

## **Amendment to Mississauga Boundary Facilities Agreement**

<b>Date:</b>	December 9, 2011
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	Etobicoke Centre, Ward 3; Etobicoke-Lakeshore, Wards 5 and 6
<b>Reference Number:</b>	P:\2011\ClusterB\TRA\TIM\pw11010tim

### **SUMMARY**

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Currently, the City of Toronto and The Corporation of the City of Mississauga have an agreement, executed on October 22, 2008, which formalizes the terms and conditions between both parties with respect to the cost sharing and maintenance responsibilities of five (5) bridges that cross the Etobicoke Creek connecting the two municipalities, and three (3) road sections along the Cities' mutual boundary.

The City of Mississauga is proposing a bus rapid transit (BRT) system extending approximately 18 kilometres, from Winston Churchill Boulevard in the west to Renforth Drive in the east, along the Highway 403, Eastgate Parkway and Eglinton Avenue corridors. The Eglinton Avenue West Bridge over the Etobicoke Creek, which is one of the five bridges covered by the agreement, will be widened to accommodate the BRT. The future widening will require new cost sharing and maintenance arrangements that are currently not reflected in the existing agreement. Accordingly, the current agreement will need to be amended to better reflect maintenance and rehabilitation responsibilities associated with this bridge structure.

This report provides information on the proposed amendments to the existing agreement to reflect the future cost sharing and maintenance responsibilities between the City of Toronto and the City of Mississauga as a result of the BRT construction and operation, which are included in the draft agreement, as shown in 'Appendix C' to this report. Because the BRT will be used predominately by Mississauga Transit vehicles, the proposed agreement has been developed to ensure that there will be no additional operating costs or capital rehabilitation costs to the City of Toronto. City of Mississauga staff have agreed to the terms and conditions contained in the proposed amended agreement.

## **RECOMMENDATION**

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### **The General Manager, Transportation Services recommends that City Council:**

1. Authorize the execution of an agreement between the City of Toronto and The Corporation of the City of Mississauga, generally in accordance with the terms and conditions contained in the draft agreement, as shown in 'Appendix C' to this report, subject to such refinements as deemed necessary by the General Manager of Transportation Services and the City Solicitor; and
2. Authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

## **FINANCIAL IMPACT**

The operating and capital costs associated with the construction and operation of the bus rapid transit system on Eglinton Avenue West over the Etobicoke Creek will be entirely the responsibility of the City of Mississauga. The City of Toronto will continue to be responsible for the surface maintenance of the remaining portion of the bridge which includes the general purpose lanes, and all associated costs will be equally shared between the City of Toronto and the City of Mississauga, as per the existing agreement. Accordingly, there will be no additional financial impact on the Transportation Services 2012 Recommended Capital and Operating Budgets and 2013-2021 Capital Plan resulting from the recommendation contained in this report.

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

## **DECISION HISTORY**

City Council, at its meeting of September 25, 26, 27 and 28, 2006, adopted the Mississauga Boundary Facilities Agreement (Clause No. 22 of Report No. 6 of the Works Committee), which formalized terms and conditions between the City of Mississauga and the City of Toronto respecting cost sharing and maintenance of bridge structures and road facilities crossing and along and Cities' mutual boundary, as shown in 'Appendix A' of this report.

## **ISSUE BACKGROUND**

The responsibilities for the maintenance and rehabilitation of the Eglinton Avenue West Bridge over the Etobicoke Creek, which is a shared boundary facility between the City of Toronto and the City of Mississauga, are covered under an existing agreement between both parties that was executed on October 22, 2008. The City of Mississauga is proposing to widen this bridge to accommodate bus rapid transit (BRT) lanes across the bridge to facilitate Mississauga's BRT system along the Eglinton Avenue West corridor. The current agreement requires amendments to better reflect maintenance and rehabilitation responsibilities associated with this bridge structure following the construction of the BRT.

## COMMENTS

The City of Mississauga advised the City of Toronto that they would require widening of the Eglinton Avenue West Bridge over the Etobicoke Creek in order to accommodate BRT lanes across the entire length of the north side of the bridge. Currently, the City of Mississauga is building the portion of the BRT within their own borders. Ultimately the BRT will run parallel to Highway 403, then route northerly along Eastgate Parkway towards Eglinton Avenue East, and then easterly along Eglinton Avenue across the Eglinton Avenue Bridge over the Etobicoke Creek with its final terminus point at Explorer Street, as shown in 'Appendix B' of this report.

In order to accommodate the City of Mississauga's request to widen the Eglinton Avenue Bridge, the existing agreement between the two parties will have to be amended to reflect the cost sharing and maintenance responsibilities associated with the bridge that will be configured to accommodate exclusive BRT lanes for use by Mississauga Transit. Accordingly, the City of Toronto and City of Mississauga have agreed on new terms and conditions which will further delineate responsibilities for this bridge structure without imposing any additional costs to the City of Toronto.

