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NOISE POLICY UPDATE

The Transportation and Works Committee recommends:

- 1. The presentation by Daniel Kostopoulos, Manager, Engineering Transportation, Infrastructure Design and Construction, be received;**
- 2. The following communications be received:**
 - (a) Marisa Mastronardi, resident, Woodbridge, April 19, 2005;**
 - (b) Eva & Zoltan Barto, resident, Woodbridge, April 19, 2005;**
 - (c) Giovanni Tartaglia, resident, Woodbridge, April 19, 2005;**
 - (d) Tuan Huynh, resident, Woodbridge, April 19, 2005;**
 - (e) Maria Mazzurco, resident, Woodbridge, April 19, 2005;**
 - (f) Rebecca Vasconez, resident, Woodbridge, April 19, 2005;**
 - (g) Mirtha & Ricardo Rocher, resident, Woodbridge, April 19, 2005; and**
- 3. The recommendations contained in the following report, April 20, 2005, from the Commissioner of Transportation and Works be adopted.**

1. RECOMMENDATIONS

It is recommended that:

1. Committee and Regional Council receive a new Draft Noise Policy as identified in this report (*see Attachment 1*).
2. The Regional Clerk forward copies of this report to the Clerks of all York Region local municipalities for comment by July 22, 2005.
3. Staff be directed to forward copies of this report to representatives of the development community and other stakeholders for their review and comment.
4. Upon receipt of comments from the various stakeholders, staff be directed to finalize the new Noise Policy and report back to Committee and Regional Council with recommendations for adoption of a new Noise Policy.

2. PURPOSE

The purpose of this report is to update members of the Transportation and Works Committee and Regional Council on the progress to date on the Noise Policy Update Study and to recommend receipt of a new Draft Noise Policy.

3. BACKGROUND

With increasing frequency, noise-related concerns have been raised by residents whose homes back onto Regional roads. Requests to consider noise mitigation measures are normally received as part of the Class Environmental Assessment (Class EA) process when undertaking capital works projects within existing residential areas of York Region.

The existing Noise Policy was approved in 1995 and addresses noise in three categories:

- “New Development” – During review of proposed residential development bordering on Regional roads.
- “Capital Projects” – Where road capital construction works are being undertaken.
- “Retrofit” – Existing residential areas where no road capital work is being undertaken and existing noise levels may warrant noise mitigation solutions.

In order to evaluate the relative strengths of the current policy and to clarify the criteria used in noise evaluation, staff recommended that a consultant be retained to undertake the detailed review and analysis of the current policy and to recommend changes and enhancements for Council’s consideration.

3.1 Noise Policy Update Study – Progress to Date

The Terms of Reference in the Request for Proposal for the Noise Policy Update Study required the Consultant to complete the following Scope of Work:

- Research best practices used by other jurisdictions.
- Engage in consultation with affected stakeholders.
- Reaffirm, modify and/or create, as is found to be necessary, guidelines for noise assessment in new developments.
- Outline a process, criteria, and guidelines for installation of noise attenuation where there is existing development (retrofit).
- Describe the procedure and criteria to be used for noise assessments on lands abutting capital works projects undertaken by or on behalf of York Region.
- Outline cost-sharing options for the Region, its local municipalities and residents.
- Clarify legal responsibilities and relevant legislation.
- Propose potential changes or enhancements to the existing Noise Policy.
- Quantify the impacts of the proposed enhancements or changes.
- Make final recommendations.

In October 2002, the Transportation and Works Committee and Regional Council authorized award of the consulting assignment to S.S. Wilson Associates in a Report entitled “Consultant Selection for Noise Policy Update Study”. S.S. Wilson and Associates were retained in November 2002 to carry out the study.

3.2 Consultation with Affected Stakeholders

An important part of the Noise Policy Update was ensuring public/stakeholders consultation occurred. The stakeholders included local area municipalities, Steering Committee, residents, etc.

