

**City Council****Notice of Motion**

<b>MM35.36</b>	<b>ACTION</b>			Ward: All
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**Authority to Enter into a Funding Agreement with PortsToronto and Fund Design and Construction for Rehabilitation of the Ship Channel Bridge Approach Spans and Bascule Bridge - by Councillor Jennifer McKelvie, seconded by Councillor Paula Fletcher**

*\* Notice of this Motion has been given.  
\* This Motion is subject to referral to the Infrastructure and Environment Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Jennifer McKelvie, seconded by Councillor Paula Fletcher, recommends that:

1. City Council authorize the General Manager, Transportation Services to negotiate, enter into and execute on behalf of the City of Toronto a funding agreement with PortsToronto for contribution by the City of up to \$22 million from the Approved 2021-2030 Capital Budget and Plan for Transportation Services for the design and construction for rehabilitation of the Cherry Street Ship Channel Bridge approach spans and the Bascule Bridge, on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.
2. City Council authorize the General Manager, Transportation Services to negotiate, enter into and execute on behalf of the City of Toronto any other ancillary agreements necessary to complete the design and construction for rehabilitation of the Cherry Street Ship Channel Bridge approach spans and the Bascule Bridge, on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.
3. City Council authorize the General Manager, Transportation Services to advance funds to PortsToronto against invoiced costs for design and contract preparation work on the Cherry Street Ship Channel Bridge approach spans and the Bascule Bridge up to \$2.84 million from the Approved 2021-2030 Capital Budget and Plan for Transportation Services, if necessary, in advance of completion and execution of the funding agreement authorized in Recommendation 1 above.

**Summary**

This Motion seeks authority to negotiate and enter into a funding agreement with PortsToronto (the "Owner") for the rehabilitation of the Cherry Street Ship Channel bridge approach spans and the Bascule bridge along with the authority to fund, from the approved 2021-2030 Transportation Services Capital Budget, the costs of the design and construction of these

works, expected to total approximately \$22.0 million over a period expected to be 2021-2025. In addition, and during the same timeframe, PortsToronto will rehabilitate the bridge's lifting mechanisms (mechanical and electrical) at a total cost of approximately \$12.0 million.

There is an urgent need to progress this work as the Cherry Street Bascule Bridge is at the end of its service life and urgent repairs have been identified to maintain the Bridge in a safe and operable condition.

The Cherry Street Bascule Bridge located on Cherry Street, south of Polson Street, carries two lanes of traffic (one northbound and one southbound), as well as sidewalks on both sides, over the Ship Channel in the Port of Toronto. The bridge was constructed in 1931 and consists of a 37 metre long Warren Through Truss Bascule span (a lift bridge activated by counterweights) and a 43 metre long steel girder approach span on both the north and south ends. The north end of the bridge has 750-ton concrete counterweights that allow the bridge to pivot to the open position to allow ships to access the channel. The total length of the bridge is 123 metres and the substructure consists of concrete abutments founded on timber piles.

This bridge is the primary roadway connection to the southern Port Lands area (the only other being the single lane Unwin Avenue Bridge). Operational lifting of the Bascule span provides critical access that allows ships to access the channel and the turning basin beyond.

The bridge type was designed by American structural engineer Joseph Baermann Strauss, best known as the engineer responsible for the Golden Gate Bridge. This structure is a representative example of a bridge type that is exceptionally rare in Canada and is listed as a heritage structure by the City of Toronto.

Financial responsibility for the bridge has been in dispute between the City and PortsToronto for approximately 20 years. During this period, piecemeal repair work has been undertaken which has been insufficient to maintain the bridge in a state-of-good-repair. As a result, the bridge is currently in an advanced state of deterioration. In 2020 the City, through the Transportation Capital Budget, provided funding to PortsToronto for approximately \$700,000 in repairs, to enable continued vehicular and pedestrian movement across the bridge.

The dispute between the City and PortsToronto has had its origins in the Structured Settlement Agreement – an agreement that was entered into on June 26, 2003 between the City of Toronto, Toronto Port Authority (formerly Toronto Harbour Commissioners, now PortsToronto) and the City's Toronto Economic Development Corporation (subsequently Toronto Port Lands Company, now CreateTO). The Agreement was one of several agreements that formed part of a major settlement of several matters, including a litigation claim that the Toronto Port Authority advanced for the return of approximately 600 acres of land that had been transferred in 1994 from the former Toronto Harbour Commissioners to the City/Toronto Economic Development Corporation. Among other things, the 2003 settlement provided that the claim would be dismissed. City staff will be providing an update on the negotiations for the resolution of any outstanding obligations owed under the Structured Settlement in fourth quarter of 2021/first quarter of 2022.

PortsToronto has developed a comprehensive short term rehabilitation program and also completed a life-cycle cost analysis of future operating, maintenance and capital works based on technical evaluations of the bridge and past experience with its operation. Implementation of this rehabilitation program will be undertaken in partnership between the City of Toronto and PortsToronto. City of Toronto will fund the design work and if a satisfactory agreement can be

negotiated, the rehabilitation of the Cherry Street Ship Channel bridge approach spans and the Bascule Bridge and PortsToronto will fund the design and rehabilitation of the Bascule lift bridges' electrical and mechanical components. The rehabilitation work will be undertaken from 2022-2025. To enable this, design work needs to commence now.

The proposed bridge rehabilitation agreement will need to address PortsToronto's acknowledgment of the City's satisfaction of any outstanding obligations owed by the City under the Structured Settlement Agreement from 2003 with respect to the Bascule Bridge and other Structured Settlement Agreement issues.

This urgent rehabilitation work, needs to be tendered in late 2021 in order to commence in 2022, to ensure public safety and maintain Cherry Street open to vehicular traffic. Most critically, the concrete deck of the north and south approach spans is in very poor condition and has already experienced localized concrete failures. Delay to the replacement of the approach span super-structures could result in deck punch throughs, creating an unsafe condition and thereby limiting the allowable loads that can cross the bridge, or the potential closure of the Bridge altogether.

City Council authority is now required to authorize the appropriate City staff to negotiate, enter into, and execute a funding agreement with PortsToronto to commence the design and construction for the rehabilitation work at an anticipated cost to the City of up to \$22 million to be funded from the Approved 2021-2030 Capital Budget and Plan for Transportation Services. City Council authority is also required to enable Transportation Services to pay PortsToronto up to \$2.84 million of the estimated \$22 million design and construction cost to enable design and contract preparation work to proceed while the final details of the Agreement are still being negotiated.

City staff will be fully involved in establishing and approving the final scope of the work, providing appropriate standards and details, and in approvals and acceptance of the work. A governance structure that ensures the City's interests are protected during the design and construction work has been agreed in outline and includes a Project Steering Committee and a Project Executive Committee with appropriate senior staff level representation on each.

This Motion is required at this time as design works need to commence now to ensure that construction of the urgently needed approach spans rehabilitation can commence early in 2022 to ensure the bridge and the primary access to the Port Land south of the Ship Channel can remain open for traffic.

Should there be any additional funding requirements for this project as a result of the design and tendering of the required construction works these would be included in future Transportation Services budget submissions for consideration and authority from City Council.

### **Background Information (City Council)**

Member Motion MM35.36