

12

NINTH LINE STATUS REPORT TOWN OF MARKHAM

The Transportation and Works Committee recommends the adoption of the recommendation contained in the following report, June 6, 2006, from the Commissioner of Transportation and Works:

1. RECOMMENDATION

It is recommended that the following report be received for information.

2. PURPOSE

The purpose of this report is to report back on community issues prior to tender as directed by Council (*see Attachment 1*) and to advise Council of the current project schedule and proposed construction staging.

3. BACKGROUND

The Class Environmental Assessment (Class EA) for the widening and reconstruction of Ninth Line (commenced in July 1998), was completed and approved in October 1999. No requests for a Part II order bump-up of the EA were filed.

Subsequent to the filing of the Class EA a delegation of concerned residents from Markham appeared at the January 19, 2000 By-Law Hearing at which time staff were directed to carryout further public consultation for implementation in the detailed design.

Public consultations were held between February 21 – June 7, 2000 and the Ninth Line Working Group was formed. The Working Group submitted a report with a list of 15 recommendations for the Region to consider in the development of the designs for the Ninth Line improvements (*see Attachment 2*).

On July 6, 2000, Council enacted By-law R-1225-2000-057 authorizing the widening and reconstruction of Ninth Line with direction to consider the Ninth Line Working Group's recommendations. Regional Council also directed staff to report back on the detail design considerations prior to releasing tenders to construct the Ninth Line widening.

Subsequent to passing the By-law, the project was deferred in York Region's 10-Year Capital Roads Program. This deferral was in response to a request by the Working Group to have the adjoining Markham By-Pass and Highway 407 in place prior to proceeding

with the Ninth Line improvements. In the intervening years, staff from York Region have met with the Working Group on several occasions during the development of the current project to be tendered.

4. ANALYSIS AND OPTIONS

In preparation for tender, staff have resolved many issues as typically required during the detailed design phase of the project. The following sections outline how the Working Group's requests were addressed and other notable issues for Council's information.

4.1 Working Group Recommendations

Staff report back on the implementation of the Working Group's recommendations as follows:

4.1.1 Working Group Recommendation No. 1: Widen Ninth Line to 4 Lanes Only

The Working Group requested that left turn lanes not be provided on Ninth Line; however, Provincial standards dictate the inclusion of turning lanes where certain warrant requirements are met. Staff recommend that the warrants be honoured since the absence of turning lanes affects community and traffic safety.

Analysis did however determine that the intersections of Fincham Avenue and Whites Hill could be initially constructed without left turn lanes. With respect for the Working Group's request, the current design provides only a 4-lane roadway without left turn lanes at these two intersections with signals at the Whites Hill intersection. It is probable that a left turn lane may be warranted at the Whites Hill intersection in the future.

4.1.2 Working Group Recommendation No. 2: The New Markham By-Pass should be built to 4-lanes before widening the Ninth Line

Markham By-Pass is presently in place from Highway 407 to Major Mackenzie Drive including four lanes from Highway 407 to 16th Avenue along its original alignment. The New Markham By-Pass along its ultimate alignment will be open to four lanes of traffic by winter of 2006-2007.

4.1.3 Working Group Recommendation No. 3: Advance the New Markham By-Pass extension to Toronto and realign the Ninth Line easterly towards Box Grove

The realignment of Ninth Line around Box Grove has been implemented. The Individual Environmental Assessment (IEA) for the Markham By-Pass extension southerly from Highway 407 to Toronto was filed in 2005 and construction is currently programmed for 2012 in the current 10-Year Capital Roads Construction Program.

1.1.4 Working Group Recommendation No. 4: Reconfigure the intersection of the Ninth Line and the Markham By-Pass to redirect southbound traffic originating north of Markham on Ninth Line to the New Markham By-Pass

This recommendation was not implemented. Ninth Line remains a Regional road serving a variety of users needs, including a designated north-south route for emergency services. However, to partially meet the Working Group's concern staff propose to implement or enhanced signing program to direct southbound traffic destined for Toronto and key arterials, including Highway 7 and Highway 407, to use the Markham By-Pass.

4.1.5 Working Group Recommendation No. 5: Reduce the Speed Limit to 50 km per hour on the Ninth Line

A 50 kmh posted speed was implemented between 16th Avenue and Church Street in 2001.

4.1.6 Working Group Recommendation No. 6: Ninth Line Truck Ban

In 2001, the necessary by-law was imposed banning trucks on the Ninth Line from Highway 7 to 16th Avenue.