3.2.1 Local Area Municipalities

In June 2003, a report was submitted to the Transportation and Works Committee entitled “Noise Policy Update Study Status Report”. This report outlined that the consultation with area municipal representatives in planning and engineering/public works departments was completed and a summary was included.

3.2.2 Steering Committee

A Steering Committee consisting of Region staff from relevant and affected departments (including Finance, Legal, Development, Approvals, Planning and Transportation and Works) was established early in the project. Four meetings were held where the Consultant presented findings and preliminary recommendations at key milestones throughout the assignment. The Steering Committee provided valuable input into ensuring any issues/recommendation were compatible with their respective areas.

3.2.3 Residents

The Noise Policy Update Study required extensive public consultation to be included early in the study. To satisfy these requirements eight public information sessions were held between May 13 and June 12, 2003, consisting of informal information centres followed by a detailed presentation on the study and discussion period at the end.

Common themes raised by meeting attendees (in order of most to least) include concerns related to higher noise levels due to:

- Vehicles travelling faster than posted speed limits.
- An increase in truck traffic.
- Trucks using engine retardant braking systems.
- Sound barriers that have limited effectiveness and need to be higher.
- Better urban design is needed to avoid tunnel effect where barriers exist.
- The Region’s existing noise model should use more stringent sound criteria.
- Motorcycles create significantly higher noise levels on Regional roads.

Almost all respondents surveyed do not have existing sound barriers at their property.

3.3 Ownership and Maintenance Options for Existing Noise Barriers Along Regional Roads – Hiring of Giffels Associates for 2004 Study

In spring 2004, staff from the Roads Transportation Branch retained Giffels Associates to complete a study of existing noise barriers located along all York Regional roads. The scope of work consisted of:

- Review of current noise barrier ownership and maintenance responsibilities.
- Review existing policies and best practices in other municipalities.

- Establish an inventory of all existing noise barriers.
- Review different types of noise barriers and associated costs.
- Assess existing conditions and estimate the current and forecast maintenance and replacement needs.
- Prepare a comprehensive summary report complete with photographic records, recommendations and cost estimates.

This study also involved consultation with staff from local York Region municipalities regarding policies, practices and experience on issues related to ownership and maintenance of existing noise barriers.

3.4 Best Practices

As part of the Noise Policy Update Study, Regional staff and S.S. Wilson Associates reviewed existing policies at the Federal and Provincial levels as well as the Regional and local municipalities across the Province of Ontario.

3.4.1 The Federal Government

Presently, there are no Federal sound level regulations or published standards for acceptability of noise due to vehicular traffic on roadways or highways, primarily because the jurisdiction for highway and roadway design, construction and operation is a Provincial and municipal responsibility.

Federal recommendations for acceptable sound level criteria due to traffic noise in residential areas have been discussed in two documents. These being:

- “Road and Rail Noise: Effects on Housing” prepared by Canada Mortgage and Housing Corporation (CMHC).
- “National Guidelines for Environmental Noise”, a draft document prepared by the Federal and Provincial document recommends the Leq 55 dBA as the sound level limit at receptors in suburban outdoor recreational areas.

3.4.2 The Provincial Government

The Ontario Ministry of Environment (MOE) has regulated sound level criteria for acceptable traffic noise since 1975. The MOE criteria have also formed the basis of many Regional and local municipal sound level standards and policies to date.

For new planning applications, the MOE recommends an outdoor objective sound level of Leq 55 dBA from surface transportation sources during the day time. However, depending on the feasibility of noise mitigation measures, the range of acceptable sound level exposure in outdoor living areas (OLA) of residential dwellings can be between Leq 55 and 60dBA.

3.4.3 The Regional and Local Municipal Governments

The regional governments reviewed were Durham, Halton, Niagara, Peel, Simcoe, Sudbury and Waterloo. The local municipal governments reviewed were the Cities of Brampton, Burlington, Kitchener, Mississauga, Oakville, Stoney Creek, Toronto, Windsor, Hamilton and Ottawa.

