Regional Municipality of Waterloo
Planning and Works Committee
Agenda
Tuesday, February 11, 2014
9:00 a.m.
Regional Council Chambers
150 Frederick Street, Kitchener

1. Declarations Of Pecuniary Interest Under The Municipal Conflict Of Interest Act

2. Delegations
   a) P-14-019, Walk Cycle Waterloo Region – Active Transportation Master Plan (staff presentation)
      i. Roger Suffling, Bicycling Advocacy Committee of Kitchener Easy Riders Bicycle Club
   b) E-14-007.1, Notre Dame Drive and Snyder’s Road Reconstruction, Township of Wilmot (staff presentation)
      i. Bev Finnegan
      ii. Stephanie Beach

Consent Agenda Items

Items on the Consent Agenda can be approved in one motion of Committee to save time. Prior to the motion being voted on, any member of Committee may request that one or more of the items be removed from the Consent Agenda and voted on separately.
3. **Request To Remove Items From Consent Agenda**

4. **Motion To Approve Items Or Receive For Information**
   a) **P-14-017**, Ainslie Street Terminal Design Concepts Public Information Centre Scheduled for February 27, 2014 (Information)
   
   b) **E-14-011**, Consultant Selection – Detailed Design and Services During Construction for the Preston Wastewater Treatment Plant Odour Control Upgrades, City of Cambridge (Approval)
   
   c) **E-14-019**, Consultant Selection – Class EA, Detailed Design and Contract Administration Services for Erb Street Improvements, Fischer-Hallman Road to Wilmot Line, City of Waterloo (Approval)
   
   d) **E-14-020**, 2013 Annual Water Quality Report for the Region of Waterloo Rural and Integrated Water Systems (Information)

5. **Reports – Planning, Housing and Community Service**

   **Community Planning**
   a) **P-14-020**, The Cornerstone Standards Council’s Draft Responsible Aggregate Standards - Regional Comments

   **Reports – Transportation and Environmental Services**

   **Water Services**
   b) **E-14-022**, Sewer Use By-law Amendment 2013 Post PCC Report
   
   c) **E-14-023**, Water Distribution By-law for the Townships of North Dumfries and Wellesley – Post Public Consultation Centres (PCC)

   **Rapid Transit**
   d) **CR-RS-14-001**, Authorization To Expropriate Lands (1st report) In The Cities Of Cambridge, Kitchener and Waterloo Designated As Phase V of Stage 1 of the Rapid Transit Project Relating To Property And Interests Located At Various Locations Along The LRT Alignment Together With Lands That Are Necessary For Adapted Bus Rapid Transit
   
   e) **CR-RS-14-002**, Authorization to Expropriate Lands (2nd Report) Designated as Phase 3 of Stage 1 of the Rapid Transit Project Relating to Property and Interests from Borden Avenue South and
Ottawa Street South to Courtland Avenue East in Kitchener and from King Street North and Northfield Drive to King Street South and John Street in Waterloo

f) **E-14-017**, Stage 1 Light Rail Project - Municipal Hydro Utilities Cost Sharing

g) **E-14-027/F-14-016**, ION Funding Model and Request for Proposals Evaluation Process

6. **Information/Correspondence**

   a) Council Enquiries and Requests for Information Tracking List

7. **Other Business**

8. **Next Meeting – March 4, 2014**

9. **Adjourn**
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Description</th>
<th>Location</th>
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<tbody>
<tr>
<td>March 4, 2014</td>
<td>9:00 A.M.</td>
<td>Planning and Works Committee</td>
<td>Council Chamber, 2nd Floor, Regional Administration Building, 150 Frederick Street, Kitchener, Ontario</td>
</tr>
<tr>
<td>April 1, 2014</td>
<td>9:00 A.M.</td>
<td>Planning and Works Committee</td>
<td>Council Chamber, 2nd Floor, Regional Administration Building, 150 Frederick Street, Kitchener, Ontario</td>
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<tr>
<td>February 27, 2014</td>
<td>5:00 P.M. – 8:00 P.M.</td>
<td>Ainslie Street Terminal Design Concepts Public Information Centre</td>
<td>Cambridge City Hall, 50 Dickson Street, Cambridge, Ontario</td>
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<tr>
<td>Thur., March 20, 2014</td>
<td>7:00 P.M. – 9:00 P.M.</td>
<td>Bridge Street Reconstruction, University Avenue to Woolwich Street Public Consultation Centre</td>
<td>Bridgeport Public School, 59 Bridge Street, Bridgeport, Ontario</td>
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Report: P-14-019

Region of Waterloo
Planning, Housing and Community Services
Transportation Planning

To: Chair Jim Wideman and Members of the Planning and Works Committee
Date: February 11, 2014
File Code: D09-90(A)
Subject: Walk Cycle Waterloo Region – Active Transportation Master Plan

Recommendation:

That the Regional Municipality of Waterloo take the following action regarding Walk Cycle Waterloo Region, the final Active Transportation Master Plan (ATMP), as described in Report No. P-14-019, dated February 11, 2014:

a) Receive the Active Transportation Master Plan, entitled Walk Cycle Waterloo Region, for information, and make the Plan available to the community, including posting it online in the Big Shift Tool Box;

b) Direct staff to develop, in conjunction with the Area Municipalities and other partners, an implementation plan for Walk Cycle Waterloo Region that includes network priorities and funding options; and

c) Direct staff to continue to use Walk Cycle Waterloo Region as a guiding document for Regional transportation infrastructure planning and construction.

Summary:

The Region of Waterloo is actively managing population growth, expected to reach 729,000 by 2031, in order to maintain and enhance the liveability, vitality and quality of life offered to its citizens. The Regional Official Plan provides strategic direction to ensure growth is compact and largely concentrated in existing built-up areas. A strong and diverse transportation network is critical to achieving this vision for accommodating growth.

The Regional Transportation Master Plan (RTMP), approved by Regional Council in 2010, defines a transportation network that optimizes the use of existing transportation infrastructure, offers competitive travel choices as an alternative to single occupancy...
vehicle travel, fosters a strong economy and supports sustainable growth. A transportation system that supports accessible and affordable choices for moving people and goods in a safe and integrated manner supports a sustainable and vibrant community.

Implementation of the RTMP is underway with a variety of on-going improvements, including ION and annual improvements to the regional road network. A vital component of the RTMP is also to improve opportunities to walk and cycle throughout the region. The RTMP establishes a target to increase the share of travel by active transportation from 8% to 12%. The increased use of walking, cycling and transit optimizes the use of roads, supports a compact urban form, provides affordable access to jobs and services, improves the liveability and vitality of built-up areas, and contributes to better air quality and healthier lifestyles.

In order to achieve the increased share of walking and cycling, the RTMP recommended undertaking an Active Transportation Master Plan (ATMP).

The ATMP has been led by a Project Team made up of Regional Councillors (Geoff Lorentz and Jane Mitchell), Area Municipal and Regional staff and consultants from the IBI Group. The Area Municipalities are supportive of the direction of the ATMP as well, and representatives of the three Cities and the Township of Woolwich participated on the Project Team.

Public consultation has taken place since the beginning of the ATMP project in the fall of 2011. Over two years, there have been eight in-person events for the public to offer their input including: three public workshops; a public meeting in conjunction with the Transit Hub project, Sustainable Waterloo Region, and the City of Kitchener; three public open houses; and, a Public Input Meeting (PIM) of the Planning and Works Committee. In addition to public events, the ATMP has maintained an electronic presence.

The full document is posted online at WalkCycleWR.regionofwaterloo.ca and available through the Big Shift Tool Box (regionofwaterloo.ca/bigshift). Hard copies of the document are also available in the Regional Councillor’s library and in Planning, Housing and Community Services.

The ATMP determined there was considerable potential to increase walking and cycling. About 24% of trips made in Waterloo Region are less than 1.5km. This length of trip is generally considered walkable; it would take 15 to 25 minutes depending on how quickly a person is able to walk. Likewise, over 65% of trips in the Region are less than 5km. This distance is generally considered bikeable; it would take minutes depending on how quickly a person is able to cycle. However, distance is not the only factor and currently only about 7% of daily trips in the Region are made on foot or by bike (about 8% in the afternoon peak). Feedback from the public consistently cites safety, comfort and convenience as key factors in their decision to walk or cycle.

Accordingly, the ATMP is based on creating a safe, comfortable and convenient network of sidewalks and cycling facilities. It provides design guidance on the creation
of accessible sidewalks, details a number of different cycling facility types, and identifies supportive programs and policies to make walking and cycling more attractive options in the Region.

The Big Shift Toolbox is designed to make it easier for the community and investors to find information about available Regional (and Area Municipal) planning, infrastructure and financial tools. The ATMP is a key piece in planning for the future of the Region of Waterloo. As such, the inclusion of the ATMP in the Big Shift Toolbox will demonstrate the importance of active transportation and make it a prominent piece of Regional planning material.

Developing the infrastructure and programs recommended in the ATMP will require additional funding from Regional property tax and Regional development charges on the order of $50M to $60M over ten years to complete the recommended ten year active transportation network.

Over the course of 2014, staff plan to develop an ATMP Implementation Plan that will address;

- Refinement of network construction priorities,
- Identification of alternative funding options to construct the ten year active transportation network plan,
- Timing and resources for supporting program initiatives such as the sign program, and
- Working with the Area Municipalities to update policies, such as the sidewalk policy.

Early in 2015, the ATMP and the Implementation Plan would be targeted to be brought to Council. This could necessitate some changes to the ATMP, which should be considered a “living document” that may evolve over time. However, the Region continues to build active transportation infrastructure each year, based on previous plans and approved projects. Over the course of 2014, sidewalks on Ira Needles Boulevard are planned to be completed, bike lanes to be added on a section of Northfield Drive and other active transportation facilities to be built. Attachment 6 provides a complete list of active transportation initiatives in the Transportation Capital Program.

Report:

Overview

The Regional Official Plan and the Regional Transportation Master Plan (RTMP), both of which have been approved by Regional Council, give direction to improve opportunities to walk and cycle in Waterloo Region. The RTMP establishes a specific target to increase the share of travel by walking and cycling from 8% to 12%. The increased use of walking, cycling and transit optimizes the use of roads, supports a compact urban form, provides affordable access to jobs and services, improves the liveability and vitality of built-up areas, and contributes to better air quality and healthier lifestyle.
In order to achieve the increase share of walking and cycling, the RTMP recommended undertaking an Active Transportation Master Plan (ATMP). Accordingly, the ATMP is based on creating a safe, comfortable and convenient network of sidewalks and cycling facilities. It provides design guidance on the creation of accessible sidewalks, details a number of different cycling facility types, and identifies supportive programs and policies to make walking and cycling more attractive travel options in the Region.

The Context Sensitive Regional Transportation Corridor Design Guidelines (CDG), as approved by Regional Council, set the design framework for accommodating all modes of transportation on Regional roads. Sidewalks are considered “necessary” and cycling facilities are considered “important” on most Regional roads.

**Importance of Walk Cycle Waterloo Region**

Currently, the Region of Waterloo has over 100 kilometres of dedicated bike lanes and nearly 250 km of improved space for cyclists on urban and rural roads. There are also over 350 km of sidewalks or multi-use trails along Regional roads.

Most existing bike lanes and sidewalks have been constructed in conjunction with Regional road projects. As a result, there are numerous gaps that are required to be filled to improve continuity of the network. Filling these gaps is one of the primary requests received from the public during the ATMP consultation. Generally, people view the quality of the network in terms of the least accommodating section they would need to use to get somewhere.

As a result, the ATMP defines a safe, continuous, comfortable and convenient active transportation network. It recommends design treatments to enhance the pedestrian environment and promote accessibility, provides a toolbox of cycle facility designs, identifies supportive programs and polices, establishes priorities to fill the gaps in the Region’s active transportation network and highlights core areas where the ability to walk and cycle year-round is key. Implementing the ATMP will enable achievement of the 2031 RTMP modal share target of 12% for walking and cycling.

The continued economic success and community vibrancy of Waterloo Region depends on a solid transportation system, a critical component being active transportation. Completing the active transportation network supports;

- A healthier lifestyle and improved air quality
- Links to integrate walking and cycling to Rapid Transit stations and GRT stops
- Ability to build infill development without widening roads
- Meeting the RTMP mode share targets in order to delay or avoid problematic road widenings that have significant impact on neighbourhoods
- Provides affordable access to jobs and services
- Improves the liveability and vitality of built-up areas

**Walk Cycle Waterloo Region Development Process**

The ATMP has been led by a Project Team made up of Regional Councillors, Area Municipal and Regional staff and consultants from the IBI Group. The ATMP has
followed the Class Environmental Assessment Process for Master Planning.

The development of the active transportation network was based on analysis of several sources of data:

- Public Health’s NEWPATH data on walking behaviour and preference was used to determine the best locations to target new sidewalk infrastructure.
- The Transportation for Tomorrow Survey (TTS) was used to determine existing travel demand patterns for cyclists and pedestrians.
- The GPS cycling study conducted with the University of Waterloo was used to help identify key cycling routes and infrastructure needs.
- GIS tools were used to identify network gaps that could be filled by projects in the Transportation Capital Program.

Extensive public consultation was considered in the development of the ATMP as summarized in Attachment 2. Key messages from the public continue to be:

1. Complete the network, fill the gaps and fix problem areas
2. Provide the funding to get projects built as soon as possible
3. Build segregated cycling facilities where appropriate
4. Improve winter maintenance of sidewalks, trails and cycling facilities
5. Educate the community through programs and school curriculum

Public Information Meeting - October 24, 2013

A Public Information Meeting of the Regional Planning and Works Committee was held on October 24, 2013. Some common themes heard at the PIM were: concern about the Region’s standard width for bike lanes relative to other standards; the importance of cyclist safety; and the need for more education. These three concerns are addressed in more detail below.

The current Regional standard for bike lane width is set by the Context Sensitive Regional Transportation Corridor Design Guidelines (“Corridor Design Guidelines” or “CDG” for short). This standard sets the width as 1.25 metres on lower speed roads and 1.5 metres on higher speed roads. The ATMP reflects this standard and several delegations felt that this width was inadequate. They stated that a minimum 1.5 metre width should apply and cited several other standards including the upcoming Ontario Traffic Manual Book 18 published by the Ministry of Transportation of Ontario.
The CDG and the ATMP measure bike lane width to the edge of the asphalt road surface (or “edge of pavement”) and don’t include the concrete gutter on urban roads. However, many standards, including Book 18, include the gutter in the measurement (this is known as measuring to “face of curb”). The illustration above demonstrates this difference for a typical roadway cross section. When measured on the same basis, the Regional minimum bike lane is actually slightly wider than the commonly cited 1.5 metre bike lane.

Many delegations also highlighted the importance of safety to cycling. And others mentioned the related value of shifting cycling facilities off the road surface to be physically segregated from mixed vehicle traffic. The importance of safety is enshrined throughout the ATMP and is a key factor when developing our cycling network. Many areas are recommended for multi use trails or segregated bike lanes to create space between bikes and motor vehicles. While other areas may be initially identified as
suitable for a bike lane, the ATMP provides the flexibility for individual projects to separate the required cycling facilities from vehicle traffic if the context is found to be appropriate.

The need for better education of cyclists and motorists in all situations and especially around roundabouts was also raised. This has been a key message received from the public throughout the ATMP process. To help address this issue the Region’s Roundabout Education Committee will consider cycling as part of the 2014 educational campaign and updates to the website. In addition, a campaign entitled “Thumbs Up Waterloo Region” is currently being developed. This is a partnership between the Area Municipalities, the Region of Waterloo (Public Health, Traffic Engineering and Transportation Planning), the Waterloo Regional Police Service, the Ontario Ministry of Transportation (MTO), and CAA. This will be a multi media campaign focused on cycling education and is planned for June.

Other feedback from that meeting included, making higher walking and cycling mode shares targets, illumination, and winter maintenance. Changes have been made to clarify the ATMP to address many of the comments received. Other issues brought forward regarding budgets and priorities will be addressed during the development of the Implementation Plan. Please see Attachment 1 for detailed comments and responses.

**Proposed Walk Cycle Waterloo Region Initiatives**

**Walking and Cycling Networks**

The most effective strategy for the Region of Waterloo to achieve the walking and cycling mode share target of 12% is to provide a safe, comfortable and convenient network of facilities. The primary aim of the recommended active transportation network is to connect the urban and rural communities through accessible routes for pedestrians and cyclists. Projects to deliver the recommended active transportation network are categorized as follows:

1. **Transportation Capital Program:** The first category identifies active transportation infrastructure that could be completed as part of road improvement projects included in the Transportation Capital Program. This takes advantage of the opportunity to build the recommended walking and cycling network in conjunction with on-going transportation projects already planned by the Region over the next 10 years. It is the primary mechanism by which active transportation facilities have been built in the past and will continue to significantly expand the active transportation network in the future.

2. **Gaps and Infill:** This category of projects covers those walking and cycling facilities which are recommended within Regional corridors that are not included in the current 10-year TCP. This action plan aims to build these active transportation facilities that are not part of any road project to create a well connected network.

3. **Fix-it List:** This category includes “spot” improvements that fine-tune existing or planned facilities, but which do not alter the overall network. For example, upgrades
to intersections, improvements to interchange ramp crossings or curb cuts to improve transitions between trails and bike lanes. These enhancements will further encourage more walking and cycling by improving the safety, comfort and convenience for existing and future users.

4. Special Study Area: These are complex and challenging projects that require unique solutions. 12 special study areas have been identified:

1. Spur Line Trail
2. Eagle Street limited width LRT Corridor
3. Hespeler Road over Highway 401
4. Fischer-Hallman Road over Highway 7/8
5. Trail / bridge across Speed River in Preston
6. Beverley Street through rail underpass
7. Water Street crossing at Churchill Park
8. Iron Horse to Hub rail corridor connection
9. Steckle Woods multi-use trail connection
10. Alpine to Hanson trial connection
11. R&T Park connection to Phillip
12. Franklin Boulevard connection over Highway 401

Maps showing the planned active transportation network for each Area Municipality are included in Attachment 3.

The networks developed identify a need to expand walking and cycling infrastructure through both Transportation Capital Program (2013 TCP) projects and stand alone Active Transportation (AT) infill projects to close gaps. This network expansion is summarized in the table below:

<table>
<thead>
<tr>
<th>Type of Infrastructure</th>
<th>Existing Length</th>
<th>Additional Length</th>
<th>Total Length</th>
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<tbody>
<tr>
<td>Sidewalks</td>
<td>365 km</td>
<td>151 km</td>
<td>515 km</td>
</tr>
<tr>
<td>Multi Use Trails</td>
<td>17 km</td>
<td>143 km</td>
<td>160 km</td>
</tr>
<tr>
<td>Cycling Facilities</td>
<td>364 km</td>
<td>722 km</td>
<td>1086 km</td>
</tr>
<tr>
<td>Dedicated Bike Lanes</td>
<td>117 km</td>
<td>166 km</td>
<td>283 km</td>
</tr>
<tr>
<td>Constrained Corridors</td>
<td>0 km</td>
<td>48 km</td>
<td>48 km</td>
</tr>
<tr>
<td>Segregated Bike Lanes</td>
<td>0 km</td>
<td>20 km</td>
<td>20 km</td>
</tr>
<tr>
<td>Rural Bike Lanes*</td>
<td>247 km</td>
<td>488 km</td>
<td>735 km</td>
</tr>
<tr>
<td>1.0m paved edges on rural roads</td>
<td>206 km</td>
<td>3 km</td>
<td>210 km</td>
</tr>
<tr>
<td><strong>Total Infrastructure</strong></td>
<td><strong>952 km</strong></td>
<td><strong>1019 km</strong></td>
<td><strong>1971 km</strong></td>
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</table>
A significant portion (274 km) of the additional cycling facilities are rural bike lanes that are not planned to be completed in the near term, stand alone AT work on rural roads is considered to be cost prohibitive.

Signage Strategy
The Signage Strategy was developed to reflect a coherent and integrated way-finding sign system for users of the active transportation network. Guidelines for a number of different sign types were developed with the involvement of a variety of stakeholders including local municipalities. The intent is that all active transportation signage installed in the Region would follow this template to ensure consistency to users. The five basic sign types are:

1. Way-finding on trails: Trail name and arrow signs to assist people with finding the right trail and making sure they can connect to other trail segments.
2. On-street cycling facility signage: Adding a bicycle symbol to street name blades to alert everyone that a road has a cycling facility available.
3. Signing regional routes: Trail name signs to install on cross-regional routes that may form part of a provincial network.
4. Regional destination signing: Destination, distance and walking or cycling time is displayed to let people on off-road trails locate nearby regional destinations.
5. Linkage signs: Small sign tabs that can be added to regular traffic “No Exit” signs to alert pedestrians and cyclists when a trail or pathway connection is available.

There may be other components to the signage system such as trailhead signage and maps, regulatory or warning signs (for example prohibition of motorized vehicles, stop signs, steep grade ahead, etc.), tourism information, cultural and heritage interpretation, public art, etc. These additional components will enhance, supplement or provide information that is separate from the primary way-finding components. The ATMP encourages agencies and Area Municipalities to exchange and co-ordinate guidelines on these additional components.

Winter Maintenance
The Winter Network Action Plan identifies a portion of the existing Walking and Cycling Network where year round maintenance should be a priority. The cycling corridors to be maintained over the winter aim to address the more popular commuter routes, especially for university / college students since they are more likely to cycle over the winter months. The pedestrian corridors to be designated high-priority for winter maintenance focus on serving busy retail corridors as well as higher-order transit. Maintenance practices that could be used to improve winter conditions along this core network are identified, such as completely clearing cycling facilities. Finally, a pilot test for enhanced winter maintenance practices is recommended to determine effectiveness and efficiency of new practice. This pilot project would consider a small section of the network for the 2014-2015 winter season.
Behavioural Shift
The Region of Waterloo has support programs, such as Travelwise, to encourage active transportation behaviour change with the goal of reducing single occupancy vehicle travel and encouraging walking, cycling, transit and car-pooling. Active transportation behavioural change strategies have the ability to benefit the Region of Waterloo by:

- Providing metrics to showcase changes in travel choice while establishing environmental impacts, quantifiable data, and value in the community
- Connecting pedestrians and bicyclists to other sustainable modes by developing facilities and services, and by encouraging the use of these modes through education and marketing campaigns
- Repositioning active transportation in the minds of Waterloo residents as convenient, accessible and safe.

The Behavioural Shift Plan identifies a number of potential programs designed to achieve long-term behaviour change, provide measurable results and encourage social norming.

Performance Monitoring
A rigorous performance measurement process monitors progress, evaluates deficiencies and strengths and reports on actions. The Active Transportation Performance Monitoring Action Plan recommends indicators to measure progress, an expanded data collection program and reporting. Several new data collection initiatives are suggested to support performance monitoring needs such as to install permanent bicycle or active mode counters. Many of these initiatives complement existing programs and others support other areas of this plan.

Walking and Cycling Facility Design Guide
This section of the ATMP provides the engineering and technical design guidance necessary to implement the recommended network at the project level. The design guide provides planning and design guidance for creating safe, convenient and comfortable space for pedestrians, cyclists, and other active transportation modes along Regional roads throughout the Region of Waterloo.

The design guide outlines some of the practices that can be used to meet basic pedestrian needs, such as sidewalk width, accessibility requirements and convenient crossings. This section of the ATMP provides tools to demonstrate that the Region of Waterloo is committed to implementing accessible pedestrian facilities that meet the regulations of the Accessibility for Ontarians with Disabilities Act, and advance best practices to make walking convenient.

A cycling network made up of a variety of different types of cycling facilities suitable for different users (experienced, confident and casual cyclists) and fitting local context is necessary to achieve more trips by bicycle. Different types of cycling facilities are recommended for rural and urban Regional road classifications based on whether or not shared space, separate space or segregated space for cyclists will create a comfortable and convenient ride. Descriptions of the types of cycling facilities (on-road bike lanes, segregated bike lanes, cycle tracks and multi-use trails) and general design criteria are
presented in the design guide section of the ATMP.

Some practices suggested in the design guide are at the leading edge of North American practice. For those that are new to the Region of Waterloo, it is recommended that consideration be given to the experience of other jurisdictions around the world and to risk management. If a practice is found to be appropriate, the Region of Waterloo should implement a pilot project. The pilot would be monitored and followed by an analysis to determine if continued use of the practice is justified.

**Sidewalk Policy Update**

The "Sidewalks on Regional Roads" policy (Attachment 4) provides the basis for current practice. This policy will be updated as part of the final implementation plan; more consultation with the Area Municipalities needs to occur.

The main points of the current policy are:

- The Region will build new sidewalks but Area Municipalities are responsible for ongoing maintenance, repair and replacement
- Area Municipalities will establish design standards for sidewalks
- Where there is no existing sidewalk, the Region will contribute the cost of building a sidewalk toward construction of a multi-use trail (MUT) but no further funding
- The Area Municipalities are responsible for MUT maintenance.

Multi-use trails (MUTs) offer a safe, comfortable and inviting facility for active residents. They encourage those less comfortable with vehicle traffic to use a bicycle and greatly increase recreational opportunities. The public feedback received to date is strongly in favour of increased separation between cars and cyclists.

This policy causes a conflict between recommending a cycling lane and recommending a multi-use trail. The Region would fully fund a bike lane but not fully fund an MUT. It would only contribute the cost of a sidewalk towards the MUT construction if there was no sidewalk in the area.

Several clarifications and uncertainties about this policy have arisen over the years as road project teams discuss the implications of various alternatives. Recognizing this, and taking the opportunity to improve multi-use trail implementation, a modified sidewalk policy is proposed in Attachment 5. This updated policy has three components that move towards a sidewalk policy that fully supports the implementation of the ATMP. These components are:

1. Clarification of the roles and responsibilities for the funding, construction, ongoing maintenance and replacement of sidewalks and multi-use trails.
2. The Region is now responsible for design standards of sidewalks and multi-use trails along Regional roads to the Region from the Area Municipalities.
3. Commits the Region to funding the construction of a multi-use trail along a Regional Road in the same manner as sidewalks are currently funded.
Maintenance of sidewalks and multi-use trails on Regional rights-of-way also creates additional financial responsibility for Area Municipalities that sometimes interferes with their support for new or wider facilities. However, the cost and policy implications of this kind of change require more study to ensure that residents are getting the best service for their tax dollars. Regional staff will continue to work with Area Municipal staff to determine what further changes, if any, should be made to address questions of maintenance and ownership. A new sidewalk policy would be discussed with Area Municipal staff over the course of the ATMP Implementation Plan, along with a funding strategy to support any new policy.

**Next Steps**

During 2014, there are several opportunities that are part of the ATMP recommendations that have been accommodated in the Transportation Capital Program budget and construction plan. Please see Attachment 6 for a listing of these 2014 – 2023 active transportation projects that are currently in the program. As well, during 2014, staff plan to develop an ATMP Implementation Plan that will address;

- Refinement of network construction priorities,
- Identification of alternative funding options to construct the ten year active transportation network plan,
- Timing and resources for supporting program initiatives such as the sign program, and
- Working with the Area Municipalities to update policies, such as the sidewalk policy.

Early in 2015, the ATMP Implementation Plan would be targeted to be brought to Council for consideration. This may also necessitate changes to the ATMP, which should be regarded as a “living document”, and may evolve over time.

**Area Municipal Consultation/Coordination**

Area Municipal representatives from Cambridge, Kitchener, Waterloo and Woolwich are participating on the Project Team for Walk Cycle Waterloo Region. The other Townships have been consulted throughout the project. The Area Municipalities support the direction of the ATMP.

**Corporate Strategic Plan:**

The Active Transportation Master Plan supports objectives within all five strategic plan focus areas;

Focus Area One: Environmental Sustainability: Protect and enhance the environment

- 1.2 Reduce greenhouse gas emissions and work to improve air quality.
- 1.5 Restore and preserve green space, agricultural land and sensitive environmental areas.
Focus Area Two: Growth Management and Prosperity Manage growth to foster thriving and productive urban and rural communities.

- 2.1 Encourage compact, livable urban and rural settlement form.
- Develop, optimize and maintain infrastructure to meet current and projected needs.

Focus Area Three: Sustainable Transportation Develop greater, more sustainable and safe transportation choices.

- 3.2 Develop, promote and integrate active forms of transportation (cycling and walking).

Focus Area Four: Healthy and Inclusive Communities Foster healthy, safe, inclusive and caring communities.

- 4.2 Foster healthy living through information, education, policy development and health promotion.
- 4.7 Collaborate with the community to support older adults to live healthy, active lives.

Focus Area Five: Service Excellence Deliver excellent and responsive services that inspire public trust.

- Improve the accessibility of Regional programs and services to support our diverse community.

Financial Implications:

The 2013 Transportation Capital Program (TCP) includes projects totalling $893.2 million over ten years, of which $42.5 million is for the costs of walking and cycling projects. The TCP is currently funded from property taxes, federal gas tax revenues and development charges.

The ATMP identifies $55.5 million of additional project costs for the next ten years and an additional $120,000 annually for signage and small localized projects.

Over the course of 2014, staff will be developing an ATMP Implementation Plan. This plan will identify alternative funding options for the construction of the ten year ATMP network. It will also consider long term needs for active transportation infrastructure and programs. Currently, the goal is to bring the final ATMP and the ATMP Implementation Plan to Council for consideration in early 2015.

