

2

TRANSPORTATION IMPROVEMENTS MARKHAM BYPASS CORRIDOR SOUTH OF HIGHWAY 407

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, June 3, 2004, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The following report be received for information by Committee and Council.
2. The Regional Clerk forward copies of this report to the Clerks of the Town of Markham and City of Toronto.

2. PURPOSE

The purpose of this report is to update Committee and Council on the progress of the Individual Environmental Assessment (IEA) for Transportation Improvements in the Markham Bypass Corridor South of Highway 407 including an update on the Terms of Reference (TOR) approval process.

3. BACKGROUND

3.1 Project History

Numerous transportation studies have identified the need for additional north-south transportation capacity in the eastern part of the boundary area between Toronto and York Region. The Town of Markham and York Region have completed the EA for the Markham Bypass north of Highway 407 and the Region has begun construction of this important transportation corridor.

In order to accommodate the growth forecast for the eastern parts of York and Toronto, transportation improvements in the Markham Bypass Corridor south of Highway 407 are required.

Markham and York Region have been ensuring that all development applications in the area protect for all reasonable alternatives for the alignment of a potential Markham Bypass Extension south of Highway 407. The uncertainty of the Bypass alignment has made development planning for this area more difficult. From this perspective, there is a need to establish the transportation solution as soon as possible.

In the Ontario Municipal Board approval of the Morningside Heights Secondary Plan within the City of Toronto, potential alignments for a new transportation link to

Morningside Avenue were protected. A timeline for the completion and submission of the EA by December 31, 2005 was included in the Secondary Plan through the OMB approval process.

In June 2002, staff reported to Committee and Council on the consultant selection to carry out the EA. The consultant team of McCormick Rankin Corporation and Totten Sims Hubicki was retained to assist Transportation and Works staff with this assignment.

York Region is the sole proponent for the EA. Although the City of Toronto has not agreed to participate in this study as co-proponent, City staff have been involved through the Technical Advisory Committee and have attended all Public Consultation Centres (PCCs) to provide input on public questions and comments related to issues within the City of Toronto.

3.2 EA Terms of Reference

The main purpose of the Terms of Reference (TOR) phase of an IEA is to set out in detail the requirements for the preparation of the environmental assessment. The TOR sets out how the EA will address the following EA Act requirements:

- a) A description of the purpose of the undertaking.
- b) A description of the rationale for:
 - The undertaking.
 - Alternative methods of carrying out the undertaking.
 - Alternatives to the undertaking.
- c) A description of the environment that may be affected, effects caused to the environment and the actions required to mitigate the environmental effects.
- d) An evaluation of the advantages and disadvantages to the environment.
- e) A description of public and agency consultation.

Typically in the TOR phase of an EA, work is undertaken to confirm the rationale (need) for the proposed undertaking and an evaluation of the alternatives to the undertaking, thereby addressing several of the EA requirements early on in the process. In such a case, the TOR would exclude these requirements from the EA work plan since they had already been satisfied.

As reported to Transportation and Works Committee in October 2003, a recent Ontario Superior Court decision dated June 17, 2003 has created some uncertainty in the EA process. The court ruling set aside a Ministry of Environment (MOE) approval of a TOR where alternatives to the undertaking were not proposed to be addressed as part of the IEA.

As a result of the court decision, the MOE advised all proponents that an IEA must include each of the requirements listed above and the rationale for the proposed undertaking and an evaluation of the alternatives to the undertaking could not be advanced into the TOR phase.

Staff worked closely with MOE staff during the fall of 2003 and early 2004 to revise the TOR for this project and ensure it fully complied with the recent court ruling.

A final TOR was developed and submitted for the EA Act statutory public review on April 15, 2004. The statutory public review ran for a five-week period and was completed on May 21, 2004.

The TOR public review period is followed by a minimum seven-week period in which outstanding issues raised during the review period are addressed and the MOE makes a decision on approval of the TOR. As such, approval of the TOR for this project is expected around mid July 2004.

A copy of the TOR notice of submission is included as *Attachment 1* which includes a key map of the study area. In addition to direct mail out to people on the project mailing list, the notice of submission was published in the Markham Economist and Sun, the Scarborough Mirror and in the Toronto Star during the period of April 15 to 18, 2004.