4.1.7 Working Group Recommendation No. 7: Additional landscaping and voluntary landscape program for adjacent residents

Under the current Streetscaping Policy, the Regionally funded streetscaping treatment would consist of the planting of street trees at a ten metre spacing along both boulevards.

The Town of Markham has commenced the Golden Jubilee Greenway on the east side of Ninth Line. A key feature of the Greenway is the construction of a sidewalk and planting of a double row of trees. In order to complement the Town's plans, Regional staff propose to provide a double row of trees on the west side of Ninth Line.

Additionally, the Region's forestry staff are available to adjoining residents to assist by providing expertise with tree selection as part of a voluntary landscape initiative for private properties.

York Region has recently introduced a new draft streetscaping policy entitled "Municipal Partnership Policy" which is presently being circulated to local municipalities for review and comment. Formal adoption is anticipated in the fall of 2006. Under the proposed policy it is possible for the Town of Markham to propose additional landscaping improvements that may be eligible for Region cost sharing. York Region staff remain committed to considering such requests when the policy is finalized and making recommendations to Regional Council for possible incorporation into the construction phase, as appropriate.

4.1.8 Working Group Recommendation No. 8: Lower Ninth Line

Locations for road lowering have been identified and implemented into the detailed design as much as the remaining municipal infrastructure and surrounding topography

permitted. The Region has expedited the lowering of the existing gas main in order to maximize opportunity for the road lowering.

4.1.9 Working Group Recommendation No. 9: Additional access to the Markham-Stouffville Hospital

Growth and expansion of the Cornell Community has facilitated additional access points to the hospital since 2000.

4.1.10 Working Group Recommendation No. 10: Provide traffic control signals at the intersection of Ninth Line and Fincham Avenue

Left turn volumes at Fincham Avenue are low and do not meet warrants for dedicated left turn lanes. As a result, and as requested by the Working Group, staff eliminated the left turn lane at Fincham Avenue during detailed design. The low volumes also do not warrant signals at this time; however, provision for illumination and conduits for future signalization will be installed during road construction to simplify installation of a left turn lane or signals should they become warranted in the future.

4.1.11 Working Group Recommendation No. 11: Participation House Treatments

York Region has met with Participation House several times in the intervening years and is committed to facilitating the provision of a landscaped berm by Participation House on their frontage.

4.1.12 Working Group Recommendation No. 12: Expedite the Construction of Bur Oak Avenue

Bur Oak Avenue has been implemented southwards from 16th Avenue in the intervening years. It is presently expected that completion southerly to Highway 7 will proceed in 2006.

4.1.13 Working Group Recommendation No. 13: Link the Cornell Subdivision with the existing Markham By-Pass

The Cornell Subdivision is now linked to the existing Markham By-Pass at the east end of Church Street. The link is paved and is expected to be open to traffic by June 2006.

4.1.14 Working Group Recommendation No. 14: Advance construction of Highway 407/Markham By-Pass interchange

Highway 407 ETR interchange is complete and open to traffic.

4.1.15 Working Group Recommendation No. 15: Local Issues and reduction of Impacts

A principal issue for the residents adjoining Ninth Line is noise. Concerns were expressed over raising the road as proposed in the original preliminary design and the resulting noise impacts. Since 2000, the design has been revised from that originally presented to lower the road as much as practical (up to 0.7m in some areas). York Region also adopted a new Noise Policy in March of 2006. York Region has committed to a review of the projected noise levels on Ninth Line in accordance with the new policy to identify locations on Ninth Line where noise barrier mitigation may be implemented.

This noise study will commence in the fall of 2006. Implementation of noise barriers, where warranted, could be coordinated with the confirmation of the road improvements after appropriate public consultation and review of the study findings.

The neighbourhood on the west side of Ninth Line has experienced traffic infiltration as expressed in 2000. This issue has compounded since 2000 owing to the congestion on Ninth Line. The reconstruction and widening of Ninth Line will provide additional capacity on Ninth Line to provide congestion relief and thereby reduce motorists desire to seek alternative routes through adjoining neighbourhoods.

The report also raised concerns about sidewalks, fences and the parkette on the northwest corner of Highway 7 and Ninth Line. Sidewalks on both sides of Ninth Line are included in the detailed design and the parkette is actually remnant lands owned by the MTO which will not be affected by the Ninth Line project. Aside from locations where noise barriers may become warranted, York Region does not have a policy with respect to providing or maintaining private fences adjacent to Regional roads.