Other Department Consultations/Concurrence:

Transportation and Environmental Services and Public Health have representatives on the Steering Committee for this project that includes Regional Councillors Jane Mitchell and Geoff Lorentz.
Attachments:
Attachment 1 – October 24, 2013 - Public Input Meeting of Regional Planning and Works Committee Comments and Responses
Attachment 2 – Summary of Public Consultation
Attachment 3 – Walking and Cycling Network Maps
Attachment 4 – Original 2006 Sidewalk Policy
Attachment 5 – Proposed Updated Sidewalk Policy
Attachment 6 – Active Transportation Facilities Included in the 2014 Transportation Capital Program

Prepared By: Paula Sawicki, Manager, Strategic Transportation Planning
            Garrett Donaher, Transportation Planning Engineer

Approved By: Rob Horne, Commissioner, Planning, Housing and Community Services
### Attachment 1 – October 24, 2013 Public Input Meeting of Regional Planning and Works Committee Comments and Responses

<table>
<thead>
<tr>
<th>Delegation</th>
<th>Comments from minutes</th>
<th>Response</th>
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<tbody>
<tr>
<td>Paula Hutchinson</td>
<td>Provided detailed information on the accident that occurred at the roundabout located on Ira Needles Boulevard and Highland Road.</td>
<td>The Region’s Roundabout Coordination Committee has previously reviewed this collision and determined that navigating the roundabout on a bicycle contrary to on-street lane designation signs contributed to the collision. T&amp;ES has received a letter through Councillor Sean Strickland that will also be responded to directly.</td>
</tr>
<tr>
<td>Delegation</td>
<td>The Region’s website does not have information for cyclists on how to navigate roundabouts safely and suggestions on improving education were provided.</td>
<td>The Region’s website hosts a brochure that explains how to safely navigate a roundabout on bike. Additionally there is a link “How to use a roundabout” that simulates how to ride a bike though a roundabout. The Region’s Roundabout Education Committee will consider cycling as part of the 2014 educational campaign and updates to the website.</td>
</tr>
<tr>
<td>Mike Boos</td>
<td>Provide share the road signs be placed at roundabouts</td>
<td>Recently, guidance has been modified to suggest that these signs may be used where bike lanes end and for this reason we will review our signing practices.</td>
</tr>
<tr>
<td>Delegation</td>
<td>Improve design of roundabouts to accommodate cyclists, particularly when making a left turn</td>
<td>Accommodation of cyclists in roundabout design is being reviewed. For example the design of entry and exit ramps that allow cyclists to circumnavigate the roundabout is being reviewed.</td>
</tr>
<tr>
<td>Mike Boos</td>
<td>TriTAG sees many encouraging things in the plan for example the priority list where walking is at the top of list, then cycling, transit, carpool then single occupancy cars.</td>
<td>Acknowledged, this priority listing has already been approved through the RTMP where context allows.</td>
</tr>
<tr>
<td>Delegation</td>
<td>Comments from minutes</td>
<td>Response</td>
</tr>
<tr>
<td>------------</td>
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</tr>
<tr>
<td></td>
<td>The Region can aim higher and would like to see more than 50% increase not a target of 12%.</td>
<td>The percentage increase may appear small but it represents more than twice as many active mode users by 2031 (including over six times as many cyclists). This target is in line with what is achieved in other North American jurisdictions.</td>
</tr>
<tr>
<td></td>
<td>Walking is part of using transit.</td>
<td>Acknowledged, connections to transit were one of the key criteria used to develop the network.</td>
</tr>
<tr>
<td></td>
<td>More protected forms of cycling lanes</td>
<td>The ATMP provides a suite of cycling facilities including on-road lanes, lanes with painted buffers, physically segregated lanes and multi use trails. The bike lanes on the network maps present the initial selection for an appropriate facility. If, upon more detailed review, an individual project team feels that a different facility is warranted they may elect to recommend that facility.</td>
</tr>
<tr>
<td></td>
<td>Requests winter network.</td>
<td>The identified winter network is a starting point to explore the issue of winter maintenance. The winter network size is subject to identifying the required additional maintenance funding.</td>
</tr>
<tr>
<td></td>
<td>People don’t stop having to get to places in the winter time and if walking is the number one priority then sidewalk cleaning should be maintained in the winter.</td>
<td>Sidewalk clearing is an Area Municipal responsibility. The identified winter network does include sidewalks where improved maintenance could be explored.</td>
</tr>
<tr>
<td>David Cain</td>
<td>Club emphasis is on safety and main concern is bicycle lane widths.</td>
<td>Acknowledged, the ATMP identifies user safety as one of the fundamental drivers for the plan and recommends appropriate lane widths.</td>
</tr>
<tr>
<td></td>
<td>He pointed out the number one reason people don’t bike is fear to share the road with vehicles.</td>
<td>Acknowledged, the ATMP also highlights this fact.</td>
</tr>
<tr>
<td>Delegation</td>
<td>Comments from minutes</td>
<td>Response</td>
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<tr>
<td>Cycling lane widths should be a minimum of 1.5 meters. Other Region's standard lane widths were illustrated.</td>
<td>The ATMP relies on the bike lane widths identified in the Context Sensitive Regional Transportation Corridor Design Guidelines (CDG). These guidelines identify bike lane widths to the edge of pavement. Most common guidelines include an additional 0.3 m between the edge of the pavement and the face of the curb. Text will be added to the ATMP to clarify this distinction. The CDG also states that when no gutter is present a wider bike lane should be considered. Text will be added to the ATMP to clarify this that this point would lead to an additional 0.3 m being added to bike lanes that are not adjacent a gutter.</td>
<td></td>
</tr>
<tr>
<td>Prefers segregated cycling lanes.</td>
<td>Acknowledged, this preference among the public is well recognised throughout the ATMP</td>
<td></td>
</tr>
<tr>
<td>Alain Francq</td>
<td>Any policies that are created as a result of this plan that provide clarity and education around sharing the road are supported by the club.</td>
<td>Acknowledged, many of the recommended treatments in the ATMP aim to do this.</td>
</tr>
<tr>
<td></td>
<td>Adding share the road signs on the roads that are most heavily travelled by cyclists in the Region.</td>
<td>These signs are recommended for locations where the road configuration changes and attention should be drawn to the shared use. Wide spread use of these signs is not recommended as the message will be lost when it is most important.</td>
</tr>
<tr>
<td></td>
<td>Would like to see the final plan to include a policy statement that says; &quot;share the road&quot; signs will be placed at regular intervals on all regional roads.</td>
<td>See previous comment, use of share the road signs at regular intervals waters down the message they convey.</td>
</tr>
<tr>
<td>Delegation</td>
<td>Comments from minutes</td>
<td>Response</td>
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<td>---------------</td>
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</tr>
<tr>
<td>Michael Druker</td>
<td>Cycling makes for a better city and that he is in support of the Active Transportation Master Plan, noting it shows lots of progress and sets a good tone.</td>
<td>Acknowledged, the ATMP brings many cycling polices up to date.</td>
</tr>
<tr>
<td></td>
<td>Plan doesn’t get as far as he would like stating the plan is timid in its scope and the Region should be aiming higher than 12%.</td>
<td>See comment above. The 12% goal is ambitious (more than doubling the number of active people) and achievable (in the context of funding).</td>
</tr>
<tr>
<td></td>
<td>Implement safe intersection treatments.</td>
<td>The ATMP provides a suite of intersection treatments that can be applied to improve the safety of active people.</td>
</tr>
<tr>
<td></td>
<td>Need protected infrastructure to encourage people to ride. Multiuse trails are a great option.</td>
<td>The ATMP highlights the importance of segregated facilities and provides design guidelines.</td>
</tr>
<tr>
<td></td>
<td>Sidewalks are a must and should be everywhere not just installed when rebuilding a road.</td>
<td>The ATMP identifies an infill program to close gaps in the sidewalk network.</td>
</tr>
<tr>
<td>Jan d’Ailly</td>
<td>He commented that they are happy to see the ATMP come forward noting they have been involved in the last few years attending the open houses and providing their input.</td>
<td>Acknowledged.</td>
</tr>
<tr>
<td></td>
<td>Do less but do it right.</td>
<td>A more detailed prioritization and funding plan would be developed over the course of 2014 in the ATMP Implementation Plan.</td>
</tr>
<tr>
<td>Delegation</td>
<td>Comments from minutes</td>
<td>Response</td>
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<tr>
<td>He explained what</td>
<td>He explained what WACAT did over the last few years highlighting that it takes time to create a network and the city set priorities on their Trail Network Connector Plan.</td>
<td>Acknowledged, the ATMP has considered Waterloo's trail priorities in establishing the recommended network.</td>
</tr>
<tr>
<td>WACAT did over the</td>
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<td>last few years</td>
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<td>create a network</td>
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<td>and the city set</td>
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<td>priorities on their</td>
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<td>Trail Network</td>
<td></td>
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<tr>
<td>Connector Plan.</td>
<td></td>
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</tr>
<tr>
<td>Nancy Mifflin</td>
<td>Both Universities grow and the student's main transportation is cycling.</td>
<td>Acknowledged, cycling use by post secondary students was considered in the development of the cycling network.</td>
</tr>
<tr>
<td>Boulevards be put</td>
<td>Boulevards be put to better use, instead of just growing weeds, they should be used for cycling lanes.</td>
<td>Reducing other roadway elements, where feasible, is always a consideration when adding cycling facilities to existing corridors.</td>
</tr>
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<td>to better use,</td>
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<td>instead of just</td>
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<td>growing weeds,</td>
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<td>they should be</td>
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<td>used for cycling</td>
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<td>lanes.</td>
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<tr>
<td>Nancy Mifflin</td>
<td>Both Universities grow and the student's main transportation is cycling.</td>
<td>Acknowledged, cycling use by post secondary students was considered in the development of the cycling network.</td>
</tr>
<tr>
<td>Cycling lanes</td>
<td>Cycling lanes should be off the road.</td>
<td>The ATMP highlights the importance of segregated facilities and provides design guidelines.</td>
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<tr>
<td>should be off the</td>
<td></td>
<td></td>
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<tr>
<td>road.</td>
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<tr>
<td>Margaret Santos</td>
<td>Interested in pedestrian issues for a long time and stated that there has been no mention of the night environment for cyclists and pedestrians.</td>
<td>Acknowledged, the ATMP prioritizes projects to connect to the rapid transit system.</td>
</tr>
<tr>
<td>She explained that</td>
<td>She explained that night time illumination on paths as well as some streets in the city is important.</td>
<td>Agreed.</td>
</tr>
<tr>
<td>night time</td>
<td></td>
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<td>illumination on</td>
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<td>paths as well as</td>
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<td>some streets in the</td>
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<td>city is important.</td>
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<tr>
<td>Delegation</td>
<td>Comments from minutes</td>
<td>Response</td>
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<td></td>
<td>Sidewalks on University Avenue by King Street are narrow.</td>
<td>This section of sidewalk is very busy. Sidewalks on this section of road were funded and constructed to local municipal standards (1.5m width). In 2008, the Region took over the responsibility for constructing sidewalks on Regional roads. The ATMP specifies a width of 1.8m and encourages additional width in areas with high pedestrian volumes. If this section were to be reconstructed, 2.1 m sidewalks would be considered.</td>
</tr>
</tbody>
</table>
Attachment 2 – Summary of Public Consultation

PCC #1 – Fall 2011, Introduction to Walk Cycle Waterloo Region
For these first meetings, an open house and workshop format were used as a forum to update the public about the current status of active transportation planning in the Region of Waterloo including existing vision, objectives, policies and planning practices. Displays summarized the study purpose, current policies and maps of the existing network and planned walking and cycling facilities in Area Municipal plans. This information was reiterated to attendees in a short presentation from the study team followed by a group discussion in a “world café” format. Over 150 people attended the open houses.

The interactive portion of the PCC consisted of asking the attendees to discuss five key questions directly related to the development of the Walk Cycle Waterloo Region Plan; those questions are listed in Exhibit 2.2. In addition, comment sheets were available at the PCC and on the project website, where all PCC material was posted. The goal of these questions was to gain feedback that would inform the development of the ATMP.

1. Walking Network: Where are sidewalks or other improvements for walking needed along Regional roads and to connect to regional destinations?
2. Cycling Network: What type of cycling facilities (paved shoulders, bike lanes, segregated bike lanes, cycling tracks and boulevard multi-use trails) should be built on Regional roads and which ones need these facilities?
3. Winter Network: What could the Region do to help make walking and cycling viable in the winter?
4. Changing Behaviour: What could the Region do to help make walking and cycling viable in the winter?
5. “Burning Issues”: Beyond building the Regional Walking and Cycling Network, what else could the Region do to address “burning issues” for walking and cycling?

PCC #2 – Spring 2012, Networks and Select Action Plans
The purpose of the second PCC was to provide an update on the progress of the study including a draft active transportation network, and to solicit more input to feed into developing the remainder of the plan. It was held on Monday, June 5, 2012 at the University Of Waterloo School Of Pharmacy. This event was co-hosted with the first PCC for the King ▪ Victoria Multi-Model Transportation Hub Study as well as the kickoff event for the Commuter Challenge, sponsored by Sustainable Waterloo Region and the City of Kitchener. Each hosting party provided an update of their respective projects, followed by guest speaker, Hans Moor of the Dutch Embassy and president of Citizens for Safe Cycling, Ottawa.

Over 120 people attended the second PCC. Displays showed draft maps of the walking and cycling network along with a preliminary “Fix-It” List, and ideas for way-finding
signage. Feedback was solicited about missing links in the network, other potential “Fix-It” locations and priorities in the network. Comment forms were distributed to the public. All PCC materials were posted on the project website walkcyclewr.regionofwaterloo.ca, including an information booklet and video presentation that summarized progress to date.

PCC #3 – Fall 2013, Complete Draft Plan
The third series of public consultation was held in November 2012 with events in Cambridge, Kitchener and Waterloo. The purpose of the third PCC was to present the draft report for Walk Cycle Waterloo Region. The PCC was held in a drop-in format between 4:00 p.m. to 8:00 p.m. Displays for each section of the draft ATMP and maps were available for review along with an information booklet summarizing the study recommendations and a comment form. Feedback on the draft recommendations was solicited in three ways: by talking with the project team at the PCC, through the comment form available at the PCC and on the study web site, and through an on-line survey. Several pointed questions were asked about specific sections of the draft as well as open format questions to capture any other comments someone would like to make.

Five key trends were identified from the received and are as follows:

1. Complete the network, fill the gaps, and fix problem areas
2. Provide the funding to get these projects built as soon as possible
3. Build segregated cycling facilities
4. Improve winter maintenance of sidewalks, trails and cycling facilities; winter maintenance needs to be done on par with roads or better and Sidewalk clearing should be done by the area municipality
5. Educate (programs and school curriculum)
Attachment 3 – Walking and Cycling Network Maps

Recommended Cambridge Walking Network
Recommended Cambridge Cycling Network
Recommended Kitchener Walking Network
Recommended Kitchener Cycling Network
Recommended North Dumfries Cycling Network

Future
- Constrained Corridor
- Bike Lane
- Segregated Bike Lane
- Boulevard Multi-use Trail
- Area Municipal Cycling Facility
- 1m Paved Edge

Existing
- Bike Lane
- Boulevard Multi-use Trail
- Area Municipal Cycling Facility
- 1m Paved Edge

Additional Features
- Minor Trail
- Major Trail
- Special Study Area
- Regionally Significant
- F### Fix-it Project

Kilometers
Recommended Waterloo Walking Network
Recommended Waterloo Cycling Network
Recommended Wellesley Walking Network
Recommended Wellesley Cycling Network

Future
- Constrained Corridor
- Bike Lane
- Segregated Bike Lane
- Boulevard Multi-use Trail
- Area Municipal Cycling Facility
- 1m Paved Edge

Existing
- Bike Lane
- Boulevard Multi-use Trail
- Area Municipal Cycling Facility
- 1m Paved Edge

Additional Features
- Minor Trail
- Major Trail
- Special Study Area
- Regionally Significant
- F### Fix-it Project

Kilometers
Recommended Wilmot Walking Network

[Map of Wilmot area with indicated walking network features, including future, existing, and additional features, with legend for symbols like Boulevard Multi-use Trail, Sidewalk, and Minor Trail.]

Kilometers

0 1 2 3 4 5

Page 33 of 48
Recommended Wilmot Cycling Network
Recommended Woolwich Walking Network
Recommended Woolwich Cycling Network
Attachment 4 – Original 2006 Sidewalk Policy

Sidewalks on Regional Roads Policy

- The capital cost of installing new (i.e. initial) sidewalks on Regional Roads will be the responsibility of the Region (includes any “in-fill” or gap areas);

- The Local Municipality will continue to be responsible for the ownership and maintenance responsibilities of these sidewalks – as is the case in the present policy;

- There will be no transfer of funds between the Local Municipalities and the Region to accommodate this policy change;

- As additional sidewalks are installed by the Region on Regional Roads, there will need to be a proportional increase by the Local Municipalities in their maintenance budgets;

- Multi-Use Trails on Regional Roads:
  - Where a new multi-use trail is to be implemented by the Local Municipality, and there already is an existing on-road cycling facility or one proposed, then the Region will not fund any of the multi-use facility, assuming a sidewalk already exists;
  - If a sidewalk does not exist, the Region will put the cost of constructing a sidewalk towards the multi-use trail; and
  - The maintenance of multi-use trails will remain the Local Municipalities responsibility.

- The design standards (e.g. width, depth, etc) for sidewalks on Regional Roads will generally be the same as used by the Local Municipality on their roads;

- Where a Regional Road passes through a local municipally-owned industrial subdivision, the Regional Road will be designed and built to Regional standards (i.e. typically urban cross-section including curb and gutters); and

- Sidewalks will be constructed on one or both sides of Regional Roads where the existing or expected pedestrian activity meets specified warrants. The warrants are currently being developed.
Attachment 5 – Proposed Updated Sidewalk Policy

Sidewalks
Sidewalks will be constructed on both sides of Regional roads, except on Rural Connectors or where it is demonstrated that there are significant barriers to construction. Where significant barriers exist, a sidewalk will be constructed on one side of the road unless precluded by said barriers. Construction of a sidewalk will be based on local context and the overall active transportation network.

Multi-use Trails
Construction of a multi-use trail will substitute or be in addition to the construction of sidewalks and cycling facilities based on local context and the overall active transportation network. Generally, the Region will not construct multi-use trails and cycling lanes simultaneously on both sides of a Regional road. Similarly, a sidewalk and a multi-use trail will generally not be constructed on the same side of a Regional Road.

General Rules
For the purpose of the following rules, “pedestrian facilities” is taken to mean both sidewalks and multi-use trails.

<table>
<thead>
<tr>
<th>Initial Capital Costs</th>
<th>The capital cost of constructing new pedestrian facilities on Regional Roads, where none existed previously, will be the responsibility of the Region.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>The Region will be responsible for the design of pedestrian facilities along Regional Roads.</td>
</tr>
<tr>
<td>Maintenance Costs</td>
<td>Area Municipalities will own and be responsible for all maintenance on the full width of pedestrian facilities along Regional Roads.</td>
</tr>
<tr>
<td>Replacement Costs</td>
<td>Where an existing pedestrian facility on a Regional Road is to be replaced:</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Due to age, safety or condition, the Area Municipality will be responsible for the replacement cost.</td>
</tr>
<tr>
<td></td>
<td>Due to grade changes, road widening or other construction events related to Regional project needs, the Region will be responsible for the replacement cost.</td>
</tr>
<tr>
<td></td>
<td>Due to excavations for sanitary sewer replacements or other construction events related to project needs of the Area Municipality, the Area Municipality will be responsible for the replacement costs.</td>
</tr>
<tr>
<td></td>
<td>Where a multi-use trail replaces a sidewalk, the equivalent cost of replacing the sidewalk will be assigned based on the preceding rules. Any additional capital costs related to building the multi-use trail will be the responsibility of the Region.</td>
</tr>
</tbody>
</table>
### Attachment 6 – Active Transportation Facilities Included in the 2014 Transportation Capital Program

SW = A sidewalk (or other pedestrian facility) is planned

CF = A cycling facility is planned

<table>
<thead>
<tr>
<th>Road</th>
<th>From</th>
<th>To</th>
<th>Facility</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRIDGE STREET</td>
<td>KIT/WOOL BDRY.</td>
<td>BRIDGEPORT BRIDGE</td>
<td>SW + CF</td>
<td>2014</td>
</tr>
<tr>
<td>ERB STREET</td>
<td>CAROLINE ST.</td>
<td>MENNO ST.</td>
<td>CF</td>
<td>2014</td>
</tr>
<tr>
<td>IRA NEEDLES BOULEVARD</td>
<td>HIGHVIEW DR.</td>
<td>ERB ST.</td>
<td>SW</td>
<td>2014</td>
</tr>
<tr>
<td>KING STREET</td>
<td>VICTORIA ST.</td>
<td>CENTRAL MARKET</td>
<td>CF</td>
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<tr>
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<td>WEBER ST.</td>
<td>HWY 85 SB. RAMP</td>
<td>SW + CF</td>
<td>2014</td>
</tr>
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<td>NORTHFIELD DRIVE</td>
<td>WATERLOO/ST. JACOBS TRACKS</td>
<td>KING ST.</td>
<td>SW + CF</td>
<td>2014</td>
</tr>
<tr>
<td>NORTHFIELD DRIVE W</td>
<td>WEBER ST. N.</td>
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<tr>
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<td>EDNA ST.</td>
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<td>BRIDGE ST.</td>
<td>SW</td>
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<td>FOUNTAIN STREET</td>
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<td>2015</td>
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<td>Road</td>
<td>From</td>
<td>To</td>
<td>Facility</td>
<td>Year</td>
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<td>NORTHFIELD DR.</td>
<td>SW + CF</td>
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<td>FAIRWAY RD.</td>
<td>SW + CF</td>
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<td>PANDORA AVE.</td>
<td>SW</td>
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<td>BLEAMS RD.</td>
<td>OTTAWA ST.</td>
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<td>FOUNTAIN STREET</td>
<td>KING ST.</td>
<td>CHERRY BLOSSOM RD.</td>
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<td>FRANKLIN BOULEVARD</td>
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<td>HUTCHISON ROAD</td>
<td>CROSSHILL S. LIMITS</td>
<td>CROSSHILL W. LIMITS</td>
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<td>OTTAWA STREET N</td>
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<td>CEDAR CREEK RD.</td>
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<td>JOHN ST.</td>
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<tr>
<td>BRIDGEPORT RD./CAROLINE ST.</td>
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<td>ERB STREET</td>
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<td>KING ST.</td>
<td>CAROLINE ST.</td>
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<td>KOSSUTH RD.</td>
<td>CF</td>
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<td>Road</td>
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<td>1.0 KM. N. OF VICTORIA ST.</td>
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<td>MYERS ROAD</td>
<td>BRANCHTON RD.</td>
<td>WATER ST.</td>
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<td>KING ST.</td>
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<td>SNYDER'S ROAD E</td>
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<td>CHRISTIAN ST.</td>
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<tr>
<td>UNIVERSITY AVENUE</td>
<td>KEATSWAY</td>
<td>ERB ST.</td>
<td>SW</td>
<td>2018</td>
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<tr>
<td>ARTHUR STREET</td>
<td>SOUTH ST.</td>
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<tr>
<td>BEVERLY STREET</td>
<td>BEVERLY ST/SAMUELSON ST</td>
<td>DUNDAS ST</td>
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<td>Road</td>
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<tr>
<td>COURTLAND AVENUE E</td>
<td>HAYWARD AVE.</td>
<td>HWY 7/8 EB RAMP</td>
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<td>FAIRWAY ROAD S/COURTLAND AVE.</td>
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<td>FISCHER-HALLMAN ROAD</td>
<td>PLAINS RD.</td>
<td>BLEAMS RD.</td>
<td>SW + CF</td>
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<tr>
<td>KRESSLER ROAD</td>
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<tr>
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<td>FAIRWAY ROAD SOUTH</td>
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<td>SW</td>
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<td>WALLENSTEIN SE LIMITS</td>
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<td>MAPLE GROVE ROAD</td>
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<td>BRUCE ST.</td>
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<td>SWAN ST.</td>
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<tr>
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<td>HWY. 401</td>
<td>SPORTSWORLD DR.</td>
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<td>HWY 8 ON RAMP.</td>
<td>FERGUS AVE.</td>
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<td>BLOCKLINE RD.</td>
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<td>TOWNLINE RD.</td>
<td>FRANKLIN BLVD.</td>
<td>SW + CF</td>
<td>2023</td>
</tr>
<tr>
<td>QUEENS BUSH ROAD</td>
<td>FIRELLA CK BRIDGE</td>
<td>HUTCHISON RD.</td>
<td>SW + CF</td>
<td>2023</td>
</tr>
<tr>
<td>WEBER STREET</td>
<td>ERB ST.</td>
<td>FORWELL CREEK RD.</td>
<td>CF</td>
<td>2023</td>
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Region of Waterloo

Transportation and Environmental Services

Design and Construction

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014

File Code: 5493

Subject: Notre Dame Drive and Snyder’s Road Reconstruction, Township of Wilmot

Recommendation:

THAT the Regional Municipality of Waterloo take the following actions with respect to proposed improvements in the Village of Petersburg, on Notre Dame Drive (Regional Road 12) from the Highway 7/8 interchange to the railway tracks at the north village limit, and on Snyder’s Road (Regional Road 6) from the east village limit to the west village limit:

i) approve the proposed roadway improvements as outlined in Report E-14-007.1

ii) Effective March 31, 2014, amend Traffic and Parking By-law 06-072, as amended as follows:

a) Add to Schedule 18 Rates of Speed, 50 km/h Maximum Speed on Snyder’s Road East (Regional Road #6) from 350 metres west of Notre Dame Drive to 420 metres east of Notre Dame Drive; and

b) Add to Schedule 18 Rates of Speed, 50 km/h Maximum Speed on Notre Dame Drive (Regional Road #12) from 470m south of Reinhardt Place to 255 north of Deerfield Avenue.

Summary:

The Region of Waterloo plans to reconstruct the main streets in the Village of Petersburg in 2016. The project limits include Notre Dame Drive from the Highway 7/8 interchange to the railway crossing at the north limit of the village, as well as Snyder’s Road from the east village limit to the west village limit, for a total combined distance of
approximately 2,000 metres. Please refer to Appendix A for a key plan of the Project Area. A Project Team was established to direct this project, consisting of staff from the Region of Waterloo and the Township of Wilmot as well as Township Councillor Peter Roe, and the Region’s consultant MTE Consultants Inc.

Improvements are required on Notre Dame Drive and Snyder’s Road to address the deteriorated roadway condition, the lack of proper drainage on the roadway and on adjacent property, and a lack of facilities for pedestrians and cyclists through the village.

Based on the project needs, the Project Team developed a preferred design for improvements to Notre Dame Drive and Snyder’s Road which was presented to the public on May 1, 2012 at the first Public Consultation Centre (PCC #1). The preferred design presented at PCC #1 included: full reconstruction of the existing roads; on-road cycling lanes; new curb and gutter and storm sewers; sidewalk on both sides of the road; some areas of parking behind the curb; and modernization of the traffic signals at the intersection of Notre Dame Drive and Snyder’s Road.

The main issues expressed by the public at PCC #1 included: comments that sidewalks and curbs are not needed or desired in the village and that the paved shoulders should remain; concerns about the loss of parking with the proposed cycling lanes and curbs; concerns about speeding through the village; concerns at The Blue Moon restaurant regarding loss of parking and access for delivery trucks; and concern about traffic operations at the Notre Dame Drive/Snyder’s Road intersection.

From the comments received at PCC #1, the Project Team developed a revised preferred design which was presented to the public on February 28, 2013 at PCC #2 held at the Emmanuel Lutheran Church in Peters burg. Revisions to the original design presented at PCC #2 included: replacement of the proposed on-road cycling lanes with segregated cycling lanes behind a semi-mountable curb (to narrow the road to encourage lower speeds); elimination of a section of proposed sidewalk on the south side of Snyder’s Road east of Notre Dame Drive; raised centre medians on all four approaches to the village to alert motorists they are entering the village and to encourage lower speeds; additional proposed parking spaces behind the curb; additional parking on the road allowance for patrons and delivery vehicles at The Blue Moon restaurant; and a reduction in the posted speed limit (from 60 to 50 kph) following the implementation of the proposed improvements.

A formal Public Input Meeting (PIM) was held on June 25, 2013 at Rebel Creek Golf Club to allow members of the public to appear before Regional Councilors to share their views about the currently proposed project improvements. The main comments heard from members of the public at the PIM included: a preference for paved shoulders over sidewalks and cycling lanes; requests for an immediate reduction of the posted speed limit from 60 to 50 kph; concerns about insufficient roadway width for farm vehicles; requests for designated turn lanes at the Notre Dame Drive/Snyder’s Road intersection; and concerns about limited parking in several locations, including in front of the Emmanuel Lutheran Church and at the Post Office.
Subsequent to the PIM, the Project Team met again to consider the comments received from the public. The following changes to the proposed design are now being recommended based on the public comments received at the PIM:

1. Effective March 31, 2014, a reduction in the posted speed limit within the village limits to 50 kph;

2. Additional parking spaces on the road allowance at the Church and Post Office;

3. Additional parking spaces on the road allowance on the west leg of Snyder’s Road;

4. The proposed segregated cycling lanes would be constructed and would function as cycling lanes but would not be formally designated in the Region’s By-law, which would allow wide over-sized farm equipment to legally occupy the cycling lane when required to do so; and

5. Additional roadway illumination would be provided near the Post Office.

A new multi-day traffic count was taken in October 2013 to confirm whether the warrants for turning lanes are met at the intersection of Notre Dame Drive and Snyder’s Road. Based on the recent counts which represent normal traffic activity and based on projected future increases in area traffic to a horizon year of 2026, it is concluded that separate designated turning lanes are not required and are therefore not recommended at this intersection for this project.

At this time the Project Team is recommending a final Design Alternative to Regional Council for approval. The final Recommended Design Alternative includes the following overall improvements:

- Full reconstruction of the existing roads with one lane in each direction;
- Segregated coloured concrete cycling lanes on both sides of the road located behind a roll-over curb and gutter;
- Sidewalk on both sides of the road in most areas, except on the south side of Snyder’s Road east of Notre Dame Drive, with an approximate 1.0m grassed or hard surface boulevard between the sidewalk and segregated bike lane;
- Short sections of raised centre medians at all four entrances to the village, one of which will be constructed as a pedestrian refuge island north of Deerfield Avenue / Cecil Kennedy Court for pedestrians accessing Petersburg Community Park;
- Installation of new storm sewers (including curb and gutter) to replace the existing old and inconsistently sized storm sewers;
- Forty (40) parking spaces behind the cycling lanes;
• Modernization and upgrading of the traffic signals at the intersection of Notre Dame Drive and Snyder’s Road;

• Elimination of the existing short right turn lane markings on Snyder’s Road at Notre Dame Drive while maintaining sufficient pavement width on Snyder’s Road for through vehicles to bypass left-turning vehicles;

• Minor culvert rehabilitation at the Alder Creek culvert on the west leg of Snyder’s Road; and

• Upgrades to various overhead and below-ground utilities as required to accommodate the proposed improvements.

The estimated total cost for the project is $4,980,000. Pending final approval of the project, construction is scheduled to commence in April 2016 with completion in late fall 2016.

Letters advising the public of the recommendations included in this report and the date the report is to be considered by the Planning and Works Committee were mailed on January 9, 2014 to all Petersburg businesses and residents and those who attended the PCCs or PIM. On January 21, 2014 a follow-up letter was mailed to advise that the date of the Committee Meeting was changed to February 11, 2014 to allow more time for the public to prepare for the meeting.

Report:

1. Introduction

The roads in the Village of Petersburg are identified in the Region’s 2014 Ten-Year Transportation Capital Program as requiring reconstruction and major rehabilitation in 2016. The project limits include Notre Dame Drive from the Highway 7/8 interchange to the railway crossing at the north limit of the village, as well as Snyder’s Road from the east village limit to the west village limit, for a total combined distance of approximately 2,000 metres. Please refer to Appendix A for a key plan of the Project Area.

The project is being undertaken as a Schedule ‘A+’ project under the “Municipal Class Environmental Assessment Act”, and is being directed by a Project Team that includes staff from the Region of Waterloo and Township of Wilmot as well as Township Councilor Peter Roe and the Region’s consultant MTE Consultants Inc.

