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**City Council**

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**Notice of Motion**

MM47.7	ACTION			Ward: All
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**Response to the Environmental Project Report and the Transit Project Assessment Process for the Eglinton-Crosstown LRT in the 30-day Public Review Period - by Councillor Nunziata, seconded by Councillor Thompson**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two thirds vote is required to waive referral.*

**Recommendations**

Councillor Nunziata, seconded by Councillor Thompson recommends that:

1. City Council, while reaffirming its support for the project in principle subject to design refinements as appropriate based on the studies identified in Parts 2, 3, and 4 of this motion, express its objection, in writing, by no later than April 9, 2010, to the Eglinton-Crosstown LRT as proposed in the March 12, 2010 Environmental Project Report, as detailed in the summary above, to the Ontario Minister of the Environment, and request the Minister to have the Eglinton-Crosstown LRT Environmental Project Report sent back for further consultation and study, with particular respect to studies identified in Parts 2, 3, and 4 of this motion.
2. City Council request land use studies for the Mount Dennis and Victoria Village priority neighbourhood areas, with respect to the impacts from the proposed design of the Eglinton-Crosstown LRT in those areas, be part of a Revised Environmental Project Report, as described in the Guide for Ontario's Transit Project Assessment Process.
3. City Council request a Financial Analysis comparing capital costs to operating and maintenance costs over the long-term, including possible parallel bus services over the underground section of the Eglinton-Crosstown LRT, be part of a Revised Environmental Project Report, as described in the Guide for Ontario's Transit Project Assessment Process.
4. City Council request that the land use study for Mount Dennis include and/or be done in parallel with the Avenue Study for Weston Road from Ray Avenue to Humber Boulevard, including Eglinton Avenue West from Weston Road to Black Creek Drive, as directed by the Planning and Growth Management Committee, and the planning strategies for the area northwest of the intersection of Eglinton Avenue West and Black

Creek Drive as directed by Etobicoke-York Community Council.

5. City Council request the Ontario Minister of the Environment's support in the requests of Parts 2, 3, and 4 of this motion.
6. City Council direct that a copy of this Motion be forwarded to Metrolinx, the Toronto Transit Commission, the City of Mississauga, the Ontario Minister of Transportation, the Ontario Minister of the Environment, the Ontario Minister of Energy and Infrastructure, Infrastructure Ontario, and the community associations along the ECLRT corridor for information.

### **Summary**

The Eglinton-Crosstown LRT (ECLRT) has been put through the Transit Project Assessment Process (TPAP), with the Toronto Transit Commission (the TTC) and the City of Toronto (the City) as the joint-proponent of the project, and a notice of completion of Environmental Project Report (EPR) has been circulated as required by the Environmental Assessment Act (the Act). It is important to note that the TPAP and the Act do not have the power to cancel or endanger the commitment to a transit project such as the ECLRT, and that only additional studies may be imposed by the Act.

The role of City Council as defined in the City of Toronto Act 2006, Section 131 paragraph (e) reads that it is "to ensure the accountability and transparency of the operations of the City," and with the City having been directly involved in organizing the public consultations for the ECLRT project, the City is responsible for the transparency of that process. The information that has been collected by the City and the TTC from the public in the public consultation process has been mostly, but not exclusively, summarized in reports from the consulting firm LURA. There is a large volume of unresolved issues in the proposed project when compared against the communities' concerns as expressed in the LURA reports and other records of public feedback. Not all concerns raised by the public are valid, but many are, and too many are unresolved. There is additional concern over some of the arguments put forward by staff to support decisions made.

On March 12, 2010, the City and the TTC submitted the EPR to the Ontario Ministry of the Environment (MoE). Toronto City Council (Council) had granted approval for submission of the EPR to the MoE prior to the completion of the public consultation process and prior to the final design of the ECLRT being decided by the TTC. By extension, Council had not seen the final EPR at the time approval was granted. Council approved the ECLRT TPAP and EPR in good faith, confident that the feedback from the public consultation process would be used to address community concerns and generate the best proposal for the ECLRT. Without question, the ECLRT is a project that, in principle, is strongly supported by Council, and that support is not being revisited, but the results of the public consultations have not been well received, and there are certain to be many objections from the community to the project. As representatives of these communities, it is important to stand up for community concerns that have not been addressed. It is important for Council to support the ECLRT project, which Council does, but it is even more important for Council to support the ECLRT project being done well, with the communities along the corridor on board with and in favour of the proposed project. Dr. Richard Soberman and Mr. Les Kelman highlighted the importance of support for the project from the community in the Lessons Learned report on St. Clair Avenue West that they authored.

At the February 19, 2010 Metrolinx Board meeting, the Metrolinx CEO expressed the position that it is more important to take the design time necessary to “get it right” than rushing to “get shovels in the ground.” This was during discussion at that board meeting on the Lessons Learned report on St. Clair Avenue West and its implications for Transit City, as the TTC had directed that that report be forwarded to Metrolinx at its January 20, 2010 meeting. The position expressed by the Metrolinx CEO on February 19, 2010 is the opposite of the position expressed by the Chair of the TTC at the February 17, 2010 TTC meeting, where an unreasonable inflexibility with respect to changing the design was expressed and inaccurate statements made about the magnitude of delays changes would cause. It is worth noting that neither the City nor the TTC is providing any of the funding for the ECLRT project, and that Metrolinx, on behalf of the Ontario Government, is providing all of the funding. The view expressed by the Metrolinx CEO may be worth more serious consideration than has recently been evident with regard to the ECLRT project by the TTC.

