

Improving Accountability in the Utility Cut Process - Supplementary Report

Date: November 6, 2017
To: City Council
From: General Manager, Transportation Services
Wards: All

SUMMARY

Public Works and Infrastructure Committee (PWIC) at its meeting on October 18, 2017, among other things, considered a staff report titled "Improving Accountability in the Utility Cut Process" Item# PW24.4 that will help lessen the impact on congestion and disruption to the general public caused by utility installations. During consideration of this matter, a motion was passed requesting the General Manager of Transportation Services to conduct a consultation process and report back directly to City Council at its regularly scheduled meeting on November 7, 2017.

This report provides feedback from the consultation process undertaken with ABC Residents Association, Federation of North Toronto Residents' Associations (FoNTRA), Bloor Yorkville BIA, Toronto Association of Business Improvement Areas (TABIA) and various Utility Companies with respect to potential revisions to the Universal Equipment Placement Guidelines.

RECOMMENDATIONS

The General Manager Transportation Services recommends that:

1. City Council approve the incorporation of the revised Universal Equipment Placement Guidelines, set out in Attachment 1 to this supplementary report dated November 6, 2017 from the General Manager, Transportation Services into the Municipal Consent Requirements adhered to by all Utility companies.

FINANCIAL IMPACT

There are no financial implications contained in this report.

DECISION HISTORY

At its meeting of October 18, 2017, Public Works and Infrastructure Committee considered item PW24.4 "Improving Accountability in the Utility Cut Process" and requested the General Manager, Transportation Services consult with ABC residents Association and the Federation of North Toronto Residents' Associations (FoNTRA) and report directly to City Council on November 7, 2017 with this feedback.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PW24.4>

COMMENTS

The General Manager, Transportation Services met with Councillor Wong-Tam, ABC Residents Association, Federation of North Toronto Resident's Associations (FoNTRA), Toronto Association of Business Improvement Areas (TABIA), Bloor Yorkville BIA, and members from City Planning and Urban Design to discuss revisions to the Universal Equipment Placement Guidelines, attached to Item# PW24.4 "Improving Accountability in the Utility Cut Process".

These discussions covered several main areas of concern regarding the layout and content of the document that fall into the following categories:

- provide more clarity on the authority for the Municipal Consent Requirements versus the Universal Equipment Placement Guidelines and which document governs utilities;
- clarify the expanded notification to councillors, BIA's, residents, Parks & property owners;
- address concerns related to new buildings and incorporating utility placements in the building envelope;
- minimize impacts on the public realm, including access for people with disabilities; and
- resolve inconsistencies in the document.

The following information provides clarifications in response to the concerns raised above that surfaced through the consultation process.

The Municipal Consent Requirements is the governing document with the Universal Equipment Placement Guidelines appended to provide further placement details, along with the understanding that utility companies have a Right of Access to Toronto's streets because they are governed by the Provincial and Federal governments.

The resident's associations expressed concerns that they would like to see an expanded area of notification where possible to Councillors, BIAs, Parks, residents and property owners to ensure that as many people are aware of these installations in their neighbourhoods and communities. They also indicated their preference that all new installations be below grade and all affected residents have the right to refuse an application. It was agreed that under the new guidelines, provisions have been put in place for a more detailed public notification protocol, which includes a detailed rendering of the proposed installation.

It was also agreed that when new site plan applications are submitted, City Planning and Transportation Services staff would work with developers to specifically include areas on private property to incorporate the appropriate utility infrastructure as part of the building envelope.

However, staff could not agree that all residents/property owners have the right of refusal to an application, as the utilities have a Right of Access under Provincial and Federal Law, and imposing such a restriction would certainly invoke an appeal by the utility companies to the Canadian Radio-television and Telecommunications Commission (CRTC) and Ontario Energy Board.

In response to the Utility Companies concerns and consistent with the Utilities Right of Access provision, Transportation Services has agreed that concurrence from affected residents/property owners should be recommended, but not required.

Attachments 2 and 3 to this report are the submissions provided by the groups at the consultation meeting which took place on November 3, 2017.

The Placement Guidelines have been revised based on the feedback received and it should be noted that adoption of these guidelines provides significant positive steps to utility placements within the public right of way. Notable benefits include the requirement for aesthetic treatments, improved notification and placement guidelines with plans and drawings that more fully describe proposed installations.

In conclusion, the consultation was very informative and positive, and City staff agreed to take the comments provided in the attachments and incorporate revisions to the guidelines where possible (see Attachment 1). It was also agreed that the consultation group consulted with would be invited to one of the first meetings in 2018 of Toronto Public Utility Coordinating Committee (TPUCC) to make a presentation regarding their issues with placement of equipment within the public right of way and continue the discussion with regards to additional changes to the guidelines that they would like to see in the future.

CONTACT

Carly Hinks
Acting Director
Transportation Services, Scarborough District
Tel: 416-396-7842
Fax: 416-396-5641
E-mail: Carly.Hinks@toronto.ca

SIGNATURE

Barbara Gray
General Manager, Transportation Services

ATTACHMENTS

Attachment 1: Revised Universal Equipment Placement Guidelines
Attachment 2: Comments from Lianne Miller, ABC Residents Association
Attachment 3: Comments from the Federation of North Toronto Residents Association