Improvements on Notre Dame Drive and Snyder’s Road are being proposed to address a variety of needs in accordance with the objectives of the Region’s Transportation Master Plan, Context Sensitive Corridor Design Guidelines and the Draft Active Transportation Master Plan.

2. Existing Needs and Proposed Improvements

There are a number of needs driving this project. The following sections describe these needs and the proposed improvements to address these needs:
a) Deteriorated Road Condition

The pavement condition is fair to poor on most sections of Notre Dame Drive and Snyder’s Road. In general, the deterioration is due to the age of the asphalt combined with areas of poor roadway drainage. The roadway will be fully reconstructed as part of this project.

b) Drainage Issues

Except for a few small sections of curb and gutter located near the intersection of Notre Dame Drive and Snyder’s Road, most of the roadway consists of areas of paved shoulders with road drainage flowing into shallow swales, roadside ditches or directly onto private driveways and front yards. In many locations the houses and properties are lower than the existing road resulting in surface drainage from the roads flowing onto private property. This drainage condition exists on the south side of the east leg of Snyder’s Road where road surface drainage flows onto private property. Backyard flooding and the potential for basement flooding have been reported in this general area. Flooding problems have also been reported on the south leg of Notre Dame Drive between Snyder’s Road and Reinhart Place. In some locations, along both roads, there are “makeshift” catchbasins and storm sewers installed in the roadway; however, many of these are in questionable condition due to their age, have inconsistent and/or insufficient size and unknown or partially buried outlets. Accordingly, there is a need for a new storm sewer system throughout Petersburg to address these drainage deficiencies.

c) Pedestrian Needs

Currently, there is no sidewalk on Notre Dame Drive or on Snyder’s Road. To promote and encourage walking for local trips, reduce the use of cars and for pedestrian comfort reasons, the Region of Waterloo has a Strategic Plan objective to consider continuous sidewalks on both sides of Regional Roads as part of any road reconstruction project in built-up areas. Sidewalks are therefore being considered for construction on both sides of Notre Dame Drive and Snyder’s Road in support of the Region’s Transportation Master Plan, Context Sensitive Corridor Design Guidelines and the Draft Active Transportation Master Plan. Sidewalks assist in promoting walking for local trips, and the inclusion of a landscaped boulevard between the sidewalk and the traveled portion of the roadway provides a greater separation between pedestrians and traffic.

It should be noted that snow removal on all sidewalks is the responsibility of the abutting landowners in Wilmot Township as per Township By-Law 84-72.

d) Cycling Needs

There are currently no designated cycling lanes on Notre Dame Drive or Snyder’s Road; however Notre Dame Drive and Snyder’s Road (both within and beyond Petersburg) are identified as designated cycling routes in the Region’s Draft Active Transportation Master Plan and accordingly cycling facilities are being considered as part of this project.
The Township of Wilmot has also requested that the Region consider the construction of cycling facilities as part of the proposed reconstruction of Notre Dame Drive and Snyder’s Road as a part of an initiative to provide cycling connections between the various towns and hamlets in Wilmot Township.

3. Public Consultation

a) May 1, 2012 Public Consultation Centre #1

Based on the project needs, the Project Team developed a preferred design for improvements to Notre Dame Drive and Snyder’s Road which was presented to the public on May 1, 2012 at the first Public Consultation Centre (PCC #1) held at the Rebel Creek Golf Course in Petersburg. Notices were placed in the local newspapers advertising the PCC. Signboards were erected on site in advance of the PCC and notices were mailed to area residents, property owners, and businesses. In addition notice letters were hand-delivered and mailed to all residents within the community. Plans showing the proposed improvements were on display at the PCC and Project Team representatives were present to answer questions and receive feedback.

Typical cross-sections were also on display at the PCC to illustrate what the proposed improvements would look like.

The preferred design presented at PCC #1 included: full reconstruction of the existing roads; on-road cycling lanes; new curb and gutter and storm sewers; sidewalk on both sides of the road; minimum 1.0m boulevards, with new tree plantings where possible; some areas of parking behind the curb; and modernization/upgrading of the traffic signals at the intersection of Notre Dame Drive and Snyder’s Road.

Approximately 63 people attended PCC #1 and forty-three (43) written responses were received. The main issues expressed by the public at PCC #1 included: comments that sidewalks and curbs are not needed or desired in the village and that the paved shoulders should remain; concerns about the loss of most of the parking with the proposed cycling lanes and curbs; concerns about speeding through the village; concerns at The Blue Moon restaurant regarding loss of parking and access for delivery trucks; and concern about traffic operations at the Notre Dame Drive/Snyder’s Road intersection.

Based on the public comments received at PCC #1, the Project Team made revisions to the proposed improvement plans and the revised plans were then presented back to the public at PCC #2 in February 2013 (described below in Section 3d).

b) Informal Community Meeting

A community-organized meeting was held at The Blue Moon restaurant, 1677 Snyder’s Road East on May 10, 2012. This meeting was arranged by local residents, and staff and Wilmot Mayor Armstrong were invited to attend to provide clarification on the project process and to answer questions about the proposed improvements.
c) Public Petition

A petition signed by 979 people was received on December 19, 2012. The petition read as follows: “Petition against the $4,580,000.00 Notre Dame Drive and Snyder’s Road Reconstruction in Petersburg (curbs, sidewalks, boulevards, and on-road bike lanes), but for shoulder resurfacing in order to accommodate walking, biking and parking throughout the whole of Petersburg”. One hundred and twenty-three (123) of the signatures were from residents of Petersburg. The other 856 signatures were from people who do not live in Petersburg.

d) February 28, 2013 Public Consultation Centre #2

Based on prior comments received for the project, the Project Team developed a revised preferred design which was presented to the public on February 28, 2013 at a second PCC (PCC #2) held at the Emmanuel Lutheran Church in Petersburg. Notices were again advertised and mailed and signboards were erected in advance of the PCC.

Changes to the original design that were included in the revised plans presented at PCC #2 include the following: replacement of the proposed on-road cycling lanes with segregated cycling lanes behind a semi-mountable curb (to encourage lower speeds); elimination of a section of proposed sidewalk on the south side of Snyder’s Road east of Notre Dame Drive; raised centre medians on all four approaches to the village (to alert motorists they are entering the village and to encourage lower speeds); additional proposed parking spaces behind the curbs; additional parking on the road allowance for patrons and delivery vehicles at The Blue Moon restaurant; and a reduction in the posted speed limit (from 60 to 50 kph) following the implementation of the proposed improvements. Typical cross-sections showing the proposed improvements were included with the PCC information and are included in Appendix B for reference. The cycling lanes in Petersburg are proposed to be 1.25m in width. The Project Team felt that this width is appropriate given the grading constraints in some sections and the presence of proposed semi-mountable curb adjacent to the cycling lane which provides an offset to the driving lane.

Approximately 51 people attended PCC #2 and twenty-three (23) written responses were received. The main issues expressed by the public at PCC #2 included comments similar to PCC #1: that sidewalks and curbs are not needed or desired in the village and that the paved shoulders should remain; concern that the speed limit reduction was not occurring immediately; concerns about the loss of parking; concerns at The Blue Moon restaurant regarding loss of parking and access for delivery trucks; and concern about traffic operations and the removal of turn lanes at the Notre Dame Drive/Snyder’s Road intersection.

e) June 25, 2013 Public Input Meeting

A special public meeting of the Planning and Works Committee was held June 25, 2013 at Rebel Creek Golf Club. The purpose of the formal Public Input Meeting (PIM) was to allow members of the public to appear before Regional Councillors to share their views about the proposed project improvements. Staff began the meeting with a slide
presentation describing the proposed design as shown at PCC #2 and explaining the technical rationale for the proposed improvements.

The PIM was attended by approximately 50 members of the public and 14 delegations addressed the members of Planning and Works Committee. The main comments heard from members of the public at the PIM included: a preference for paved shoulders over sidewalks and cycling lanes; requests for an immediate reduction of the posted speed limit from 60 to 50 kph; concerns about insufficient roadway width for farm vehicles; requests for designated turn lanes at the Notre Dame and Snyder’s Road intersection; and concerns about limited parking in several locations, including in front of the Emmanuel Lutheran Church and at the Post Office.

The recorded minutes from the PIM are contained in Appendix C.

f) Second Public Petition

A second public petition signed by 219 people was received on July 30, 2013 requesting an immediate reduction of the posted speed limit in Petersburg to 50 kph.

4. Main Issues Raised by the Public

Through the public consultation process conducted for this project, six (6) main concerns have been expressed by the public about the proposed improvements in Petersburg, as follows:

a) Curb and Sidewalks not Required; Keep Paved Shoulder

b) Reduce Speed Limit

c) Concerns with Proposed Parking Arrangements

d) Cycling Lanes not Required

e) Turn Lanes Needed at the Notre Dame and Snyder’s Road Intersection

f) Insufficient Road Width for Farm Equipment

Detailed descriptions of these main concerns along with the Project Team’s responses are provided in Appendix D.

The Project Team met again following the June 25, 2013 PIM to consider the public comments from the PIM. As a result of the Project Team meeting, there have been a number of additional design changes made since the public last saw the preferred design as presented at the PIM. A summary of the recent design changes that are included in the final Recommended Design Alternative is as follows:

- Effective March 31, 2014, a reduction in the posted speed limit to 50 kph;
- Additional parking spaces on the road allowance at the Church and Post Office;
• Additional parking spaces on the road allowance on the west leg of Snyder’s Road;

• The proposed segregated cycling lanes would be constructed and would function as cycling lanes but would not be formally designated in the Region’s By-law, which would allow wide over-sized farm equipment to legally occupy the segregated cycling lane when required to do so; and

• Additional roadway illumination would be provided near the Post Office;

A new multi-day traffic count was taken in October 2013 to confirm whether the warrants for turning lanes are met at the intersection of Notre Dame Drive and Snyder’s Road. Based on the recent counts which represent normal traffic activity and based on projected future increases in area traffic to a horizon year of 2026, it is concluded that separate designated turning lanes are not required at this intersection and are therefore not recommended for this project. The recommended design at the intersection includes a paved width of 5.1m on both Snyder’s Road approaches so that through vehicles will be able to bypass vehicles queued to turn left. Appendix F includes a plan view of the intersection with vehicles drawn to scale to illustrate the space available for through vehicles to “slip around” queued left-turn vehicles.

For reference, Appendix E includes a map of Petersburg showing the location of all of the proposed sidewalk as well as the number and location of the proposed parking spaces.

Following a request from members of the Petersburg community, it was agreed that the content of this report would be made available to the public on January 24, 2014 with the January 28, 2014 agenda package but that the report recommendation would be considered by Committee on February 11, 2014. In this way, the public had more time to review the staff report and prepare delegation presentations for the February 11, 2014 Committee meeting.

5. **Recommended Design Alternative**

Based on all of the public comments received for this project and all the technical considerations, the Project Team has confirmed the Recommended Design Alternative as follows:

• Full reconstruction of the existing roads with one lane in each direction;

• Segregated coloured concrete cycling lanes on both sides of the road located behind a roll-over curb and gutter;

• Sidewalk on both sides of the road in most areas, except on the south side of Snyder’s Road east of Notre Dame Drive, with an approximate 1.0m grassed or hard surface boulevard between the sidewalk and segregated bike lane;
6. Benefits of the Recommended Design Alternative

The benefits of the Recommended Design Alternative are as follows:

- Traffic calming features including median islands at village entrances, reduced lane widths, landscaped boulevards and reduction in the posted speed limit will encourage slower traffic through the village;

- Sidewalks and segregated cycling lanes throughout the village will increase the comfort level for pedestrians and cyclists and help to achieve Regional Active Transportation goals;

- Storm sewer upgrades will improve drainage throughout the village and prevent ponding on adjacent properties;

- Parking is provided within the road allowance for local residents, businesses, Emmanuel Lutheran Church and the cemetery; and

- Road reconstruction will remedy the existing poor asphalt condition.

7. Project Cost

The total estimated Region of Waterloo cost for the recommended Notre Dame Drive and Snyder’s Road improvements included in this report is $4,980,000.
Corporate Strategic Plan:

Construction of the proposed Notre Dame Drive and Snyder’s Road improvements meets the Region’s (2011 – 2014) Corporate Strategic Plan Objective 2.2 to develop, optimize and maintain infrastructure to meet current and projected needs under Focus Area 2, “Growth Management and Prosperity”.

Financial Implications:

The Region’s 2014 Transportation Capital Program and Ten Year Forecast includes funding of $4,980,000 between 2014-2016 for this project to be funded from the Roads Rehabilitation Reserve Fund.

Other Department Consultations/Concurrence:

Staff from the Council and Administrative Services Division will be required to prepare the By-laws for the recommended posted speed reduction.

Attachments:

Appendix A - Key Plan
Appendix B - Typical Cross-sections
Appendix C - Minutes of June 28 2013 Public Input Meeting
Appendix D - Main Issues Raised by the Public and Project Team Responses
Appendix E - Map of Proposed Sidewalks and Parking
Appendix F – Snyder’s Road at Notre Dame Drive, Slip-around Design

Prepared By: Ian Young, Project Manager, Design and Construction

Approved By: Thomas Schmidt, Commissioner, Transportation and Environmental Services
Appendix A

Key Plan

NOTRE DAME DRIVE RECONSTRUCTION
AND
SNYDERS ROAD RECONSTRUCTION
Appendix B-2

Typical Cross Section

TYPICAL ROAD SECTION
WITH PARKING ONE SIDE

APPENDIX B - FIG. 2  Scale 1:100
TYPICAL ROAD SECTION #2 REVISED
NOTRE DAME DR. & SNYDER'S RD E RECONSTRUCTION

DOCS #1560010
Page 14 of 28
Appendix B-3

Typical Cross Section

TYPICAL ROAD SECTION
NOTRE DAME DRIVE FROM CECIL KENNEDY CRT. TO PETERSBURG COMMUNITY PARK
Appendix B-4

Typical Cross Section

TYPICAL ROAD SECTION
WITH MEDIAN
AT VILLAGE ENTRANCES
Appendix C

June 25, 2013 Public Input Meeting Minutes

REGIONAL MUNICIPALITY OF WATERLOO
PUBLIC MEETING OF THE
PLANNING AND WORKS COMMITTEE
MINUTES

Tuesday, June 25, 2013
7:07 p.m.
Rebel Creek Golf Club
1517 Snyder’s Road
Petersburg, ON

Present were: Chair J. Wideman, L. Armstrong, T. Galloway, J. Haalboom, G. Lorentz, J. Mitchell, K. Seiling, S. Strickland and C. Zehr

Members absent: J. Brewer, T. Cowan, D. Craig, R. Deutschmann, B. Halloran, R. Kelterborn, and C. Millar

OPEN REMARKS

Chair J. Wideman provided opening remarks regarding the purpose of the public meeting and the advertisement history.

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None declared.

REPORT – PLANNING, HOUSING AND COMMUNITY SERVICES - COMMUNITY PLANNING

a) Report E-13-083, Notre Dame Drive and Snyder’s Road Reconstruction, Township of Wilmot – Public Meeting

Received for information.

Bob Wheildon, Senior Project Manager, Transportation Base Program provided a presentation highlighting:

- Proposed improvements;
- Public consultation;
- Main issues raised by the public;
- Project teams preferred design alternative;
- Next steps; and
- Schedule and cost.

A copy of the presentation is appended to the original minutes.

B. Wheildon responded to Committees’ questions regarding changes made since the last public consultation in February, coloured concrete cycling lanes, eliminating the turning lanes, parking spaces, snow storage, and farm equipment.

Chair J. Wideman noted that there were no registered delegations. He made a call for delegations.
DELEGATIONS

a) Lewis Straus appeared before Committee expressing his concern with the speed limit, asking that the speed limit be reduced to 50 km/h now and not waiting for the project to be complete. He also stated his concern with the one meter grass boulevards noting it will be impossible to grow grass in such a small area.

b) Steve Bethold appeared before Committee stating he is a local farmer. He expressed his concern with the road way not being wide enough to accommodate farm equipment and explained the danger of the farm equipment slowing down and vehicles coming up over the hill and having to slam on their brakes.

Committee members asked the delegation what would be an appropriate width for the roadway. S. Bechtel stated that 11 meters would be the minimum width.

c) Jim Bearinger, 1993 Snyder’s Road appeared before Committee looking for clarification if it is legal to drive around turning vehicles making a left turn and if combines are allowed to hop the curb with their equipment if more room is required.

Staff indicated that it is legal to drive around turning vehicles if it is paved and there for that purpose. It was also noted that farm equipment can extend pass the roadway.

d) Gary Beach, 1641 Snyder’s Road appeared before Committee stating he has been part of the community for over 40 years. He explained that eliminating the turning lanes will cause more traffic congestion. He pointed out that Erb Street has rolled over curbs all the way into Waterloo stating that he would like his community to look the same. He feels there is no need for concrete or grass boulevards.

e) Warren Bechtold appeared before Committee stating his business is located at 1239 Notre Dame Drive. He asked that the speed limit be reduced to 50 km/h now instead of waiting until 2016. He noted that safety should come first and he has no issue with the sidewalk or shoveling the sidewalk. He did state his concern with the grass boulevard and asked that more parking be available in front of the new addition that was added onto the church. He highlighted that the improvements clean up Petersburg and makes it a safer place.

f) Les Armstrong appeared before Committee raising the concerns of residents. He pointed out the growth in Baden, New Hamburg and Wellesley and the effect that has on the traffic congestion in Petersburg. He talked about the limited amount of parking and asked that the grass boulevards be eliminated to allow for extra parking. He asked that there be a designated turning lane to help with confusion.

g) Stephanie Beach, 1561 Snyder’s Road appeared before Committee expressing concerns that the residents’ complaints were not being heard and the second report reflects that. She noted that out of 90 residents only 8 said they wanted sidewalks. She suggested installing a sidewalk from the gas station to the park. She asked why segregated bike lanes were being installed in Petersburg when the residents prefer on road cycling. She highlighted that the elimination of the shoulder reduces parking at residents’ homes as well as the businesses. She stated that the parking spaces will be a safety hazard because vehicles will have to come to a complete stop in order to parallel park.
h) Helen Southwood, the post master of Petersburg appeared before Committee expressing her concerns with lack of parking. She stated that over 700 people pick up mail at her office and there will only be three designated parking spaces. She also asked that extra lighting be installed in front of the post office.

i) Leah Dickert, a resident of Petersburg appeared before Committee stating that turn lanes will help with the traffic congestion. She pointed out that Ira Needles Boulevard hasn’t worked like it was supposed to since it is only a two lane road and over flow of traffic is still traveling through Petersburg.

j) Karin Demerling, 1611 Snyder’s Road appeared before Committee asking for clarification on signage located on the medians. She noted that transport trucks are always making left turns into her property and this will cause a problem. She asked that the median start at the top of the hill and why parking was eliminated on the west side of Snyder’s Road.

k) Jim Hiller appeared before Committee asking that the speed limit be changed to 50 km/h now and not in 2018.

l) Lewis Strauss had a few more additional comments. He asked that Council make the decision on the project not the engineers and that a longer parking study of 7-14 days should take place.

m) Jim Bender appeared before Committee suggesting that a paved shoulder would allow for cycling, parking and walking. He noted that he preferred the Region take care of the snow plowing of the shoulder rather than the residents shoveling the sidewalks.

n) Dan Simpson, appeared before Committee noting he lives across the street from the gas station. He asked that a cycling and pedestrian study be conducted. He pointed out his concern with his well and how it may be affected once construction starts. He asked if the Region would be responsible for snow removal on the sidewalks.

Committee members clarified who is responsible for snow removal.

o) Stephanie Beach made additional comments with respect to parking and noted that the majority of the residents would prefer a paved shoulder with rolled over curb for allow for parking.

Committee members encouraged the public to submit any further comments to staff.

ADJOURN

MOVED by G. Lorentz
SECONDED by S. Strickland

THAT the meeting adjourn at 8:37 p.m.

CARRIED

COMMITTEE CHAIR, J. Widmer

COMMITTEE CLERK, E. Flewelling

1421524
Appendix D

Main Issues Raised By the Public and the Project Team Responses

a) Curb and Sidewalks not Required – Keep Paved Shoulder

- A small community does not need sidewalks;
- Sidewalks are not required on both sides of the road;
- Nobody walks now;
- The existing shoulders are adequate for pedestrians;
- The sidewalk will result in the removal of too many trees;
- Increased maintenance time and effort to shovel snow;
- Cost not warranted, too expensive, taxes will increase;
- Sidewalk will be very close to front of houses in some cases;
- Growth in Petersburg not anticipated so no improvements necessary;
- Curbs and medians will limit use of road by large farm equipment;
- Curbs and sidewalks will change the character of the community;
- The curbs and revised entrances to businesses will restrict access to their property;
- Curbs and sidewalks will impact drainage, vegetation and detract from the historical nature of the designated heritage building at 1634 Snyder’s Road; and
- Gravel trail to the community park north of Cecil Kennedy Court provides a less expensive and safer alternative to the proposed sidewalk at road level.

Other general comments that were received included;

- Work needs to be done to our road;
- Road should be repaved;
- Drainage on our road is terrible, neighbours front lawn always floods during heavy rain and the roadside in front of their home always stays quite wet.

Project Team Response

The Recommended Design Alternative for Snyder’s Road and Notre Dame Drive includes curbs and sidewalks. Curbs and gutters are an important road...
component needed to intercept and collect storm water and to correct the drainage problems identified in Section 2b of this report. Sidewalks separated from the travelled portion of the roadway by landscaped boulevards, cycling lanes and/or parking provide a much more comfortable pedestrian facility (compared to the existing paved shoulders) from both a physical and visual perspective, due to the separation of the pedestrians and vehicles.

Based on the public comments received at PCC #1, a number of changes were made to reduce the extent of proposed sidewalk, as follows:

- South side of the east leg of Snyder’s Road - sidewalk is now not proposed, to reduce adverse grading impacts on private property and driveways, to maintain sight line visibility and to reduce loss of privacy due to houses being significantly closer to and lower than the road;

- North of Cecil Kennedy Court/Deerfield Avenue on Notre Dame Drive - no curb or sidewalk is proposed at the road level; the existing gravel path at the bottom of the embankment will be replaced with a concrete sidewalk in the same location; and

- On all four legs of this project, the curbs and sidewalk is to be terminated approximately where the last residences are located, near the end of the project limits. From the end of the curb and sidewalk to the end of the project limits, the road will be constructed to the cross section illustrated in either Figure 3 or Figure 4 of Appendix B.

In response to some of the other concerns regarding proposed curb and gutter and sidewalk, the Project Team responds as follows;

- With curb and gutters, driveway entrances to businesses and residences are better defined to avoid wider than necessary driveways and yet are still designed to accommodate large vehicles. The use of the proposed rollover curb will allow larger vehicles to still make slightly wider turns where necessary.

b) Reduce Speed Limit

Public Comments

Seventeen (17) written comments from the PCCs and a number of delegations at the PIM expressed concerns about vehicles speeding through the community and felt that the existing posted speed limit of 60 km/h resulted in excessive vehicle speeds. It was stated that gravel and other trucks travelling through Petersburg often exceeded the posted speed limit which presents a potentially dangerous situation. Many felt the speed limit should be reduced for safety reasons from 60 km/h to 50 km/h.

One written comment indicated that it was their experience that curbs, boulevards and sidewalks will slow down traffic.
Project Team Response

Speed studies undertaken by the Region indicated that most vehicles were driving within the 60 km/h posted speed limit through Petersburg; however, the speed studies did find some vehicles exceeding the speed limit. Staff believe that those vehicles currently exceeding the speed limit are doing so due to the existing wide-open road design (i.e. wide expanse of asphalt width, partially due to the paved shoulder) that contributes to motorists feeling more comfortable driving at those increased speeds, as opposed to the posted speed limit.

As a result of the expressed speeding concern by the public, the Project Team revised the proposed cross-section within the settlement area after PCC #1 to physically restrict the width of the road platform and encourage slower speeds. With reference to the cross-sections in Appendix B, the Recommended Design Alternative includes narrower 3.35m travel lanes for vehicles but replaces the originally proposed on-road cycling lanes with segregated cycling lanes on each side, 1.25m in width and behind a “rollover” curb.

The revised cross section with narrower asphalt lanes for vehicles, segregated cycling lanes behind the rollover curb and the proposed plantings behind or in front of the sidewalk would provide forms of traffic calming and would have the potential to reduce motorist speed compared to leaving the roadway wide open with asphalt shoulders. Staff believes that the implementation of these traffic calming initiatives will contribute to reduced speeds. In addition, in recognition of the many public requests to reduce the speed limit now (in advance of the proposed roadway changes), staff are also supporting a reduction in the posted speed limit effective March 31, 2014 as part of this approval report.

The project plans also include raised centre medians on all four approaches to the village to alert motorists that they are entering the village and to encourage lower speeds. These medians may include landscape plantings or the Township may elect to erect a small decorative community welcome sign to advise motorists they are entering the Village of Petersburg and to encourage reduced speeds. In addition the proposed centre median at the intersection of Notre Dame Drive with Deerfield Avenue/Cecil Kennedy Court will include a pedestrian refuge to assist pedestrians crossing Notre Dame Drive to access the proposed sidewalk to the community park.

c) Concerns with Proposed Parking Arrangements

Public Comments

Currently, parking is unrestricted in Petersburg, except in the vicinity of the signalized intersection of Notre Dame Drive and Snyder’s Road. Twenty-three (23) written comments were received and a number of delegations spoke at the PIM concerning the proposed parking space areas behind the proposed curb. The comments included:

- Blue Moon will lose parking spaces;
Currently can park anywhere in town on paved shoulder;

Need some on-street parking near Cemetery on Notre Dame Drive and in front of the Church on Snyder’s Road for use during funerals;

Safety concerns with strangers parking near their homes where no parking exists now;

Private driveways are large enough to accommodate parking in the community;

Parking survey should be done during the summer, not in winter;

On-street parking should be allowed throughout the community;

Elimination of paved shoulder will take away overflow parking for existing homes and especially businesses;

On-street parking should be concentrated near the businesses; and

Delineation of entrances to The Blue Moon parking lot will remove parking.

Project Team Response

The original design presented at PCC #1 showed a number of parking spaces in select areas throughout the project limits (20 spaces overall) based on a parking demand study undertaken by the Region in February 2012. Based on comments received at PCC #1, an additional parking study was undertaken on Snyder’s Road and Notre Dame Drive in July 2012 to capture parking demand in a summer month also. The July parking study found very little difference when compared to the February parking study. Both parking studies captured parking demand on a typical weekday and on a Saturday.

Currently, parking is permitted on all of the paved shoulders within the Petersburg village limits, except for By-lawed restrictions near the intersection of Notre Dame Drive and Snyder’s Road. The parking demand studies however showed that there is very limited usage of the paved shoulders for parking, and most usage was for only short durations.

Following the PIM, the Project Team again re-assessed the opportunities for proposed parking. A number of additional spaces have been added into the design including one space in front of Emmanuel Lutheran Church, two additional spaces in front of the Post Office and two additional spaces on the south side of Snyder’s Road, west of Notre Dame Drive. In addition, roadway lighting will be upgraded in front of the Post Office for Post Office patrons. With reference to the Proposed Sidewalk and Parking Map in Appendix ‘E’, the final proposed parking arrangements as part of the Recommended Design Alternative include 40 spaces overall comprised of the following:
Snyder's Road

- No parking is proposed on the south side of the east leg due to driveway grading, sight visibility and property limitations, with the exception that four parking spaces are proposed near the intersection at The Blue Moon restaurant on the Snyder's Road frontage to provide a limited number of spaces for disabled persons and for patron parking; these spaces would be in close proximity to the only handicap-accessible entrance to The Blue Moon restaurant;

- Nine parking spaces are proposed on the north side of the east leg of Snyder's Road;

- Two parking spaces are proposed on the south side of the west leg of Snyder's Road and none on the north side based on very little demand and comments from the public at PCC #1.

Notre Dame Drive

- To address concerns about the loss of parking and access for deliveries, twelve parking spaces are proposed on the east side near Snyder’s Road at The Blue Moon patio area, to accommodate truck delivery of supplies to The Blue Moon and to provide general parking during other times;

- Three parking spaces are proposed on the west side of the south leg of Notre Dame Drive between the existing entrances at the cemetery;

- One truck parking space on each side (total of two) is proposed on the north leg of Notre Dame Drive near Snyder’s Road for customers with large vehicles who patronize the businesses at the intersection. Currently large vehicles are observed to park on the paved shoulder in this area to access the variety store, gas bar and restaurant;

- On the north leg of Notre Dame Drive between Snyder’s Road and Cecil Kennedy Court/Deerfield Avenue, eight parking spaces are proposed on the east side near the Post Office;

- North of Cecil Kennedy Court/Deerfield Avenue, the shoulders will be paved and no curb and gutter is being installed. The paved shoulder provides for a 1.5 m bicycle lane adjacent to the travel lane. (Please refer to Figure 3, Appendix B for a cross-section view.) During large events at the Community Park, there is an opportunity to allow overflow parking on these paved shoulders. This parking will encroach into the cycling lane; however, under these infrequent events special parking signs could be erected by the event organizers to advise cyclists about the short-term encroachment of the parking onto the bike lanes.

d) Cycling Lanes Not Required

Public comments
Twelve (12) written comments were received that were not in favour of cycling lanes. Four (4) comments specifically indicated that cycling lanes are required. The comments opposed to cycling lanes included:

- Paved shoulder can be used by cyclists;
- Why install cycling lanes in Petersburg when there are no cycling lanes to connect to outside of Petersburg;
- Very few cyclists use the roads now; and
- Bicycle lanes too expensive.

**Project Team Response**

Snyder's Road and Notre Dame Drive are not designated cycling routes under the Region’s current Cycling Master Plan; however under the Region’s Draft Active Transportation Master Plan, both Snyder’s Road and Notre Dame Drive are designated as planned cycling routes, both within and beyond the settlement limits of Petersburg. In addition, the Township of Wilmot has requested the Region to consider the provision of cycling facilities as part of the proposed reconstruction of Notre Dame Drive and Snyder's Road.

As construction of other sections of these roads proceeds in the future, cycling facilities are to be constructed to ultimately form part of an overall uninterrupted cycling route network within the Region. It is therefore important that cycling facilities be constructed in Petersburg as part of the proposed road reconstruction, to avoid future expensive modifications and the associated additional construction disruption within Petersburg.

