

5

NEW MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT FOR TRANSIT PROJECTS

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, January 25, 2007, from the Commissioner of Transportation and Works and the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. York Region endorse the new Municipal Class Environmental Assessment for Transit Projects.
2. York Region agree to be one of the proponents of the Municipal Class Environmental Assessment.
3. Council authorize the Municipal Engineers Association to act on behalf of York Region in the submission to the Minister of the Environment for approval of the new Municipal Class Environmental Assessment.
4. The Regional Clerk forward this report to the Minister of the Environment, the Municipal Engineers Association and the York Region area municipalities.

2. PURPOSE

The purpose of this report is to seek endorsement from Committee and Council for the new Municipal Class Environmental Assessment for Transit Projects and to seek authorization for York Region to be a proponent for the Municipal Class EA.

3. BACKGROUND

A Class Environmental Assessment is a planning process approved under the Environmental Assessment Act for specific groups of projects. A Class EA allows projects within the group to be implemented without further approval under the EA Act provided the planning process in the Class EA is followed. The types of projects allowed to be covered by a Class EA are recurring, usually similar in nature, usually limited in scale, have a predictable range of environmental effects and are responsive to mitigating measures.

The Class EA is not a shortcut, but is a process that is defined and approved by the Ministry of the Environment and undertaken hundreds of times per year by municipalities throughout Ontario for infrastructure expansion and maintenance projects. The Class EA process is carried out by municipal staff and consultants under the oversight of the elected and accountable municipal councils. The attached figure (*Attachment 1*) illustrates the Class EA process.

The Municipal Class Environmental Assessments for road, water and wastewater projects was developed by the Municipal Engineers Association (MEA) and has been in existence since 1987. Since then, it has been through several updates, most recently in 2000.

Until now, municipalities have not had a Class EA process available for transit projects. For any projects that were not exempt under the EA Act, the only choice was to do an Individual EA, which is a much longer, more cumbersome and more costly process. All of the Viva rapid transit EA's have been undertaken as Individual EA's.

In June, 2004, the Provincial Government approved the creation of a Minister of the Environment Advisory Panel to provide recommendations on improving Ontario's environmental assessment program. In March 2005, the Advisory Panel presented its report, which contained 41 recommendations for streamlining and improving the EA process in Ontario. One of the recommendations was for the MOE to work with the Municipal Engineers Association to include transit projects into the Municipal Class EA. York Region supported this recommendation in a June 2005 Transportation and Works Committee report that provided comments on the EA Panel's report. On a number of occasions, York Region has requested the streamlining of the EA process. The development of the Transit Class EA addresses one of the most significant gaps in the EA process.

4. ANALYSIS AND OPTIONS

4.1 Municipal Class EA Process

The current Municipal Class EA process for roads, water and wastewater infrastructure recognizes that projects can vary in their environmental impact. Therefore, early in the course of completing a Class EA, projects are classified in terms of the following schedules:

- **Schedule A** – generally includes all normal or emergency operational and maintenance activities. The environmental effects of these activities are usually minimal, therefore, these projects are pre-approved.
- **Schedule B** – generally includes improvements and minor expansions to existing facilities. These projects have some potential for adverse environmental impacts, therefore the proponent is required to proceed through a screening process including consultation with anyone who may be affected.

- **Schedule C** – generally includes the construction of new facilities and major expansion to existing facilities. These projects proceed through the full environmental assessment planning process as outlined in the Class EA.

This is a clearly defined process that has worked well for municipal projects for a number of years.

As part of the Transit Class EA, the Municipal Engineers Association is proposing to add an additional sub-category:

- **Schedule A+** - generally includes reconstruction projects for the same purpose, use and at the same location, localized modifications and site-specific facilities not in or adjacent to a residential land-use or an environmentally sensitive area. The environmental effects of these activities are usually minimal, therefore, these projects are pre-approved, however, the public is to be advised prior to project implementation.

When undertaking an infrastructure project, a municipality will use these schedules to determine the appropriate process to follow. The schedules contain lists of different types of projects to provide guidance in determining the appropriate schedule.

The MEA is a volunteer organization and cannot itself be the proponent of the Class EA. Therefore, a number of Ontario municipalities have been the official proponents. The 2000 update of the Class EA included 12 municipalities as proponents (see list on *Attachment 2*); however, York Region was not among those. Although York and many other Ontario municipalities were not listed as proponents, the process is still available for all municipalities in Ontario to use. One advantage to becoming a proponent municipality is that it eliminates any potential appeal to a project that has been identified as a Schedule A project. For proponent municipalities, Schedule A projects are unconditionally approved and cannot be subject to a request for a Part II Order. For non-proponent municipalities, an objector can request the Minister to issue a Part II Order to “bump-up” a Schedule A project to a Schedule B or C or Individual EA. Therefore, it is recommended that York Region take this opportunity to become a proponent municipality.