The survey identified that three of the seven regional municipalities and four of the ten local municipalities have existing noise policies (Halton, Peel, Waterloo, Burlington, Mississauga, Windsor and Ottawa). These municipalities have constructed sound barriers along municipal roadways as part of capital improvements and retrofit programs.

After reviewing the noise policies of these municipalities, a number of best practices emerged that encourage mitigation considerations, provide mitigation options and provide implementation tools for Council to effectively address community and resident concerns for sites that exceed 60 dBA. After review, the best practices that encourage a strong policy include:

- Provision for an administered request and petitioning system.
- Provision for ongoing financial commitments and updating of funding.
- Provision of a priority ranking system to ensure fairness and cost effectiveness.
- Clear establishment of roles and responsibilities for all levels of the local government.
- Clear identification of ownership and maintenance responsibilities.
- Clear definitions of OLA's.
- Provision for case-by-case review of retrofit scenarios.
- Establish maximum sound levels.
- Clear establishment of minimum attenuation requirements.
- Clear establishment of cost-sharing programs and objectives.
- Clear identification of sound barrier locations within the right-of-way corridor.
- Specified material types complete with technical specifications.
- Considerations for other noise solutions prior to the selection of noise walls.
- Allowances for certain restrictions due to costs as well as technical site limitations.

4. ANALYSIS AND OPTIONS

4.1 Planning Considerations

York Region's Community Planning Branch of the Planning and Development Department has participated in development of the Noise Policy recommendations. A variety of generalized planning policies at the Provincial, Regional and local Municipal levels currently exist and presently set the framework for the recommended noise control procedures. The new policy must be complementary to these policy objectives.

4.1.1 The Provincial Policy Statement

The Provincial Policy Statement (PPS) issued by the Ministry of Municipal Affairs and Housing under the Planning Act, provides direction on matters of Provincial interest

related to land use planning and development. There are several provisions for control of environmental noise in the PPS. The specific section of the PPS on surface transportation and infrastructure noise is quoted as:

*“1.1.3 Long-term economic prosperity will be supported by:
.....Planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered an/or separated from each other to prevent adverse effects from odour, **noise** and other contaminants.*

Sensitive land uses may be part of the natural or built environment. Examples include: residences, day care centres, and education and health facilities.” The PPS also includes policy 1.3.2.1 which states that “Transportation systems will be provided which are safe, environmentally sensitive, and energy efficient”. It is important to note that none of the policies in the PPS are intended to read in isolation and need to be considered with all of the other policies. Applying balance to the implementation of the PPS, it can be concluded that the prevention of adverse noise should not be at the expense of safety in the pedestrian environment. With the implementation of noise attenuation features, sidewalks should not be isolated from the surrounding uses preventing access and view as it presents a less safe pedestrian environment.

4.1.2 The Environmental Protection Act

The primary thrusts of the Environmental Protection Act (EPA) are the abatement of existing noise and vibration problems through complaint investigations and the approvals procedures. The abatement functions of existing noise problems have been largely delegated to the local municipalities based on complaints by the public, while the approval process deal with applications to establish new sources of noise that may or may not include a change in land use.

As far as approvals of new capital works projects in York Region involving “stationary sources of noise under the provision of the Environmental Protection Act, the Ministry of the Environment (MOE) administers certification of new equipment or installations that may discharge a contaminant into the natural environment.

The EPA, through the Certificate of Approval, should be regarded as one of the proactive planning tools available to York Region for planning and development approvals of new Regional facilities and infrastructures that qualify as stationary sources of noise.

4.1.3 York Region Official Plan

Policies in the York Region Official Plan provide direction for how development interfaces with the road system and the type of development that is promoted in the urban areas of York Region and promotes a system of well designed compact urban development in a system of centres and corridors.

To support local municipalities in their efforts to ensure that urban design plans, site plan submissions and/or zoning regulations promote pedestrian-friendly streetscapes.