As part of the Recommended Design Alternative for this project, it is therefore proposed to build a “segregated” coloured concrete cycling lane behind the rollover curb to provide an area dedicated just for cyclists and to provide some separation, from the motorized vehicle lanes. The coloured concrete surface will clearly identify the cycling lane for use by cyclists, but the lane will not be reserved so as to allow wide farm equipment to use it when necessary.

e) **Turn Lanes Needed at Intersection of Notre Dame Drive and Snyder’s Road**

**Public comments**

Nine (9) written comments related to the traffic signals or turn lanes at Notre Dame Drive and Snyder’s Road. In addition, a number of delegations at the PIM requested marked turn lanes to allow through traffic to bypass turning vehicles. The comments included:

- Install an advanced green signal for left turning vehicles;
- Upgraded intersection is for cities not for rural areas; and
- Turn lanes are required especially on the south leg of Notre Dame Drive.
Project Team Response

From comments received at PCC #1, Region staff completed another up-dated operational review of the intersection of Notre Dame Drive and Snyder’s Road, to determine if turn lanes and/or an advanced green signal phase are required based on projected future traffic volumes. The results of this review were re-confirmed in October 2013 with an additional series of traffic counts on three consecutive weekdays. The reviews concluded that neither an advanced green signal phase nor turn lanes are required on any legs of this intersection. This review was completed using 2026 traffic forecasts. As a result, no turn lanes are recommended at the intersection. Traffic signals will be modernized and upgraded at the intersection; however an advanced green signal will not be installed with the proposed improvements.

In addition, the existing marked eastbound and westbound short right turn lanes on Snyder’s Road will not be marked after construction is completed. The new curb will however be placed such that there will be sufficient room on Snyder’s Road at the intersection to allow through vehicles to bypass vehicles waiting to make a left turn onto Notre Dame Drive, as shown in Appendix F.

f) Insufficient Road Width for Farm Equipment

Public comments

Several comments related to the passage of farm equipment and large trucks through the village. The comments included:

- A large number of oversize farm vehicles pass through the village;
- Width around median islands at village entrance may not be sufficient; and
- Oversize farm vehicles will have to drive in the segregated cycle lanes.

Project Team Response

MTE Consultants Inc. researched the regulations governing the use of farm equipment on roadways. Over-sized farm vehicles are legally allowed to use any roadway provided the use is done in a safe manner. Maximum sizes for commonly used farm equipment were determined from conversations with local farmers and with equipment manufacturers. While some over-size farm equipment may need to encroach onto the cycling lane when driving through the village, the minimum hard surface width through the village is 4.95m (3.35 travelled lane + 0.35m curb and gutter + 1.25m cycle lane) which is sufficient to accommodate the largest farm vehicles that would typically pass through the area. In addition, staff are recommending that the cycling lanes through Petersburg not be formally designated as cycling lanes through a By-law. In this way, the cycling lane will fully function as a cycling facility but farm equipment can encroach legally onto the cycling lane when the infrequent need to do so arises.
Appendix E

Parking Spaces and Sidewalk Locations on Notre Dame Drive and Snyder’s Road

LEGEND
- Proposed Sidewalk
- Proposed Parking Space
- Proposed Truck Parking
- Number of Proposed Parking Spaces

Total Proposed Spaces = 40
Appendix F

Snyder's Road at Notre Dame Drive, Slip-around Design
Region of Waterloo
Planning, Housing and Community Services
Community Planning and Transportation Planning

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014        File Code: D10-40

Subject: Ainslie Street Terminal Design Concepts Public Information Centre Scheduled for February 27, 2014

Recommendation:
For information.

Summary:
As part of its multi-phased plan to implement rapid transit in Waterloo Region and to encourage the Region’s shift towards greater use of public transportation, Regional Council approved the allocation of $1,000,000 annually for a 10-year period to implement a Transit-Supportive Strategy to enhance transit ridership and encourage transit-supportive development in the Central Transit Corridor in Cambridge (please see Report E-11-072).

In partnership with the City of Cambridge, a project was initiated to consider design solutions that address the deficiencies of the existing Ainslie Street Terminal, including an aging building that does not meet modern accessibility standards, and a large paved surface that provides little shade or shelter for transit riders (please see Report No. P-13-070). The proposed design changes complement Rapid Transit’s plans for aBRT at the Terminal and address the recommendations for the Terminal found in the recently adopted Community Building Strategy, which include making it more enjoyable for users, integrating it better with downtown Cambridge, and celebrating the cultural heritage assets of Galt through interpretation and wayfinding.

The Project Steering Committee for the Ainslie Street Terminal design project is comprised of Regional and City staff with expertise in urban design, land use planning, transit and transportation planning, and transit operations. City of Cambridge staff was involved in selecting the consultant team, developing the work plan, and refining the proposed design concepts.
To encourage a broad range of feedback on ways to improve the Terminal, three stakeholder workshops were held in June and July 2013, as well as a survey of 100 transit riders at the Ainslie Street terminal. The design concepts included in Attachment 1 reflect the feedback received from neighbours, transit riders, and Grand River Transit and security staff.

After the proposed public information centre at Cambridge City Hall on February 27, 2014, a recommended direction would be developed for the Ainslie Street Terminal and presented to Regional and City of Cambridge Councils. The recommended direction would include funding options and implementation strategies over the 10-year lifetime of the Transit-Supportive Strategy for Cambridge. City staff supports the proposed design concepts in this report, as well as the proposed public materials illustrated in Attachment 1.

The streetscaping components of the preliminary Terminal design concepts respect that streetscaping is a City of Cambridge responsibility. The concepts focus on improving pedestrian access to and from the Terminal to support the shift towards greater transit ridership in Cambridge. These elements are eligible for funding through the Transit Supportive Strategy for Cambridge and are expected to be implemented in the short-term. The Ainslie Street Terminal is a Regional facility and therefore, subject to Regional Council approval. Any improvements to the facility would be funded by the Region with the sources and timing of the funding to be determined.

Report:

As part of the rapid transit project, Regional Council approved an allocation of $1,000,000 annually, for a 10-year period, to implement a Transit-Supportive Strategy in Cambridge. Regional and City of Cambridge staff collaborated in the development of two annual Implementation Plans which were approved by Regional and City Councils in 2012 and 2013 respectively (please see Reports P-12-023 and P-13-070), which included improvements to the Ainslie Street Terminal.

Constructed in the early 1990s, the Ainslie Street Terminal is one of Grand River Transit's busiest stations in Cambridge with approximately 4,000 passenger boardings per day. The Terminal generally functions well in terms of bus movements and has an adequate number of bus platforms; however, the existing design has several deficiencies including an aging building that does not meet modern accessibility standards and a large paved surface that provides no shade or shelter. Furthermore, seating for patrons is limited and exposed to the elements.

The 2012 Implementation Plan included funding for a study to recommend improvements to the pedestrian and transit environment in Cambridge. To this end, a gap analysis of pedestrian and transit amenities was conducted which identified the Ainslie Street Terminal as a key area in need of a strategic investment. This conclusion was supported by two recommendations in the Community Building Strategy, which includes:

1. The redesign of the Ainslie Street Terminal so that it is more enjoyable for users and integrated better with the Downtown; and
2. Celebrate the cultural heritage of Galt through interpretation and wayfinding at the Ainslie Terminal.

In response to these recommendations, the 2013 Implementation Plan included funding to identify design concepts for the deficiencies of the Ainslie Street Terminal with the ultimate goal of increasing transit ridership by creating a more comfortable and attractive space for passengers. The Project Steering Committee released an RFP to four qualified consultants in spring 2013. GSP Group and Robertson Simmons Architects were selected by City and Regional staff as the preferred consultant team to conduct this design work.

When considering design changes for the Ainslie Street Terminal, the Project Steering Committee recognized that the transit and pedestrian functions, as well as the comfort, security and accessibility of the site are paramount considerations. It was also necessary to analyze the adaptability of the proposed designs to both augment the implementation of aBRT and to facilitate the transition to Light Rail Transit. From an urban design perspective, it was also important to show how the Terminal could reflect the unique character of downtown Cambridge while enhancing its presence on Ainslie Street and providing a better connection between Grand River Transit and ION to downtown businesses and residents.

**Stakeholder and Public Workshops**

To start the public conversation around improving the Ainslie Street Terminal, an on-site survey and two workshops were held on June 26, 2013. In the morning, 100 transit riders were surveyed over a three hour period at the Ainslie Street Terminal and asked to rate the importance of 21 different transit amenities and how well they are provided at the Terminal. In the afternoon, representatives from the City, CNIB (formerly the Canadian National Institute for the Blind) and Grand River Accessibly Advisory Committee were invited to attend a presentation and stakeholder workshop related to the accessibility of the site. At 7 p.m., a public workshop was held for neighbours, residents and transit riders to discuss the Terminal and their priorities for improving it. During the evening session, specific attention was given to strategies intended to attract new riders and design priorities that would better integrate the Terminal with downtown Cambridge.

To encourage a broad and diverse audience to attend the evening workshop, the Region and City coordinated their advertising efforts for the Ainslie Street Terminal workshop and the Main Street Streetscape Plan public meeting. The two complementary meetings were held back-to-back at Cambridge City Hall and the display boards for the Ainslie Street Terminal were on display during the Main Street Streetscape meeting. The City included the Region’s workshop notification in their mailout to downtown Cambridge residents and the Region included the City’s public meeting notification in posters and its email and social media messaging.

On July 17, 2013, a stakeholder session was held with Grand River Transit and Transit Security staff to talk specifically about the Ainslie Street Terminal building.

The principal feedback staff received through the consultation process includes:
• Pedestrian routes into and through the terminal and through the site should be improved to make wayfinding easier, especially for those with mobility challenges;
• Cpted (Crime Prevention Through Environmental Design) principles should be used to address existing security concerns and in all areas of site design;
• The perception of nighttime security should be addressed through better site lighting and building improvements, as well as offsite improvements to clean up adjacent land toward Wellington Street;
• The terminal building should be updated to meet current accessibility standards and guidelines;
• Building improvements are needed in the areas of heating/cooling, visibility (more window area without tints), washrooms and staff rooms;
• More places to sit along with improved shelters, site furniture, additional recycling and waste bins and shade should be provided;
• Landscaping should be added to the Terminal to reduce the hard expanse of concrete and add shade; and
• Expand ‘real time’ information on bus arrival/departure as well as improved signage should be provided and clocks repaired.

Design Concepts for the Public Information Centre

Using the principal feedback from the workshops, survey and Project Steering Committee, the consultant team developed a set of design concepts based on local, Provincial and international best practices. The two preliminary concepts include several consistent elements including: new landscaping to reduce the large expanse of concrete; streetscaping, an Area Municipal responsibility, to give the terminal a softer and greener presence on Ainslie Street; additional shelters and seating to improve passenger comfort; and better pedestrian connections into and through the terminal site. The preliminary design concepts have also considered the sustainability of the Terminal. For instance, storm water management has been integrated into landscaping features that in turn reduce the amount of paved surface requiring winter maintenance and salt. The consultant team also considered how the preliminary concepts can be phased over time to integrate with ION aBRT and phase two LRT.

The primary difference between Concept A and Concept B is with respect to the Terminal building and transit operations. Concept A is the least expensive option and maintains existing bus movements and building footprint, while integrating well with aBRT in the shot-term. To improve accessibility, upgrades to the electrical system, ticket counter, and floor plan are recommended.

Concept B is a more expensive and longer-term solution that better integrates with Phase 2 Light Rail Transit by concentrating activity along the Ainslie Street frontage to create a livelier public space. Streetscaping and landscaping elements are similar to Concept A and would facilitate the phased redevelopment of the site over time. Concept B also considers a larger indoor waiting area, improved staff quarters, space for food services, a fully accessible ticket counter, and modernized public washrooms. The renovated building and glass façade, as well as operational changes to facilitate two-way bus movements and additional bus platforms facing Ainslie Street, would require a larger budget cost.
In Report P14-016, dated February 11, 2014, staff has requested Council direction to explore options for public art at each of the Ainslie and Cambridge Mall ION abRT transit stops. If so directed, staff will work with the Public Art Advisory Committee (PAAC) to incorporate public art into the preferred design concept for the Ainslie Street Station area. Staff would return with a separate report to request Council approval for the proposed artwork at a future date.

**Process to Date**

The Steering Committee developed a Request For Proposal for the Ainslie Street Terminal design work in January 2013 and released it to four qualified consultants in April the same year. GSP Group and Robertson Simmons Architects were selected as the preferred consultant team in May 2013 and the Steering Committee confirmed the design principles and project priorities at their first meeting on May 31. The consultant team conducted an on-site survey and three workshops in June and July 2013 and developed design concepts over the summer based on the comments they received. The preliminary design concepts were reviewed by the Steering Committee on September 5, 2013 and refined for the public materials included in Attachment 1.

**Next Steps**

Notifications for the public information centre are planned to be placed in the Cambridge Times and Waterloo Region Record two weeks before the proposed date of February 27, 2014. Email notifications would be sent to the Rapid Transit and Grand River Transit mailing lists, as well as the participants list from the stakeholder workshops. Notices would also be placed on buses and on the information board at the Ainslie Street Terminal.

The two design concepts have been developed to help the public visualize a host of potential changes to the terminal. Attendees will be asked to rank their top three priorities, which will be used to prioritize elements for the phasing and financing plan for Council’s consideration. The final recommendations for the Ainslie Street Terminal would be presented to Regional and City of Cambridge Councils by the end of February 2014. If one of the design concepts is recommended and endorsed by Regional Council, staff would seek funds from the Transit Supportive Strategy for Cambridge to conduct a detailed design and phasing strategy for the site.

**Area Municipal Consultation/Coordination**

City of Cambridge staff from Transportation and Public Works and Planning and Development is part of the project Steering Committee and were involved in selecting the consultant team, developing the project work plan, recommending streetscaping (an Area Municipal responsibility), as well as in refining the proposed design concepts. City and Regional staff also coordinated the advertising of the June 2013 public workshops.

On September 17, 2013, drafts of the draft design concepts were circulated to City staff for review and comment. City of Cambridge representatives from the Transportation and Public Works Department, Community Services Department, and Planning and Development Department are aligned with Regional staff on the list of priorities and proposed design solutions in Attachment 2. A copy of this Report was sent to City staff on October 2, 2013, and their Management Committee confirmed their concurrence at
their October 16, 2013 meeting; however, it was decided that the Financial Services Agreement between the City and Region should be finalized and signed before the Public Information Centre. The City signed the agreement on January 31, 2014 and a final copy of this Report was circulated to City staff on February 4, 2014 in preparation for the Public Information Centre.

**Corporate Strategic Plan:**

The Ainslie Street Terminal is part of the Transit Supportive Strategy for the City of Cambridge, which will help develop more sustainable and safe transportation choices for regional residents (Focus Area 3). Improving the function and accessibility (Objective 5.1) of the Ainslie Street Terminal also supports the use of active transportation and transit infrastructure (Objectives 3.1).

**Financial Implications**

As part of the rapid transit project, Regional Council approved an allocation of $1,000,000 annually, for a 10-year period, to implement transit-supportive strategies in Cambridge. Funding for the Ainslie Street Terminal design project was identified in the 2013 Implementation Plan (P-13-070). The Ainslie Street Terminal is a Regional facility and therefore, subject to Regional Council approval. It is expected that both the streetscaping and landscaping elements, which could help to increase transit ridership by creating a more comfortable and attractive place for passengers and pedestrians, could be implemented in the short-term and would be eligible for funding through the Transit Supportive Strategy for Cambridge. Public art commissioned for the site would be funded by the Regional Public Art Reserve Fund which has sufficient funds to cover the proposed artwork. Staff would return with a separate report to request Council approval for proposed expenditures at a future date. Any improvements to the transit building would be funded by the Region with the sources and timing of the funding to be determined at a later date. The design concepts would be phased over time as budget allows.

**Other Department Consultations/Concurrence:**

Grand River Transit and the Rapid Transit Office are part of the project Steering Committee and helped to develop the design concepts for the Ainslie Street Transit Terminal.

**Attachments:**

Attachment 1 – Ainslie Street Terminal Design Public Information Meeting Display Boards
Attachment 2 – Public Feedback and Design Solution Summary of Concepts A and B

**Prepared By:** John Hill, Principal Planner

**Approved By:** Rob Horne, Commissioner, Planning, Housing and Community Service
Attachment 1

Ainslie Street Terminal Design Public Information Meeting Display Boards
**Attachment 2**

**Public Feedback and Design Solution Summary of Concepts A & B**

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<th>Design Solution</th>
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<th>Concept B</th>
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<td>Washroom entrances and terminal platforms more visible to security staff and patrons</td>
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Region of Waterloo

Transportation and Environmental Services

Design and Construction

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014

File Code: 08323

Subject: Consultant Selection – Detailed Design and Services During Construction for the Preston Wastewater Treatment Plant Odour Control Upgrades, City of Cambridge

Recommendation:

That the Regional Municipality of Waterloo enter into an Agreement for Professional Consulting Services with CIMA Canada Inc., to provide engineering services for detailed design and services during construction for the Preston Wastewater Treatment Plant (WWTP) Odour Control Upgrades in the City of Cambridge, at an upset fee limit of $426,745, plus applicable taxes.

Summary:

The Preston Wastewater Treatment Plant (WWTP) is located in a residential area at 395 Montrose Street South in the City of Cambridge. A study was completed in 2013 and recommended several upgrades to improve the existing odour control systems at the Preston WWTP. The recommended upgrades would reduce odour emissions from the plant.

In order to implement the recommended odour control upgrades and meet a scheduled 2015 construction start date for the proposed upgrades, a multi-disciplinary engineering consultant must be retained now to undertake the detailed design and construction administration for these upgrades. A consultant selection process was carried out in accordance with the Region of Waterloo’s Purchasing By-law 04-093 for the procurement of goods and services and included price as a factor. When considering all Quality, Equity, and Price Factors, the submission from CIMA Canada Inc. scored the highest and staff recommends that CIMA Canada Inc. be retained to undertake this assignment at an Upset Fee of $426,745.
Subject to Council approval of this consultant assignment, it is anticipated that final design will be completed in late 2014 and construction will be completed in summer 2016. The approved capital budget in the 2014 Ten Year Water Capital Forecast for this project is $2,500,000.

Report:

1. Background

The Preston Wastewater Treatment Plant (WWTP) is located in a residential area at 395 Montrose Street South, Cambridge and provides wastewater treatment for the surrounding domestic and industrial sources. The headworks and the primary clarifiers are the two most significant odour contributors at the plant. The existing odour control equipment includes a chemical scrubber unit for the headworks and fibreglass reinforced plastic (FRP) covers on the primary clarifiers.

In 2013 the Region completed a study to review the performance of the existing odour control systems, evaluate alternative odour control technologies, and develop the design basis for odour control upgrades at the headworks and primary clarifiers. The study concluded that the existing primary clarifier covers were nearing the end of their service life and recommended replacement of the existing primary clarifier covers with new full surface covers. The study also recommended installation of a new common odour control unit to treat odours from both the headworks and the primary clarifiers. Based on a technology review and pilot testing, the study recommended a bio-trickling filter for odour treatment. The recommended upgrades would reduce odour emissions from the plant.

2. Consultant Selection

In order to meet a scheduled 2015 construction start date for the proposed upgrades, a multi-disciplinary engineering consultant must be retained now to undertake the detailed design and construction administration for this upgrade. On September 20, 2013, the Region of Waterloo placed advertisements on its website and in The Record and Daily Commercial News inviting submissions from consultants for detailed design and services during construction for the Preston WWTP Odour Control Upgrades. Six proponents submitted a Letter of Interest. Each Letter of Interest was reviewed by the consultant selection team consisting of: Moorthy Darmalingum, Senior Project Manager (Design and Construction Division); Dominika Celmer-Repin, Project Engineer, (Water Services Division); and Frank Moffat, Supervisor, Environmental Field Services (Water Services Division). The consultant selection process was carried out in accordance with the Region of Waterloo’s Purchasing By-law 04-093 for the procurement of goods and services, and included price as a factor. The evaluation criteria were subdivided into Quality, Equity, and Price factors as follows:
Quality factors

Project Approach and Understanding  25%
Experience of the Project Manager  20%
Experience of the Project Support Staff  20%
Experience on Similar Projects  15%

Equity Factors

Current Workload for Region  3%
Local Office  2%

Price Factor

Upset Price  15%

Four proponents were short-listed and were invited to submit a Proposal including a detailed Workplan and Upset Fee. All four short-listed proponents submitted proposals. Two proposals were non-compliant with the submission requirements because they did not include the required resources to complete certain tasks and their Upset Fee Envelopes were returned unopened. The Upset Fee Envelopes from the following two short-listed consultants were then opened and evaluated:

- CIMA Canada Inc.
- GENIVAR

When considering all Quality, Equity, and Price Factors, the submission from CIMA Canada Inc scored highest overall. CIMA did not have the lowest price but received the highest technical score due to superior understanding of the project and an innovative approach to accelerate the required approvals, which resulted in the highest overall score. Staff therefore recommends that CIMA Canada Inc be awarded this assignment for an Upset Fee of $426,745.

3. Scope of Work

For this assignment, the Consultant will provide professional consulting services during the detailed design, tender, construction, and post-construction phases of the capital project. The consultant will conduct site-wide air emission modeling and submit all required supporting documentation in order to obtain the required Ministry of the Environment (MOE) Environmental Compliance Approval (ECA) for the odour control system. The consultant will prepare issued-for-tender, issued-for-construction, and record versions of the Contract Drawings and Contract Specifications for one general construction contract. The consultant will also provide services related to pre-selection of equipment, construction cost estimates and cash flow projections, approvals and permits, third-party materials testing and quality control, health and safety reviews, site inspection, equipment acceptance tests, commissioning of new works, a custom
operation and maintenance manual, custom training sessions and administration of equipment warranties.

Appendix A provides a breakdown of the Consultant’s upset fee.

4. Schedule

Subject to Council’s approval of this assignment for professional consulting services, detailed design will commence in March 2014 to allow for equipment pre-purchases, MOE approvals and a general contract tender and award in 2015. The schedule is dictated, in part, by the need to obtain the MOE ECA for the odour control system, which can take a year or more to obtain, prior to proceeding with tendering and construction. Construction is scheduled to commence following receipt of the required approvals, with the upgrades being completed and commissioned in 2016.

Corporate Strategic Plan:

This project meets the Region’s Corporate Strategic Plan objective to “develop, optimize and maintain infrastructure to meet current and projected needs” under Focus Area 2 “Growth Management and Prosperity”.

Financial Implications

The Region’s 2014 Ten Year Water Capital Forecast provides a total budget of $2,500,000 for this project. The consultant’s Upset Fee of $426,745 is within the budget allowance for engineering work and represents approximately 17% of the project cost estimate. The Upset Fee is considered reasonable for the scope of services to be provided and for a capital project of this magnitude that includes substantial site-wide air modeling and air approval components.

Other Department Consultations/Concurrence:

Nil

Attachments

Appendix A – Breakdown of Consultant’s Upset Fee

Prepared By: Moorthy Darmalingum, Senior Project Manager, Environmental Engineering

Approved By: Thomas Schmidt, Commissioner, Transportation and Environmental Services
### Appendix A

**Mannheim Residuals Management Plant Upgrade**

**Breakdown of Consultant’s Upset Fee**

<table>
<thead>
<tr>
<th>Task</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td><strong>Detailed Design Phase</strong></td>
<td></td>
</tr>
<tr>
<td>Project Management / Quality Control</td>
<td>$8,780</td>
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<tr>
<td>Equipment Procurement</td>
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<td>Tender</td>
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<td>Record Drawings, Warranty Period Assistance</td>
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<tr>
<td>and Meetings</td>
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</tr>
<tr>
<td><strong>Total Upset Fee (plus applicable taxes)</strong></td>
<td>$426,745</td>
</tr>
</tbody>
</table>
Region of Waterloo  
Transportation and Environmental Services  
Design and Construction  

To: Chair Jim Wideman and Members of the Planning and Works Committee  
Date: February 11, 2014  
File Code: 7297  
Subject: Consultant Selection – Class EA, Detailed Design and Contract Administration Services for Erb Street Improvements, Fischer-Hallman Road to Wilmot Line, City of Waterloo  

Recommendation:

That the Regional Municipality of Waterloo enter into a Consulting Services Agreement with Walter Fedy to provide consulting engineering services for the Class Environmental Assessment (EA), Detailed Design, Construction Contract Administration and Inspection Services associated with Erb Street Improvements from Fischer-Hallman Road to Wilmot Line at an upset fee limit of $486,870.00 plus applicable taxes for the Class EA and design phases, with construction contract administration and inspection services to be paid on a time basis, as outlined in report E-14-019, dated February 11, 2014.

Summary:

The Region of Waterloo intends to proceed with the Erb Street Improvements Study from Fischer-Hallman Road to Wilmot Line in the City of Waterloo. The widening of Erb Street from Fischer-Hallman Road to Wilmot Line is currently scheduled for 2018 in the 2014 Transportation Capital Program. The location of this project is shown on the key plan included in Appendix A. In order meet the 2018 construction timeline, an engineering consultant must be hired now to undertake the project.

An invitation to submit Letters-of-Interest to provide engineering services for this assignment was advertised in the Waterloo-Region Record. Eight (8) firms submitted Letters-of-Interest. Three (3) firms were subsequently short-listed. The selection process for this assignment included price as an evaluation factor. Based on the evaluation criteria and review of the submitted work plans and fee estimates, the Consultant Selection Team recommends that Walter Fedy be retained to undertake this assignment at an upset fee limit of $486,870.00 for the Class EA and design phases,
with construction contract administration and inspection services to be paid on a time basis. Sufficient funds are available in the 2014 Transportation Capital Budget to initiate the Class EA process in 2014.

Report:

1. Background

The Regional Municipality of Waterloo wishes to proceed with rehabilitation and capacity improvements on Erb Street in the City of Waterloo. Appendix A illustrates the Study Area which extends from Fischer-Hallman Road to Wilmot Line. The study will follow the Class Environmental Assessment (EA) process (Schedule “C”) for Municipal Road Projects in establishing the preferred solution for the corridor.

Due to increased development on the west side of Waterloo, Erb Street is currently identified for widening and road improvements by 2018 in the 2014 Ten Year Transportation Capital Program.

The Vista Hills subdivision, which is located north of Erb Street, can only develop to a maximum of 930 residential dwelling units before one of two options must be implemented to allow the balance of the subdivision to be developed. These options are either construct a Collector Road from Columbia Street to Erb Street or complete required improvements to Wilmot Line. Staff will work in conjunction with the City of Waterloo on this issue during the Environmental assessment process.

This study is being undertaken in accordance with the Municipal Class Environmental Assessment, Municipal Engineers Association, October 2000 (as Amended in 2007). For this Class EA assignment, the consultant will: obtain all necessary background information; undertake noise, drainage, geotechnical, heritage, archaeological, natural environment and other relevant studies; evaluate and review planning alternatives; prepare preliminary design for the preferred alternatives; present preliminary design alternatives at Public Consultation Centre(s); prepare an Environmental Study Report (ESR) and prepare detailed design drawings, specifications and provide construction contract administration and inspection services.

Funding is currently available in the 2014 Ten Year Transportation Capital Program for construction of the proposed works in 2018. In order to meet the 2018 construction timeline, an engineering consultant must be hired now to undertake this project.

Regional staff is fully committed to other capital projects at this time and therefore an external consultant must be hired to complete this project. Staff has determined that it is necessary to commence the engineering for this project now, in order to provide sufficient time to complete the planning and design phases, acquire any necessary property and complete utility relocations, if necessary, in advance of construction.

2. Consultant Selection

An invitation to submit Letters-of-Interest to provide engineering services was advertised in the Waterloo-Region Record on Tuesday November 13th, 2013. Eight (8) Letters of-Interests were submitted and evaluated by the Consultant Selection Team...
which consisted of the following staff:

- Marcos Kroker, Senior Project Manager, Design and Construction Division
- Garrett Donaher, Transportation Planning Engineer, Transportation Planning
- Linda Churchill, Senior Environmental Engineer, Waste Management
- Jason Lane, Senior Project Manager, Design and Construction Division

The Consultant Selection Team short-listed the following three (3) firms:

- The Walter Fedy Group
- MTE Consultants Inc.
- IBI Group

The short-listed consultants were asked to provide detailed Work Plans and Upset Fee Estimates for the work on this project.

The criteria used to evaluate the Letters-of-Interest, Work Plans and Upset Fee Estimates were in accordance with the Region’s Purchasing Bylaw and included price as a factor in the selection process. These evaluation criteria and their respective weightings were as follows:

Quality Factors

- Project Approach and Understanding 35%
- Experience of the Project Manager 20%
- Experience of the Project Support Staff 15%
- Experience on Similar Projects 10%

Equity Factors

- Current Workload for Region 3%
- Local Office 2%

Price Factor

- Upset Limit Fee 15%

The Work Plans submitted by the short-listed consultants demonstrated a comprehensive understanding of the components of the project, capable project teams and experience on similar projects.

Based on the review of Detailed Work Plans, and in consideration of the combination of quality, equity and price factors described above, Walter Fedy scored the highest of the
three short-listed consultants and submitted the lowest upset fee. Therefore, the Consultant Selection Team recommends that Walter Fedy be retained to undertake the Class EA, detailed design and provide construction contract administration and inspection services for this assignment.

3. **Scope of Work**

The scope of the assignment shall have the consultant undertake a Class EA and design for:

- Rehabilitation of Erb Street between Fischer-Hallman Road and Gateview Drive;
- Widening of Erb Street from 3 to 4 lanes from Gateview Drive to Erbsville Court;
- Widening of Erb Street between Ira Needles Boulevard and Wilmot Line; and
- Intersection improvements at Wilmot Line.

4. **Schedule**

Subject to Council’s approval of the consultant assignment, the proposed schedule for this assignment, is as follows:

- Data collection and preparation of base plans Spring/Summer 2014
- Class EA and Preliminary Design 2014-2015
- Property Acquisition 2016-2017
- Public Information Centre(s) Fall 2014 and Spring 2015
- Detailed Design and Approvals 2017
- Construction 2018

5. **Consultant’s Upset Fee**

The short-listed consultants were requested to submit an upset fee for services required to complete the Class EA and Detailed Design. An estimated fee for construction contract administration and inspection services was also submitted by each short-listed consultant for budgetary purposes. As has been the Region’s practice, only the upset fee limit component was used in the consultant evaluation and selection process. Walter Fedy’s price was the lowest price submitted from the 3 short-listed consultants. The upset fee limit proposed by Walter Fedy to complete the Class EA and Detailed Design is $486,870.00 plus applicable taxes. The fee provided is within the expected range of fees for this type of assignment.

For road reconstruction and widening projects such as Erb Street, the fees required for construction contract administration and inspection services can vary significantly depending on the final design, weather conditions, unforeseen conditions during construction, contractor performance, and other unknown variables. Since an upset fee limit does not lend itself well to these types of services, it has been the Region’s
practice to pay for construction contract administration and inspection services on a time basis. The short-listed consultants were required to submit estimated construction contract administration and inspection fees based on a fixed construction period. The estimated fee proposed by Walter Fedy for construction contract administration and inspection services is $329,960.00 plus applicable taxes. This is within the amount budgeted for this purpose in the approved 2014 Ten Year Transportation Capital Program.

A breakdown of the proposed upset fee limit for the assignment is shown in Appendix B of this report.