Key amendments to the agreement include:

- The City of Mississauga will be responsible for the construction of the BRT lanes along the full length of the Eglinton Avenue West Bridge, including all associated costs for the widening of this bridge. In addition, approvals for construction will be obtained by the City of Mississauga from the City of Toronto for the final bridge design and obtain any necessary permits in accordance with Toronto's permitting process;
- The City of Mississauga will assume full responsibility for all future surface maintenance of the BRT portion of the Eglinton Avenue Bridge, at its own expense. While Toronto will continue to be responsible for the surface maintenance of the remaining portion of the bridge, which includes the general purpose lanes (GPLs), all costs associated with these maintenance activities will be shared equally between the City of Toronto and the City of Mississauga (50/50);
- Any subsequent future capital improvements on the bridge will require mutual consent of both parties and costs will be shared on a 50/50 basis for the GPL portion of the bridge and 100% by the City of Mississauga for the BRT portion of the bridge;
- The City of Mississauga will also save harmless and fully indemnify the City of Toronto from any suits, claims, costs, damages, including any post-construction damage, which may be brought against the City of Toronto or which may be sustained, incurred or paid by the City of Toronto as a result of the widening of the Eglinton Avenue Bridge;
- The annual unit costs for maintenance of the facility, which the City of Toronto will invoice the City of Mississauga, will be reviewed every three years and adjusted accordingly; and

- The amended agreement with the City of Mississauga, as shown in 'Appendix C' to this report, will formalize the new terms and conditions for managing the facilities along the Cities' mutual boundaries. In addition, this amended agreement will supercede and replace the October 22, 2008 agreement and does not impose any additional costs to the City of Toronto. The term of the amended agreement has also been revised and would be in effect for a term of ten (10) years, until 2022.

Staff of Legal Services, Technical Services and Insurance and Risk Management of Corporate Finance have been consulted in the preparation of this report.

## **CONTACT**

Nazzareno A. Capano, P.Eng.  
Manager, Operational Planning and Policy  
Transportation Services Division  
Tel: (416) 392-7766  
Fax: (416) 392-4808  
E-mail: [ncapano@toronto.ca](mailto:ncapano@toronto.ca)

## **SIGNATURE**

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Gary Welsh, P.Eng.  
General Manager, Transportation Services

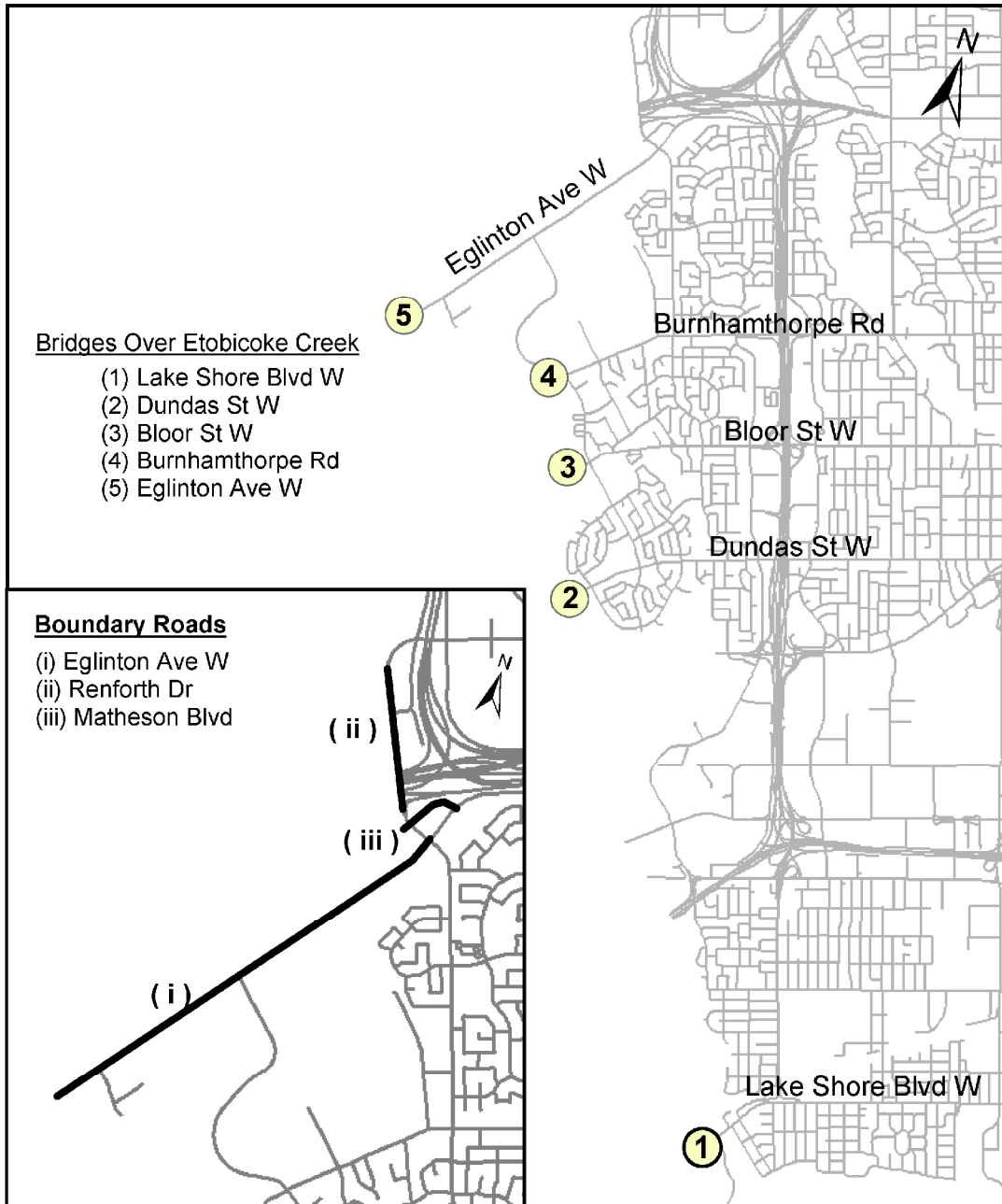
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## **ATTACHMENTS**

Appendix A – Boundary Roads and Bridges  
Appendix B – Bus Rapid Transit Alignment  
Appendix C – Draft agreement between the City of Toronto and the City of Mississauga

# Appendix A

## Boundary Roads and Bridges



# Appendix B

## Bus Rapid Transit Alignment



■ ■ ■ Bus Rapid Transit Alignment