Pedestrian-friendly streetscapes are classed as streets where:

- Buildings face the streets and reverse lotting is avoided.
- Walls, berms or fences that cut off the street from the buildings are avoided.
- Continuous sidewalks are provided.
- Amenities such as canopies or arcades along walkways and street furniture, landscaping and street trees are provided along the boulevard.
- Buildings are located closer to the street edge.

The achievement of compact and well designed built form must be consistent with the Region's desired urban structure. Noise mitigation can complement this if the first priority is put on buildings that face the street avoiding reverse frontage and flanking lots where possible. Should noise attenuation features be required, the first choice should be landscaped berms with breaks that allow for pedestrian connections to the streets from the larger residential community.

The adoption of Regional Official Plan Amendment 43 by Regional Council in December 2004 further emphasises these urban design goals and the importance of transit access. It also specifically includes a new policy 5.5.17 for Regional Corridors which states:

"That all new development shall either front or flank the Regional Corridor roadway or other routes for public transit service. New reverse lotting along the corridor will not be permitted."

4.2 Fundamental and Technical Improvements

Several basic improvements have been identified to the existing Noise Policy and current noise assessment methodology that improve credibility and have minor cost implications. These changes, many of which are technical in nature, have recently been incorporated into York Region's standard operating procedures (S.O.P.'s) and will be applied on all future environmental assessments where feasible. A high level summary of some of the basic changes and clarifications include:

- To justify the allocation of funding required, noise mitigation will only be constructed if it will be effective. Accordingly, to warrant implementation the minimum required sound level reduction is increased from 5 dBA to 6 dBA to ensure that implementing noise mitigation actually achieves noticeable improvements, even when noise levels warrant mitigation. As in the existing policy, at least five continuous dwellings must participate and provide access to side lot lines for returns where required.
- Noise barriers constructed under the retrofit or development category are not permitted within the public right-of-way. If implemented under capital works, construction of noise barriers will only be permitted within the public right-of-way along the extreme outer edge to ensure it does not compromise traffic safety, utility placement and maintenance.

- Noise barriers shall be constructed in accordance with Regional standards with respect to material and construction types, dimensions and locations. The maximum allowable noise barrier height is increased from 2.4m to 3m where the additional height is required to adequately protect the OLA's.

Other changes to improve the accuracy of the MOE prediction model and the noise assessment methodology include using:

- More refined traffic data including more current counts, additional refinement of vehicle classifications, actual driving speeds instead of posted speeds, etc.
- Improved survey data/grade elevations within and outside of the public right-of-way to account for changes in topography.
- More frequent receptor locations.
- Receptors to include OLA's in residential and other noise-sensitive land uses.
- The "Acoustic Shadow Zone" cast by noise barriers or other noise mitigation devices shall protect the OLA.

More details on the proposed changes are provided in *Attachment 1*.

4.3 Description of the Problem and Staff Recommendations

The four main categories affected by the Noise Policy include Capital, Development, Retrofit and Replacement. In addition to the recommended improvements to noise modelling tools as outlined in Section 4.2 of this Report, this section will also outline recommended changes to be made in each of the four categories, including the rationale and the predicted impacts for the changes by addressing each of the following:

- Identify problems.
- Review current practices.
- Identify potential options.
- Propose changes for the new policy.
- Identify the benefits and impacts of the proposed changes.

4.3.1 Capital Projects

Capital includes projects in the Ten-Year Roads Construction Program. As part of these projects York Region attempts to mitigate resulting impacts.

The Problem - Under the existing Noise Policy most projects do not trigger the need for noise attenuation. As a result, residents continually challenge York Region and the local municipalities to improve the current policy and provide more convenient mitigation solutions. Hardship between residents, community groups and local governments is often created that requires significant effort to alleviate, but never fully addresses the concerns of these residents.

Current Practice – Current policy requires comparing the difference in predicted noise levels between "future do-nothing" and "future widening". These forecasts are based on

noise projections ten years after construction. To trigger the required warrants for implementing noise mitigation this comparison must satisfy the following criteria:

1. The “future do-nothing noise projection must be less than 60 dBA.
2. Implementation of the project must result in a minimum noise increase of 5 dBA.
3. The “future widening” noise projection must exceed 60 dBA.