In order for the MEA to proceed to submit the new Class EA to the MOE, it is necessary for York Region to grant the MEA authority to act on its behalf in this regard. Therefore, it is recommended that this authority be provided.

4.2 Transit Class EA Process

To develop the Transit Class EA, the MEA convened a sub-committee which included municipal and transit staff as well as various provincial staff. York Region staff participated on this sub-committee. Through a competitive process the sub-committee

selected McCormick Rankin Associates to undertake the work required to develop the Transit Class EA.

The sub-committee met on a number of occasions in order to develop the new Part D to the Municipal Class EA, which covers transit projects (Part A identifies the Class EA planning process, Part B is for road projects and Part C is for water and wastewater projects). A copy of the final draft of the new Part D is attached (*Attachment 3*).

The new Part D includes:

- A definition of municipal transit
- A glossary of transit terms
- The integration of transit and/or transportation master plans with the Planning Act
- Description of the projects, purpose and alternatives
- Description of the environment, potential effects on the environment and mitigating measures
- The schedules of project types

All types of transit projects have been included in Part D except for new subways. The Ministry of the Environment felt that subways were too large in scale to be included in the Municipal Class EA process. Therefore, any new subway proposal will still require an Individual EA.

The development of the Transit Class EA also included a consultation component, in which notices were placed in several newspapers and notices and surveys were sent to a number of stakeholders throughout the province, including all municipalities.

4.3 Advantages of Transit Class EA

The Transit Class EA will clarify the planning process that is required for the implementation of all transit infrastructure (except for subways). The process is very familiar to all York Region staff involved in the delivery of new infrastructure.

The Transit Class EA will streamline the process required as compared to the need to complete an Individual EA. An Individual EA requires a Terms of Reference to be completed (which goes through a public approval process) and has a much more lengthy approval process. Therefore, any future EA's can be completed in a much shorter time frame than has been required to date. In the near future, YRT will need to proceed with the implementation of a number of Operations and Maintenance facilities. The Class EA process will shorten the length of time required to complete the planning and approval process for these facilities when compared to the previous need to complete and Individual EA.

The Transit Class EA Schedules will provide much greater clarity in determining the process required. Many smaller types of projects have been included as Schedule A or

A+ projects (meaning they are pre-approved). These include projects such as new bus bays, queue jump lanes, turning lanes, new traffic control or ITS devices, safety projects, reconstruction of existing facilities, expansion or modification of existing stations, new stations not in or adjacent to residential land-uses or an environmentally sensitive area, passenger pick-up and drop-off areas, parking lot facilities, transit loops, storage facilities, etc. Only large projects, or those that are close to residential or environmentally sensitive areas, will be subject to the full Schedule C process. The detailed schedules are included in *Attachment 3* to this report.

For these reasons, it is recommended the York Region endorse the new Municipal Class EA for Transit Projects.

The Municipal Class EA process is subject to periodic reviews and updates. Therefore, after the Transit Class EA process has been adopted and York Region and other transit operators have had an opportunity to work with it, there will be an opportunity to review its effectiveness and recommended any further improvements.

4.4 Relationship to Vision 2026

The new Municipal Class EA for Transit Projects will help to support many of the Vision 2026 goals by allowing for the more timely implementation of desirable transit projects. These transit projects will help enhance the natural environment by providing an alternate form of transportation and will support our communities.

5. FINANCIAL IMPLICATIONS

York Region contributed \$5,000 to the total project cost of \$120,000. The remaining costs were funded by the Ministry of the Environment (\$75,000), the City of Toronto (\$5,000), the Toronto Transit Commission (\$10,000) the City of Ottawa (\$10,000), the Region of Waterloo (\$5,000), the City of Mississauga (\$5,000), and the City of Hamilton (\$5,000). The new Transit Class EA will save future costs in the time and effort required to complete transit EA's.

6. LOCAL MUNICIPAL IMPACT

Although the York Region area municipalities are not directly involved in the provision of transit services, they are impacted by transit and have a role to play in providing comments and input to any new proposed infrastructure. Therefore, it is recommended that this report be forwarded to all York Region area municipalities for information.

7. CONCLUSION

The Municipal Engineers Association has developed the Class Environmental Assessment for Transit Projects. The work was completed under the direction of a sub-committee, with participation from a number of municipalities including York Region staff. The Class EA for transit projects will bring needed efficiencies to both the timelines and costs of future transit EA's. Therefore, it is recommended that York Region endorse the Transit Class EA and agree to be one of the municipal proponents of the Class EA.

For more information on this report contact Paul May, Director, Infrastructure Planning at extension 5029 in the Planning and Development Services Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause were included in the agenda for the February 7, 2007 Committee meeting.)