

Authority to Accept Metrolinx Funding for Road Rehabilitation on Eglinton Avenue

Date: February 12, 2024

To: Infrastructure and Environment Committee

From: General Manager, Transportation Services

Wards: 5 - York South-Weston, 8 - Eglinton-Lawrence, 9 - Davenport, 12 - Toronto-St. Paul's, 15 - Don Valley West, 16 - Don Valley East, 20 - Scarborough Southwest, 21 - Scarborough Centre

SUMMARY

The construction of the Eglinton Crosstown LRT (ECLRT) has caused significant pavement degradation along Eglinton Avenue. While Metrolinx's contractor Crosslinx Transit Solutions (CTS) is tasked with restoring pavement at the tunnelled stations and the at-grade section, the City is responsible for road restoration of sections between the tunnelled stations. Despite not being directly impacted by construction, these roadway sections have experienced deterioration due to influx of heavy construction traffic and maintenance delays attributable to the ECLRT project.

Recognizing the impact of the ECLRT construction, Metrolinx has collaborated with the City to develop a cost-share framework for rehabilitation of these roadway sections. This staff report provides details of the cost-share framework and requests City Council authorization to finalize an agreement with Metrolinx, securing their financial contribution towards the road rehabilitation costs. Furthermore, by utilizing Metrolinx funding, the City aims to complete road resurfacing on several sections of Eglinton Avenue in 2024 with the remaining sections scheduled in 2025.

RECOMMENDATIONS

The General Manager, Transportation Services recommends that:

1. City Council authorize the General Manager, Transportation Services, to negotiate, enter into and execute a Pavement Restoration Funding Agreement with Metrolinx for the City to receive from Metrolinx up to \$5,000,000 in funding to be utilized towards the road rehabilitation costs for Eglinton Avenue, on terms and conditions satisfactory to the General Manager, Transportation Services, in a form satisfactory to the City Solicitor.

FINANCIAL IMPACT

There is no financial impact. The anticipated funding to be provided by Metrolinx has already been included as part of the 2024-2033 Capital Budget submission under CTP820-06 for consideration by Council.

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:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.MM6.18>

At its meeting on November 26, 2019, City Council adopted Item IE9.5 entitled "Recovery of Costs from Crosslinx/Metrolinx for Damage to Roads During Eglinton Crosstown LRT Construction. The Council decision can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.IE9.5>

COMMENTS

The ECLRT construction, managed by Metrolinx and its contractor CTS, has significantly impacted the road infrastructure on Eglinton Avenue, resulting in safety concerns and inconvenience for the travelling public. As a result, City Council expressed its concerns through Member Motion MM6.18, emphasizing that if Metrolinx damages City roads, they should be responsible for repairing and restoring them.

Following the City Council direction, City staff diligently conducted pavement quality surveys to assess the extent of deterioration on Eglinton Avenue within the ECLRT project limits. Simultaneously, collaborative efforts with Metrolinx were initiated to address safety concerns arising from damaged pavement on Eglinton Avenue. Additionally, Metrolinx provided details of CTS's obligations for road rehabilitation, specifying their responsibility for reinstating the road in the at-grade section and at the ECLRT tunnelled stations within their construction limits. Progress of these initiatives was communicated to City Council through a staff report under Item IE9.5.

The roadway sections between the ECLRT tunnelled stations and beyond the CTS's construction limits were identified as the City's responsibility for road restoration. While not directly impacted by the LRT construction, the indirect consequences of heavy construction vehicle traffic to and from the stations, lane diversions, traffic re-routing at

the stations, and delays in scheduled pavement rehabilitation due to the ECLRT construction contributed to the deterioration of these roadway sections.

The City acknowledged its obligation for road restoration in these roadway sections, while also requesting Metrolinx to share the responsibility, taking into account the indirect impacts of the ECLRT construction. Acknowledging the prolonged duration and extensive scope of the ECLRT construction and its consequential impact on the nearby road infrastructure, Metrolinx, despite having no direct contractual obligation, agreed to establish a joint working group to look at condition and required road rehabilitation of the roadway sections between the tunnelled stations.

The joint working group, comprising technical staff from the City and Metrolinx, undertook a comprehensive review of the pavement condition including the pre-construction and current pavement quality indices for the roadway sections. The joint working group's analysis determined a significant change in pavement quality from Good-Fair to Fair-Poor conditions during the ECLRT construction period. Furthermore, it was observed that certain sections of Eglinton Avenue between the tunnelled stations experienced accelerated deterioration compared to similar major arterial roadways, attributing the heightened degradation to the activities associated with the ECLRT construction. This assessment formed the basis for recommending specific road rehabilitation measures, including both reconstruction and resurfacing, to restore the pavement quality, on Eglinton Avenue and developing the total cost of implementing these road rehabilitation measures.

Subsequent to these discussions, a comprehensive cost-share apportionment framework between the City and Metrolinx was developed based on the following two criteria:

1. For roadway sections, where the City could not perform scheduled pavement rehabilitation (primarily road resurfacing) due to the ECLRT construction i.e. our planned work was delayed, Metrolinx were requested to cover the increased cost associated with the recommended road rehabilitation (resurfacing or reconstruction).
2. For roadway sections, where the scheduled pavement rehabilitation was planned post-ECLRT project completion but needs to be advanced due to deteriorated road conditions, Metrolinx were requested to contribute 30-percent of the pavement rehabilitation costs. This contribution is justified by recognizing that not all pavement deterioration can be exclusively attributed to the ECLRT construction, acknowledging the complex interplay of factors influencing road conditions.

Considering the above criteria, the City initially requested Metrolinx for \$9 million to cover the costs associated with the recommended road rehabilitation, which included both road reconstruction and road resurfacing. The proposed cost apportionment was based on a 60:40 split between the City and Metrolinx, respectively. Following a series of discussions, Metrolinx presented a final, non-negotiable offer of up to \$5 million depending on actual costs of the works. It is important to note that this amount is offered by Metrolinx as a one-time arrangement, with the understanding that it would not set a precedent for future similar situations.

Considering Metrolinx's revised offer of \$5 million, the City strategically revised its road rehabilitation approach, opting exclusively for road resurfacing across all sections between the tunnelled stations. This approach was chosen for its cost-effectiveness and rapid implementation capabilities, aligning with the goal of promptly addressing pavement quality related concerns along sections of Eglinton Avenue. Additionally, the road resurfacing is expected to significantly extend the pavement life, ensuring that road users can enjoy the enhanced pavement quality for several years to come.

City staff consider Metrolinx's offer fair and reasonable, particularly given the absence of a predefined process for accurately assessing the extent of impact attributable to the ECLRT project. This acceptance reflects a pragmatic approach, acknowledging the complexities involved. Moreover, the valuable lessons learnt from this experience by City staff and Metrolinx will inform the development of systematic processes for other Metrolinx projects in the City.

Based on the current road rehabilitation schedule, the City plans to perform road resurfacing works on sections of Eglinton Avenue, between Keele Street and Mount Pleasant Road in 2024. Furthermore, the roadway sections on Eglinton Avenue, between Mount Pleasant Road and Brentcliffe Road are scheduled for resurfacing in 2025.

CONTACT

Ashley Curtis
Deputy General Manager
Transportation Services
416-392-0170
ashley.curtis@toronto.ca

SIGNATURE

Barbara Gray
General Manager, Transportation Services

ATTACHMENTS