**Corporate Strategic Plan:**

The widening and rehabilitation of Erb Street between Fischer-Hallman Road and Wilmot Line, when complete, will support Focus Area 2 – Growth Management and Prosperity and meets strategic objective number two which is to develop, optimize and maintain infrastructure to meet current and projected needs.

The Region’s consultant selection process supports Focus Area Six – Service Excellence of the Strategic Plan by meeting the objective to ensure services are responsive, efficient, effective and accountable.

**Financial Implications**

The Region’s 2014 Ten Year Transportation Capital Program includes a total of $10.6 million for this project in the years 2014 to 2018 funded from the Development Charges, Roads Rehabilitation Capital and Roads Capital Levy Reserve Funds. The upset fee limit proposed by Walter Fedy of $486,870.00 is within the amount allocated for this assignment as part of the total budget for this project.

**Other Department Consultations/Concurrence:**

Nil

**Attachments**

Appendix A: Project Key Plan

Appendix B: Breakdown of Consultant’s Upset Fee Estimate

**Prepared By: Marcos Kroker,** Senior Project Manager, Design and Construction

**Approved By: Thomas Schmidt,** Commissioner, Transportation and Environmental Services
Appendix B

Breakdown of Walter Fedy Upset Fee Limit

Erb Street Improvements – Fisher-Hallman Road to Wilmot Line

City of Waterloo

Upset Fee for Class EA, Detailed Design and Related Services based on Detailed Terms of Reference

1. Data collection and preparation of base plans $ 65,000.00
2. EA and Preliminary Design $ 232,370.00
3. Detailed Design $ 128,000.00
4. Project Management $ 40,000.00
5. Preparation of Drawings, Contract Documents and Specifications $ 15,400.00
6. Disbursements $ 6,100.00

Total Upset Fee Limit and Disbursement (excluding HST) $ 486,870.00
Region of Waterloo

Transportation and Environmental Services

Water Services

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014  File Code: E04-80/MOE.QTY; C06-60/PW/WS.12

Subject: 2013 Annual Water Quality Report for The Region of Waterloo Rural and Integrated Water Systems

Recommendation:
For information only.

Summary:
Nil

Report:

‘Safe Drinking Water Act’
To meet the reporting requirements under Drinking Water Systems Ontario Regulation 170/03, The Region of Waterloo issues an Annual Water Quality Report by February 28, and an Annual Summary Report by March 31, of each year.

Background

A total of 46 Water Quality Reports are issued for the period January 1, to December 31, 2013, to summarize water quality for each water supply system in the Region and each distribution system operated by the Region in the Townships of Wellesley and North Dumfries. These individual water quality reports are presented in the Region's 2013 Annual Water Quality Report.
The key finding of this report is that municipal drinking water delivered by the Region during 2013 met the necessary requirements under the Safe Drinking Water Act. The report will be placed in the Councillors’ Library by February 28, 2014, and will also be forwarded to the cities and townships within the Region and made available to the public.

Annual Water Quality Report

The water quality report provides a comprehensive summary of all the water quality data. The key criteria included in the report are as follows:

1. A brief description of the drinking water systems including a list of water treatment chemicals used;
2. A summary of any reports made to the MOE under the Safe Drinking Water Act (SDWA) (18(1)) Duty to report adverse test results or the O. Reg. 170/03 Section 16 (16-4) Duty to report other observations;
3. A summary of the result of tests required under this O. Reg. 170/03 or The Municipal Drinking Water Licence or a MOE Order; or the most recent results taken;
4. A description of any corrective action under the O. Reg. 170/03 Schedule 16 Reporting adverse test results and other problems, Schedule 17 Corrective Action (Large Municipal Residential) and Schedule 18 Corrective Action (Small Municipal Residential);
5. A description of any significant expenses incurred to install, repair or replace required equipment;
6. A statement on where the Annual Summary Report can be viewed (required by March 31).

A copy of the 2013 Annual Water Quality Report is provided to the owners of the receiving systems, is available free of charge from Water Services, and is posted on the Region's website. The Region has been publishing annual water quality reports since 1994.

Ontario Drinking Water Quality Standards

The MOE established the water quality sampling and analytical requirements through their Safe Drinking Water Act (SDWA), O. Reg. 170/03, O. Reg. 169/03, various regulation amendments, municipal drinking water licenses and MOE orders. There are three types of drinking water quality standards, objectives and guidelines:

1) health-related standards, to protect public health;
2) aesthetic objectives, and
3) operational guidelines to ensure efficient treatment and distribution of the water.

Water Quality Monitoring Programs

Water samples are collected from all Regional water sources, using the sampling protocols established by the MOE. Most of these samples are analyzed at the Regional Laboratory. The bacteriological quality of each water source is tested once a week. Testing for chemical and physical analyses are done in accordance with the regulation, acts, certificates of approval and MOE orders. The quality of the water is continuously
monitored throughout the Region. The MOE checks the quality of the Region's water every year during their annual inspections program. The reports for the Wellesley and North Dumfries Water Distribution Systems are included in the water quality reports from their respective supply sources.

In 2008, the regulations required lead sampling requirements in the distribution systems. For each individual distribution system, sampling was required of residential, non-residential and distribution sites, with the number of samples based on population. The regulation allows for a reduction in the number of samples required and the frequency of sampling based on consecutive rounds of results being below the maximum acceptable concentration for lead.

In 2011, and in accordance with the O. Reg 170/03, all 8 of the Region-owned distribution systems qualified for plumbing exempt status. This exemption confirms that sampling the internal plumbing of people’s homes and businesses is no longer a requirement. The Region is required to test the distribution system hydrants and blow-offs for pH and alkalinity twice per year and lead every third year (2014) in all 8 of our distribution systems: Wellesley, St. Clements, Linwood, Heidelberg (Wellesley side), Roseville, Branchton Meadows, Lloyd Brown and Ayr. Water quality will be monitored and barring any changes as determined by the MOE or a change to O.Reg170/03, the plumbing exempt status will remain indefinitely.

Under the regulation for lead monitoring, municipal distribution systems are required to prepare a corrosion control plan or to apply for relief from a corrosion control plan when greater than 10% of the samples exceed the maximum acceptable concentration (MAC) for lead in at least two sampling rounds out of the last three. As a two-tier municipality, the Region is required to provide a letter of support to the local municipalities if this type of exceedance occurs. The Elmira/St. Jacob’s distribution samples had greater than 10% exceedance of the MAC for lead in the winter and summer of 2009. Township of Woolwich received relief from a corrosion control plan in January 2012 and the Region provided a letter of support.

The Local Municipalities will be issuing separate Annual Water Quality Reports for their Water Quality Monitoring on the distribution system.

Corporate Strategic Plan:

The Annual Water Quality Report Supports Focus Area 1: Environmental Sustainability.

Financial Implications:

Nil

Other Department Consultations/Concurrence:

The Public Health Department has reviewed this report.
Attachments:

Nil

Prepared by: Olga Vrentzos, Manager, Operations and Maintenance, Water Services

Approved by: Thomas Schmidt, Commissioner, Transportation and Environmental Services
Region of Waterloo
Planning, Housing and Community Services
Community Planning

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014

Subject: The Cornerstone Standards Council’s Draft Responsible Aggregate Standards - Regional Comments

Recommendation:

That the Regional Municipality of Waterloo submit Report P-14-020 dated February 11, 2014 as Regional Council’s comments regarding the January 6, 2014 Cornerstone Standards Council’s draft Responsible Aggregates Standards.

Summary:

Mineral aggregate extraction is an important element of the Waterloo Region and provincial economies. In 2012, mineral aggregate production in Waterloo Region was approximately 7.3 million tonnes (the 2003-2012 average was 8.1 million tonnes) with an estimated economic value of $47 million. In 2012 the Township of North Dumfries was the fifth largest source of mineral aggregate products by volume in Ontario. On average, approximately 80% of the mineral aggregate products from Waterloo Region are exported to the Greater Toronto Area. The Region is working to balance the need for aggregate to build our community and other communities in Ontario, with environmental protection.

In 2011, the Socially and Environmentally Responsible Aggregates (SERA) organization co-founded by Holcim Canada (Dufferin Aggregates) and Environmental Defence, issued draft standards to guide the certification of socially and environmentally responsible aggregate products. SERA then established a Standards Development Panel comprising representatives of other aggregate producers, community groups, and environmental groups to review and further develop the draft standards. The Panel also contains two professional planners having experience with aggregate applications and natural heritage issues. One of those planners is the Region’s Manager of Environmental Planning.
In 2012, SERA merged with the Aggregate Forum of Ontario to form the Cornerstone Standards Council (CSC). The CSC released its draft Responsible Aggregates Standards on January 6, 2014 for a 60 day review. The document is posted online at www.cornerstonestandards.ca. Hard copies of the document are available in the Regional Councillor’s library and in Planning, Housing and Community Services. This report is the Region’s response to that document.

The CSC Standards are voluntary. Aggregate firms would determine whether to seek CSC certification for any or all of their existing or proposed pits and quarries. They would be adopted by firms wishing to have their CSC-certified products marketed as socially and environmentally responsible.

The standards would not change the existing provincial aggregate policy (e.g. Aggregate Resources Act) or municipal regulations. The standards are intended to exceed provincial and municipal regulatory compliance requirements and encourage aggregate extraction operators to adopt industry best practices in such areas as “Community Notification, Consultation and Participation” and “Site Stewardship and Impacts to Environment, Water and Human Health”.

The Region supports the CSC’s initiative to create voluntary standards because they could result in an application review process that is more inclusive of host community interests, more sensitive to the environmental context, more time efficient, and less confrontational than the current review process.

Likewise, the Region supports the elements of the standards that are closely aligned with specific Regional interests expressed in Chapter Nine of the Regional Official Plan “Managing Aggregate Resources”. These interests include the duration and timely rehabilitation of aggregate extraction operations, extraction below the water table (source water protection), extraction in Core Environmental Features, and the restoration of Prime Agricultural lands. Following the standards would make it easier for participating applicants to meet the objectives of the Region’s aggregate policies.

Over time, use of the standards could lead to improvements in provincial legislation and policy as it relates to the approval, siting and operation of mineral aggregate extraction operations.

The final version of the CSC’s Responsible Aggregate Standards is expected to be released later this year. Regional staff will prepare another report for Regional Council’s consideration at that time.

Report:

Mineral aggregate extraction is an important element of the Waterloo Region and provincial economies. In 2012, mineral aggregate production in Waterloo Region was approximately 7.3 million tonnes (the 2003-2012 average was 8.1 million tonnes) with an estimated economic value of $47 million. In 2012 the Township of North Dumfries was the fifth largest source of mineral aggregate products by volume in Ontario. On average, approximately 80% of the mineral aggregate products from Waterloo Region are exported to the Greater Toronto Area. The Region is working to balance the need...
for aggregate to build our community and other communities in Ontario, with environmental protection.

In 2011, the Socially and Environmentally Responsible Aggregates (SERA) organisation co-founded by Holcim Canada (Dufferin Aggregates) and Environmental Defence, issued draft standards to guide the certification of socially and environmentally responsible aggregate products. SERA then established a Standards Development Panel comprising representatives of other aggregate producers, community groups, and environmental groups to review and further develop the draft standards. The Panel also contains two profession planners having experience with aggregate applications and natural heritage issues. One of those planners is the Region’s Manager of Environmental Planning, Chris Gosselin.

In 2012, SERA merged with the Aggregate Forum of Ontario as the Cornerstone Standards Council (CSC). Supplemented with additional members, the Panel continued its work, the result of which is the draft Responsible Aggregates Standards released on January 6, 2014 for a 60 day review. The document is posted online at www.cornerstonestandards.ca. Hard copies of the document are available in the Regional Councillor’s library and in Planning, Housing and Community Services. This report is the Region’s response to that document.

The CSC Standards are voluntary. Aggregate firms would determine whether to seek CSC certification for any or all of their existing or proposed pits and quarries. They would be adopted by firms wishing to have their CSC-certified products marketed as socially and environmentally responsible. As with other product certification systems like Forest Sustainability Council (FSC) forest products, compliance with the standards would be audited by professional auditors reporting back to the CSC.

The standards would not change existing Provincial aggregate policy (e.g. Aggregate Resources Act) or municipal regulations. The standards are intended to exceed provincial and municipal regulatory compliance requirements and encourage aggregate extraction operators to adopt industry best practices in such areas as “Community Notification, Consultation and Participation” and “Site Stewardship and Impacts to Environment, Water and Human Health”. Regional staff supports the CSC’s initiative to create voluntary standards because they could result in an application review process that is more inclusive of host community interests, more sensitive to the environmental context, more time efficient, and less confrontational than the current review process.

These expectations are closely aligned with several Regional interests that are expressed in Chapter Nine of the Regional Official Plan “Managing Aggregate Resources”, including the duration and timely rehabilitation of aggregate extraction operations, extraction below the water table (source water protection), extraction in Core Environmental Features, and the restoration of Prime Agricultural lands.

The Region supports the general principle of what the document describes as “high but achievable” standards. Following the standards would make it easier for participating applicants to meet the objectives of the Region’s aggregate policies. Over time, use of
the standards could lead to improvements in provincial legislation and policy as it relates to the approval, siting and operation of mineral aggregate extraction operations.

The final version of the CSC’s Responsible Aggregate Standards is expected to be released later this year. Regional staff will prepare another report for Regional Council’s consideration at that time.

**Details Regarding the Draft Responsible Aggregate Standards**

The Region supports the general intent of CSC’s draft Responsible Aggregate Standards which is to:

a) provide a voluntary means of encouraging the production and sale of socially and environmentally responsible aggregate products;

b) establish clear criteria for certifying aggregate products similar to certifications for other products such as Forest Sustainability Council forest products, Marine Stewardship Council seafood products, and Fair-trade coffee. This would give certainty to organisations such as the Region which have Green Purchasing policies;

c) provide standards to be used by independent professional auditors assessing individual sites for certification; and

d) foster a more inclusive and less confrontational aggregate operation approval process that is anticipated to reduce costs, conflict, and uncertainty for aggregate proponents, local communities, and municipalities.

The Responsible Aggregate Standards would be purely voluntary standards which would seek to complement existing provincial and municipal regulations under the Aggregate Resources Act, the Provincial Policy Statement and the Planning Act that pertain to mineral aggregate extraction. They are not an attempt to change provincial aggregate policy (e.g. Aggregate Resources Act) or municipal regulations.

Individual pits and quarries that are independently verified as meeting the CSC’s Standards would be certified as socially and environmentally responsible aggregate operations and could market their products as “CSC Certified”. It would be up to mineral aggregate producers to determine whether they wish to seek CSC Standards certification.

The CSC’s Standards are organized according a set of seven broad principles. The Region is particularly supportive of the potential application of the standards related to Principle 2 “Community Notification, Consultation and Participation” and Principle 5 “Site Stewardship and Impacts to Environment, Water and Human Health”.

Principle 2 places considerable emphasis on applicants for certification establishing a Public Engagement Committee (PEC), where there is community interest, to work with pit and quarry applicants/operators. Along with government agencies, the PEC would have a role to play in scoping out and reviewing the various studies required for proposed new or expanded mineral aggregate operations. The PEC would also continue to work with operators to address issues and could help reduce the number of community complaints about on-going aggregate operations received by municipalities.
This would be especially helpful because municipalities have no legal basis to enforce compliance with mineral aggregate licence conditions.

Principle 2 also addresses the matter of establishing and meeting timelines for the operation, final extraction and rehabilitation of a certified site, and providing the community with appropriate and timely information. This includes asking pit and quarry operators to stipulate an end date for extraction operations and communicating the final rehabilitation plan to the community. This has often been an issue with regard to applications to permit below water table extraction of mineral aggregate.

Lastly, Principle 2 addresses the restoration of Prime Agricultural lands back to their original agricultural capability or better. The draft CSC’s Standards set out guidance for the responsible management and restoration of soils stripped off a pit or quarry site to ensure that in the future, they could again support natural features or agricultural production.

Principle 5 of the CSC’s Standards provides guidance to the siting of mineral aggregate extraction operations with respect to natural heritage designations. Extraction in natural areas where development or site alteration is prohibited would not generally be certifiable. However, extraction in some natural features could be certifiable subject to additional requirements, such as where a peer-reviewed “Biodiversity Plan” was developed in consultation with stakeholders to achieve an environmental net gain. This is comparable to policies in the Regional Official Plan which would permit the licensing of portions of Significant Woodlands of lower ecological quality for mineral aggregate extraction, subject to some form of ecological enhancement of the general area.

The Region is also pleased to see that the standards include a provision for the preparation of a “Biodiversity Plan” which would allow the use of “offsets” to encourage mineral aggregate operators to help maintain or enhance the biodiversity of a pit or quarry that lost natural heritage features during extraction. For example, in an area such as the Region of Waterloo, which has about 14% forest cover, pits and quarries could be certified if they replaced every one hectare of forest cover removed during extraction with three hectares of new forest cover through pit/quarry rehabilitation. In the case of more marginal habitat, this could result in the creation of new landscape linkages or the expansion of existing natural areas.

The Region also likes that the rehabilitation section of the CSC’s Standards addresses how to minimize the extent and duration of the disturbed areas of aggregate operations. This has often been a point of contention with adjoining landowners. The standard also calls for operators to adhere, with appropriate respect to market demands for products, to a timeline for operating and rehabilitating the operation. The standard also addresses, but cannot guarantee, financial surety for ensuring proper rehabilitation occurs.

**Alignment with the Regional Official Plan**

The intent and scope of the CSC’s proposed Responsible Aggregate Standards are very consistent with the policies contained in Chapter Nine – “Managing Aggregate Resources” of the Regional Official Plan. The Regional Official Plan acknowledges
mineral aggregates as a valuable non-renewable resource essential to the Region’s and Province’s growth and economic prosperity, but recognizes that extraction can have considerable social and environmental impacts. The chapter contains policies that provide for the long-term protection of mineral aggregate resources and having extraction close to market.

The chapter also contains policies that speak to the need to prevent or minimize the potential impacts of mineral aggregate operations on surface water and ground water resources, surrounding communities, cultural heritage resources, environmental features and ecological functions and, agricultural resources and operations. Like the proposed standards, the Regional Official Plan speaks to best management practices, rehabilitation plans, and in a more general way, stakeholder consultation.

Following the standards would make it easier for participating applicants to meet the objectives of the Region’s aggregate policies. However, at the moment these policies are currently not in force and effect because the entire Regional Official Plan has been appealed to the Ontario Municipal Board.

Next Steps

Once the consultation period is complete, the Standards Development Panel will review all of the comments received. A list of the comments and how the CSC intends to address them will be posted on the CSC’s website www.cornerstonestandards.ca. It is expected that the final version of the CSC’s Responsible Aggregate Standards will be released later this year. Regional staff will prepare another report for Regional Council’s consideration at that time.

The standards could result in more mineral aggregate operations in Waterloo Region using industry best practices and becoming recognized leaders in the aggregate extraction industry through CSC certification. Over time, use of the final version of the CSC’s Responsible Aggregate Standards could lead to improvements in provincial legislation and policy as it relates to the approval, siting and operation of mineral aggregate extraction operations.

Area Municipal Consultation/Coordination

A draft copy of this report was circulated to Area Municipal Planning staff for review and they concur with the report recommendations.

Corporate Strategic Plan:

This report directly addresses Focus Area 1 – Environmental Sustainability: Protect and enhance the environment.

Financial Implications:

Nil.
Other Department Consultations/Concurrence:

A draft copy of this report was circulated to all other Regional departments for comment and they concur with the report recommendations.

Attachments

Nil.

Prepared By: Kevin Curtis, Manager, Reurbanization Planning

Approved By: Rob Horne, Commissioner, Planning, Housing and Community Services
Region of Waterloo

Transportation and Environmental Services

Water Services

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014

File Code: E14-70(A); C06-60/P&W/WS.12

Subject: Sewer Use By-law Amendment 2013- Post PCC Report

Recommendation:

That The Regional Municipality of Waterloo enact the amendments to the Sewer Use By-law, being By-law Number 1-90 of The Regional Municipality of Waterloo, attached as Appendix A, pursuant to Report E-13-144 dated December 3, 2013.

Summary:

Staff have developed a draft amending by-law to the Sewer Use By-law as a result of the Region’s jurisdiction over the sewage collection systems in the Townships of North Dumfries and Wellesley. Regional Council provisionally approved the amendment on December 3, 2013, with direction to conduct public consultation centres in the Townships.

Report:

1. Background

On January 11, 1990, the Region enacted By-law Number 1-90 of The Regional Municipality of Waterloo, A By-law to Prohibit, Regulate and Control the Discharge of Waters and Wastes into Bodies of Water within the Regional Area or into the Regional Sanitary Trunk Sewers, Trunk Sewer System, or Sewage Treatment Works and all Tributary Sewer Systems and to Regulate and Control
Extensions, Alterations or Enlargement to the Sewer System of any Area Municipality (the “Sewer Use By-law”). The Sewer Use By-law is mainly used to prohibit, regulate and control the discharge of water and wastes that have deleterious effects on the health and safety of the inhabitants and/or the proper operation of the Regional sewer and sewage treatment works. However, the Sewer Use By-law also has provisions regulating any connection to sewers under the jurisdiction of the Region.

In 2005, the Region assumed ownership and operation over the sewage collection systems for the Townships of North Dumfries and Wellesley. The other sewage collection systems in Waterloo Region continue to be owned and operated by the applicable local municipalities.

This role of sewage collection includes the regulation of who is permitted to connect to the sewage collection system, invoicing and the collection of sewage fees and charges and general maintenance of the sewage collection system.

Since the transfer, the Region has operated these sewage collection systems pursuant to the applicable Township sewage collection by-laws and the Sewer Use By-law. This practice has caused inconsistencies at times for the Region because the Township by-laws are not broad enough to capture all of the above themes nor are they consistent with each other or current Regional practices. Further, the Sewer Use By-law is outdated and it does not contain all of the provisions necessary to regulate the transferred systems.

2. Public Notice of By-Law

On December 3, 2013, Regional Council approved the recommendation in Report E-13-144 to proceed to public consultation on the proposed draft by-law and report back to this Committee with a summary and recommended final by-law.

In accordance with the Region’s Notice Policy (Class 3), staff held public consultation centres in Wellesley and North Dumfries on Tuesday, January 14, and Thursday, January 16, 2014, respectively. Notices were placed on the Region’s website as well as the townships’ websites. A notice was posted in The Record, Ayr News, the Woolwich Observer and the Elmira Independent. A copy of this report was provided to municipal clerks in North Dumfries and Wellesley. North Dumfries office did an email blast and Tweeted to its media followers. Because attendance was very low, another opportunity was provided for comment by posting the notice again in the Ayr News, and the Woolwich Observer.

In summary, there was very little interest from the public on this by-law. Those who did attend or enquire by phone or email had mainly general questions.

3. Next Steps

Pending Council approval of Report E-14-022, the amendment would be enacted.
Corporate Strategic Plan:

This by-law contributes to the Corporate Strategic Plan Objective under Strategic Focus Area 5 – Service Excellence.

Financial Implications:

No additional staff is proposed for the implementation of the proposed amending by-law.

The proposed by-law would give the Water Services Division greater ability to administer the wastewater collection systems in the Townships of North Dumfries and Wellesley and would provide cost benefits to the Region through improved collection of unpaid fees and charges.

Other Department Consultants/Concurrence:

The Legal Services Division assisted in the preparation of the draft amendments to the Sewer Use By-law.

Attachments

Attachment A – Sewer Use By-law Amendment

Prepared By: Khalid Mehmood, Manager Engineering & Wastewater Programs

Approved By: Thomas Schmidt, Commissioner, Transportation & Environmental Services
Attachment A

By-law Number XXX

Of

The Regional Municipality of Waterloo

A By-law to Amend By-law Number 1-90 being a By-law to Prohibit, Regulate and Control the Discharge of Waters and Wastes into Bodies of Water within the Regional Area or into the Regional Sanitary Trunk Sewers, Trunk Sewer System, or Sewage Treatment Works and all Tributary Sewer Systems and to Regulate and Control Extensions, Alterations or Enlargement to the Sewer System of any Area Municipality

_____________________________________________________________________________________

The Council of The Regional Municipality of Waterloo enacts as follows:

1. Section 1 of By-law 1-90 is hereby amended by adding the following subsections:

(t.1) "multi-residential" means a building or property that has three or more self-contained residential units;

(u.1) "municipal service" means that part of the wastewater service from the Regional sewer up to the property line;

(ff.1) "private service" means that part of the wastewater service from the property line to the building or buildings discharging the sewage, storm water or other wastewater;

(gg.1) "Regional sewer" includes any combined sewer, sanitary sewer, sewage works, storm sewer, wastewater treatment plant, pumping station, and any incidental valves, access chambers and other works, that is owned or under the jurisdiction of the municipality;

(gg.2) "Regional standards" means Region of Waterloo and Area Municipal Design Guidelines and Supplemental Specifications for Municipal Services, or any successor guidelines thereto;

(kk.1) "sewer rate" means the unit price for the discharge of effluent into the Regional sewer as determined from time to time by the Council for the municipality;

(vv) "wastewater service" means the permanent pipe, equipment and devices that carry sewage, storm water or other wastewater from a building or buildings upon a private property or a property not owned by the municipality to the
Regional sewer;

2. Section 5 of By-law 1-90 is hereby deleted and replaced with the following:

5(1) Except as permitted in this By-law, no person shall, and no owner or person who occupies or has possession of a property shall cause or permit a person to make, alter or remove a permanent or temporary connection to a Regional sewer without the written approval of the Commissioner.

5(2) An owner of a property may apply to the municipality for a permanent or temporary connection to a Regional sewer and the Commissioner may grant such an application if the Commissioner is satisfied that there is sufficient capacity in the Regional sewer to serve the property.

5(3) Any application made pursuant to subsection (2) of this section shall include:

   (a) the class of occupancy of the property;
   (b) the estimated quantity and quality of effluent to be discharged from the property, supported by effluent quantity calculations and effluent quality tests as required, if the connection is for, in whole or in part, a commercial, industrial, institutional or multi-residential purpose;
   (c) a plan of the building or buildings showing the interior piping up to the property line if the connection is for, in whole or in part, a commercial, industrial, institutional or multi-residential purpose;
   (d) any other information that the Commissioner requires to determine if there is sufficient capacity in the Regional sewer to serve the property and ascertain the effects of discharge on the Regional sewer; and
   (e) any fee as prescribed by Council.

5(4) The Commissioner may impose terms and conditions upon any connection, which the Commissioner deems necessary in order to ensure the proper operation of the Regional sewer and the owner of the property that received the connection, and any subsequent owners of the property thereafter, shall comply with all such terms and conditions.

5(5) Where the Commissioner is satisfied that there is sufficient capacity in the Regional sewer to serve the property and the intended quality of effluent, the Commissioner shall determine the estimated cost for the municipality to install the municipal service, if applicable, and the Commissioner shall require that the applicant provide security for this estimate, plus 25 per cent of the estimate for any contingency, in a form satisfactory to the Commissioner, before the connection is commenced.

5(6) The estimate in subsection (5) of this section may include the cost of labour, site supervision, machinery and parts of the municipality, and any contractor to be retained by the municipality, to complete the installation of the municipal service.
5(7) When the installation of the municipal service is complete, the Commissioner shall establish the exact cost thereof, and the Commissioner shall either refund any excess monies from the security to the applicant or require that the applicant pay any outstanding balance, as the case may be.

5(8) Notwithstanding subsections (5) and (6) of this section, the Commissioner may allow the owner of the property to install the municipal service by using the owner’s own contractor provided that the owner meets all of the terms and conditions imposed by the Commissioner.

5(9) The Commissioner shall determine the location of the municipal service based on the criteria of using the shortest and most convenient location for the municipality.

5(10) The applicant shall install the private service at its own cost.

5(11) No private service shall be less than 100 millimeters in diameter.

5(12) The applicant shall ensure that the private service is:
   (a) installed by a licensed plumber;
   (b) two metres or more below ground level; and
   (c) properly connected to the municipal service in accordance with Regional Standards.

5(13) The Commissioner may allow the discharge of effluent from the applicant’s property into the Regional sewer after:
   (1) all of the conditions pursuant to this section have been fully satisfied; and
   (2) the applicant has paid all applicable fees or satisfied all applicable conditions that have been imposed by any fees and charges by-law of the municipality specifically in relation to the property.

5(14) This Part shall apply with necessary modification if any owner of a property that is connected to the Regional sewer wishes to alter the location or size of its municipal service.

5(15) Where a property is subject to a plan of subdivision and the municipality is to assume any wastewater collection system pursuant to the Planning Act, or any successor legislation thereto, then any connection to the Regional sewer shall be carried out in accordance with Regional Standards and this section shall not apply.

5(16) Without limiting any other fees and charges that may be imposed pursuant to this or any other by-law, the sewer fee for each property that is connected to a Regional sewer shall be based on the sewer rate multiplied by the amount of water consumed for the property during the applicable period.
5(17) For the purposes of subsection (16) of this section, where the water supplied to a property is not from a municipal water distribution system or is not metered then the quantity of water consumed for the property shall be estimated by the Commissioner based on the average consumption of water for properties of equivalent size, characteristics and occupancy during the prior applicable time period.

5(18) Every owner of a property that is connected to a Regional sewer shall pay the municipality the sewer fee as determined pursuant to this section as well as any other fees and charges in relation thereto.

5(19) Every owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional sewer shall ensure that the private service is maintained in a good state of repair at all times.

5(20) Every owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional sewer shall immediately notify the Commissioner of any suspected infiltration or damage to the private service.

5(21) Every owner of a property that is connected to a Regional sewer shall notify the Treasurer 72 hours before the owner transfers ownership of the property so that the Region can issue a final bill for the owner, if applicable.

5(22) For greater certainty, this section shall not apply where an area municipality connects any local combined sewer, sanitary sewer, sewage works or storm sewer to a Regional sewer pursuant to sections 2 or 3 of this By-law.

3. Section 13 of By-law 1-90 is hereby amended by adding the following subsections:

(10) The Commissioner shall have all necessary authority to request that the treasurer of the area municipality add any outstanding fees and charges owing pursuant to this By-law to the tax roll to the property that was connected to the Regional sewer and collect them in the same manner as municipal taxes.

(11) The Commissioner may cause the reduction or shut off of the supply of water from a water distribution system that is owned or under the jurisdiction of the municipality on 14 calendar days notice if any outstanding fees and charges owing pursuant to this By-law have not been paid in full after the due date shown on the invoice. Any notice required pursuant to this subsection shall be served by personal service or by prepaid mail or by posting the notice on the property in a conspicuous location.

(12) If the Commissioner is satisfied that a contravention of this By-law has occurred, the Commissioner may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the
owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

(13) An order under subsection (12) of this section shall set out,
(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
(b) the work to be done and the date by which the work must be done.

(14) An order under subsection (12) of this section may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

(15) The Commissioner may, in default of it being done by the person directed or required to do it pursuant to an order under subsection (12) of this section, have the matter or thing done at the person’s expense.