4.2 Other Issues

4.2.1 Stormwater Drainage Considerations

Ninth Line adjoins existing Town of Markham neighbourhoods and development lands which are designated for significant planned growth. In general terms, the lands on the north-east corner of Ninth Line and Highway 7 are being proposed for higher density in keeping with the planning initiatives to intensify land uses along the Highway 7 corridor. Included in the Ninth Line contract is oversized storm sewer capacity to convey storm drainage from existing neighbourhood and from these development lands along Ninth Line to an adjoining storm water management pond located immediately north of Highway 407 on the east side of Ninth Line. The estimated length of oversized storm sewer to be constructed on Ninth Line, from Highway 7 southerly to Kenilworth Gate is approximately 400 m. Negotiation for the cost sharing of this sewer construction with all benefiting parties are now being pursued by Regional staff.

4.2.2 Future Access Considerations

In addition, an expansion of the Markham Stouffville Hospital is in the planning stages. This expansion will require future access to Ninth Line. The proposed design presently being issued for tender does not include future hospital accesses as the hospital's plans are not sufficiently advanced or funded for construction purposes. Future entrances can be provided at such point in time when appropriate approvals and funding are in place without affecting the operation or use of Ninth Line.

4.2.3 MTO Encroachment Permit Requirements

Highway 7 at Ninth Line remains within the jurisdiction of the MTO. Construction of the Ninth Line widening requires an Encroachment Permit from the MTO. Receipt of this permit remains outstanding. This requirement is complicated by MTO's position that the

Regional stormwater conveyance strategy to carry flows through the Highway 7 right-of-way be finalized prior to issuance of this permit.

4.2.4 Project Schedule

Utility relocations necessary to accommodate the widening of Ninth Line are presently in progress with completion expected by the end of summer 2006. Tendering of the road widening is expected immediately thereafter with construction commencing in the fall of 2006. Construction completion is expected in fall 2007.

4.2.5 Construction/Contract Staging Proposals

In the event resolution of the storm sewer cost sharing agreement between York Region and other benefiting parties threatens to delay the MTO permit and the proposal tender of the project for 2006 construction, staff propose to tender the project in two separate contracts. The first contract would be tendered in August, 2006, and would consist of the widening and reconstruction from Rose Way northerly to Bur Oak Avenue. The second contract would consist of the proposed widening of Ninth Line from Rose Way south to Highway 407. This second contract would be tendered immediately upon resolution of the cost sharing and receipt of the MTO permit, and would contain appropriate staging requirements for coordination of the works along the entirety of the Ninth Line project. All staging constraints would be reviewed by the legal department prior to incorporation into the tender document.

5. FINANCIAL IMPLICATIONS

The estimated costs to reconstruct and widen Ninth Line is \$9.8 million. The 2006 Capital Roads Construction Program provides sufficient funds for this work.

The preliminary cost estimates for the oversized storm sewer to the Stormwater Management Pond is \$3.0 million. Beneficiaries of the storm sewer include adjoining developers, Markham-Stouffville Hospital and the Town of Markham. Negotiations have recently begun with all beneficiaries to try to reach a mutually beneficial cost-sharing arrangement. Funding for the Region's share of the cost of this sewer will be covered from the Region's project budget or additional funding will be requested through a future Council submission.

If necessary, a decision to split the contract into two parts is not expected to affect construction costs since each contract will be of sufficient size to solicit competitive bidding. Furthermore, resolving uncertainties prior to tender will reduce exposure to change orders after contract award. There will be some increase in inspection and project management costs arising from administering two separate contracts. This increase is estimated at approximately 1.0% of construction cost.

6. LOCAL MUNICIPAL IMPACT

Extensive consultation with our staff and the Ninth Line Working Group over last six years has resulted in positive results, including addressing most of the Working Group's recommendations. Meetings were held with the working group in 2004, 2005 and most recently on May 10, 2006. Also, Town of Markham General Committee was provided a presentation on the project at their May 15, 2006 meeting. All parties were informed how their issues have been considered in the development of the plans to be tendered.

Ninth Line is presently experiencing significant congestion and delay as a result of continuing growth in Markham. The proposed reconstruction and widening will provide much needed capacity and relieve traffic infiltration into adjoining side streets. To relieve this congestion tendering of the section north of Rose Way will proceed as soon as possible, and if a second contract is necessary, the section south of Rose Way will proceed upon successful resolution of funding negotiations between the Region, the Town of Markham and other benefiting parties and receipt of the MTO Encroachment Permit.

7. CONCLUSION

The reconstruction and widening of Ninth Line was approved by Regional Council with provision for staff to report back on specific issues prior to tender. This report outlines the issues and how they were addressed. It also outlines staging opportunities to ensure construction proceeds in 2006.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause were included in the agenda for the June 14, 2006 Committee meeting.)