

Consolidated Clause in Policy and Finance Committee Report 9, which was considered by City Council on October 26, 27, 28 and 31, 2005.

42

**Toronto Waterfront Revitalization Initiative
Lower Don River West Remedial Flood Protection Project
Maintenance of Kingston Bridge Extension, Kingston Pedestrian
Subway and Bala Pedestrian Underpass**

City Council on October 26, 27, 28 and 31, 2005, adopted this Clause without amendment.

The Policy and Finance Committee recommends that City Council adopt the staff recommendations contained in the Recommendation Section of the report (October 18, 2005) from the Deputy City Manager, Fareed M. Amin.

Purpose:

The purpose of this report is to obtain authority for the City to enter into agreements with Canadian National Railway Company ("CN"), Greater Toronto Transit Authority ("GO Transit"), The Toronto Terminals Railway Company Limited ("TTR") and Toronto and Region Conservation Authority ("TRCA") to provide for the maintenance and eventual replacement of the Kingston Subdivision bridge extension (the "Kingston Bridge Extension"), the Kingston Subdivision pedestrian subway (the "Kingston Pedestrian Subway") and the Bala Subdivision pedestrian underpass (the "Bala Pedestrian Underpass") to be constructed as part of the Lower Don River West Remedial Flood Protection Project.

Financial Impact Statement:

The annual operating cost to the City commencing in 2008 to fund the maintenance of the Kingston Bridge Extension, Kingston Pedestrian Subway and Bala Pedestrian Underpass will be approximately \$21,000 (\$12,000, \$3,000 and \$6,000, respectively). These requirements will be submitted for consideration with the 2008 Operating Budget.

The capital cost to the City for re-waterproofing the Kingston Bridge Extension, Kingston Pedestrian Subway and Bala Pedestrian Underpass starting in 30 years is approximately \$310,000 (\$250,000, \$10,000 and \$50,000, respectively). The capital cost to the City to replace the Kingston Bridge Extension, Kingston Pedestrian Subway and Bala Pedestrian Underpass in roughly 70 to 100 years is approximately \$16 million (\$13.8 million, \$0.5 million and \$1.7 million, respectively). Repair and replacement of elements of the Kingston Pedestrian Subway and Bala Pedestrian Underpasses such as asphalt, railings, lighting, electrical systems,

bird protection and architectural treatments will also have operating and capital impacts. These future requirements will be submitted for consideration in future capital and operating budgets.

All dollar amounts are in 2005 dollars. In the case of the Kingston Pedestrian Subway and the Bala Pedestrian Underpass, funds for operating and capital costs will be requested as part of Parks, Forestry and Recreation's annual budget submissions. For the Kingston Bridge Extension, funds will be requested by TRCA as part of its annual capital and operating budget submissions.

The Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) authority be granted for the City to enter into a Grade Separation Agreement with CN, GO Transit and TRCA which provides:
 - (a) for the construction of the Kingston Bridge Extension and the Kingston Pedestrian Subway at TRCA's cost (with funding to be provided by TWRC);
 - (b) upon the expiry of the two (2) year warranty period following completion of construction to the satisfaction of the Executive Director of Technical Services, for the maintenance and replacement of the Kingston Bridge Extension at TRCA's cost and the maintenance and replacement of the Kingston Pedestrian Subway at the City's cost; and
 - (c) for the City to assume responsibility for TRCA's maintenance and replacement costs in the event that TRCA is ever dissolved or wound-up,all on terms and conditions satisfactory to the General Manager of Parks, Forestry and Recreation and in a form satisfactory to the City Solicitor;
- (2) authority be granted for the City to enter into an agreement with TRCA to provide TRCA with the necessary funds to cover the cost of maintaining and replacing the Kingston Bridge Extension for so long as CN continues its rail operations over the Kingston Subdivision railway bridge, on terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer and in a form satisfactory to the City Solicitor;
- (3) authority be granted for the City to enter into a Grade Separation Agreement with GO Transit, TTR and TRCA which provides:
 - (a) for the construction of the Bala Pedestrian Underpass at TRCA's cost (with funding to be provided by TWRC); and
 - (b) upon the expiry of the two (2) year warranty period following completion of construction to the satisfaction of the General Manager of Parks, Forestry and

Recreation, in consultation with the Executive Director of Technical Services, for the maintenance and replacement of the Bala Pedestrian Underpass at the City's cost;

all on terms and conditions satisfactory to the General Manager of Parks, Forestry and Recreation and in a form satisfactory to the City Solicitor; and

- (4) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto including the execution of agreements and future Budget submissions.

Background:

The Lower Don West Remedial Flood Protection Project is being undertaken by the Ontario Realty Corporation ("ORC") and TRCA in cooperation with the Toronto Waterfront Revitalization Corporation ("TWRC"). The project is being jointly funded by the City of Toronto and the Provincial and Federal governments under the Toronto Waterfront Revitalization Initiative.

The Lower Don West project will remove the West Don Lands, East Bayfront and other lands in downtown Toronto from the Don River flood plain. It has several components including a new 'flood protection landform' on the west side of the Don River at the West Don lands, and an extension to the existing CN Kingston Subdivision rail bridge over the Don River to create a wider river channel (see Attachment Nos. 1, 2 and 3).