3.3 Terms of Reference Public Consultation

There were two rounds of Public Consultation Centres (PCCs) in the TOR phase of the study. The first PCC was held on December 11, 2002 at the Rouge River Community Centre. During this PCC, a request was made by a City of Toronto Councillor to include a location within Toronto for the next round of consultation.

The second round of PCCs included a session held on June 12, 2003, at the Rouge River Community Centre and a second session on June 17, 2003 at the Scarborough Civic Centre.

In general, most PCC attendees agreed that transportation improvements in the study area are required. Alternatives were thoroughly discussed and debated. The need for improved transit services as a partial solution to growing congestion was a repeated theme noted at the PCCs. The need to protect and preserve the natural environment was also identified as a key issue.

4. ANALYSIS AND OPTIONS

4.1 Project Next Steps

Once the TOR is approved by the MOE, the follow-on EA can commence. The EA will include an evaluation of all reasonable alternatives to address transportation demand in the study area. The alternatives to the undertaking will be considered individually and, where applicable, in combination. The alternatives listed individually include:

- a) Do nothing.
- b) Widen existing roads.
- c) Construct dedicated transit facility.
- d) Other transit initiatives.

- e) Transportation demand management.
- f) New road alignment (Markham Bypass Extension).

Once a preferred Undertaking has been determined, alternative methods of carrying out the undertaking can be developed (in the case of a new linear facility, alternative alignments can be developed at this stage).

The first of two rounds of public meetings in the follow-on EA phase of the project is scheduled for the fall of 2004 and will present the evaluation of the alternatives to the undertaking, a recommendation on the preferred alternative and, subject to the preferred alternative, initial development of alternative alignments may be presented.

The last round of planned public meetings will take place in early 2005. At that point, the preliminary design of the preferred Undertaking will be presented along with net environmental effects and a recommended mitigation strategy.

Similar to the PCCs held during the TOR phase of the study, the two rounds of PCCs for the follow-on EA are planned to be held on separate evenings in both Markham and Toronto, providing a better opportunity for the public in both jurisdictions to participate in this study. As was the case during the TOR phase, PCC notices will be mailed out and posted in the local newspapers in Markham and Scarborough and in the Toronto Star.

A final environmental study report is expected to be completed and submitted for MOE approval in late spring 2005.

4.2 Technical Advisory Committee

The Technical Advisory Committee (TAC) constituted during the TOR phase of the project will continue during the follow-on EA. Representation on the TAC includes staff from the City of Toronto, Town of Markham, MTO, TRCA, CP Rail, Region of Durham, Canadian Environmental Assessment Agency, York Region Planning Department as well as the project team.

The TAC will continue to meet at key stages of the project to review findings prior to presenting the information at the PCCs. The feedback received from the key technical agencies helps identify relevant issues to be addressed through the EA and is also an important quality control process.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. There are sufficient funds in the 2004 Roads Budget to cover project costs this year.

The total consulting assignment award for this study is \$574,000. The project contingency amount will be sufficient to accommodate the additional effort undertaken

during development of the TOR to address the court decision described in section 3.2, as well as additional work expected to be required during the follow-on EA to address issues raised by government review agencies during development of the TOR (eg. additional air quality monitoring requirements).

A final Environmental Study Report is expected to be submitted to the MOE for approval by the spring of 2005.

6. LOCAL MUNICIPAL IMPACT

Town of Markham staff have been actively involved in every aspect of the EA project.

Although the City of Toronto is not a co-proponent in this study, City staff have been involved through the Technical Advisory Committee and have attended and provided input at all PCCs.

7. CONCLUSION

The EA Terms of Reference are expected to be approved by the MOE by mid-July 2004.

Once the TOR is approved, the follow-on EA can commence. The two rounds of public meetings for the follow-on EA are scheduled for the fall of 2004 and early in 2005.

A final environmental study report is expected to be completed and submitted for MOE approval in late spring 2005.

There is strong interest from most stakeholders to have the EA proceed quickly in order to identify transportation solutions in the study area as well as to eliminate uncertainty for proposed development plans.

Additional information is available on the project website “www.markhambypass.ca”.

The Senior Management Group has reviewed this report.

(A copy of the attachment referred to in the foregoing is included with this report and is also on file in the Regional Clerk's Office.)