If the “future do-nothing” predicted noise levels exceed 60 dBA then the existing situation is already deemed to exceed the threshold values and implementation of the project has not created or changed this fact. As a result, this situation falls within the Retrofit category and Retrofit rules apply. This occurs in most cases.

Potential Options – Options available to address the current problems include:

1. Do nothing (i.e., maintain the existing policy) – Although the do-nothing option of maintaining the existing policy meets all legislated requirements and has no additional financial impacts, it does not respond effectively to resident concerns and as a result, the do-nothing option is not recommended.
2. Revise the warrant criteria for triggering noise mitigation – Revising the criteria used to determine if implementing noise mitigation is warranted has the ability to better respond to resident concerns raised during implementation of capital projects but has financial impacts directly proportional to the degree of policy change. This option was carried forward for detailed evaluation.

Proposed Changes – the fundamental principles used to determine if and when noise mitigation is warranted were reviewed. Several changes to the warrant criteria and methodology were evaluated in detail and the major changes are outlined below:

- Contrary to the existing policy, where retrofit rules automatically apply if the “future do-nothing” noise levels are greater than 60dBA, it is proposed that where “Existing” noise levels meet or exceed 60 dBA on capital projects, York Region will implement noise mitigation, if effective, without retrofit cost-sharing requirements.
- Rather than comparing noise levels ten years beyond construction with or without road widening, it is proposed to now compare projected noise levels at the start of construction to projected noise levels at the mature state of development, as this time frame better represents the anticipated increase in noise levels due to traffic attributable to planned growth in the Region. To warrant noise mitigation this comparison must now result in an increase in noise levels of 6 dBA or greater **and** “Future” noise levels of 60 dBA or greater. However, even if warranted, noise mitigation will only be implemented if it can achieve a reduction in noise levels of at least 6 dBA.

Noise barriers built as part of York Region’s capital projects by will be owned, maintained and funded by York Region. As such, they will be constructed to York Region Standards along the outer edge of the right-of-way.

Impacts – The proposed changes lessen the requirements for triggering noise mitigation and will result in York Region constructing noise mitigation more frequently. If the proposed changes resulted in all road widening projects triggering the need for noise barriers adjacent to reverse frontage or flanking lots, the potential cost impact (based on the 2004 10-Year Roads Capital Program) is estimated at \$20 million (funded by 76.5% Development Charges (D.C.) and 23.5% tax levy) over the next ten years.

Additionally, the cost for implementing noise walls that are required as part of the York Region Rapid Transit (YRTP) project is estimated at \$6 million (Highway 7 Corridor and the South Yonge Street Corridor). Funding for this project is anticipated to be equally shared by the Federal Government, Provincial Government and York Region. Therefore, York Region's share of this cost is estimated at \$2 million (to be funded 20% by D.C. and 80% from tax levy).

Associated future maintenance/replacement costs (funded entirely from tax levy) are in addition to the above costs. These costs are estimated at \$26 million in today's dollars starting in about 2025 and spread over twenty years.

Benefits – These policy changes have the ability to alleviate most noise related resident concerns that arise during project implementation and are economically feasible. These changes will also minimize long term hardship between residents, community groups and local governments as these policy changes now provide York Region with the tools to correct the problem.

These proactive changes demonstrate York Region's commitment to best practices and to addressing resident concerns related to noise mitigation on capital projects.

4.3.2 Development

This category includes all future development along Regional roads.

The Problem – Prior to the implementation of current noise and planning policies, developments with reverse frontage and flanking lots were permitted adjacent to Regional roads without provision for noise mitigation. After current policies were established, developments of this type required noise barriers adjacent to Regional roads, which were constructed by developers with ownership transferred to the homeowners at the time of purchase. Some of these walls are now deteriorated or ineffective and require repair and/or replacement.

