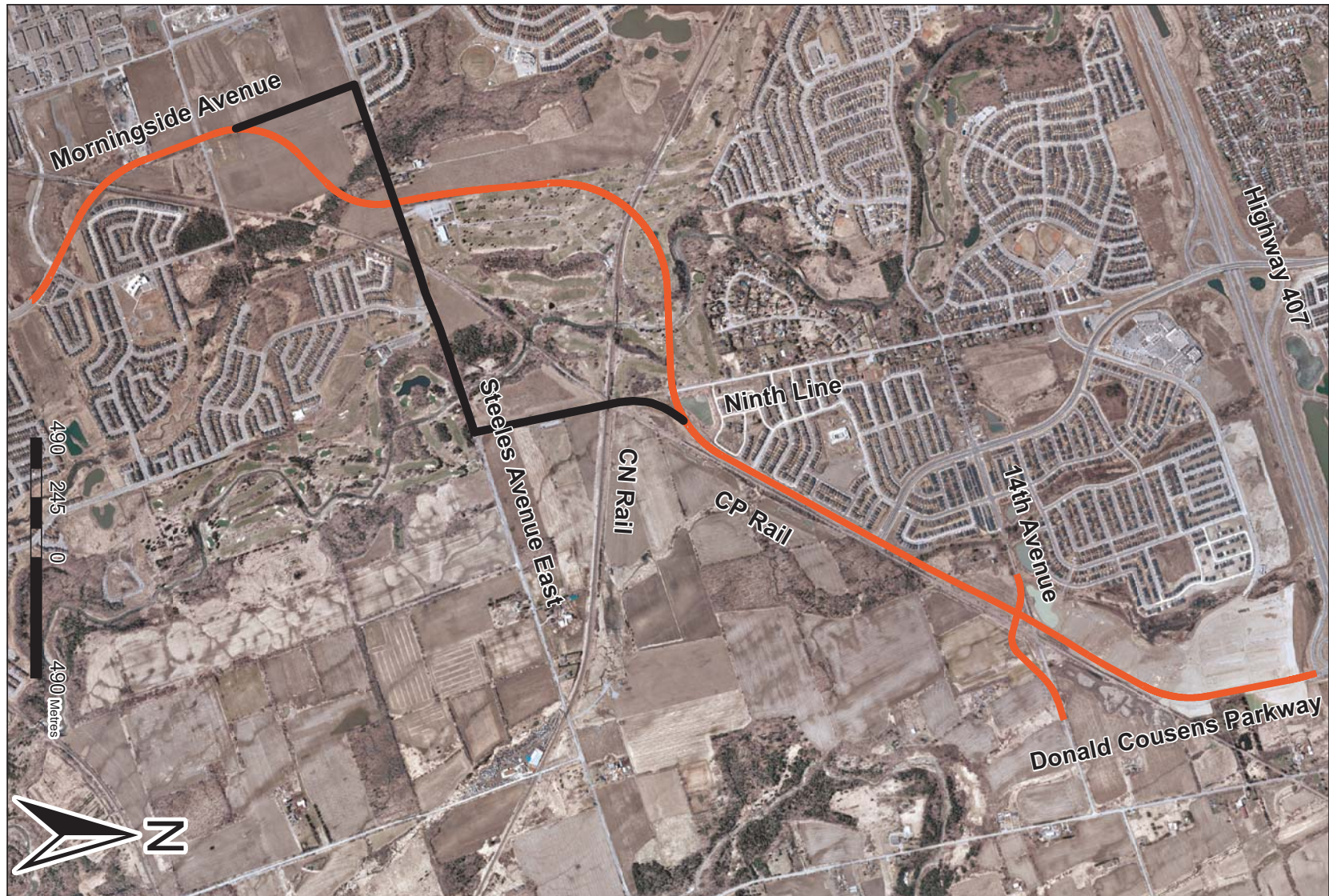
The comparative evaluation of the alignment alternatives presented in the original EA based on a current assessment of environmental factors concluded that the discontinuous alignment is preferred. The conclusion reached takes into consideration the cross-boundary jurisdictional issue, better reflects the needs of both York Region and Toronto, and represents the best transportation solution that is achievable.

The City of Toronto identified their opposition to a continuous alignment and a preference for the discontinuous alternative. This made the previously recommended alternative likely not to be built and not a practical solution for the original EA. On this basis, Council directed staff to prepare an amendment to the EA rather than have it rejected by the Minister of the Environment with conditions. The alignment recommended through the EA amendment is one that can be implemented and is consistent with Toronto Council's stated position and direction from Regional Council in October 2008.

