

City of Toronto/TTC Streetcar and Light Rail Track Construction and Maintenance Agreement

Date:	May 19, 2009
To:	Public Works and Infrastructure Committee
From:	Deputy City Manager
Wards:	All Wards
Reference Number:	p:\2009\ClusterB\tra\tim\ pw09002tim

SUMMARY

This report seeks City Council approval to update and replace previous pre-amalgamation agreements respecting streetcar/light rail track construction and maintenance responsibilities that existed between the TTC, the former Metropolitan Corporation and the former cities of Toronto and Etobicoke prior to January 1, 1998 with a new agreement in the form appended to this report.

The new agreement will help to clarify roles and formalize the division of TTC and City responsibilities from both a funding and an operational perspective. This will ensure that many outstanding issues are better aligned with the current needs and practices.

RECOMMENDATIONS

The Deputy City Manager recommends that:

1. authorization be granted to enter into an agreement with the Toronto Transit Commission with respect to construction and maintenance responsibilities for streetcar and light rail tracks and right-of-ways within the City's public highways, generally in accordance with the terms and conditions contained in the draft agreement attached to this report;
2. this report be referred to the Toronto Transit Commission for information; and

3. the appropriate City and Toronto Transit Officials be authorized and directed to take the necessary action to give effect thereto.

FINANCIAL IMPACT

There are no direct financial implications resulting from the adoption of this report, significantly in excess of current cost responsibilities.

ISSUE BACKGROUND

Prior to the amalgamation of the City of Toronto on January 1, 1998, there were several existing agreements in place between the Toronto Transit Commission (TTC), the former Metropolitan Corporation and the former Cities of Toronto and Etobicoke, which defined the roles and responsibilities of the municipalities and the TTC with respect to streetcar and light rail track construction and maintenance activities within public highways. These old agreements have not been updated for more than twenty-five years and do not address many of the issues that have arisen as a result of amalgamation. The proposed new agreement will help to clarify roles and responsibilities of all parties and sort out outstanding and future issues.

COMMENTS

Since amalgamation, the City and the TTC have modified their programming and implementation practices relative to streetcar and light rail track maintenance and rehabilitation activities. As a result, both parties are trying to re-align their operations and activities to better reflect the current needs and practices.

The Transportation Services, Solid Waste Management, Toronto Water, Parks, Forestry and Recreation (PF&R), and Economic Development, Culture and Tourism (EDC&T) Divisions and the TTC have agreed that it would be in the best interests of the City and the TTC to enter into a new agreement which is more reflective of present conditions. Staff from the affected City divisions and TTC have agreed that, subject to the requirements for specific Transit System projects as may be agreed to from time to time, the sharing of costs and responsibilities for the performance of work not covered by warranty or under other agreements relating to the streetcar and light rail tracks shall be generally as set out in the attached draft City of Toronto/TTC Streetcar and Light Rail Track Construction and Maintenance Agreement (“Agreement”).

The Agreement identifies the activities that are associated with the construction and maintenance of streetcar and light rail tracks and other facilities (e.g., barriers, poles, garbage collection, etc.) within an exclusive and non-exclusive streetcar or light rail right-of-way. Furthermore, the Agreement is structured in such a fashion as to clearly identify the party or parties responsible for initiating and implementing any work related to the activities identified, as well as the party that owns and is responsible for any associated cost. A great number of the activities identified in the Agreement relate to issues that the Transportation Services Division and the TTC have been frequently involved with, although there are several activities that Solid Waste Management Services, PF&R, EDC&T and Toronto Water deal with which are specifically identified in the Agreement. The specific processes related to communication, coordination and financial arrangements, between the interested parties, associated with many of the activities will be established and resolved directly between the parties and do not form part of the proposed Agreement. Given the aforementioned, the affected divisions may choose to pursue the development of service level agreements or protocols, in consultation with the TTC, that would address specific concerns, such as, but not limited to: processes to be followed, communication, coordination of work, financial arrangements, standards for maintenance and design, etc.

There are many common activities related to streetcar and light rail track work in both an exclusive and non-exclusive right-of-way. However, there are also some unique activities associated with certain facilities, which needed to be recognized separately. For this reason, it was decided by staff from all parties to develop matrices for exclusive streetcar/light rail tracks (e.g., Spadina Ave – LRT), and non-exclusive streetcar tracks (i.e., tracks shared by both TTC and public vehicles). The Queensway has also been identified separately due to some unique features of its own.

As well, the proposed agreement contains mutual indemnities between the TTC and the City respecting the performance of their responsibilities. It is hoped that a clear agreement regarding these matters will assist in determining responsibility between the City and TTC for responding to complaints and concerns from the general public, as well as the prompt referral and defence of legal claims by the appropriate entity.

The Agreement is the result of long discussions and input by City (i.e., Transportation Services, Solid Waste Management Services, PF&R, Toronto Water and EDC&T) and TTC staff and covers a myriad of construction and maintenance issues. Given the broad scope of the document, staff anticipate that there may be occasion in the future to require amendments to the agreement in order to address unforeseen situations or operational changes. Staff would therefore negotiate and enter into amendments where required in such circumstances and in the best interests of the City and the TTC.

It is recommended that the proposed Agreement replace all previous agreements between the TTC, former Metropolitan Corporation and any of the former cities entered into prior to the amalgamation of the new City of Toronto on January 1, 1998.

Staff of Transportation Services; Solid Waste Management Services; Parks, Forestry & Recreation; Toronto Water; Economic Development, Culture and Tourism; TTC operational and legal staffs; City Legal Services; and Risk Management of Corporate Finance, have all been consulted and concur with the recommendations in this report and the terms and conditions contained in the draft Agreement.

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SIGNATURE

Richard Butts
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ATTACHMENT:

Draft City of Toronto/Toronto Transit Commission Agreement