

4
PROVINCIAL HIGHWAY TRANSFERS
HIGHWAY 48 AND HIGHWAY 7
TOWN OF MARKHAM

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, March 16, 2005, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The Ministry of Transportation of Ontario (MTO) be advised that:
 - a) York Region declines the offer of the transfer of Highway 48 from 16th Avenue (Y.R. 73) to Major Mackenzie Drive (Y.R. 25) to the Region of York and supports it being transferred to the Town of Markham.
 - b) York Region is not in support of a Connecting Link Agreement with the MTO for the Markham By-pass (Y.R. 48) from Major Mackenzie Drive East to Highway 407 at this time.
 - c) York Region agrees to designate the Markham By-pass (Y.R.48) as a truck route.
2. The east/west roads at the intersections of 16th Avenue (Y.R.73) and Highway 48, Major Mackenzie Drive (Y.R.25) and Highway 48 be designated as Through-Highways east and west.
3. The Regional Solicitor be authorized to amend the necessary by-laws to complete the Through-Highway designation once Highway 48 has been transferred to the Town of Markham.
4. York Region staff be authorized to enter into negotiations with the MTO for the possible transfer of the portion of Highway 7, from Highway 48 to the Markham By-pass (Y.R.48) in the Town of Markham and that staff report back to Transportation and Works Committee on the outcome of these negotiations.
5. The Town of Markham be requested to consider designating the section of the Markham By-pass between 16th Avenue and Highway 7 as a truck route until the new section of the By-pass is completed by the Region in 2006.
6. A copy of this report be forwarded by the Regional Clerk to the Clerk of the Town of Markham and to the MTO.

2. PURPOSE

The purpose of this report is to provide MTO with Regional Council decision to decline the transfer of Highway 48 from the north limit of 16th Avenue to the south limit of Major Mackenzie Drive and to identify the Markham By-pass as a truck route. In addition, this report seeks authorization for staff to enter into negotiations with MTO for the possible transfer of Highway 7 from Highway 48 to the new Markham By-pass.

3. BACKGROUND

In June 2003, the Council of the Town of Markham requested that Town staff begin negotiations with the Ministry of Transportation of Ontario (MTO) for the transfer of Highway 48 from the north limit of 16th Avenue to the south limit of Major Mackenzie Drive. The Town has included roadway improvements on Highway 48 from 16th Avenue to Major Mackenzie Drive in their 10-Year Capital Works Program.

Discussions with staff from the Region, Town of Markham and the MTO have taken place regarding the transfer of Highway 48 from the north limit of 16th Avenue to the south limit of Major Mackenzie Drive, as well as the need for a designated truck route in this area. A location plan identifying this road section is appended to this report (*see Attachment 1*).

There is currently a Connecting Link Agreement between the Town of Markham and the MTO for Highway 48 from Princess Street to 16th Avenue. A Connecting Link Agreement is defined as “*a highway or part of a highway as a connecting link between parts of the King's Highway or as an extension of the King's Highway, to be constructed and maintained by the road authority having jurisdiction over the highway or part of the highway*”. Connecting Link Agreements assist road authorities in establishing speed limits, controlling access points and dealing with parking issues but does not include any financial assistance for operating costs.

The MTO has agreed to transfer the section of Highway 48 from 16th Avenue to Major Mackenzie Drive to the Town of Markham. However, before any formal transfer of the road to the Town can take place, the MTO has requested a Council resolution from the Region indicating that the Region wishes to decline a transfer of this section of Highway 48.

The conditions of the transfer of Highway 48 from the MTO to the Town of Markham include revoking the Connecting Link Agreement on Highway 48 between Princess Street and 16th Avenue. The Town would like to change the character of Highway 48, between Princess Street to Major Mackenzie Drive to reflect a more pedestrian friendly environment.

In order to help accomplish this, the Town would like to restrict trucks from using Highway 48 from Major Mackenzie Drive to Princess Street. In order to maintain a transportation route for trucks, MTO has requested the Region to designate the Markham By-pass as a truck route. In order to provide a complete truck route, the Town of Markham should designate the section of the By-pass between 16th Avenue and Highway 7, as this section is under the jurisdiction of the Town of Markham.

Also, MTO has initiated discussions with Regional staff on the transfer of Highway 7, from Highway 48 to the Markham By-pass, to the Region. The MTO allowed the Region to design and build the intersection of Highway 7 and the Markham By-pass to Regional standards with the intention of transferring this section of Highway 7.

4. ANALYSIS AND OPTIONS

4.1 Highway 48

The Town of Markham currently has a Connecting Link Agreement with the MTO for the section of Highway 48 from Princess Street to 16th Avenue. This section serves as the Town's main street and functions as a major highway connecting Highway 48 from the north to Highway 7, Highway 407 and Highway 401 to the south. The section of Highway 48 from 16th Avenue to Major Mackenzie Drive has been included in the Town of Markham's 10-Year Capital Works Program and is projected to function as an extension of the Markham village core.

The Markham By-pass has been constructed as a Regional Road to serve as the main route from the north to Highway 7 and Highway 407 while by-passing the village of Markham. Highway 48, from Major Mackenzie Drive to 16th Avenue will function more as a Town road upon the completion of the Markham By-pass early in 2006 and should not be part of the Regional road system and can be transferred to the Town of Markham. The Region will continue to have jurisdiction of the intersections of Major Mackenzie Drive and Highway 48 as well as 16th Avenue and Highway 48.