Current and proposed planning policies endeavour to achieve community plans that are pedestrian and transit friendly environments with safe and open access to the street from the community. Noise barriers are not compatible with these objectives. York Region is committed to preventing noise related problems from re-occurring on future developments.

Potential Options – Options considered to address the current problems include:

1. Do-nothing (i.e., maintain the existing policy). - Although current policies discourage noise barriers, they do not prevent their use nor do they accommodate future maintenance and/or replacement costs. As a result, the “Do nothing” option is not recommended.
2. Change existing policy – Make policy changes that prevent approval of development applications that add to current noise problems and do not effectively address future maintenance/replacement costs. This option is carried forward for further evaluation.

Current Practice - Current policies discourage noise barriers but do not prevent their use or address future maintenance and/or replacement costs.

Proposed Changes – Policy changes are required to prevent approval of future communities that trigger the need for noise mitigation due to future road widening projects, or future maintenance and/or replacement. Proposed policy changes include:

1. Make all attempts to avoid approval of development applications incorporating reverse or side frontage lots by requiring the used service roads or other concepts.
2. Where reverse or side frontage lots are unavoidable, require development applications to provide landscaped berms on dedicated lands with breaks for links to the community and public transit.
3. Noise barriers are only to be approved as a last resort where no other options are feasible. In these cases, developers must provide a reserve fund for future maintenance and/or replacements on a perpetual life cycle basis. Landscaping has been recognized as an important factor by the Region and local municipalities when noise barriers are constructed and is now required for construction adjacent to noise barriers.

Impacts – There are no direct costs or financial impacts to York Region or its local municipalities as a result of implementing the above policy changes. However, it is likely that these changes could result in increased costs to developers for:

1. Land (service roads or berms require up to 20 metres width).
2. Construction of landscaped berms or service roads.
3. Where permitted, noise wall construction to regional standards plus developer funded reserve fund for perpetual replacements and landscaping.

Benefits – Policy changes in this category will prevent future growth of the problem in all categories.

4.3.3 Retrofit

This category includes all residential dwellings with side or reverse frontage on Regional roads where no capital road projects are being undertaken and noise mitigation may be warranted.

The Problem – There are many residences with reverse or side facing lots along Regional roads where no roads capital projects are being carried out and noise barriers do

not exist but are warranted (i.e. existing noise levels exceed the MOE threshold of 60 dBA). However, due to present requirements, the retrofit policy is rarely used.

As a result residents often challenge York Region and the local municipalities to improve current policy and provide more convenient mitigation solutions. Differences between residents, community groups and local governments is often created which requires great effort to alleviate, but never fully addresses the concerns of these residents.

Current Practice – Under the existing Noise Policy, retrofit follows the requirements of the Municipal Act, formerly known as the Local Improvement Act. To trigger implementation of noise mitigation under the retrofit category, residents must submit an application to the Region and to the Local Municipality confirming the following criteria is satisfied:

1. Existing noise levels are greater than 60 dBA.
2. At least five continuous dwellings are affected.
3. The proposed improvement must achieve at least 5 dBA improvements.
4. Participating residents accept ownership/maintenance responsibility of the new wall.
5. At least two thirds of affected residents support the application including 50% of the cost.

Under current policy, if all potential retrofit cases applied and qualified, the estimated cost to York Region is 50% of \$20 million or \$10 million (100% tax levy). However, it should be noted that historically a very small percentage of potential cases are actually retrofitted, largely due to the inability for more than two thirds of affected residents to agree and be willing to provide their 50% share of the required funding.