(16) For the purposes of subsection (15) this section, the Commissioner may enter upon land at any reasonable time.

(17) The Commissioner may recover the costs of doing a matter or thing under subsection (12) of this section from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

(18) The costs include interest as prescribed by Council calculated for the period commencing on the day the Commissioner incurs the costs and ending on the day the costs, including the interest, are paid in full.

(19) The Commissioner is authorized to do all things necessary or proper to administer this By-law.

(20) The Commissioner shall have all necessary authority to prescribe any forms that are required for the purposes of this By-law.

(21) The Commissioner may delegate any administrative function pursuant to this By-law to an employee or agent of the municipality.

(22) All remedies pursuant to this By-law are cumulative.
(23) If any section or sections of this By-law or parts of it are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.

(24) The provisions of this By-law shall apply as necessary if there is any conflict with the by-laws of The Corporation of the Township of North Dumfries or The Corporation of the Township of Wellesley, as assumed by the Region, concerning the collection of sewage and other effluent in the respective municipalities.

4. This By-law comes into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this \textsuperscript{th} day of , 2014.

\underline{Regional Clerk} \hspace{2cm} \underline{Regional Chair}
Region of Waterloo

Transportation and Environmental Services

Water Services

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014

File Code: C06-60/P&W/WS.14

Subject: Water Distribution By-law for the Townships of North Dumfries and Wellesley – Post Public Consultation Centres (PCC)

Recommendation:

That The Regional Municipality of Waterloo enact the Water Distribution By-law for the Townships of North Dumfries and Wellesley, attached as Appendix A, pursuant to Report E-13-141, dated December 3, 2013, as described.

Summary:

In accordance with the Region’s Notice Policy (Class 3), staff held public consultation centres in Wellesley and North Dumfries on Tuesday, January 14, and Thursday, January 16, 2014, respectively to solicit feedback on a draft water distribution by-law for the Townships of North Dumfries and Wellesley. The by-law allows harmonization of previous Township by-laws and addresses changes in legislation including regulation of backflow prevention devices.

Report:

1. Background

Pursuant to By-law 05-004, the Region assumed ownership and operation over the water distribution systems for the Townships of North Dumfries and Wellesley in 2005. The other water distribution systems in Waterloo Region continue to be owned and operated by the applicable local municipalities. This role of a water distributor includes
the regulation of who is permitted to connect to the water distribution system, invoicing and the collection of water fees and charges and general maintenance of the water distribution system.

Since the transfer, the Region has operated these water distribution systems pursuant to the applicable Township water distribution by-laws. This practice has caused inconsistencies at times for the Region because the Township by-laws are not broad enough to capture all of the above themes nor are they consistent with each other or current Regional practices. Further, the Ministry of the Environment has requested that the Region make certain improvements to the water distribution systems through the regulation of backflow prevention devices. Backflow prevention devices prevent non-municipal water from auxiliary water sources on a property, such as a private well, to enter the water distribution system.

As a result staff has developed a uniform water distribution by-law which is attached as Appendix A to this Report and has five general themes which are set out as follows:

i. Prohibiting any harm or damage to the water distribution system
ii. Regulating any connection or disconnection to the water distribution system
iii. Regulating the installation and maintenance of backflow prevention devices
iv. Regulating the use and placement of water meters, the implementation of water rates and the shut off of water for non-payment of water fees
v. Creating offences for the contravention of provisions of the by-law

2. Public Notice of By-Law

On December 3, 2013, Regional Council approved the recommendation in Report E-13-141 to proceed to public consultation on the proposed draft by-law and report back to this Committee with a summary and recommended final by-law.

In accordance with the Region’s Notice Policy (Class 3), staff held public consultation centres in Wellesley and North Dumfries on Tuesday, January 14, and Thursday, January 16, 2014, respectively. Notices were placed on the Region’s website as well as the townships’ websites. A notice was posted (Attachment B) in The Record, Ayr News, the Woolwich Observer and the Elmira Independent. A copy of this report was provided to municipal clerks in North Dumfries and Wellesley. North Dumfries office did an email blast and Tweeted to its media followers. Because attendance was very low, another opportunity was provided for comment by posting the notice again in the Ayr News, and the Woolwich Observer. Letters were sent to ICI property owners impacted by the new backflow prevention device provision and notices were posted in the North Dumfries and Wellesley libraries as well as the community centres.
In summary, there was very little interest from the public on this by-law. Those who did attend or enquire by phone or email had mainly general questions. One comment was received in regards to the requirement of a backflow prevention and requires clarification from Legal.

3. Implementation

The by-law would be administered by the Commissioner of Transportation and Environmental Services through the Water Services Division.

The by-law would come into effect upon passage with the exception of the backflow preventer provision that will come into effect six months later. The six months will provide a transition period for installation and compliance with the backflow preventer provision.

The proposed fees and charges, in the event that the proposed by-law is passed, would be as follows. These proposed fees and charges, which would be set out in the applicable fees and charges by-law, would recover the administrative and other costs of the Region:

- Application fee for a permanent water connection: $1250
- Application fee for a temporary water connection: $750
- Backflow test report fee: $175 for permit fee and initial inspection
  $50 annual inspection report

As part of the implementation of the proposed by-law, staff would also establish administrative and other forms. These administrative forms would include applications for water connections and rental agreements from water meters.

The proposed by-law contains several provisions in the event that a person violates the by-law or fails to pay an applicable fee or charge. The investigation and laying of any charge pursuant to the proposed by-law would be conducted by staff of the Water Services Division in conjunction with municipal law enforcement officers of the Licensing and Enforcement Services. The enforcement of non-payment of fees and charges could be pursued through: (1) requesting that the treasurer of the local municipality add the unpaid fee and charge to the property taxes of the serviced property; (2) shutting off the water to the serviced property; and/or (3) commencing an action against the responsible party through the court system.

4. Next Steps

Pending Council approval of Report E-14-023, the by-law would be enacted and the backflow prevention program would be developed and implemented.
Corporate Strategic Plan:

This by-law contributes to the Corporate Strategic Plan Objective under Strategic Focus Area 5 – Service Excellence.

Financial Implications:

No additional staff is proposed for the implementation of the proposed by-law.

Regional costs to administer the proposed by-law should be recovered through the proposed fees and charges that would be enacted at the same time as the by-law.

The proposed by-law would give the Water Services Division greater ability to administer the water distribution system in the Townships of North Dumfries and Wellesley and would provide cost benefits to the Region through improved collection of unpaid fees and charges.

Other Department Consultations/Concurrence:

The Legal Services Division assisted in the preparation of this Report and the draft Water Distribution By-law. Finance participated in the preparation of the draft Water Distribution By-law.

Attachments

Attachment A - Draft Water Distribution By-law
Attachment B – Advertisement Posted in Newspapers

Prepared by:  Olga Vrentzos, Manager, Water Operations and Maintenance, Water Services

Approved by:  Thomas Schmidt, Commissioner, Transportation & Environmental Services
Attachment A

By-Law No. XXX

Of

The Regional Municipality of Waterloo

A By-Law to regulate the supply and distribution of water within the 
Townships of North Dumfries and Wellesley

WHEREAS The Regional Municipality of Waterloo has jurisdiction over the distribution 
of water within the Townships of North Dumfries and Wellesley pursuant to section 189 
of the “Municipal Act, 2001”, S.O. 2001, c.25, as amended, and By-law 05-004 of The 
Regional Municipality of Waterloo;

AND WHEREAS The Regional Municipality of Waterloo may pass by-laws respecting its 
jurisdiction over the distribution of water within the Townships of North Dumfries and 
Wellesley pursuant to section 11 of the “Municipal Act, 2001”, S.O. 2001, c.25, as 
amended;

AND WHEREAS The Regional Municipality of Waterloo wishes to regulate the time, 
manner, extent and nature of the supply and distribution of water, the building or person 
to which and to whom the water shall be furnished and every other matter or thing 
related to or connected therewith that may be necessary or proper to regulate, in order 
to secure to the inhabitants of the Townships of North Dumfries and Wellesley a 
continued and abundant supply of pure and wholesome water;

NOW THEREFORE, the Council of The Regional Municipality of Waterloo enacts as 
follows:

Part I - Definitions

1. In this By-law,

   (1) “Auxiliary Water Supply” means any water well, cistern or other source, other 
   than a Regional Water Distribution System, that provides a supply of water;

   (2) “Backflow Prevention Device” means a device that prevents the backflow of 
   water and includes, but is not limited to, a reduced pressure principle assembly 
   and a double check valve;

   (3) “Building Code” means Ontario Regulation 350/06, as amended, of the Building 

   (4) “Commissioner” means the Commissioner of Transportation and Environmental 
   Services of the Region, or any successor position, and his or her designate;

   (5) “Council” means the Council for the Region;

(7) “Detector Check Valve” means a single check valve assembly as prescribed in the CSA Standard for fire prevention systems only;

(8) “Fire Hydrant” means a fire hydrant that is connected to the Regional Water Distribution System;

(9) “Fire Service” means a fire sprinkler or similar system that is activated and used in the event of a fire;

(10) “multi-residential” means a building or property that has three or more self-contained residential units;


(12) “Municipal Service” means that part of the Water Service from the water main up to and including the Municipal Valve;

(13) “Municipal Valve” means a valve that controls the flow of water within the Regional Water Distribution System or from the Regional Water Distribution System to a Private Service or a Fire Hydrant and includes any box that the valve is located within;

(14) "owner" means the person or persons who are the registered owner or owners on title to the property;

(15) “Planning Act” means the Planning Act, R.S.O. 1990, P. 13, as amended, or any successor legislation thereto;

(16) “Private Service” means that part of the Water Service from the Municipal Valve to the building or buildings receiving water;

(17) “Region” means The Regional Municipality of Waterloo;

(18) "Regional Standards" means Region of Waterloo and Area Municipal Design Guidelines and Supplemental Specifications for Municipal Services (DGSSSMS) or any successor thereto;

(19) “Regional Water Distribution System” means the water distribution system, which includes, but is not limited, to all water mains, Municipal Services and
Attachment A

Municipal Valves, that are owned by or are under the jurisdiction of the Region within the Townships of North Dumfries and Wellesley;

(20) “Remote Reader” means a remote device used to record the quantity of water from a Water Meter;

(21) “Tester” means a person who is a certified backflow prevention device tester and who has successfully completed a cross connection course in backflow prevention device testing at an accredited school or college as defined in the CSA Standard;

(22) “Test Report” means the report as attached as Schedule “A” to this By-law;

(23) “Treasurer” means the Treasurer of the Region, or any successor position, and his or her designate;

(24) “Water Meter” means an apparatus or device for measuring the quantity of water;

(25) “Water Rate” means the unit price for the consumption of water on an ongoing basis from the Regional Water Distribution System as determined from time to time by the Council for the Region; and

(26) “Water Service” means the permanent pipe, equipment and devices that carry water from a water main that is part of the Regional Water Distribution System to a building or buildings upon a private property or a property not owned by the Region.

Part II - Prohibitions

2. Except as permitted in this By-law, no person shall, and no owner or person who occupies or has possession of a property shall cause or permit a person to:

(1) make a permanent or temporary water connection to the Regional Water Distribution System;

(2) make a disconnection to the Regional Water Distribution System;

(3) alter, damage or interfere with the Regional Water Distribution System or any part of the Regional Water Distribution System;

(4) open or close any Municipal Valve, or place any building, structure, rocks, stones, concrete, asphalt, blocks, bricks, soil, vegetation, ground cover or other similar objects over any Municipal Valve, or otherwise obstruct access to any Municipal Valve;

(5) remove a Backflow Prevention Device that is required to be installed and maintained pursuant to this By-law unless such removal is to:
(a) facilitate the repair of the Backflow Prevention Device and the Backflow Prevention Device is replaced immediately after such repair is carried out; or 
(b) replace the Backflow Prevention Device with another Backflow Prevention Device that meets or exceeds the provisions of this By-law;

(6) remove, alter or damage any permanent or temporary Water Meter, or any seal thereon, that has been installed upon a pipe that is connected directly or indirectly to the Regional Water Distribution System;

(7) install any pipe or other device that causes water from the Regional Water Distribution System to by-pass any installed Water Meter;

(8) obstruct access to any permanent or temporary Water Meter that has been installed upon a pipe that is connected directly or indirectly to the Regional Water Distribution System or to any Remote Reader that has been installed for such a Water Meter;

(9) open or close any Fire Hydrant, or place any building, structure, material, rubbish or other objects on any Fire Hydrant, or place any building, structure, material or vegetation, except grass, within one metre of any Fire Hydrant, or otherwise obstruct access to any Fire Hydrant, unless the person is a member of a municipal fire department; and

(10) use any water pressure of the Regional Water Distribution System to power any turbines or similar devices.

Part III – Permanent Water Connection

3. (1) An owner of a property may apply to the Region for a permanent water connection to the Regional Water Distribution System and the Commissioner may grant such an application if the Commissioner is satisfied that there is sufficient water capacity in the Regional Water Distribution System to supply the property and the intended use with water.

(2) Any application made pursuant to subsection (1) of this section shall include:

(a) the class of occupancy of the property;
(b) the intended use of the water;
(c) the estimated quantity of water required for the property, supported by water requirement calculations if the water connection is for, in whole or in part, a commercial, industrial, institutional or multi-residential purpose;
(d) a plan of the building showing the interior piping if the water connection is for, in whole or in part, a commercial, industrial, institutional or multi-residential purpose;
(e) the desired location and size of the Water Service and Water Meter required;
(f) whether waste water from the property will be disposed of through a municipal or private system;

(g) any other information that the Commissioner requires to determine if there is sufficient water capacity in the Regional Water Distribution System to supply the property and the intended use with water; and

(h) any fee as prescribed by Council.

(3) The Commissioner may impose terms and conditions upon any permanent water connection, including but not limited to the exact location of any Water Meter and Remote Reader, which the Commissioner deems necessary in order to ensure the proper operation of the Regional Water Distribution System and the owner of the property that received the permanent water connection, and any subsequent owners of the property thereafter, shall comply with all such terms and conditions.

4. (1) Where the Commissioner is satisfied that there is sufficient water capacity in the Regional Water Distribution System to supply the property and the intended use with water, the Commissioner shall determine the estimated cost for the Region to install the Municipal Service, if applicable, and the Commissioner shall require that the applicant provide security for this estimate, plus 25 per cent of the estimate for any contingency, in a form satisfactory to the Commissioner, before the water connection is commenced.

(2) The estimate in subsection (1) of this section may include the cost of labour, site supervision, machinery and parts of the Region, and any contractor to be retained by the Region, to complete the installation of the Municipal Service.

(3) When the installation of the Municipal Service is complete, the Commissioner shall establish the exact cost thereof, and the Commissioner shall either refund any excess monies from the security to the applicant or require that the applicant pay any outstanding balance, as the case may be.

(4) The Commissioner shall determine the location of the Municipal Service based on the criteria of using the shortest and most convenient location for the Region.

(5) Notwithstanding subsections (1), (2) and (3) of this section, the Commissioner may allow the owner of the property to install the Municipal Service by using the owner’s own contractor provided that the owner meets all of the terms and conditions imposed by the Commissioner.

(6) This section shall apply notwithstanding any other fees and charges by-law of the Region that relates to Municipal Services that are to be constructed after the date this By-law comes into effect pursuant to subsection 50(1) of this By-law.

5. (1) The applicant shall install the Private Service at its own cost.

(2) No Private Service shall be less than 19 millimetres in diameter.
(3) The applicant shall ensure that the Private Service is:
   (a) installed by a licensed plumber;
   (b) two metres or more below ground level; and
   (c) properly connected to the Municipal Service in accordance with Regional Standards.

(4) In the case of a Private Service that is 100 millimetres or larger in diameter, the applicant shall install flushing ports and the plumber that installed the Private Service shall carry out a swabbing and testing procedure to determine the levels of chlorine residuals and bacteriological counts and the results of such tests shall be provided to the Commissioner in writing. The installation of flushing ports, the swabbing and testing of Private Services and all test results shall be carried out and assessed in accordance with Regional Standards.

6. The Commissioner may turn on the Municipal Valve for the applicant’s property after:

   (1) all of the conditions pursuant to this Part and Parts V and VI of this By-law have been fully satisfied; and
   (2) the applicant has paid all applicable fees or satisfied all applicable conditions that have been imposed by any fees and charges by-law of the Region specifically in relation to the property.

7. This Part shall apply with necessary modification if any owner of a property that is connected to the Regional Water Distribution System wishes to alter the location or size of its Water Service or to disconnect its Water Service on a permanent basis.

8. Where a property is subject to a plan of subdivision and the Region is to assume any water works pursuant to the Planning Act, then any water connection to the Regional Water Distribution System shall be carried out in accordance with Regional Standards and this Part shall not apply.

Part IV – Temporary Water Connection

9. (1) Any person may apply to the Region for a temporary water connection to the Regional Water Distribution System to carry out a temporary construction, commercial, industrial or recreational activity and the Commissioner may grant such an application if the Commissioner is satisfied that the intended activity satisfies this subsection and there is sufficient water capacity in the Regional Water Distribution System to supply the temporary use with water.

   (2) Any application made pursuant to subsection (1) of this section shall include:

      (a) the location of the temporary water connection;
      (b) the reason for the temporary water connection;
      (c) the time period for temporary water connection;
      (d) the estimated quantity of water required for the temporary use; and
(e) any fee as prescribed by Council.

(3) Notwithstanding subsection (1) of this section, the Commissioner shall not grant an application for the purpose of filling a private swimming pool.

(4) The Commissioner may impose terms and conditions upon any temporary water connection which the Commissioner deems necessary in order to ensure the proper operation of the Regional Water Distribution System and the applicant who received the temporary water connection shall comply with all such terms and conditions.

(5) Without limiting subsection (4) of this section, the Commissioner may impose conditions related to:

(a) the location of the temporary water connection;
(b) the duration of the temporary water connection;
(c) the amount of water to be consumed as part of the temporary water connection; and
(d) the weather conditions under which the temporary water use may be made.

10. (1) Where the Commissioner is satisfied that there is sufficient water capacity in the Regional Water Distribution System to supply the temporary water use, the Commissioner shall determine the estimated cost for the Region to install and disconnect any temporary Water Meter and back flow prevention device and the estimated cost to supply the water based upon the applicable Water Rate and the Commissioner shall require that the applicant provide security for this estimate, plus 25 per cent of the estimate for any contingency, in a form satisfactory to the Commissioner, before the temporary water connection is commenced.

(2) After the temporary water connection is completed, the Commissioner shall establish the exact cost thereof, and the Commissioner shall either refund any excess monies from the security to the applicant or require the applicant to pay any outstanding balance, as the case may be.

11. The Commissioner may turn on the temporary connection after all of the conditions pursuant to this Part and Part V of this By-law have been fully satisfied.

Part V – Backflow Prevention Devices

12. (1) Every owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional Water Distribution System shall ensure that a Backflow Prevention Device is installed and maintained at the source of the connection to the Regional Water Distribution System in accordance with the requirements of this By-law.
Attachment A

(2) Subsection (1) of this section shall not apply to a property that is solely comprised of a residential home, or homes, that is, or are, less than three (3) stories in height, exclusive of any basement.

13. Every owner of a property, and every person who occupies or has possession of a property, that has an Auxiliary Water Supply or a Fire Service that is connected directly or indirectly to a Regional Water Distribution System shall ensure that a Backflow Prevention Device is installed and maintained at the source of the connection to the Regional Water Distribution System in accordance with the requirements of this By-law.

14. Every Backflow Prevention Device that is required pursuant to this By-law shall be testable to determine if the Backflow Prevention Device is functioning properly.

15. (1) Subject to subsection (2) of this section, every Backflow Prevention Device that is required pursuant to this By-law shall be appropriate for the connection to the Regional Water Distribution System and shall be determined using the Selection Guide in the CSA Standard.

(2) Notwithstanding subsection (1) of this section, the Commissioner may require that a particular Backflow Prevention Device be used in respect of any connection to a Regional Water Distribution System if the Commissioner determines that the particular Backflow Prevention Device is appropriate based on the Commissioner’s assessment and interpretation of the Selection Guide in the CSA Standard.

16. Every Backflow Prevention Device that is required pursuant to this By-law shall be installed:

(1) in a building or structure so as to prevent the Backflow Prevention Device from freezing;

(2) in accordance with acceptable engineering practices and the requirements of the Building Code, the manufacturer’s installation guide and the CSA Standards;

(3) in such a manner so that the Backflow Prevention Device prevents backflow into the Regional Water Distribution System;

(4) within a maximum of 3.0 metres downstream of the Water Meter, except where circumstances require the Backflow Prevention Device to be installed upstream of the Water Meter and such location is to the written satisfaction of the Commissioner; and

(5) so that all piping between the Water Meter and the Backflow Prevention Device is clearly labeled “No Connection Permitted.”
17. Every Backflow Prevention Device that is required pursuant to this By-law shall be in proper working order at all times.

18. Every Backflow Prevention Device that is required pursuant to this By-law shall be tested by a Tester in accordance with the CSA Standard and the test procedures as set by the American Water Works Association:

   (1) when it is first installed and annually thereafter;

   (2) after it is cleaned, repaired, overhauled or relocated; or

   (3) if requested in writing by the Commissioner because the Commissioner believes that an incident, change or other circumstance may have impacted the proper functioning of the Backflow Prevention Device.

19. Every person who is required to install and maintain a Backflow Prevention Device pursuant to this By-law and to have a test conducted pursuant to section 18 of this By-law shall deliver a completed Test Report, as well as any fee prescribed by Council, to the Commissioner within 14 calendar days of the test.

20. Every person who is required to install and maintain a Backflow Prevention Device pursuant to this By-law shall ensure that any defects or deficiencies as listed in a Test Report are immediately repaired or rectified.

21. Every person who is required to install and maintain a Backflow Prevention Device pursuant to this By-law shall take all steps necessary to prevent damage to the Backflow Prevention Device.

22. Every person who is in the process of repairing or replacing a Backflow Prevention Device shall ensure that the connection to the Regional Water Distribution System is turned off.

Part VI – Water Meters

23. (1) Every owner of a property, and every person who occupies or has possession of a property, that is connected to the Regional Water Distribution System shall ensure that a Water Meter is connected, installed and maintained at the source of the water connection to the Regional Water Distribution System.

   (2) Notwithstanding subsection (1) of this section, a Water Meter is not required to be installed on a Fire Service that is connected directly or indirectly to the Regional Water Distribution System if the Fire Service is only used to supply water for a fire and, if the Fire Service is connected indirectly to the Regional Water Distribution System, a Detector Check Valve is installed at the source of the Fire Service.

   (3) Every person that is required to have a Water Meter pursuant to this section shall ensure that:
(a) the placement of the Water Meter in a location and structure that is accessible and that prevents damage to the Water Meter through freezing or other means;

(b) the Water Meter installed in the building nearest to the water main that supplied water to the property if the property has more than one building that is supplied with water or the Water Meter installed in a chamber that is within 10 metres of a municipal street if no building that is supplied with water is within 30 metres from a municipal street; and

(c) the Water Meter has a Remote Reader that is connected, installed and maintained in an accessible location that is outside any building or chamber.

(4) Every person that is required to have a Water Meter and Remote Reader pursuant to this section shall rent the Water Meter and Remote Reader from the Region based upon a fee as prescribed by Council.

24. Every person that has been granted a temporary water connection to the Regional Water Distribution System pursuant to this By-law shall ensure that a Water Meter is connected, installed and maintained in good working order at the source of the water connection in a location that is accessible and that prevents damage to the Water Meter through freezing or other means.

25. Every person that rents a Water Meter and Remote Reader from the Region pursuant to this By-law shall allow the Region during regular business hours to repair or replace such Water Meter and Remote Reader when the Region deems such to be necessary.

Part VII – Private Service Maintenance

26. Every owner of a property, and every person who occupies or has possession of a property, that is connected to the Regional Water Distribution System shall ensure that the Private Service is maintained in a good state of repair at all times.

27. Every owner of a property, and every person who occupies or has possession of a property, that is connected to the Regional Water Distribution System shall immediately notify the Commissioner of any water leak or suspected water leak in the Private Service.

Part VIII – Water Charges

28. (1) Every owner of a property that is connected to the Regional Water Distribution System shall pay the Region the amount owing in each invoice for the consumption of water to the property as well as any other fees and charges in relation thereto.

(2) Every applicant that has received a temporary water connection to the Regional Water Distribution System shall pay the Region the amount owing in
each invoice for the consumption of water as well as any other fees and charges in relation thereto.

29. (1) Where water from the Regional Water Distribution System is supplied and the quantity of water has not been properly determined, in whole or in part, by a Water Meter then the quantity of water consumed during such period shall be estimated by the Commissioner and the Region shall render an invoice to the owner or applicant accordingly.

(3) Any estimate by the Commissioner pursuant to subsection (1) of this section shall be based on either the average consumption for the property or temporary water connection during prior applicable time periods when a Water Meter was fully operational or the average water consumption for a similar property, occupants and use during the applicable periods.

30. Every owner of a property that is connected to the Regional Water Distribution System shall notify the Treasurer 72 hours before the owner transfers ownership of the property so that the Region can take a final reading of the Water Meter for the owner.

Part IX – Property Taxes

31. The Commissioner shall have all necessary authority to request that the treasurer of the Corporation of North Dumfries or Wellesley, as applicable, add any outstanding fees and charges owing pursuant to this By-law to the tax roll to the property that was connected to the Regional Water Distribution System to which the water was supplied and collect them in the same manner as municipal taxes.

Part X - Shut Off of Water

32. (1) The Commissioner may cause the reduction or shut off of the supply of water from the Regional Water Distribution System on 14 calendar days notice if:

(a) the water connection was not made in accordance with the terms of this By-law;
(b) a Water Meter, Remote Reader or Backflow Prevention Device is not connected, installed and maintained in accordance with the terms of this By-law;
(c) there is a water leak in the Private Service that is less than the estimated volume of 1.5 litres per second as determined by the Commissioner; or
(d) an invoice for the supply of water pursuant to this By-law has not been paid in full after the due date shown on the invoice.

(2) The Commissioner may cause the shut off of the supply of water from the Regional Water Distribution System without prior notice if:
Attachment A

(a) there is a water leak in the Private Service that exceeds the estimated volume of 1.5 litres per second as determined by the Commissioner;
(b) there is a breach of any term or condition for a temporary water connection; or
(c) there is a risk to the health or safety of any person as determined by the Commissioner.

(3) Any notice required pursuant to this section shall be served by personal service or by prepaid mail or by posting the notice on the property in a conspicuous location.

Part XI - Work Order

33. (1) If the Commissioner is satisfied that a contravention of this By-law has occurred, the Commissioner may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

(2) An order under subsection (1) of this section shall set out,
(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
(b) the work to be done and the date by which the work must be done.

(3) An order under subsection (1) of this section may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

34. (1) The Commissioner may, in default of it being done by the person directed or required to do it pursuant to an order under section 33 of this By-law, have the matter or thing done at the person's expense.

(2) For the purposes of subsection (1) this section, the Commissioner may enter upon land at any reasonable time.

(3) The Commissioner may recover the costs of doing a matter or thing under subsection (1) of this section from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

(4) The costs include interest as prescribed by Council calculated for the period commencing on the day the Commissioner incurs the costs and ending on the day the costs, including the interest, are paid in full.

Part XII - Penalty
35. Every person who contravenes a provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention, is guilty of an offence and upon conviction is liable,

(1) on a first conviction, to a minimum fine of $100 and a maximum fine of $1,000;
and
(2) on any subsequent conviction, to a minimum fine of $250 and a maximum fine of $10,000.

36. Notwithstanding section 35 of this By-law, every person who contravenes section 2 of this By-law or an order made pursuant to section 33 of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention, is guilty of a continuing offence and upon conviction is liable to a minimum fine of $100 and a maximum fine of $1,000 for each day or part of a day that the offence continues.

37. If this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed, the court in which the conviction was entered and any court of competent jurisdiction thereafter may make an order,

(1) prohibiting the continuation or repetition of the offence by the person convicted;
and
(2) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Part XIII - Administration

38. The Regional Water Distribution System shall be operated in accordance with this By-law, the Regional Standards and all other applicable by-laws and legislation.

39. The Commissioner shall take such measures as are necessary and proper to ensure an adequate and continuous supply of water from the Regional Water Distribution System and to safeguard the quality thereof.

40. The Commissioner shall, in the case of an emergency, which may imperil the supply or quality of water, take such remedial action as may be necessary or proper, reporting thereon to Council as soon as it is practical. Remedial action may include limiting or stopping of the supply of water in any area or restricting the use of water for any specific purpose.

41. The Commissioner is authorized to do all things necessary or proper to administer this By-law.

42. The Commissioner, an employee of the Region or an agent of the Region may, in the course of performing their duties pursuant to this By-law, exercise any right of
entry upon lands as provided in the *Municipal Act, 2001*, or any other applicable legislation, or by-law of the Region.

43. The Commissioner shall have all necessary authority to prescribe any forms and rental terms for Water Meters and Remote Readers that are required for the purposes of this By-law.

44. The Commissioner may delegate any administrative function pursuant to this By-law to an employee or agent of the Region.

**Part XIV - General**

45. This By-law may be enforced by the Commissioner, a municipal law enforcement officer as appointed by the Region or a police officer.

46. All remedies pursuant to this By-law are cumulative.

47. If any section or sections of this By-law or parts of it are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.

48. This By-law may be cited as the “Water Distribution By-law.”

49. The provisions of this By-law shall apply as necessary if there is any conflict with the by-laws of The Corporation of the Township of North Dumfries or The Corporation of the Township of Wellesley, as assumed by the Region, concerning the distribution of water in the respective municipalities.

50. (1) This By-law, with the exception of Part V, comes into force on the date of its final passage.

   (2) Part V of this By-law comes into force and effect on March 1, 2014.

By-law read a first, second and third time and finally passed at the Council Chamber in The Regional Municipality of Waterloo this day, 2014.
NOTICE OF PUBLIC CONSULTATION CENTRES
WATER DISTRIBUTION BY-LAW, NORTH DUMFRIES AND WELLESLEY

A Public Consultation Centre (PCC) has been scheduled to provide information and receive input and comments on a draft water distribution by-law and proposed backflow prevention program from interested members of the public.

Tuesday, January 14, 2014
5 - 7:00 p.m.
Wellesley Community Centre,
Wellesley Room
1000 Maple Leaf Street,
Wellesley, Ontario

Thursday, January 16, 2014
5 - 7:00 p.m.
North Dumfries Community Centre,
Dumfries Room
2958 Greenfield Road,
Ayr, Ontario

The PCC will be a drop-in open house format, with information presented on display boards. Regional staff will be in attendance to provide further explanation and to receive your comments and questions.