4.2 Markham By-Pass

The Markham By-pass has been constructed to Regional standards and has been designed to carry all modes of transportation including trucks. Regional roads are arterial roads which carry vehicles travelling longer distances, typically between home and work and between different communities and business centres. Regional arterial roads also have fewer access points than do local or collector roads. Regional roads, in general, form part of the main concession grid road system.

Currently, there is a designated truck route to Highway 407 for southbound traffic on Highway 48. This route directs trucks along Major Mackenzie Drive to McCowan Road and then south on McCowan Road to Highway 7 and Highway 407. The Markham By-pass can be designated as an additional truck route for drivers wishing to continue south as well as for eastbound travel on Highway 7 and 407.

Staff suggested that York Region should be willing to designate the Markham By-pass as a truck route, which would address the MTO's concerns with maintaining a viable alternative truck route.

At this time, the sections of the Markham By-pass from Major Mackenzie Drive to 16th Avenue and from Highway 7 to Highway 407 can be designated as a truck route by the Region. The section of the Markham By-pass between 16th Avenue and Highway 7 is currently under the jurisdiction of the Town of Markham. The Town of Markham should be requested to designate this section of the By-pass as a truck route until the Region's portion of the Markham By-pass is completed in 2006.

4.3 Through-Highway Designation

Should the Highway 48 transfer from Major Mackenzie Drive to 16th Avenue be completed and the jurisdiction changed to the Town of Markham, the Through-Highway designation at the intersections of 16th Avenue and Highway 48, and Major Mackenzie Drive and Highway 48 will require a change.

It is proposed that the Through-Highway designation be changed to 16th Avenue at the intersection of Highway 48 and 16th Avenue and to Major Mackenzie Drive at the intersection of Highway 48 and Major Mackenzie Drive.

The Through-Highway designations are required as the Regional roads will be the senior jurisdiction at the two intersections once the transfer has been completed. The Region will be responsible for the operations and maintenance of the intersection and the traffic control signals.

The Regional Solicitor should be authorized to amend the necessary by-laws to effect the foregoing.

4.4 Highway 7 Transfer

When Highway 407 was being constructed, the MTO indicated that, as sections of the new highway opened to traffic, the adjacent section of Highway 7 would be transferred to the Region of York. Up to now, MTO has transferred Highway 7 to the Region from Highway 50 in the west to Highway 48 in the east. Although the section of Highway 407 east of Highway 48 has been completed for some time, MTO has not transferred the section of Highway 7 from Highway 48 to the York/Durham boundary.

Part of the reason for this is that MTO feels that the section of Highway 7 from the new Markham By-pass to the boundary will still perform a Provincial role. As a result, the remaining section of Highway 7 from Highway 48 to the new Markham By-pass is the subject of the possible transfer.

MTO has requested that the Region negotiate for a mutually acceptable plan to transfer this section of the highway from the MTO.

This section of Highway 7 performs a Region function and would form part of the rapid transit route in the future. It does, however, require major capital works to widen and resurface it in the near future.

It is, therefore, proposed that York Region enter into negotiations with the MTO for the transfer of the portion of Highway 7 from Highway 48 to the Markham By-pass (approximately 3.71 kilometres) in the Town of Markham. The following conditions could guide these discussions:

- The MTO provide the Region with funds to cover the cost of:
 - Maintaining the road for a period of five years.
 - Resurfacing of Highway 7 from Highway 48 to 9th Line.
 - Widening Highway 7 from the 9th Line to Markham By-pass to five lanes.

Staff will report back to committee on the outcome of these negotiations.

If there is a transfer, it is proposed that any funds received from the MTO should be retained in a transfer reserved fund to meet the ongoing operations and construction needs for the transferred highway. By reducing the annual draw on these limited reserves, the financial impacts on the tax levy budget for maintaining the additional road can be phased in over a pre-set timetable. Similar reserve funds were established to receive the Provincial compensation for Highway 11 (Yonge Street) and Highway 48 (Markham Road).

5. FINANCIAL IMPLICATIONS

There are financial implications resulting from the proposed transfer of Highway 7 from Highway 48 to the Markham By-pass. For the first five years, the costs will be minimal if the requested funds are received. After the first five years, for each new lane kilometre of road assumed into the Regional road system, there is an immediate corresponding operation and maintenance cost. The growth related portion of the future capital cost is included in the Development Charge By-law to partially cover the reconstruction and widening costs. The cost apportionment is typically 76.5% development charges and 23.5% tax levy and a future capital cost of reconstruction and/or widening. The operating and maintenance cost is currently \$8,637/lane km, all tax levy which would result in an annual increase of \$143,253.25. This cost is based on the costs in the 2005 Business Plan.

6. LOCAL MUNICIPAL IMPACT

If the Town of Markham agrees to assume the section of Highway 48 from 16th Avenue to Major Mackenzie Drive, terms of the transfer will be negotiated between the Town and the MTO staff.

7. CONCLUSION

It is proposed that the Region decline the transfer of Highway 48 from 16th Avenue to Major Mackenzie Drive and that the Region enter into negotiations with the MTO for the transfer of Highway 7 from Highway 48 to the Markham By-pass. These negotiations are to include a five-year maintenance agreement, funds for resurfacing from Highway 48 to the 9th Line, and the widening of Highway 7 from the 9th Line to the Markham By-pass.

It is proposed that the Region agree to designate the Markham By-pass as a truck route. This will address the MTO's concern to ensure that there is an additional viable truck route.

Once the section of Highway 48 from 16th Avenue to Major Mackenzie Drive has been transferred to the Town of Markham, the Through-Highway designation for 16th Avenue and for Major Mackenzie Drive should be adopted into the Regional Through-Highway Designation By-laws.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)