As the new flood protection landform will narrow the Don River floodplain upstream of the Kingston Subdivision rail bridge, extension of the rail bridge is needed to increase its hydraulic capacity. The existing pedestrian subway for the Don trail attached to the west abutment of the Kingston Subdivision rail bridge will have to be reconstructed at the west abutment of the new Bridge Extension. The Bala Pedestrian Underpass will be located in a large culvert through the Bala Subdivision rail embankment which runs along the Don valley. The Bala Pedestrian Underpass is not required for flood protection but will provide direct access for pedestrians and cyclists between the Don River trail system and the new Don River Park on the flood protection landform.

The ORC is responsible for constructing the flood protection landform. This report deals with the three components being constructed by the TRCA with funding to be provided by TWRC - the Kingston Bridge Extension, the Kingston Pedestrian Subway and the Bala Pedestrian Underpass. The City's Technical Services Division (Structures and Expressways) is represented on the TRCA technical advisory group overseeing the design and construction of these three components.

Comments:

The Kingston Bridge Extension must be completed and the new river channel opened before the flood protection landform can be completed. All of these flood protection works must be ready when the first residential buildings in the West Don Lands are made available for occupancy which is targeted for late 2007.

CN, GO Transit and TTR have all indicated that they are willing to have this new structure, as well as the Bala Pedestrian Underpass, constructed, provided that the TRCA and the City first enter into standard grade separation agreements confirming that all of the costs of constructing, maintaining and eventually replacing these facilities will be paid by TRCA and/or the City for so long as the railway companies continue their rail operations in these locations.

The estimated capital cost of the Kingston Bridge Extension, including the Kingston Pedestrian Subway, is \$14.3 million, and of the Bala Pedestrian Underpass is \$1.7 million. The capital cost to the TRCA for construction of both projects is being funded through the TWRC. Construction of the Kingston Bridge Extension is scheduled to start in November 2005, and of the Bala Pedestrian Underpass in spring, 2006. It is anticipated that both projects will be completed by the end of 2006 or early 2007.

With respect to future costs following construction, as the Kingston Bridge Extension is required for flood protection purposes, TRCA will covenant with CN and GO Transit to be responsible for the costs of maintaining and replacing the Kingston Bridge Extension. This will include the future operating costs for ongoing maintenance of the bridge abutment, piers and deck structures as well as the capital costs for their eventual replacement. TRCA has advised, however, that as it relies on municipal funding to cover its expenses and obligations, it will require that the City enter into an agreement with it wherein the City agrees to provide it with the necessary funds to cover the cost of maintaining and replacing the Kingston Bridge Extension. As CN and GO Transit require assurances that TRCA's maintenance and replacement obligations will be fulfilled even if the TRCA is dissolved or wound-up, CN and GO Transit require that the City agree to assume TRCA's maintenance and replacement cost obligations if TRCA ever ceases to exist.

As the Kingston Pedestrian Subway and the Bala Pedestrian Underpass form part of the Don trail system, which is under the jurisdiction of the General Manager of Parks, Forestry and Recreation, the City will covenant with CN And GO Transit, in respect of the Kingston Pedestrian Subway and with GO Transit and TTR, in respect of the Bala Pedestrian Underpass, to be responsible for both the operating and capital costs of maintaining and replacing these structures, upon the expiry of the two (2) year warranty period following completion of construction of these structures, to the satisfaction of the General Manager of Parks, Forestry and Recreation, in consultation with the Executive Director of Technical Services. It is anticipated that funds to cover such operating and capital costs, which will be requested as part of Parks, Forestry and Recreation's annual budget submission, will be required commencing in 2008, assuming the structures are completed by late 2006.

The City has a number of existing arrangements with various railway companies where the City is responsible for the cost of maintaining all or part of an underpass or overpass which is required to accommodate a City highway or pedestrian walkway. The estimated maintenance and replacement costs referred to in this report are consistent with other similar railway grade separations in the City.

The General Manager of Parks, Forestry and Recreation, Executive Director of Technical Services and TRCA staff have been consulted and concur with the recommendations of this report.

Conclusions:

It is recommended that the City enter into the agreements referred to in this report to facilitate implementation of the Lower Don West Remedial Flood Protection Project.

Contacts:

Elaine Baxter-Trahair, Waterfront Project Director
(416) 397-4083 e-mail ebaxter@toronto.ca

Brenda Librecz, General Manager, Parks, Forestry and Recreation
(416) 392-8182 e-mail blibrecz@toronto.ca

William Crowther, Executive Director, Technical Services
(416) 392-8256 e-mail wcrowth@toronto.ca

Concurrence with Financial Impact Statement provided by:

Josie LaVita, Director, Financial Planning Division
(416) 397-4229

Attachments:

Attachment No. 1- Key Map.

Attachment No. 2- Kingston Bridge Extension and Bala Pedestrian Underpass .

Attachment No. 3- Cross-section of Kingston Bridge Extension.

(A copy of Attachment No. 1 – Key Map, Attachment No. 2 – Kingston Bridge Extension and Bala Pedestrian Underpass; and Attachment No. 3 – Cross-section of Kingston Bridge Extension, attached to the foregoing report was forwarded to all Members of Council with the October 20, 2005, agenda of the Policy and Finance Committee and a copy thereof is on file in the office of the City Clerk, City Hall.)