The Region of Waterloo has developed a draft Water Distribution By-law for the Townships of North Dumfries and Wellesley. The by-law allows harmonization of previous Township by-laws and addresses changes in legislation including the regulation of backflow prevention devices. The amending by-law is expected to be approved by Regional Council in February 2014. The draft by-law has five general themes which are set out as follows:

1. Prohibiting any harm or damage to the water distribution system;
2. Regulating any connection or disconnection to the water distribution system;
3. Regulating the installation and maintenance of backflow prevention devices;
4. Regulating the use and placement of water meters, the implementation of water rates and the shut off of water for non-payment of water fees; and
5. Creating offences for the contravention of provisions of the by-law.

A copy of the draft by-law will be available for review starting December 30, 2013 in the Regional Clerk’s Office, Region of Waterloo, 2nd Floor, 150 Frederick Street, Kitchener or on the Region’s website at www.regionofwaterloo.ca.

Inquiries can be directed to:

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Attachment B

Under the “Municipal Act”, personal information such as name, address, telephone number, and property location that may be included in a submission becomes part of the public record. Questions regarding the collection of this information should be referred to Olga Vrentzos.

Accessibility: This event is accessible for people with disabilities. Accessible parking is available. If you require assistance to attend or participate in this meeting, or to access information in alternate formats, please contact Olga Vrentzos at least five days prior to the meeting.
Region of Waterloo

Corporate Resources

Legal Services

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014

File Code: L07-90

Subject: Authorization To Expropriate Lands (1st report) In The Cities Of Cambridge, Kitchener and Waterloo Designated As Phase V of Stage 1 of the Rapid Transit Project Relating To Property And Interests Located At Various Locations Along The LRT Alignment Together With Lands That Are Necessary For Adapted Bus Rapid Transit

Recommendation:

That The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands in the Cities of Cambridge, Kitchener and Waterloo for the construction of the Rapid Transit Project including light rail transit (“LRT”) and adapted bus rapid transit (“aBRT”) as detailed in Recommended Rapid Transit Implementation Option Report E-11-072 dated June 15, 2011:

A. Complete application(s) to the Council of The Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the Rapid Transit Project including LRT and aBRT and described as follows:

Fee Simple Partial Takings:

LRT

1. Part of Block ‘C’ Plan 1434 and Part of Lot 8 G.C.T., being Parts 1, 2, & 3 on 58R18048, Part of PIN 22283-0265, City of Waterloo (Part of 550 King Street North, Waterloo ON N2L 5W6);

2. Part of Lot 9, G.C.T., being Part 1 on 58R18065, Part of PIN 22282-0157, City of Waterloo (Part of 600 King Street North, Waterloo ON N2V 2J5);
3. Part of Lot 11, G.C.T., being Part 8 on 58R18061, Part of PIN 22280-0145, City of Waterloo (Part of 125 Northfield Drive West, Waterloo ON N2L 6K4);

4. Part of Lot 11, G.C.T., being Parts 2, 3, 4 & 5 on 58R18059, Part of PIN 22280-0297, City of Waterloo (Part of 139 Northfield Drive West, Waterloo ON N2L 5A6);

5. Part of Lot 11, G.C.T., being Part 1 on 58R18059, Part of PIN 22280-0300, City of Waterloo (Part of 141 Northfield Drive West, Waterloo ON N2L 5A6);

6. Part of Lots 111 & 112, Plan 385, being Part 1 on 58R18002, Part of PIN 22422-0049, City of Kitchener (Part of 969 King Street West, Kitchener ON N2G 2N1);

7. Part of Lot 7 between Young and Ontario Streets, Plan 401, being Parts 1 and 2 on 58R18011, Part of PIN 22316-0217, City of Kitchener (Part of 56 Duke Street, Kitchener ON N2H 3W7);

8. Part of Lot 39, Plan 394, being Part 1 on 58R18012, Part of PIN 22501-0023, City of Kitchener (Part of 33 Benton Street, Kitchener ON N2G 3H1);

9. Part of Lots 8 and 20, Plan 364, Part of Lot 18, Plan 393 and Part of Lot 39, Plan 394, being Part 1 on 58R18056, Part of PIN 22501-0031, City of Kitchener (Part of 35 Charles Street East, Kitchener ON N2G 2P3);

10. Part of Park Lot 25, Plan 404, being Parts 1 and 2 on 58R18049, Part of PIN 22506-0233, City of Kitchener (Part of 50 Borden Avenue, Kitchener ON N2G 3R5);

11. Part of Lot 1, Plan 242, being Part 1 on 58R18004, Part of PIN 22505-0112, City of Kitchener (Part of 443 Courtland Avenue East, Kitchener ON N2G 2W5);

12. Part of Lot 77, Plan 242, being Part 2 on 58R18004, Part of PIN 22505-0111, City of Kitchener (Part of 246 Ottawa Street South, Kitchener ON N2G 3T6);

13. Part of Block 'F', Plan 1206 and Part of Block 'F', Plan 1221, being Parts 1, 2 and 3 on 58R18055, Part of PIN 22595-0095, City of Kitchener (Part of Courtland between Block Line and Hayward);

14. Part Lot 9, M.C.P. 791, being Part 4 on 58R18078, Part of PIN 22599-0069, City of Kitchener (Part of 39-51 Overland Drive, Kitchener, ON N2C 2B3);

15. Part Lot 9, M.C.P. 791, being Part 5 on 58R18078, Part of PIN 22599-0081, City of Kitchener (Part of 55 Overland Drive, Kitchener, ON N2C 2B3).

aBRT

16. Part Lot 29, Plan 610, being Part 1, 58R18066, Part of PIN 03795-0012, City of Cambridge (Part of 181 Hespeler Road, Cambridge, ON N1R 3H6);
17. Part Lot 29, Plan 610, being Part 2, 58R18066, Part of PIN 03795-0013, City of Cambridge (Part of 179 Hespeler Road, Cambridge, ON N1R 3H6).

Easements

1. Part of Lot 11, G.C.T., being Parts 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 on 58R18061, Part of PIN 22280-0145, City of Waterloo (Part of 125 Northfield Drive West, Waterloo ON N2L 6K4);

2. Part of Park Lot 25, Plan 404, being Part 3 on 58R18049, Part of PIN 22506-0233, City of Kitchener (Part of 50 Borden Avenue, Kitchener ON N2G 3R5);

3. Part of Lots 3 and 4, M.C.P., Plan 962, being Part 1 on 58R18060, Part of PIN 22593-0262, City of Kitchener (Part of 310 Fairway Road South, Kitchener ON N2C 1X3);

4. Part of Block ‘F’, Plan 1206 and Part of Block ‘F’, Plan 1221, being Parts 4, 5 and 6 on 58R18055, Part of PIN 22595-0095, City of Kitchener (Part of Courtland between Block Line and Hayward);

B. Serve notices of the above application(s) required by the Expropriations Act (the “Act”);

C. Forward to the Chief Inquiry Officer any requests for a hearing that may be received within the time prescribed by the Act;

D. Attend, with appropriate Regional staff, at any hearing that may be scheduled;

E. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed or if otherwise deemed expedient in the opinion of Regional staff; and

F. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.

Summary:

NIL
Report:

A. Project Authorization

On June 15, 2011 Regional Council approved LRT as the preferred rapid transit technology from Conestoga Mall in the City of Waterloo through the City of Kitchener to the Ainslie Street Terminal in the City of Cambridge (the “Rapid Transit Project”). Stage 1 of the Rapid Transit Project will include LRT service from Conestoga Mall in the City of Waterloo to Fairview Park Mall in the City of Kitchener, as well as, aBRT service from Fairview Park Mall in the City of Kitchener to the Ainslie Street Terminal in the City of Cambridge.

B. Project Details

The Region initiated a Transit Project Assessment (“TPA”) with respect to Stage 1 of the Rapid Transit Project (“Stage 1”) in November of 2011, which has been completed and has provided results that are permissive of the construction and operation of LRT along the proposed rapid transit corridor.

The functional design for Stage 1 has now been completed through the combined effort of Regional staff with the Region’s General Engineering Consultants for the Rapid Transit Project. Three proponents (the “Shortlisted Proponents”) have been shortlisted through a competitive Request for Qualifications process to bid on the Design/Build/Finance/Operate/Maintain concession (the “DBFOM Concession”) that has been approved for the delivery of the said project. The Shortlisted Proponents have now submitted bids as part of the Region’s Request for Proposals (“RFP”) in connection with the DBFOM Concession. It is expected that the Region will be in a position to announce the successful proponent in Q2 of 2014. LRT construction will commence shortly after the selection of the successful proponent.

The Region will be undertaking a separate procurement for the construction of aBRT commencing in early 2014. The target commencement date for aBRT service is Q3/Q4 of 2014.

The land acquisition/expropriation process for the Rapid Transit Project has been divided into several separate and distinct phases. At this time, all lands that form part of Phases 1 and 2 of the land acquisition/expropriation process for the Rapid Transit Project have either been acquired or expropriated with the exception of lands owned by the City of Kitchener and the City of Waterloo which are the subject of ongoing negotiation. The Region has also commenced the expropriation process in connection with Phase 3 (“Phase 3”) and Phase 4 (“Phase 4”) of the land acquisition/expropriation process for the Rapid Transit Project. Regional Real Estate Services staff are currently engaged in negotiations with all land owners that are affected by Phase 3 and Phase 4. It is expected that a report in connection with final approval to expropriate Phase 3 lands will be considered by Regional Council contemporaneously with this Report.

Phase 5 Properties

The land requirements identified in this Report have been designated as Phase 5 (“Phase 5”) of the land acquisition/expropriation process for the Rapid Transit Project. For clarity, the property list that is contained in the Recommendation to this Report
categorizes the various properties by intended use.

Phase 5 entails partial takings and/or acquisitions from 19 properties. As part of that number, but not included in the list of lands to be expropriated above, is the following property that belongs to The Corporation of the City of Waterloo:

a) Part of Lot 12, G.C.T., being Part 1 on 58R18062, Part of PIN 22272-0002, City of Waterloo (Bearinger Road Allowance) (the “Public Land”).

In accordance with the Region’s usual policy, the Public Land will be acquired through negotiation. The City of Waterloo has been made aware of the above-referenced land requirement and direct dialogue has commenced.

The depth of the partial takings varies on a property by property basis from small slivers of land to several metres of land.

It is to be noted that two partial takings that form part of this report being 179 Hespeler Rd., Cambridge and 181 Hespeler Rd., Cambridge were originally part of Phase 4. A subsequent redesign was conducted which resulted in an opportunity to reduce the footprint of land required from these properties. The reduced footprint of land required from these properties forms part of this Report and it is recommended that the previous takings identified as part of Phase 4 be abandoned.

Possession of Phase 5 properties is required by the Region on or before Q1 of 2015 for LRT properties and Q3/Q4 of 2014 for aBRT properties. In order to meet the Rapid Transit Project timelines, the Commissioner of Transportation and Environmental Services has authorized modified prerequisites for the commencement of the expropriation process with respect to lands required for the Rapid Transit Project in accordance with the Region’s revised land acquisition policy for infrastructure projects. Accordingly, Regional Staff have contacted, in writing, all property owners impacted by Phase 5, and have followed up in person or via telephone with all owners that have made themselves available. The property owners have been informed of the Region’s intention to proceed with the expropriation process, including this Report, and have been provided with the Region’s Expropriation Information Sheet which explains the expropriation process. A copy of the Expropriation Information Sheet is attached as Appendix “A” hereto. As well, each owner has been provided a copy of the Reference Plan and Property Impact Plan illustrating the required taking for each particular property. The owners have also been advised that it is the Region’s intention to seek a negotiated settlement prior to the completion of the Expropriation process and that the process has been commenced only to ensure that possession of the required lands is secured by the date set by staff in order to meet the required timeline.

Should a negotiated settlement be reached with any of the property owners and a conveyance of the required acquisition completed before the expropriation process is complete, the expropriation process with respect such lands would be discontinued by the Regional Solicitor.

It is to be noted that the expropriation of the lands referred to above is on an “as is”
basis and, therefore, the Region assumes all responsibility for the said lands upon assumption of title.

For reference purposes, the Project Area has been attached as Appendix “B” hereto and corporate profile information has been attached as Appendix “C” hereto.

Corporate Strategic Plan:

The report supports Focus Area 3.1 of Council’s Strategic Focus: Implement a light rail transit system in the central transit corridor, fully integrated with an expanded conventional transit system.

Financial Implications

In June 2011, Council approved the implementation of the RT project, including LRT and aBRT, with estimated capital costs of $818 million, in 2014 dollars, with capital funding to be provided by the Province (up to $300 million), the federal government (one third of eligible project costs to a maximum of $265 million) and the Region ($253 million). The RT project and improvements to conventional transit are financed through annual tax rate increases over a period of 7 years.

Land acquisition is being carried out by the Region outside of the DBFOM. This has been accommodated within the overall Rapid Transit Project budget.

Other Department Consultations/Concurrence:

Rapid Transit staff and Finance staff have been consulted in the preparation of this Report.

Attachments

Appendix “A” – Copy of the Expropriation Information Sheet
Appendix “B” – Project Area
Appendix “C” – Corporate Profile Searches

Prepared By: Liviu Cananau, Solicitor

Approved By: Gary Sosnoski, Commissioner, Corporate Resources
The following information is provided as a general overview of the expropriation process and is not legal advice. For complete information, reference should be made to the Ontario Expropriations Act as well as the more detailed information in the Notices provided under that Act.

Expropriation Information Sheet

What is Expropriation?

Governmental authorities such as municipalities, school boards, and the provincial and federal governments undertake many projects which require them to obtain land from private property owners. In the case of the Regional Municipality of Waterloo, projects such as the construction or improvement of Regional Roads sometimes require the purchase of land from private property owners. In many cases, the Region of Waterloo only needs a small portion of the private property owner’s lands or an easement for related purposes such as utilities, although in certain instances, entire properties are required.

Usually the governmental authority is able to buy the land required for a project through a negotiated process with the affected property owners. Sometimes, however, the expropriation process must be used in order to ensure that the land is obtained within a specific timeline. Put simply, an expropriation is the transfer of lands or an easement to a governmental authority for reasonable compensation, including payment of fair market value for the transferred lands, without the consent of the property owner being required. In the case of expropriations by municipalities such as the Region of Waterloo, the process set out in the Ontario Expropriations Act must be followed to ensure that the rights of the property owners provided under that Act are protected.

Important Note: The Region of Waterloo tries in all instances to obtain lands needed for its projects through a negotiated agreement on mutually acceptable terms. Sometimes, the Region of Waterloo will start the expropriation process while negotiations are underway. This dual approach is necessary to ensure that the Region of Waterloo will have possession of all of the lands needed to start a construction project on schedule. However, it is important to note that Regional staff continues to make every effort to reach a negotiated purchase of the required lands on mutually agreeable terms while the expropriation process is ongoing. If agreement is reached, expropriation proceedings can be discontinued and the land transferred to the Region of Waterloo in exchange for payment of the agreed-upon compensation.
What is the process of the Region of Waterloo under the Expropriations Act?

- Regional Council considers a request to begin an application under the *Expropriations Act* to obtain land and/or an easement for a specific Regional project. No decision is made at this meeting to expropriate the land. This step is simply direction for the Region of Waterloo to provide a “Notice of Application for Approval to Expropriate” to affected property owners that the process has started to seek approval to expropriate the land.

- As stated in the Notice, affected property owners have 30 days to request a Hearing to consider whether the requested expropriation is “fair, sound and reasonably necessary in the achievement of the objectives” of the Region of Waterloo. This Hearing is conducted by a provincially-appointed Inquiry Officer. Prior to the Hearing, the Region of Waterloo must serve the property owner with a Notice setting out its reasons or grounds for the proposed expropriation. **Compensation for lands is not determined at this Hearing.** The Inquiry Officer can order the Region of Waterloo to pay the property owner up to $200.00 as compensation for the property owner’s costs in participating in this Hearing, regardless of the outcome of the Hearing.

- If a Hearing is held, a written report is provided by the Inquiry Officer to the property owner and the Region of Waterloo. Council must consider the Report within 90 days of receiving it. The Report is not binding on Council and Council may or may not accept the findings of the Report. After consideration of the Report, Council may or may not approve the expropriation of the land or grant approval with modifications. A property owner may wish to make written and/or verbal submissions to Council at the time that it is considering the Report.

- If no Hearing is requested by the property owner, then Council may approve the expropriation of the land after expiry of a 30 day period following service of the Notice of Application for Approval to Expropriate.

- If Council approves the expropriation then, within 3 months of this approval, the Region of Waterloo must register a Plan at the Land Registry Office that describes the expropriated lands. The registration of this Plan automatically transfers title of the lands to the Region of Waterloo, instead of by a Deed signed by the property owner.

- Within 30 days of registration of the Plan, the Region of Waterloo must serve a Notice of Expropriation on the affected property owner advising of the expropriation. Within 30 days of this Notice, the property owner may serve the Region of Waterloo with a Notice of Election selecting the valuation date under the *Expropriations Act* for calculation of the compensation.
• In order to obtain possession of the expropriated lands, the Region of Waterloo must also serve a Notice of Possession setting out the date that possession of the land is required by the Region of Waterloo. This date has to be 3 months or more from the date that this Notice of Possession is served on the affected property owner.

• Within 3 months of registration of the Plan, the Region of Waterloo must provide the affected property owner with payment for the full amount of the appraised fair market value of the expropriated land or easement and a copy of the appraisal report on which the value is based. If the property owner disagrees with this amount, and/or claims other compensation and/or costs under the *Expropriations Act*, the compensation and/or costs matter may be referred to a provincially-appointed Board of Negotiation in an effort to reach a mediated settlement and/or an appeal may be made to the Ontario Municipal Board (OMB) for a decision. In any event, the Region of Waterloo continues in its efforts to reach a negotiated settlement with the affected property owner prior to the OMB making a decision.
Appendix “B”

LRT

1. 550 King Street North, Waterloo
2. 600 King Street North, Waterloo
3. 125 Northfield Drive W, Waterloo
4. 139 Northfield Drive W, Waterloo
5. 141 Northfield Drive W, Waterloo
6. 969 King Street W, Kitchener
7. 56 Duke Street, Kitchener

8. 33 Benton Street, Kitchener
9. 35 Charles Street E, Kitchener

10. 50 Borden Avenue, Kitchener
11. 443 Courtland Avenue E, Kitchener
12. 246 Ottawa Street S, Kitchener
13. Part of Courtland between Block Line and Hayward, Kitchener

14. 39-51 Overland Drive, Kitchener
15. 55 Overland Drive, Kitchener

aBRT:
16. 181 Hespeler Road, Cambridge
17. 179 Hespeler Road, Cambridge

Easements:
1. 125 Northfield Drive W, Waterloo
2. 50 Borden Avenue, Kitchener

3. 310 Fairway Road S, Kitchener

4. Part of Courtland between Block Line and Hayward

The Corporation of the City of Waterloo:

a) Bearinger Road Allowance
Appendix “C”

**Numbers are cross-referenced to the Property List as shown on Pages 1 – 3 on main body of report**

Fee Simple Partial Taking Lands:

LRT:

1. 550 King Street North, Waterloo ON N2L 5W6  
   Owner: Ivanhoe Cambridge I Inc.  
   Annual Return: July 2, 2013  
   Directors/Officers: Claude Dion; Vincent Filion; Paul Gleeson; Pierre LaLonde; Gervais Levasseur; Kim D. McInnes; Lorna J. Telfer  
   Ontario Business Corporation

2. 600 King Street North, Waterloo ON N2V 2J5  
   Owner: Home Depot Holdings Inc.  
   Annual Return: August 31, 2013  
   Directors/Officers: Michael F. Rowe; Carol B. Tome; L. Briley Brisendine Jr.  
   Federal Business Corporation

3. 125 Northfield Drive West, Waterloo ON N2L 6K4  
   Owner: Ontario Teacher’s Insurance Plan Inc.  
   Annual Return: March 2, 2013  
   Directors/Officers: Dale Leckie; Randy McGlynn; Jim Spray; Francois Tisi  
   Ontario Business Corporation

4. 139 Northfield Drive West, Waterloo ON N2L 5A6  
   Owner: 2269366 Ontario Limited  
   Annual Return: July 6, 2013  
   Directors/Officers: David Gilmore Marshall; Donald Wayne Zehr; Gregory Lester Zehr  
   Ontario Business Corporation

5. 141 Northfield Drive West, Waterloo ON N2L 5A6  
   Annual Return: June 29, 2013  
   Directors/Officers: Peter Banman; Ray G. Hatherell  
   Ontario Business Corporation

6. 969 King Street West, Kitchener ON N2G 2N1  
   Owner: Sun Life Assurance Company of Canada  
   Annual Return: December 28, 2011  
   Directors/Officers: Dean Arthur Connor  
   Federal Corporation with Share

7. 56 Duke Street, Kitchener ON N2H 3W7  
   Owner: The Roman Catholic Episcopal Corporation of the Diocese of
8. 33 Benton Street, Kitchener ON N2G 3H1
   Owner: Bishopric of Public, Ecumenical and Social Services (Bless Canada)
   Annual Return: current
   Directors/Officers: Bishop Serapion; Ikram A. Youssef; Maged F. Riad
   Canada Not-for-profit Corporation

9. 35 Charles Street East, Kitchener ON N2G 2P3
    Owner: Trustees of the International Gospel Centre
    Annual Return: n/a
    Directors/Officers: not available
    Charitable Organization

10. 50 Borden Avenue, Kitchener ON N2G 3R5
    Owner: Woodhouse Investments Inc.
    Annual Return: December 9, 2013
    Directors/Officers: Jay Boyer; Daniel Loosemore; Douglas Barry Woodhouse;
    Kenneth John Woodhouse; Joseph Woodhouse;
    Ontario Business Corporation

11. Owned by individual (not Corporation)

12. Owned by individual (not Corporation)

13. Courtland between Block Line and Hayward
    Owner: 2289238 Ontario Inc.
    Annual Return: July 11, 2011
    Directors/Officers: Sean Greene; Frank Mazzara; Ray Ross
    Ontario Business Corporation

14. 39-51 Overland Drive, Kitchener, ON N2C 2B3
    Owner: 1533074 Ontario Inc.
    Annual Return: June 8, 2013
    Ontario Business Corporation

15. 55 Overland Drive, Kitchener, ON N2C 2B3
    Owner: Livingston International Inc.
    Annual Return: December 31, 2013
    Directors/Officers: Josiane-Melanie Langlois; Chantal Martel;
    Ontario Business Corporation
aBRT:

16. Owned by individual (not Corporation)

17. Owned by individual (not Corporation)

EASEMENTS

1. 125 Northfield Drive West, Waterloo ON  N2L 6K4
   Owner:  Ontario Teacher’s Insurance Plan Inc.
   Annual Return:  March 2, 2013
   Directors/Officers:  Dale Leckie; Randy McGlynn; Jim Spray; Francois Tisi
   Ontario Business Corporation

2. 50 Borden Avenue, Kitchener ON  N2G 3R5
   Owner:  Woodhouse Investments Inc.
   Annual Return:  December 9, 2013
   Directors/Officers:  Jay Boyer; Daniel Loosemore; Douglas Barry Woodhouse;
                     Kenneth John Woodhouse; Joseph Woodhouse;
                     Ontario Business Corporation

3. 310 Fairway Road South, Kitchener ON  N2C1X3
   Owner:  Windsor Norstar Inc.
   Annual Return:  May 14, 2009
   Directors/Officers:  Neil Brown; Gary B. Silver
   Ontario Business Corporation

4. Courtland between Block Line and Hayward
   Owner:  2289238 Ontario Inc.
   Annual Return:  July 11, 2011
   Directors/Officers:  Sean Greene; Frank Mazzara; Ray Ross
   Ontario Business Corporation
Region of Waterloo

Corporate Resources

Legal Services

To: Chair Jim Wideman and Members of the Planning and Works Committee

Date: February 11, 2014           File Code: L07-90

Subject: Authorization to Expropriate Lands (2nd Report) Designated as Phase 3 of Stage 1 of the Rapid Transit Project Relating to Property and Interests from Borden Avenue South and Ottawa Street South to Courtland Avenue East in Kitchener and from King Street North and Northfield Drive to King Street South and John Street in Waterloo

Recommendation:

That The Regional Municipality of Waterloo approve the expropriation of lands for the construction of Phase 3 of Stage 1 of the Rapid Transit Project being comprised of properties commencing at Borden Avenue South and Ottawa Street South to Courtland Avenue East in the City of Kitchener, in the Regional Municipality of Waterloo and from King Street North and Northfield Drive to King Street South and John Street in the City of Waterloo, in the Regional Municipality of Waterloo as further detailed in Report CR-RS-13-036 dated April 30, 2013 and listed below:

Fee Simple Partial Taking:

1. Part of Lots 19 and 20, Plan 404 being Part 1 on 58R-17382, Part PIN 22505-0061, City of Kitchener, Regional Municipality of Waterloo (Part of 321 Courtland Avenue E., Kitchener)

2. Part Lots 6 and 7, Plan 1230 being Part 6 on 58R-17313, Part PIN 22280-0072, City of Waterloo, Regional Municipality of Waterloo (Part of 53-55 Northfield Drive West, Waterloo)

3. Part Lot 8, GCT being Part 7 on 58R-17313, Part PIN 22280-0071, City of Waterloo, Regional Municipality of Waterloo (Part of 565 Conestogo Road, Waterloo)
4. Part Lot 2, Plan 1230 being Part 2 on 58R-17313, Part PIN 22280-0101, City of Waterloo, Regional Municipality of Waterloo (Part of 29 Northfield Drive West, Waterloo)

5. Part Lot 1, Plan 1230 being Part 1 on 58R-17313, Part PIN 22280-0100, City of Waterloo, Regional Municipality of Waterloo (Part of 25 Northfield Drive West, Waterloo)

6. Part Lot 3, Plan 1230 being Part 3 on 58R-17313, Part PIN 22280-0102, City of Waterloo, Regional Municipality of Waterloo (Part of 35 Northfield Drive West, Waterloo)

7. Part Lot 4, Plan 1230 being Part 4 on 58R-17313, Part PIN 22280-0103, City of Waterloo, Regional Municipality of Waterloo (Part of 39 Northfield Drive West, Waterloo)

8. Part Lots 5 and 6, Plan 1230 being Part 5 on 58R-17313, Part PIN 22280-0104, City of Waterloo, Regional Municipality of Waterloo (Part of 45 Northfield Drive West, Waterloo)

9. Part Lot 2, Plan 757 being Parts 1 and 2 on 58R-17384, Part PINS 22595-0094 and 22595-0110, City of Kitchener, Regional Municipality of Waterloo (Part of 130 Hayward Avenue, Kitchener)

Fee Simple Full Taking:

10. Part Lot 16, Plan 384, PIN 22599-0047, City of Kitchener, Regional Municipality of Waterloo (451 Mill Street, Kitchener)

And that staff be instructed to register a Plan of Expropriation with respect to the said properties, or such lesser portions of any of the said properties as may be determined through the preliminary design process, within three months of the granting of approval to expropriate said properties, in accordance with the Expropriations Act (Ontario) (the “Act”);

And that the registered owners be served with a Notice of Expropriation and a Notice of Possession with respect to the said properties after the registration of the Plan of Expropriation;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of applicable properties in the amount of the market value of the interests in such lands as estimated by the Region’s appraiser in accordance with the Act;

And further that the Regional Solicitor be authorized to discontinue expropriation proceedings with respect to any above-referenced lands in the event that the Region is
able to otherwise obtain registered title to such lands.

Summary:

NIL

Report:

A. Project Authorization

On June 15, 2011 Regional Council approved light rail transit (“LRT”) as the preferred rapid transit technology from Conestoga Mall in the City of Waterloo through the City of Kitchener to the Ainslie Street Terminal in the City of Cambridge (the “Rapid Transit Project”). Stage 1 of the Rapid Transit Project will include LRT service from Conestoga Mall in the City of Waterloo to Fairview Park Mall in the City of Kitchener, as well as, aBRT service from Fairview Park Mall in the City of Kitchener to the Ainslie Street Terminal in the City of Cambridge.

B. Project Details

The Region initiated a Transit Project Assessment (“TPA”) with respect to Stage 1 of the Rapid Transit Project (“Stage 1”) in November of 2011, which has been completed and has provided results that are permissive of the construction and operation of LRT along the proposed rapid transit corridor.

The functional design for Stage 1 has now been completed through the combined effort of Regional staff with the Region’s General Engineering Consultants for the Rapid Transit Project. Three proponents (the “Shortlisted Proponents”) have been short listed through a competitive Request for Qualifications process to bid on the Design/Build/Finance/Operate/Maintain concession (the “DBFOM Concession”) that has been approved for the delivery of the said project. The Shortlisted Proponents have now submitted bids as part of the Region’s Request for Proposals (“RFP”) in connection with the DBFOM Concession. It is expected that the Region will be in a position to announce the successful proponent in Q2 of 2014. LRT construction will commence shortly after the selection of the successful proponent.

The land acquisition/expropriation process for the Rapid Transit Project has been divided into several separate and distinct phases. At this time, all lands that form part of Phases 1 and 2 of the land acquisition/expropriation process for the Rapid Transit Project have either been acquired or expropriated with the exception of lands owned by the City of Kitchener and the City of Waterloo which are the subject of ongoing negotiation. The subject matter of this Report is Phase 3 of the land acquisition/expropriation process for the Rapid Transit Project.

Phase 3 Properties

On April 30, 2013, Regional Council approved the commencement of the expropriation
process in connection with properties forming part of Phase 3 of the Rapid Transit land acquisition/expropriation process ("Phase 3") as detailed in Report CR-RS-13-036. The appropriate forms were served to initiate formal proceedings under the Act for these properties. All of the affected property owners were previously contacted by Legal Services staff and informed of the project, as well as, the Region’s intention to commence the expropriation process and the Region’s Expropriation Information Sheet was provided to each of them. The Region received one Notice for a Hearing of Necessity from a Phase 3 property owner which was determined by Regional staff to have been served outside of the timeframe prescribed by the Act. Therefore, no Hearings of Necessity were held in connection with Phase 3 lands.

A total of ten (10) property owners will be impacted by Phase 3 expropriations. All land acquisitions are partial takings except for one property being 451 Mill Street, Kitchener, Ontario. The partial takings range in depth from less than 1 metre to several metres, with the vast majority falling somewhere in the middle.

