



## Public Works and Infrastructure Committee – March 1<sup>st</sup>, 2016

Good morning Madam Chair and Members of the Committee

Thank you for allowing me to speak to you today.

My name is Maureen Sirois and I am the Chair of the Eglinton Way BIA, we represent over 200 small businesses located on Eglinton Avenue between Chaplin Cres and Oriole Parkway. I am here to talk to you about the disruption associated with the development of The Crosstown, and how we all need to do a much better job protecting local business interests from *unnecessary* construction-related practices and activities. Every lost parking spot, lane closure, turn prohibition, dump truck, cement truck, pylon and fenced off area – has an impact on our businesses.

To be clear, our BIA fully supports the construction of The Crosstown and recognizes its importance to our City. We understand that there will be major construction-related impacts on the Avenue that we depend on for our businesses and our livelihoods. In other words, we know that holes have to be dug, buildings will get demolished, tunnels need to be bored, stations mined and/or excavated and, that trucks and materials need to be staged on site or nearby to support these activities.

The authority that the General Manager of Transportation is asking for today clearly demonstrates that the Crosstown is a unique and unprecedented challenge for his Department, for other City departments and agencies, for Metrolinx and its contractor, for the local councillors and MPP's and most importantly from my perspective, is the significant challenge this project presents to those people that depend on a vibrant and accessible Avenue to make their living.

I am not here to oppose the request in this report to grant greater authority to the General Manager, we completely understand the position that is being advanced in this report. We oppose unnecessary staff reports as much as we oppose unnecessary construction-related activities and closures. We would however, like to see a formal mechanism put in place that would prompt the committee to revisit the terms of such closures if there is a local conflict that requires the City's intervention to resolve. The only lever available to keep check on the behaviour of the Crosstown contractors is the permits the City provides them – based on our experiences with Metrolinx contractors to date, we fear any *carte blanche* permissions.

Furthermore, I would request that the Committee direct the General Manager be more proactive in exercising his authority when it comes to the major construction that will be ongoing for the next several years on Eglinton because of the Crosstown. In general, we like the process for approvals that the General Manager proposes on page 5 of this report, but we would like to see it strengthened to include some additional steps and commitments, we would like him to:



- Actively and transparently challenge the requests he will be getting from Metrolinx and Crosslinx for permits to assume public property on or adjacent to Eglinton Avenue;
- To discuss any proposed permit conditions in advance with directly affected business owners and residents and make adjustments as warranted;
- To list clear and rigorous permit conditions and make them publicly available;
- To commit resources (staff and cameras) to enforce those conditions;
- Set up a complaints protocol to deal with conflicts regarding the use of the City's Right-of-Way; and
- To consider the creation of a Construction Liaison Committee at the Avenue Road LRT Station as a pilot to determine its effectiveness in resolving conflicts between contractors and local businesses.

We understand that when City staff review traffic management and construction impact plans they have to weigh the needs of the contractor to move trucks and materials without clogging up two of the City's major arteries. From our experience on Eglinton during the past two years of Crosstown construction, permits for use of the right-of-way are too often abused by contractors and not enough has been done to correct those conflicts when they occur. I could show you numerous examples where curb lanes were unnecessarily blocked for months at a time with no construction taking place, where long lines of idling trucks sat for hours waiting for their turn to load or unload, and lanes blocked off and used as private parking for construction workers at the expense of local business owners that depend on those spots for their customers. From our perspective, greater consideration needs to be applied to the needs of those businesses most directly affected by all this disruption.

Our needs are simple, but often overlooked – our businesses need access, parking and visibility if they are to survive. Too often, those simple needs are overlooked at the planning stage and not re-considered when unnecessary conflicts occur.

We understand that City staff and others have tried to accommodate our interests when granting permits to Metrolinx contractors, but the plans submitted for review were hatched in boardrooms that exclude those most affected until the notice arrives in the mailbox describing the hurt that is about to come. We appreciate the efforts of City staff to date, but we would like to see them take a more proactive role at all times to ensure that all interests are being accommodated before and during construction. The Crosstown is a complicated and unprecedented project and we all need to learn from the experiences of the past two years and recognize where failures were evident and make changes to how this major project is managed at the street level. In short, we need creative solutions that provide more balance to those that depend on the public right-of-way to do business.



Everyone involved in the Crosstown must significantly improve efforts to minimize, to the maximum extent possible the impacts that these activities have on the small businesses that have no choice but to endure them on a daily basis for several years. We need to do our utmost best to help them survive. In our case, construction activities are starting this week at Avenue Road and Eglinton and will continue 24/7 for at least the next four years. At the other end of our BIA, we expect construction activities to begin at Chaplin later this month for several years as well. As a result, many of our businesses will be trapped inside or adjacent to major construction for the next 4 or 5 years.

After dealing with Metrolinx, its contractors and a myriad of other agencies and departments for the past 18 months, our experience in dealing with specific issues and complaints has demonstrated that there has been no single party that is capable of exercising direct accountability when it comes to resolving many of our on-street issues. When we complain about unnecessary lane closures or the unnecessary confiscation of valuable parking spots or conga lines of large idling trucks blocking businesses – our pleas been overlooked by attention to larger issues and we feel like we are just collateral damage lost in the bigger picture. The problem is, at the end of the day, no one is acting in an objective position of power and authority to deal with on-street issues and concerns, and that is the role we would like to see the City assume with greater intensity.

Lots of well-meaning and empathetic people have tried, but the project is so structurally complex that accountability for on-street decisions remains elusive and the buck never stops anywhere – it just keeps on going round and round without being resolved. We believe that the City's permitting process dictates that the City is the ultimate arbiter in deciding how the right of way is managed and that permit conditions need to be clear, balanced, public and enforced with rigour. We know that the City would prefer that local issues are resolved by Metrolinx and Crosslinx – but we have competing priorities and there are certain to be disagreements over the use of the City's right-of-way. Ultimately, it is the City's responsibility to determine what is appropriate in such situations.

From our perspective, there is no effective complaints protocol in place, no arbiter with power to direct a contractor to limit the use of a lane, or to tighten up a staging area, or to decide how many trucks are actually required to service an actual construction at any particular time.

Therefore, we request that staff be directed to report back to the committee on how the permitting approvals and enforcement system can be strengthened to better protect local businesses and that it consider every disruption management tool at its disposal to try and lessen the impact that construction of the Crosstown is having on local businesses.

*Maureen Sirois, Chair  
The Eglinton Way BIA*