



STAFF REPORT ACTION REQUIRED

Metrolinx-City of Toronto-Toronto Transit Commission Master Agreement for Light Rail Transit Projects – Supplementary

Date:	October 29, 2012
To:	City Council
From:	City Manager
Wards:	All
Reference Number:	

SUMMARY

This report amends certain recommendations found in the report dated October 23, 2012 from the City Manager to clarify the provisions in the Master Agreement between Metrolinx, the City of Toronto and the Toronto Transit Commission related to the implementation of the Transit Projects. The terms used in this supplemental report are defined in the report dated October 23, 2012 from the City Manager.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council delete and replace Recommendations 1 and 4 in the report dated October 23, 2012 from the City Manager with the following:
 1. City Council authorize the City Manager, on behalf of the City, to consent to Metrolinx’s request to the Minister of the Environment to take all actions required to substitute Metrolinx for the City and the TTC as the sole proponent of the following Environmental Project Reports, provided that (i) Metrolinx affirm the scope of the projects as set out in the Environmental Project Reports as previously approved by City Council; (ii) Metrolinx be required to consult the City in advance of any proposed material amendments to the affirmed scope of the projects as set out in the Environmental Project Reports and detailed in the attached letter from the Metrolinx CEO to the Toronto City Manager; and (iii) City Council have a right to object or oppose any such proposed amendments:

- a. Eglinton Crosstown Light Rail, Transit Project Assessment Study, March 2010;
 - b. Etobicoke-Finch West Light Rail Transit, Transit Project Assessment, Environmental Project Report, March 2010; and
 - c. Scarborough Rapid Transit Environmental Project Report, Transit Project Assessment Study, August 2010, updated October 2010.
4. City Council authorize the City Manager to oversee coordination of the appropriate City divisions and the TTC relative to City responsibilities until the completion of the Transit Projects, and to report back regularly to Council on any matters that would constitute a material change to the scope of the Transit Projects including amendments to the Environmental Project Reports, and any operational or capital funding requirements resulting from the implementation of the Transit Projects.
2. City Council request that Metrolinx, as part of the Communications Protocol, keep City Councillors informed of construction or other project impacts affecting Toronto communities and neighbourhoods.

Financial Impact

The recommendations within this supplemental report have no financial impact to the City

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Refer to "Decision History" in the report dated October 23, 2012 from the City Manager <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-51449.pdf>

ISSUE BACKGROUND

Refer to "Issue Background" in the report dated October 23, 2012 from the City Manager <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-51449.pdf>

COMMENTS

Of particular interest to City Council will be the manner in which the Master Agreement addresses amendments to the environmental assessments for the Transit Projects, scope changes, communications and public engagement. The parties to the Master Agreement have agreed to further clarify the City's role in the implementation of the Transit Projects, particularly in the following areas.

Environmental Assessments

The City and the TTC have been co-proponents of the Environmental Project Reports for the Eglinton Crosstown LRT, Scarborough RT and Finch West LRT. As the City will no longer own the Transit Projects, the City and TTC are no longer appropriately the co-proponents. Accordingly, the City Manager seeks authority for the City to consent to an application by Metrolinx to the Minister of the Environment to take all necessary steps to replace the City and the TTC as co-proponents with Metrolinx as the sole proponent of the three Environmental Project Reports.

The environmental assessment process for the Sheppard LRT was initiated differently than the other three transit lines. City staff will report to Council, as required, on the environmental assessment process related to the Sheppard LRT at a later date.

Under the Master Agreement, Metrolinx affirms the scope of the projects as set out in the Environmental Project Reports as previously approved by City Council. Furthermore, Metrolinx will be required to consult the City in advance of any proposed material amendments to the affirmed scope of the projects as set out in the Environmental Project Reports; and City Council will have an opportunity to object or oppose any such proposed amendments under the Environmental Assessment Act. The October 29, 2012 letter from the Metrolinx CEO to the Toronto City Manager confirms these conditions.

Scope Changes

Metrolinx intends to fully deliver the Transit Projects, and this objective is clearly stated in the Master Agreement. Metrolinx must advise the Program Committee of any material changes, as defined in the report dated October 23, 2012 from the City Manager. In such circumstances the Program Committee, with the assistance of the Executive Committee, will try to reach a mutually agreeable solution including a possible change to the description and scope of the Transit Project. Metrolinx has final authority over scope changes.

The City Manager will report back regularly to Council on any matters that would constitute a material change to the scope of the Transit Projects including amendments to the Environmental Project Reports, and any operational or capital funding requirements resulting from the implementation of the Transit Projects.

Communications and Public Engagement

Under the Master Agreement, Metrolinx, the City and the TTC are bound by a protocol to guide communications and community engagement during construction of the Transit Projects. The parties will work cooperatively to provide accurate and timely information to the public. Metrolinx will serve as the lead agency responsible for communications and community engagement.

It is recommended that City Council request that Metrolinx, as part of the Communications Protocol, keep City Councillors informed of construction or other project impacts affecting Toronto communities and neighbourhoods.

CONCLUSION

This supplementary report amends certain recommendations found in the report dated October 23, 2012 from the City Manager to clarify the provisions of the Master Agreement.

CONTACT

Lynda Taschereau
Director, Strategic & Corporate Policy
City Manager's Office
ltascher@toronto.ca
416-392-6783

SIGNATURE

Joseph P. Pennachetti
City Manager

ATTACHMENTS

Letter from Metrolinx CEO to Toronto City Manager