Staff are seeking endorsement of the discontinuous alignment and authorization to proceed with public consultation in April 2010 and to formally submit the amended Environmental Assessment Report to the Ministry of the Environment following completion of the consultation and consideration of input received.

For more information on this report, please contact Steve Mota, Program Manager-Transportation Engineering, Infrastructure Planning Branch at 905-830-4444 Ext. 5056 or Loy Cheah, Director, Infrastructure Planning at Ext. 5024.

The Senior Management Group has reviewed this report.



DONALD COUSENS PARKWAY TO MORNINGSIDE AVENUE LINK



Rationale for selection of the Discontinuous Alignment

Context for the amended evaluation of alignment alternatives

Following the submission of the original EA in December 2005, the Ministry of the Environment (MOE) published an EA Review in January 2008, documenting the results of their technical review of the EA for public comment before making a final decision.

The EA Review was generally positive regarding the project, concluding that the road will benefit the community while any potential negative impacts would be minimized and managed. The EA Review also indicated that the MOE was satisfied that the EA demonstrated, in a logical and transparent process, why the continuous road alignment was selected. The Review also concludes that the MOE legislative requirements had been satisfied confirming that the EA was conducted in accordance with the approved Terms of Reference and met the requirements of the *Environmental Assessment Act*.

The City of Toronto took a position formally opposing the continuous alignment for the proposed Donald Cousens Parkway to Morningside Avenue Link, identifying a preference for the discontinuous (jogged) alignment alternative that had been identified and evaluated in the original EA. The City of Toronto also indicated that they will not be willing proponents for the continuous alignment identified in the original EA and it will likely not be implemented south of Steeles Avenue.

The EA Review identified this as a significant outstanding issue of Municipal jurisdiction and identified concern with the Region's ability to implement the undertaking south of Steeles Avenue. The EA Review carefully positioned the MOE to reject the EA on this basis:

“The Minister may reasonably assume, given the position of the City of Toronto, that the entire undertaking may never be built...The Minister will have to decide, give all of the fact and information at hand, whether it is prudent to make a decision to approve an undertaking that may never be constructed.”

Given Toronto's opposition to the continuous alignment and that the original EA was likely to be rejected on this basis, this made the previously recommended alternative likely not to be built and not a practical solution for the EA. As a result, Council directed staff to prepare an amendment to the EA to address the jurisdictional issue with Toronto and seek approval of a project that can be implemented.

A detailed work plan was prepared for the amendment process and was approved by the Minister of the Environment on July 2, 2009 through Minister's Order MO-2009-01, authorizing the Region to amend the original EA.

Results of the amended evaluation of alignment alternatives

Through the comparative evaluation process, the discontinuous alignment alternative is better than the continuous alignment when assessed on socio-economic factors since the discontinuous alignment uses existing corridors (9th Line and Steeles Avenue) and uses the Morningside Avenue corridor protected in proposed plans of subdivision south of Steeles Avenue. The discontinuous alignment will not impact either the Parkview Golf Course or the new development at the south limit of the Box Grove Development Area and reflects the current corridor planning being pursued by the City of Toronto through the Tapscott employment area.

The discontinuous alignment ranks better than the continuous alignment when assessed on cost and implementation factors. The discontinuous alignment uses existing road corridors (reducing property costs), and uses the existing crossings of the CN Rail, Rouge River and Morningside tributary (reducing construction costs). From the perspective of implementation, the continuous alignment cannot be implemented south of Steeles Avenue without a willing proponent. The City of Toronto has identified their opposition to a continuous alignment and a preference for the discontinuous alternative.

The discontinuous alignment alternative was found to rank lower than the original continuous alignment when assessed on transportation factors. The discontinuous alignment is forecast to carry fewer vehicles as it is a less convenient route than a continuous alignment. The reduction in vehicle trips forecast to be serviced by the discontinuous alignment means that some trips that would have been on this corridor are being distributed to other already congested corridors in the road network. As a result of fewer trips on the discontinuous alignment, this alignment is forecast to still operate at a reasonable level of service.

The discontinuous alignment alternative was found to rank similar to the original continuous alignment when assessed on natural environment factors. The existence of more sensitive fish habitat at the Steeles Avenue crossing of the Morningside tributary is offset by the fact that the discontinuous alignment will use existing crossings of the Rouge River and the Morningside tributary compared with the continuous alternative which proposes two additional tributary crossings.

Taking all of the assessment factors together and in particular, giving significant consideration to the City of Toronto's position of not implementing the continuous alignment south of Steeles Avenue, the discontinuous alignment ranks marginally higher than the original continuous alignment.