Potential Options - Options considered to address the current problems include:

1. Do-nothing (i.e., maintain the existing policy) – The requirements of the existing retrofit policy are in line with best practices of most municipalities researched and this option results in no financial impacts. Additionally, with continued growth and urbanisation in the Region a substantial amount of these locations will be dealt with as part of the capital delivery process where York Region is widening regional roads to accommodate the growth. As a result, this option was carried forward.
2. Revise retrofit cost sharing criteria – Some residents cited high cost contributions required as a significant reason that the retrofit policy is not implemented. Regional roads serve an arterial function and are provided to move high traffic volumes which in-turn, generate higher noise levels than local roads. As a result, residents who purchase homes adjacent to a regional road generally pay less than for a similar home away from the regional road. Other residents indicated that allocating regional tax levy funding for the benefit of these few residents is inappropriate. Under the Municipal Act, the cost of local improvements is to be levied by the municipalities against homeowners. The existing York Region Policy, however, allows cost sharing on a 50/50 basis. Given that the existing policy already extends beyond the minimum requirements and is in line with best practices of most municipalities researched, revising the cost sharing requirements is not recommended.

3. Revise retrofit eligibility criteria - Staff considers the existing retrofit rules to be fair and equitable. However, some improvements could be made to ensure consistency is maintained between evaluation criteria for each category. Additionally, the low number of the past cases where noise mitigation has been implemented under the existing retrofit program warrant that this option also be carried forward for further consideration.

Proposed Changes - Proposed changes in the retrofit category have minor financial impacts but enhance consistency across all categories as follows:

1. Noise mitigation must achieve at least a 6 dBA reduction in noise levels.
2. Noise mitigation must be constructed in accordance with York Region standards.
3. In cases where existing noise walls are ineffective due to design deficiencies, they can become candidates for the Retrofit Program if the new mitigation can achieve a benefit of at least 6 dBA over the existing barrier and all other existing retrofit conditions are satisfied.
4. Participating residents accept ownership and maintenance responsibility of the new barrier walls on their property.
5. At least two thirds of affected residents support the application (including 50% cost sharing).

Applications that satisfy all retrofit criteria will be ranked, priced and submitted to Council for approval as part of the yearly capital budget cycle. Depending on approved funding, improvements will be made based on highest ranking.

Impacts – The proposed changes will not have significant financial impacts.

Benefits – The recommended changes in this category will help maintain consistent noise criteria and standards across all categories by ensuring standardized, consolidated mitigation procedures and general fairness to all residents/communities. Furthermore, this process gives Regional Council the opportunity to adjust available funding for qualified retrofit applicants as part of the yearly budget process depending on other fiscal constraints.

4.3.4 Replacement

This category includes all existing privately owned noise barriers adjacent to Regional roads.

The Problem – At present 59 linear kilometres of noise barriers exist along Regional roads with a total replacement cost of \$44.2 million (all tax levy) approximately every 20 years. In some instances deteriorated or collapsing noise walls adjacent to public areas (i.e., sidewalks and transit facilities) pose a threat to public safety and increase the Region's potential for liability.

Current Practice – These existing noise walls were originally constructed by developers and are now the ownership and maintenance responsibility of individual homeowners. Currently no policies exist for maintenance and replacement of these noise walls.

Potential Options – Options considered to address the problems include:

1. Do nothing (i.e., maintain the status quo) – As there are no existing policies or legislation relating to noise wall replacement and because these walls are privately owned and maintained, this option was carried forward for further evaluation.
2. Assume ownership and maintenance responsibility – Due to the prohibitively high cost implications (\$44 million – all tax levy, every 20 years) and the fact that York Region and/or local municipalities are not legally obligated to assume this responsibility; this option was not carried forward for further consideration.
3. Implement a process to deal with unsafe situations – Although private owners are obligated to maintain their noise barriers, it is prudent that York Region develops and implements a process that ensures unsafe situations adjacent to public areas are corrected promptly. As a result this option was carried forward for further consideration.

Proposed Changes – Due to the extremely high cost implications major policy changes are not recommended. However, changes are recommended to address impending liabilities associated with potentially unsafe noise barriers adjacent to public areas (i.e., sidewalks and transit facilities) as follows:

1. Potential hazards shall have owners directed to correct the problem within a fixed time period.
2. Failure to comply shall result in Regional staff working with Local Municipal staff to have unsafe sections dismantled and have removed materials either disposed of or stockpiled on or adjacent to the owner's property. All costs incurred will be back charged to the homeowner.

