



STAFF REPORT ACTION REQUIRED

Peel Region Boundary Facility Agreement - The Queensway Bridge over Etobicoke Creek

Date:	November 9, 2007
To:	Public Works and Infrastructure Committee
From:	General Manager, Transportation Services
Wards:	Etobicoke-Lakeshore, Ward 5
Reference Number:	p:\2007\ClusterB\tra\tim\pw07039tim

SUMMARY

The Queensway bridge over the Etobicoke Creek forms a boundary facility between the City of Toronto and the Region of Peel. The Transportation Services Division has negotiated an agreement with the Region of Peel that includes terms and conditions for the ongoing management of this bridge structure. The report highlights most of the key conditions that form part of the draft agreement, which is appended to this report. Furthermore, the report also seeks authorization for the execution of the draft agreement between the City of Toronto and the Region of Peel respecting cost sharing and maintenance of the aforementioned bridge structure.

The agreement with the Region of Peel will formalize the terms and conditions that have been the basis of cooperation between the two municipalities since amalgamation and ensure that a consistent level of service is provided.

RECOMMENDATIONS

The Transportation Services Division recommends that:

1. authorization be granted to execute an agreement between the City of Toronto and the Regional Municipality of Peel (Region of Peel), generally in accordance with the terms and conditions contained in the draft agreement appended to this report; and
2. the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

FINANCIAL IMPACT

There are no additional funding implications resulting from the adoption of this report.

ISSUE BACKGROUND

The Queensway bridge over the Etobicoke Creek forms a boundary facility between the City of Toronto and the Region of Peel. Currently, no formalized agreement exists between the two municipalities for the ongoing maintenance and rehabilitation of this structure. A legal agreement between the two jurisdictions will ensure that a consistent and safe level of service will be provided, in a timely manner, for the bridge facility.

Prior to 2006, a situation existed where the City of Toronto and the City of Mississauga had no legal agreement for the cost sharing and ongoing maintenance and rehabilitation of the five bridge structures along the Etobicoke Creek, which forms part of the two jurisdictions' common boundary. This was rectified when City Council, at its meeting of September 25, 26, 27 and 28, 2006, approved the execution of a legal agreement between the two cities. A similar direction from City Council on the Region of Peel agreement will ensure that the last remaining boundary facility along the Etobicoke Creek is also covered under a formalized and legal agreement.

COMMENTS

The City of Toronto and the Region of Peel have agreed that a formal agreement be drafted to formalize and legalize the protocols of cooperation between both jurisdictions respecting the bridge structure on The Queensway over the Etobicoke Creek. Transportation Services staff have negotiated and agreed to the terms and conditions as set out in the attached draft legal agreement. This draft agreement deals with the technical, administrative, financial and legal obligations of each party and avoids the imposition of any unusual cost or additional work.

Key points of the agreement include:

- The City of Toronto will be responsible for all activities affecting the bridge, including: inspection, maintenance and management of capital work;
- The City of Toronto will carry out all structural maintenance on the bridge with a cost sharing split on a 50/50 basis with the Region of Peel;
- If maintenance work is required on the bridge and the Region of Peel's financial obligation exceeds \$50,000.00, the City of Toronto agrees to obtain prior written approval from the Region of Peel before any work is carried out;
- Capital improvements require mutual agreement of both parties and will be shared on a 50/50 basis;

- Under these conditions, the City of Toronto indemnifies the Region of Peel of any liabilities related to those delegated activities and agrees to list the Region of Peel as an insured third party; and
- The annual unit costs for maintenance of the facility, that the City of Toronto will be using to invoice the Region of Peel, will be reviewed every three years.

The agreement with the Region of Peel will formalize the terms and conditions that have been the basis of cooperation between the two municipalities since amalgamation and does not impose any additional costs to the City of Toronto.

Staff of Legal Services, Risk Management of Corporate Finance and Technical Services have been consulted in the preparation of this report.

CONTACT

Nazzareno A. Capano, P.Eng.
Manager, Operational Planning and Policy
Transportation Services Division
Tel: (416) 392-7766
Fax: (416) 392-4808
E-mail: ncapano@toronto.ca

SIGNATURE

Gary Welsh, P.Eng.
General Manager, Transportation Services

NC/cs

ATTACHMENT

Draft agreement between the City of Toronto and the Regional Municipality of Peel