The TPAP may request studies regarding land use, including with respect to proximity and effect on priority development areas, existing and planned. The ECLRT passes through two of Toronto’s priority neighbourhoods: Mount Dennis and Victoria Village. These two priority neighbourhoods are the sites of some of the more serious concerns from communities in the ECLRT project. To date, these concerns have been approached purely from a technical perspective instead of a broader planning perspective that includes other factors such as social and socio-economic impacts. If these are priority neighbourhoods, destroying dozens of residents’ properties for the sake of substantially widening roads and creating 5-point intersections that are difficult to navigate for both vehicles and pedestrians alike, or taking away a bus service in an area frequented and inhabited by a considerable number of seniors without a stop along the LRT to replace that bus service despite being in an area that is difficult to walk due to area topography, is not going to improve the quality of living in these priority areas. Where are the land use studies and the descriptions of the impacts on these areas as they relate to the proposed ECLRT project?

The TPAP may also request studies on operations and maintenance costing. Council had requested such on December 4, 2009, with respect to the airport alignment when it was granting approval of the EPR to go to the MoE (CC42.7 as amended), but there is no evidence that this request is being acted on. The question of whether or not parallel bus service over the underground section of the ECLRT would be necessary has not been answered; what would those operations and maintenance costs be, and how would they compare to investing the capital for stations being added to avoid those operations and maintenance costs over the long term? What about the steep grades in the underground section of the ECLRT if demand increases in the more distant future to subway-level demands, and the costs associated with that? These are questions that continue to go unanswered despite their long-term importance and significant cost implications. While Bloor St. had electric LRT between Dufferin and Sherbourne from 1893, with a subway not under construction until about 70 years later, it should be highlighted that none of the old Bloor LRT was underground, which is a dramatic and significant difference from the ECLRT.

The TPAP requires a record of the consultations that were conducted for the project, which would be mostly addressed with the LURA reports. The TPAP also requires descriptions of follow-up efforts, and of what the proponent did to respond to concerns expressed by interested persons, some of which have yet to be responded to, and some have yet to be adequately

responded to. These include concerns at major intersections with schools right at the corner regarding safety of children at those schools, which were not mentioned in the EPR, and includes issues about station spacing and parallel bus service, which, while mentioned, were not adequately addressed in the EPR.

Regardless of technology, there are good designs and bad designs possible for any part of any project. The technology being LRT for the ECLRT project does not make bad design impossible for the ECLRT, as St. Clair should be more than enough proof to substantiate. While there are clearly many outstanding challenges to overcome, settling for a poor solution instead of taking the time to work out a good design is an alarming risk that Council cannot afford to overlook.

It is very important to make clear that there is no threat to the ECLRT project posed by prudent further study to get the best cost-benefit from the line. Indeed, the threat posed by not engaging in further study is considerably greater than engaging in it, if St. Clair is any indicator. Further study, in a situation with such a high volume of outstanding concerns and mounting public unrest over the ECLRT, as evidenced by a long series of deputations at the February 17, 2010 TTC meeting, cannot reasonably be viewed as “needless delay.” Supporting further study does not alter Council’s support for the project; it reinforces Council’s support for the project to be done well, from the perspectives of the communities along the corridor, and the Metrolinx CEO has expressed an extremely similar opinion. The transparency of the public consultation process, and the public trust placed in this Council, needs to be protected, and that will only be accomplished by acknowledging that this project must have its outstanding issues resolved. The TTC is facing mounting credibility challenges over the past few months, most recently involving the project manager for the Transit City carhouses, including carhouses for the ECLRT, and the March 12, 2010 ECLRT EPR compounds the credibility problems facing the TTC, unless the outstanding valid issues are responsibly addressed and resolved.

The Notice of Completion of EPR stated that “The LRT will operate underground from a portal 800 metres east of Laird Drive to a portal 350 metres west of Keele Street, as the width of Eglinton Avenue in this area is too narrow to accommodate street level LRT.” The same is true for Eglinton Avenue between Weston Road and 150m west of Pearen Street, yet it is being proposed to run at the surface, which will cause substantial permanent damage to the community, even though this area is on a hill that is geographically well-suited to a tunnel. If the argument is that the design proposed is influenced by the limited funding available for the 32.6km project, then the communities along the corridor are effectively being asked to endure long-term suffering for the underestimated cost presented for the ECLRT when the province was determining its funding commitment, an underestimation that the communities had nothing to do with, and that is not right. As already demonstrated by the SRT project, this project could be split into two phases, with the 2<sup>nd</sup> phase proceeding when more funding can be made available. One of the lessons learned on Transit City is that cost estimates and funding commitments are best made after the TPAP has taken its course, not before. When Transit City was announced in 2007 at a total cost of \$6-billion for the whole 120km network, what was promised was ultimately impossible to deliver, by a very wide margin. Shoe-horning after the fact at the expense of communities’ well-being should not be considered a viable option.

The only event that can kill the project is the revoking of funding from upper levels of government. In the case of the ECLRT project, this is something that can happen in the event of a change of provincial government. That threat exists regardless of whether or not shovels are in the ground, as history has made far too clear on the Eglinton West Corridor already. Relative to the cost, far too little is gained by building something quickly at the expense of quality and long-term planning.

(Submitted to City Council on March 31, April 1, 2010 as MM47.7)