Impacts – The proposed changes result in no direct cost to York Region or local municipalities.

Benefits – These policy changes ensure a process is in place to deal with unsafe situations and demonstrate due diligence in maintaining public safety.

5. FINANCIAL IMPLICATIONS

A summary of the financial implications of adopting the new Noise Policy is provided in the table below. The financial implication of assuming all costs across all four categories is also provided for comparison purposes.

Table 1
Noise Policy Financial Implications

Category	Cost of Existing Noise Policy	Cost Impacts of Proposed Noise Policy	Cost Impact to Assume total Responsibility
Capital	\$0	\$22M <i>\$6M Tax Levy, \$16M D.C.'s, \$2.2 M/yr. Avg. over 10 yrs.</i>	\$22M <i>\$6M Tax Levy, \$16M D.C.'s, \$2.2M/yr. Avg. over 10 yrs.</i>
Development	\$0	\$0	\$0
Retrofit	Up to \$10M <i>100% Tax Levy</i>	Up to \$10M <i>\$0 Increase 100% Tax Levy</i>	\$20M <i>100% Tax Levy</i>
Replacement	\$0	\$0	\$44M <i>100% Tax Levy</i>
Total	Up to \$10M <i>100% Tax Levy</i>	Up to \$32M <i>\$22M Increase \$6M Tax Levy, \$16M D.C.'s, \$2.2M/yr. Avg. over 10 yrs.</i>	\$86M Increase <i>\$70M Tax Levy, \$16M D.C.'s \$6M/yr.-10 yrs \$3-4M/yr. after 10 yrs.</i>

Legend: M denotes costs in millions; D.C.'s denotes development charges; yr. denotes year.

Note below:

- The estimated “capital” costs in Table 1 apply to the current 10-Year Roads Capital Program and do not include associated property costs or future maintenance/replacement costs.
- Replacement costs are recurring based on twenty-year average service life.

6. LOCAL MUNICIPAL IMPACT

The terms of reference for the Noise Policy Update Study stated clearly that the involvement of the local municipalities would be critical to the success of developing a revised Regional roads noise policy. Throughout the study and the development of the new draft noise policy, key consultations with local Municipal staff identified the nature and extent of the problems in each category. This provided the necessary direction for the proposed changes in the new Noise Policy.

Key local municipal concerns addressed include that the new Draft Noise Policy:

1. Conforms to broader policy objectives at all levels of government (PPS, EPA and the York Region OP).
2. Responds to resident concerns by making improvements that meet or exceed MOE standards and best practices.

3. Responds to concerns raised by local municipalities related to making technical/ process improvements to the current methodology for better accuracy of noise assessments on future projects.
4. Effectively responds to the needs and concerns of local municipalities regarding ownership and maintenance of existing noise walls.

7. CONCLUSION

The changes proposed in the new Draft Noise Policy are responsive to the concerns raised by residents and local municipal staff. The proposed draft policy meets or exceeds provincial and municipal requirements and will promote recognition of York Region as a leader in best practices involving noise mitigation.

Specifically, the new Draft Noise Policy provides enhancements including:

- Improvements to how MOE modelling tools are used to improve noise prediction accuracy and credibility.
- Seamless noise evaluation criteria and accountability across all categories.
- Conformance to broader policies at all levels of government.
- Preventing the problem from growing in future through new planning and development policy.
- Recognizing best practices by addressing all fourteen best practice improvements as identified in Section 3.4.3 of this report and demonstrating leadership in exceeding provincial standards in several areas.
- Financial responsibility that can be accommodated in the Region's 10 year Capital Budget.

Therefore, it is recommended that York Region receive the new Draft Noise Policy as identified in this Report and that staff circulate, receive and incorporate formal comments from local municipalities, the development community and other stakeholders to finalize the new policy. Staff will then report back to Committee and Regional Council with recommendations for formal adoption of a new Noise Policy by Regional Council in the fall.

The Senior Management Group has reviewed this report.

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