

**REPORT FOR ACTION****Recovery of Costs from Crosslinx/Metrolinx for Damage Eglinton Crosstown Light Rail Transit to Roads during Eglinton Crosstown Light Rail Transit Construction**

Date: October 24, 2019

To: Infrastructure and Environment Committee

From: General Manager, Transportation Services

Wards: 5, 8, 9, 12, 15, 16, 20 and 21

SUMMARY

The purpose of this report is to update the Infrastructure and Environment Committee on ongoing work to identify roadway sections on Eglinton Avenue that require rehabilitation due to construction of the Eglinton Crosstown Light Rail Transit (ECLRT).

The report recommends ongoing discussions between staff and Metrolinx regarding rehabilitation requirements, with a further update to the Infrastructure and Environment Committee by the second quarter of 2020.

RECOMMENDATIONS

The General Manager, Transportation Services recommends that:

1. City Council request the General Manager, Transportation Services to continue discussions with Metrolinx and report back to Infrastructure and Environment Committee by the second quarter of 2020 on the course of action, and any costs expected to be met by the City, to rehabilitate the pavement on Eglinton Avenue within the Eglinton Crosstown Light Rail Transit project limits of Weston Road to Kennedy Road.

FINANCIAL IMPACT

There are no financial implications resulting from adoption of the recommendation in this report.

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

DECISION HISTORY

At its meeting on April 4, 2019, City Council adopted Item MM6.18 entitled "You Broke It, You Fix It: Asking Crosslinx/Metrolinx to Assume Responsibility for Damage to Roads During Eglinton Crosstown LRT Construction". The Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM6.18>

COMMENTS

Pavement structure on Eglinton Avenue, within the limits of the Metrolinx Eglinton Crosstown Light Rail Transit (ECLRT) project, has experienced deterioration and deformation due to impacts of heavy construction vehicle traffic and ongoing construction activities. The gradual decline of pavement serviceability throughout the project corridor and in particular within the construction zones has resulted in loss of comfort, convenience and safety of the travelling public.

City Council, through Member Motion MM6.18, expressed concerns regarding unsafe road and driving conditions on Eglinton Avenue due to potholes, uneven road surface and temporary patchwork. Council's expectation is that Metrolinx and Crosslinx Transit Solutions (CTS) maintain the pavement on Eglinton Avenue in a state of good repair during construction of the project and restore it to pre-construction or better conditions upon completion of the construction. At the request of the City Council, the City Manager has made Metrolinx aware of City Council's expectation.

In response, Metrolinx has provided details of CTS's obligations under the Project Agreement. The Agreement requires that CTS reinstate any and all parts of the road and urban realm altered for the purpose of the implementation of the ECLRT. This includes rehabilitation of the roadway surface between the LRT guideway and new curb line within the at-grade section and implementation of the Eglinton Connects streetscape in the vicinity of the tunneled stations.

For those areas of Eglinton Avenue between the tunneled stations, where the roadway has not been altered for the purpose of the implementation of the ECLRT, it was envisaged that the condition of these lengths would remain the responsibility of the City. However, while these lengths of Eglinton Avenue have not been subjected to direct construction activity, traffic re-routing, lane diversions, heavy construction traffic and the like have contributed to their deterioration.

In order to assess the change in pavement quality and condition, staff have completed pavement condition surveys for the full length of Eglinton Avenue within the geographic limits of the ECLRT project. The pavement quality index information obtained from these surveys has been compared with the pre-construction road condition data to determine the deterioration that has occurred. In tandem, CTS have provided staff with plans showing the sections of Eglinton they plan to reconstruct or resurface within the limits of their work site. The City condition data and the information provided by CTS is currently being compared to identify areas where deterioration has occurred that falls outside of sections that CTS plans to fix. These areas will then form the basis of Recovery of Costs for Damage to Roads during Construction

discussions between staff and Metrolinx to develop and agree on a course of action, including cost apportionment, to rehabilitate the damaged roadway sections of Eglinton Avenue. An update on the discussions, recommended course of action and any costs expected to be borne by the City will be reported at the Infrastructure and Environment Committee by the second quarter of 2020.

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SIGNATURE

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