Three (3) of the required parcels referenced in Report CR-RS-13-036 (being partial takings) form part of City of Kitchener lands, namely:

A. Part Lot 38, Plan 394 being Part 2 on 58R-17371, Part PIN 22501-0050, City of Kitchener, Regional Municipality of Waterloo (19 Benton Street, Kitchener);

B. Part Lots 94, 96, 97 and 98, Plan 375 being Part 1 on 58R-17370, Part PIN 22427-0014, City of Kitchener, Regional Municipality of Waterloo (44 Gaukel Street, Kitchener); and

C. Part Lot 21, Plan 380 and Part Lot 4, Plan 393 being Part 2 on 58R-17370, Part PIN 22427-0028, City of Kitchener, Regional Municipality of Waterloo (15 Charles Street, Kitchener),

Three (3) of the required parcels referenced in Report CR-RS-13-036 (being partial takings) form part of City of Waterloo lands, namely:

A. Part Lot 140, Plan 385 being Part 1 on 58R-17316, Part PIN 22417-0008, City of Waterloo, Regional Municipality of Waterloo (185 King Street S., Waterloo);

B. Part Lots 30 and 31, Part of the Mill Property, Plan 385 being Parts 2, 3 and 4 on 58R-17322, Part PIN 22377-0003, City of Waterloo, Regional Municipality of Waterloo (25-31 Caroline Street, Waterloo); and

takings) form part of University of Waterloo lands, namely:

A. Part Lot 12, GCT being Parts 1, 2 and 3 on 58R-17314, Part PIN 22256-0328, City of Waterloo, Regional Municipality of Waterloo (440 Wes Graham Way, Waterloo);

B. Part Lot 4, MCP of Lot 13, GCT being Parts 1 and 2 on 58R-17315, Part PIN 22378-0006, City of Waterloo, Regional Municipality of Waterloo (310 Westmount Road North, Waterloo); and

C. Part Block 1, Plan 58M-272 being Part 6 58R-17314, Part PIN 22256-0367, City of Waterloo, Regional Municipality of Waterloo (300 Hagey Blvd., Waterloo).

Regional staff expect to acquire these City of Kitchener, City of Waterloo and University of Waterloo lands through a negotiated settlement and, therefore, these properties have not been included in the list of properties to be approved for expropriation in Report CR-RS-13-036 or this Report.

Four (4) of the required parcels referenced in Report CR-RS-13-036 (being partial takings) have been omitted from inclusion in this Report due to design changes that have been ongoing:

A. Part Block C Plan 1434 being Part 1 on 58R-17311, Part PIN 22283-0129, City of Waterloo, Regional Municipality of Waterloo (550 King Street North, Waterloo);

B. Part Block 1 Plan 1702 being Parts 1, 2 and 3 on 58R-17312, Part PIN 22283-0006, City of Waterloo, Regional Municipality of Waterloo (574 –584 King Street North, Waterloo);

C. Part Lot 7 b/w Young and Ontario Streets Plan 401 being Part 2 on 58R-17369, Part PIN 22316-0217, City of Kitchener, Regional Municipality of Waterloo (56 Duke Street West, Kitchener); and

D. Part Lot 7 b/w Young and Ontario Streets Plan 401 being Part 1 on 58R-17369 Part PIN 22316-0217, City of Kitchener, Regional Municipality of Waterloo (Part of Parking Lot at Young Street and Duke Street, Kitchener).

The property owners of the foregoing privately owned lands that have been omitted from this Report have been consulted in regards to the Region’s redesign process and are aware of the decision to discontinue formal expropriation proceedings in connection with their lands as part of this expropriation phase for LRT. The property owners are aware that amended land requirements from their properties will be identified upon completion of the said redesign and shall form part of future expropriation phases.

Legal Services staff contacted all property owners that are affected by this Report and informed them of the Region’s intention to continue with the expropriation process,
including this Report CR-RS-14-002 in order to ensure that the construction timeline is maintained. Legal Services staff will continue to correspond with all Phase 3 property owners in order to reach a negotiated settlement with as many as possible.

The next step in the expropriation process for the above-listed properties is for Council to approve the expropriation of those property interests. This approval will ultimately be endorsed upon a certificate of approval on the Plan of Expropriation (the “Plan”) for those properties not acquired under agreement. The Plan must then be registered within three months of Regional Council’s approval. Ownership of property vests with the Region upon the registration of the Plan. Notices of Expropriation are then served upon all registered owners, including tenants as shown on the assessment roll.

Once ownership by the Region is secured through the registration of the Plan, it is possible to serve Notices of Possession upon affected parties. The date for possession can be no sooner than three months following the date of service of the Notice of Possession. The Notices of Expropriation and Notices of Possession may be served at the same time. In order to meet the construction time line, possession of all the lands that are the subject of this Report will be secured by the summer of 2014. Accordingly, Legal Services staff will be proceeding expeditiously to register the Expropriation Plan and serve the Notices of Expropriation and Notices of Possession following approval by Regional Council.

After registration of the Plan of Expropriation and prior to the taking of possession of affected properties, the expropriating authority is required to serve the registered owners with an offer in full compensation of their interests in the land. The offer must be accompanied by the immediate payment of one hundred (100%) percent of the appraised market value of the land to the registered owners as estimated by the Region’s appraiser. The registered owners are also to be served with a report appraising the market value of the property which forms the basis for the offer of compensation.

It is to be noted that the expropriation of lands is on an “as is” basis and upon the registration of the Plan, the Region assumes responsibility for the lands, subject to minor caveats.

The subject lands are shown in the Plan attached as Appendix “A” hereto. Regional staff have conducted recent corporate profile searches of affected property owners, as applicable, which are attached as Appendix “B” hereto.

**Corporate Strategic Plan:**

The report supports Focus Area 3.1 of Council’s Strategic Focus: Implement a light rail transit system in the central transit corridor, fully integrated with an expanded conventional transit system.

**Financial Implications**

In June 2011, Council approved the implementation of the RT project, including LRT and aBRT, with estimated capital costs of $818 million, in 2014 dollars, with capital
funding to be provided by the Province (up to $300 million), the federal government (one third of eligible project costs to a maximum of $265 million) and the Region ($253 million). The RT project and improvements to conventional transit are financed through annual tax rate increases over a period of 7 years.

Land acquisition is being carried out by the Region outside of the DBFOM. This has been accommodated within the overall Rapid Transit Project budget.

Other Department Consultations/Concurrence:

Rapid Transit staff and Finance staff have been consulted in the preparation of this Report.

Attachments

Appendix “A” – Subject Lands

Appendix “B” – Corporate Profile Searches

Prepared By: Liviu Cananau, Solicitor

Approved By: Gary Sosnoski, Commissioner, Corporate Resources
Appendix “A”

Fee Simple Partial Taking (1 to 9):

1. 321 Courtland Avenue E, Kitchener
2. 53-55 Northfield Drive W, Waterloo
3. 565 Conestogo Road, Waterloo
4. 29 Northfield Drive W, Waterloo
5. 25 Northfield Drive W, Waterloo
6. 35 Northfield Drive W, Waterloo
7. 39 Northfield Drive W, Waterloo
8. 45 Northfield Drive W, Waterloo

9. 130 Hayward Avenue, Kitchener

Fee Simple Full Taking:

10. 451 Mill Street, Kitchener
“Appendix “B”

**Numbers are cross-referenced to the Property List as shown on Pages 1 and 2 on main body of report**

Fee Simple Taking

1. 321 Courtland Ave. E., Kitchener  
   Owner: Maple Leaf Foods Inc.  
   Annual Return: current  
   Directors/Officers: Gregory Alan Boland; Michael Harrison McCain; James Scott McCain; John Louis Bragg; Jeffrey G andz; Claude Richard Lamourux; Geoffrey W. Beattie; David Lee Emerson; James P. Olson  
   Federal Corporation

2. 53-55 Northfield Dr., Waterloo  
   Owner: 7137796 Canada Inc.  
   Annual Return: current  
   Directors/Officers: Gerald Benson  
   Federal Corporation

3. 565 Conestogo Rd., Waterloo  
   Owner: Kraus Brands Inc./Kraus Brands LP  
   Annual Return: n/a  
   Directors/Officers: Christoper William Emmott; Stephen Joseph Malinowski; Paul Patrick McGowan; Patricia Saltys; Hugh Whitcomb  
   Ontario Business Corporation and Limited Partnership

4. 29 Northfield Dr., Waterloo  
   Owner: Jay A. Enterprises Inc.  
   Annual Return: June 8, 2013  
   Directors/Officers: Jay A. Aissa;  
   Ontario Business Corporation

5. Owned by Individual (not Corporation)

6. Owned by Individual (not Corporation)

7. 39 Northfield Dr., Waterloo  
   Owner: Northfield Holdings Limited  
   Annual Return: November 9, 2013  
   Directors/Officers: Richard Bernardin Woroch; Ruth Arlene Woroch;  
   Ontario Business Corporation
8. 45 Northfield Dr., Waterloo  
    Owner: M.A.M. Lews Rd. Holdings Inc.  
    Annual Return: March 30, 2013  
    Directors/Officers: Robert J. Pavan; John Frank Pavan;  
    Ontario Business Corporation

9. 130 Hayward Ave., Kitchener  
    Owner: Graybar Canada Limited  
    Annual Return: February 21, 2013  
    Directors/Officers: Brian D. Thomas, Scott Clifford, Randall R. Harwood, Peter D.  
    Horncastle, Matthew W. Geekie; Warren A. Neumeier; Michael E. Williamson;  
    Jason C. Taylor, John C. Moore; Lawrence R. Giglio; Brian MacLellan  
    EP Domestic with Share

10. Owned by Individual (not Corporation)
Region of Waterloo

Transportation and Environmental Services

Rapid Transit

To: Chair Jim Wideman and Members of the Planning and Works Committee
Date: February 11, 2014
File Code: A02-30/PW
Subject: Stage 1 Light Rail Project - Municipal Hydro Utilities Cost Sharing

Recommendation:
That the Regional Municipality of Waterloo enter into formal cost sharing agreements with Kitchener Wilmot Hydro and Waterloo North Hydro for relocation of hydro infrastructure to accommodate the Light Rail Project, in form and content satisfactory to the Commissioner of Transportation and Environmental Services and the Regional Solicitor at an estimated cost of $12,765,784 exclusive of HST as outlined in Report E-14-017 dated February 11, 2014.

Summary: Nil

Report:
On June 15, 2011 Regional Council approved light rail transit (“LRT”) as the preferred technology from Conestoga Mall in the City of Waterloo to the Ainslie Street Terminal in the City of Cambridge. The approved Stage 1 of the project will include LRT from Conestoga Mall in Waterloo to Fairview Park Mall in Kitchener and is slated for construction in 2014 with completion in 2017.

Construction of Stage 1 will require relocation of existing municipal hydro utilities which are currently located within the proposed rapid transit corridors in the City of Kitchener and the City of Waterloo. Some of the relocations will be done during the project construction stage, however to minimize delays a significant amount of relocation works are being completed in advance.
Generally, the allocation of cost sharing for relocation of public utilities within municipal road allowances is determined by guidelines in provincial legislation, namely the Public Service Works on Highways Act. This legislation provides that, in the absence of an agreement otherwise, the municipality and the utility will equally share the cost of the labour associated with the relocation work. This results in the municipality paying for 30% or more of the total cost of utility relocations with a utility paying the remainder, subject to the final determination of the actual cost of labour associated with a particular project. Where a party is not satisfied with the applicability of the provincial cost allocation guideline for utility relocation within a highway, either party may apply to the Ontario Municipal Board which may apportion the cost in such manner as appears to it to be equitable.

Recognizing the impact that major relocations to accommodate the LRT would have on their capital budgets and rate structures, and the mutual benefit of burying existing overhead crossings along the LRT route, the parties have negotiated a tentative settlement which is outlined in the table below. This settlement will be a one-time variance from the provincial cost apportionment guidelines for highway-related utility relocations. In recommending this resolution, Region and municipal utility staff are mindful of the ability of the municipal utilities to absorb the one-time costs of the required relocations within their existing capital budgets and rate structures which are approved and fixed by the Ontario Energy Board and funded by local utility ratepayers.

Both hydro utilities have agreed to allow the future Design Build Finance Operate Maintain (DBFOM) contractor for the Stage 1 LRT project to perform some of the civil works on their behalf and perform the remaining work with their own forces or contractors. The hydro utilities have already started some early works (self-performed or contracted) that will be completed prior to the DBFOM contractor mobilizing for Stage 1 construction. Some of these works will likely continue during the Stage 1 construction and will require coordination with the DBFOM contractor and the Region.

Staff have also agreed to the following cost sharing arrangement for different categories of work with both hydro utilities.

1. Underground Relocations, like for like:
   - 50% utility and 50% Region

2. Overhead Relocations, like for like
   - 50% utility and 50% Region

3. Conversion of Overhead crossings of LRT to Underground crossings:
   - 100% of civil costs (completed by DBFOM contractor) to Region
   - 100% of civil costs (completed by utility) to Region
   - 50% of electrical costs (completed by utility) to Region, 50% to utility
4. Conversion of Overhead to Underground parallel to LRT route

- 100% of civil costs (completed by DBFOM contractor) to Region
- 100% of civil costs (completed by utility) to Region
- 50% of electrical costs (completed by utility) to Region, 50% to utility

5. Temporary overhead and underground works for staging of relocations

- 100% of contractor and utility forces cost to Region

6. Utility administration cost of 5%. As part of the municipal rate setting process, the Ontario Energy Board and Interveners are diligent to make sure that utilities recover all indirect and overhead costs for billable work so that ratepayers are not subsidizing the cost of work done for a specific party. The administration charge is meant to recover indirect costs and overheads which are not capable of being attributed directly to a project, such as accounting, billing, office equipment, occupancy costs (cost of office space and utilities) and administrative/ clerical staff not directly involved with the project.

Costs for these 6 categories are reflected in the table below:

<table>
<thead>
<tr>
<th>Category</th>
<th>KW Hydro Total Cost</th>
<th>Region cost</th>
<th>WNH Total Cost</th>
<th>Region Cost</th>
<th>Total Cost</th>
<th>Total Region Cost</th>
<th>Region % of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8,730,000</td>
<td>4,365,000</td>
<td>99,689</td>
<td>49,845</td>
<td>8,829,689</td>
<td>4,414,845</td>
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<tr>
<td>2</td>
<td>1,870,000</td>
<td>935,000</td>
<td>220,199</td>
<td>110,099</td>
<td>2,090,199</td>
<td>1,045,099</td>
<td>50%</td>
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<tr>
<td>3</td>
<td>1,286,000</td>
<td>849,000</td>
<td>5,288,560</td>
<td>3,313,987</td>
<td>6,574,560</td>
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<tr>
<td>4</td>
<td>183,000</td>
<td>128,000</td>
<td>964,384</td>
<td>654,959</td>
<td>1,147,384</td>
<td>782,959</td>
<td>68%</td>
</tr>
<tr>
<td>5</td>
<td>1,752,000</td>
<td>1,752,000</td>
<td>0</td>
<td>0</td>
<td>1,752,000</td>
<td>1,752,000</td>
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<tr>
<td>6</td>
<td>0</td>
<td>401,450</td>
<td>0</td>
<td>206,444</td>
<td>607,894</td>
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<td></td>
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<tr>
<td>Total*</td>
<td>13,821,000</td>
<td>8,430,450</td>
<td>6,572,832</td>
<td>4,335,334</td>
<td>20,393,832</td>
<td>12,765,784</td>
<td>60%</td>
</tr>
</tbody>
</table>

Corporate Strategic Plan:

The report supports Focus Area 3.1 of Council’s Strategic Focus: Develop an implementation plan for light rail transit including corridor and station area planning.

Financial Implications

In June 2011, Council approved the implementation of the RT project, including LRT and aBRT, with estimated capital costs of $818 million, in 2014 dollars, with capital funding to be provided by the Province (up to $300 million), the federal government
(one third of eligible project costs to a maximum of $265 million) and the Region ($253 million). The RT project and improvements to conventional transit are financed through annual tax rate increases.

These costs have been incorporated into the LRT project as part of the early works estimate previously presented to council. The overall costs will be funded from the approved Rapid Transit project budget.

**Other Department Consultations/Concurrence:**

This report was prepared with input from Transportation and Environmental Services and Finance.

**Prepared By: Derick Finn, Manager Rapid Transit Engineering**

**Approved By: Thomas Schmidt, Commissioner Transportation and Environmental Services**
Region of Waterloo
Transportation and Environmental Services
Rapid Transit
Finance
Financial Services and Development Financing

To: Chair Jim Wideman and Members of the Planning and Works Committee
Date: February 11, 2014  File Code: T16-01
Subject: ION Request for Proposals Evaluation Process

Recommendation:
For Information

Summary:
In February 2012, Regional Council approved a Design-Build-Finance-Operate-Maintain (DBFOM) delivery model for Stage 1 of the Light Rail Project.

In October 2012, the Region issued the Request for Qualification (RFQ) document and subsequently received submissions from seven teams interested in delivering the Project on behalf of the Region.

In February 2013, Council approved GrandLinq, Kitchener Waterloo Cambridge Transit Partners and TriCity Transit System as the three pre-qualified teams selected to submit proposals for the project.

In April 2013, Council approved the Request for Proposal (RFP) Technical Matters report.

In May 2013, Council approved issuing the Request for Proposals for the Light Rail Project to the three shortlisted teams.

The three bidders submitted their proposals including financial and technical components to the Region on December 16, 2013. The proposals are currently being reviewed by teams of Region staff and consultants with a recommendation for a
preferred proponent scheduled to be at Planning and Works Committee on March 4, 2014.

This report describes the evaluation process being undertaken.

Report:

Introduction:

In June 2011, Council approved the technology, route, stations, staging and funding of Stage 1 of the Region’s rapid transit project. Stage 1 includes 19 km of light rail transit (LRT) from Conestoga Mall to Fairview Park Mall and 17 km of adapted bus rapid transit (aBRT) from Fairview Park Mall to the Ainslie Street Terminal. Council also directed staff to complete an evaluation of project procurement and delivery options with the goals of maximizing project innovation and quality, leveraging private sector expertise, and managing risks to the Region of Waterloo.

Structure of Project Agreement

On February 7, 2012 Regional Council (Report E-12-011) approved Design-Build-Finance-Operate-Maintain (DBFOM) as the procurement and delivery model for the implementation of light rail transit in the Region of Waterloo. The DBFOM option was chosen because it provides potential cost savings over other alternatives, makes use of private sector expertise and experience in delivering this type of project including operations and maintenance, and best allocates risks of construction, operations and maintenance to the party best suited to managing those risks.

Council approved a 30 year term for the finance and maintenance portions of the project, and the term for the operations portion was referred back to staff for further review. On September 26, 2012 Regional Council (Report E-12-098/F-12-079) approved a 10 year operations term with renewals for 5 years to a maximum total term of 30 years.

Through Report E-12-098/F-12-079 Council also approved the long term financing (i.e. the amount of capital withheld and paid back over 30 years) to be approximately 25% of the capital costs of the project. It is noted that the 25% figure was adjusted to 22.5% in the RFP document to reflect the inclusion of the Public Infrastructure Works in the DBFOM contract, which are not required to be financed by or maintained by Project Co. Including long term financing as part of the procurement approach ensures that the private sector partner has incentive to perform to the Region’s standards. The project is structured to ensure that the Region’s interests are protected through the entire period from start of construction to the end of the 30 year operations and maintenance period.

Staff has been working with the Region’s consultants and Infrastructure Ontario to structure the project agreement based on the DBFOM procurement model and Council’s direction. The major responsibilities of the Region and Project Co (Project Co is the generic name for a company that the Region will enter into a project agreement with) are described below, and are categorized by the different sections of the procurement and delivery model. If the Region’s standards related to design and construction are not met, construction payments are withheld. If the standards for
operations and maintenance are not met, the Region would have the ability to withhold some or all of the monthly payments to ensure satisfactory performance.

Design-Build

Project Co is responsible for:

- Completing detailed LRT design drawings and plans
- Building the LRT including all necessary permits and approvals
- Obtaining financing to pay contractors, employees, etc. in advance of the Region’s payments

Construction payments will be made based on progress completed (after the withholding portion is achieved as noted below) until Substantial Completion.

The Region is responsible for the ongoing review and management of the design and construction process, the supply of Vehicles, Fare Technology procurement and various early works such as Hydro One hydro line relocation and the MTO underpass at Highway 7/8.

Finance

Project Co is responsible for obtaining financing to pay all costs during construction, operations, maintenance and lifecycle activities in advance of the Region’s payments. The first 22.5% of construction costs (approximately $125M) are not paid during construction and are converted to long term debt/equity, and the resulting capital and financing costs are paid by the Region in monthly installments over the 30 year term. The balance of construction costs is paid based on progress payments with 15% held back until final settlement payment at Substantial Completion (approximately $80M).

The Region is responsible for financing, through funding from the RTMP Reserve Fund and the issuance of debt, its portion of the project costs including vehicles, land, the Hydro One hydro line relocation, the MTO underpass, and the Region’s share of the construction costs. (A significant portion of the construction costs is financed through the contribution of the Province of Ontario and the Government of Canada.)

Operate

Project Co is responsible for:

- Managing the day-to-day operations of the LRT system, including supplying the operators to drive the light rail vehicles, meeting the Region’s service schedule and safety requirements
- Reporting to the Region on Key Performance Indicators

Payments are made monthly based on the service level, and are subject to deductions for unsatisfactory performance. Unsatisfactory performance can result in financial deductions and points deductions. Point deductions can lead to termination of the contract.
The Region is responsible for determining the schedule of service, planning enhancements, utilities, and managing the contract.

Maintain

Project CO is responsible for:

- Planning and completing all required LRT system repairs and upkeep, including tracks, vehicles, catenary (overhead wires), maintenance facility, etc.
- Reporting to the Region on Key Performance Indicators
- Establishing lifecycle plans (major refurbishments and maintenance of vehicles, tracks and systems)
- Completing all required lifecycle activities to ensure that the LRT system is operational for the full 30 year term and that the system is “handed back” to the Region in an appropriate state of repair at the end of 30 years

Payment is made monthly based on the maintenance activities planned and on a regular basis for the lifecycle activities predicted, and subject to deductions for unsatisfactory performance.

The Region is responsible for reviewing maintenance schedules and managing the contract.

Project Cost Elements

The Region of Waterloo’s usual method of delivering capital projects is called Design-Bid-Build (DBB). The DBB process involves completing a final design of a project, issuing a contract that exactly specifies what is to be built and then having the construction completed. The project budget includes Design & Construction division design costs, external engineering design and construction management and the DBB tender, and financing provided through the Region’s capital budget. A bidder provides a bid for the construction of the project (capital cost only). The cash flows for a DBB project typically consist of monthly progress payments that are made during construction until the project is complete. Future operating, maintenance, life cycle and financing costs (if any financing is required) are not included in the evaluation of the project and are the responsibility of the Region. The contract is awarded solely on the basis of lowest construction cost for bids meeting specifications.

In the DBFOM process used for the ION project, the bid includes the design and construction cost as well as financing, operating, maintenance and life cycle costs. The design is a combination of in-house design (through Rapid Transit and Parsons Brinkerhoff) and Project Co and the financing is a combination of Project Co financing and Region financing. Therefore, it is not possible to directly compare a DBB tender price with a DBFOM bid. It is, however, possible to extract construction costs from a DBFOM project and develop a construction cost that is somewhat comparable to a DBB tender price.

The capital cost of the ION project includes DBFOM portions and non-DBFOM portions as shown in the table that follows. Non-DBFOM costs include intersecting projects, utility upgrades and relocations and betterments that are funded outside of the ION
The capital budget for the Rapid Transit project is based on the 2011 capital project approved by Council and shown using the DBFOM methodology with total capital costs of $818M. Financing for the long term debt (both Project Co and Region), operations, maintenance and life cycle costs are not included in this table. Financing during the construction period is included.

<table>
<thead>
<tr>
<th>Item</th>
<th>2013 Capital Cost Budget Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRT Project</td>
<td></td>
</tr>
<tr>
<td>DBFOM</td>
<td></td>
</tr>
<tr>
<td>LRT</td>
<td>$545</td>
</tr>
<tr>
<td>Intersecting projects, utilities, and betterments</td>
<td>$61</td>
</tr>
<tr>
<td>Total DBFOM</td>
<td>$606</td>
</tr>
<tr>
<td>Recoveries (area municipalities and Roads capital budget)</td>
<td>($61)</td>
</tr>
<tr>
<td>NET DBFOM TOTAL</td>
<td>$545</td>
</tr>
<tr>
<td>Non DBFOM</td>
<td></td>
</tr>
<tr>
<td>Vehicles</td>
<td>$96</td>
</tr>
<tr>
<td>Land</td>
<td>$45</td>
</tr>
<tr>
<td>Project Office &amp; Consulting</td>
<td>$58</td>
</tr>
<tr>
<td>MTO Underpass construction</td>
<td>$11</td>
</tr>
<tr>
<td>Early Works and Other Infrastructure</td>
<td>$39</td>
</tr>
<tr>
<td>Non DBFOM TOTAL</td>
<td>$249</td>
</tr>
<tr>
<td>LRT TOTAL</td>
<td>$794</td>
</tr>
<tr>
<td>aBRT (Vehicles and Construction)</td>
<td>$24</td>
</tr>
<tr>
<td>Total:</td>
<td>$818</td>
</tr>
</tbody>
</table>

A DBB contract typically ends with substantial completion, with the Region responsible for financial costs (debt principal and interest), operations, maintenance and lifecycle costs.

For the DBFOM contract, following the completion of construction in 2017, the Region will make monthly payments to Project Co. These monthly payments will cover the financial costs (Project Co principal and interest), operations, maintenance and lifecycle, similar to the payments following completion of a DBB project. The Region will also be responsible for the principal and interest on Region issued debt. The monthly payments for operations, maintenance and lifecycle costs will increase with inflation and changes in level of service over the term of the agreement, while the financial costs are fixed through a 30-year debt issuance.

Proposal submission process

The first phase of selecting a proponent to complete the ION project was a Request for Qualifications (RFQ). Seven teams submitted statements of qualifications documenting
why they felt they were the best team to complete the ION project for the Region. The seven statements of qualifications were evaluated and three teams were shortlisted to move on to the Request for Proposals (RFP) stage.

The RFP was issued in June 2013. Since then each of the 3 shortlisted prequalified teams has been working to complete proposals that meet the requirements of the RFP (i.e. are compliant) and achieve the lowest overall cost (as measured by Net Present Value). The Region and its consultants held a series of individual confidential meetings with each of the teams to discuss the technical, financial and legal aspects of the project. This process allowed each of the teams to present various aspects of the project to determine if they were compliant with the RFP. The process also allowed the teams to ask questions and request clarifications of the Region. During that time the Region also issued revisions to the RFP documents to reflect any changes that were made based on the questions raised, clarifications etc.

On December 16, 2013 each team submitted their proposal. The proposals consisted of a Technical submission delivered to 50 Queen Street in Kitchener and a financial submission delivered to the Infrastructure Ontario Offices in Toronto. Each of the teams successfully provided the necessary submissions.

Proposal Evaluation Framework

The first step in the review process was evaluation of the proposal responses to ensure that each of the submissions was complete. The submissions were all determined to be complete.

In order to maintain fairness and integrity in the process the evaluation teams of the Technical and Financial submissions were completely separate and they were not aware of what was being reviewed by the other team or the outcomes of those reviews. All evaluating team members were required to sign confidentiality agreements and declarations that they had no conflicts of interest.

Throughout January the evaluation teams evaluated the Technical and Financial submissions.

The technical submissions are evaluated on the following factors:

- Project Management
- Civil Design
- Systems Design
- Construction
- Maintenance and Rehabilitation
- Operations

All of the technical submissions must meet a minimum score (70% on each factor) to be compliant. The technical score makes up 50% of the total score.
The Financial submissions include the following components:

- Design and build costs (the capital costs of designing and constructing the project, financing costs during construction and also the cost of the intersecting projects and betterments which are funded from Roads Capital Program and by local municipalities).
- Financing costs over the 30 year term
- Operations and Maintenance costs over the 30 year term
- Lifecycle costs

For scoring purposes the above costs are converted to a net present value (NPV) for each of the bids received. The NPV is both a comparison of the costs, similar to the DBB bid, and also a test to ensure that the bids are fair and provide value over the term and through changing service levels. The majority (90% or 450 points) of the financial score is based on the NPV. The remainder (10% or 50 points) of the financial score is based on the quality of the financial plan and bidders must score 60% on this factor to be considered. The financial score makes up 50% of the total score.

A second test was developed by Regional staff in conjunction with our consultants so that the bidders would be encouraged to put forward bids that fit within the Region’s funding envelope. This test, the “affordability cap”, is based on a combination of the Region’s estimated cost for the project (capital, operating, maintenance, financial and lifecycle) and the anticipated revenues developed through the Region’s financing strategy (ridership revenues, property tax and other) to develop what the annual maximum amount is that the Region can “afford”. This concept was also used in the City of Ottawa LRT project. The intention of the affordability cap was to create competitive tension, encourage bidders to propose affordable solutions and ultimately ensure that bids fit within the Region’s funding envelope.

Evaluation Committee

Each of the technical and financial evaluation teams prepare summary presentations to explain the review that has been completed and the scores given. This information will be presented to an Evaluation Committee (EC), comprised of the CAO, CFO, Commissioner of Transportation and Environmental Services, Commissioner of Planning, Housing and Community Services and the Regional Solicitor. The EC may accept all of the information as presented or may request that the evaluation teams go back and reassess and re-evaluate certain parts of each proponent’s proposal. Once both the technical and financial scores are accepted by the EC the scores are summed and the team with the highest score is identified as the “First Negotiations Proponent” (FNP).

During the technical review or financial review there may be minor aspects of a bid that are identified as needing to be clarified or refined. The RT Project team would work with the FNP to reach agreement on any changes required to finalize the FNP’s bid prior to a recommendation being presented to Regional Council.
Structure

The overall structure for the evaluation portion of the project is:

The entire evaluation process involves over 60 individuals (Regional staff from various departments, engineering consultant Parsons Brinckerhoff, financial advisors Deloitte and procurement advisors Infrastructure Ontario). The Fairness Monitor was represented at every evaluation meeting. The Fairness Monitor takes on the following roles during the evaluation process:

- Review and provide comments on the Evaluation Framework
- Monitor evaluation process to ensure fair and consistent application of the Evaluation Framework
- Participate in process to resolve issues relating to confidentiality and conflict of interest
- Prepare an independent report on the evaluation process

The Fairness Monitor’s report will be included with the recommendation for award report. This will confirm to Regional Council and the bidders that the evaluation framework was applied appropriately.

Next Steps

Staff are targeting the March 4, 2014 Planning and Works Committee meeting to present a report for the approval of a preferred proponent for the ION project. The report is scheduled to be considered by Planning and Works Committee at 3:00 pm.
allow ample opportunity for public participation. This report will include the final scope of work and the total cost for the ION project including capital, operations and maintenance, lifecycle and financial costs. Following consideration by Planning and Works Committee the recommendations would be presented to Regional Council on March 19, 2014.

The successful team would start the design process immediately following Council approval. The various agreements needed for project implementation would be finalized and signed in April/May 2014. Actual start of construction would follow closely on the design process possibly as early as fall 2014.

**Corporate Strategic Plan:**

The report supports Focus Area 3.1 of Council’s Strategic Focus: Develop an implementation plan for light rail transit including corridor and station area planning.

**Financial Implications:**

In June 2011, Council approved the implementation of the RT project, including LRT and aBRT, with estimated capital costs of $818 million, in 2014 dollars, with capital funding to be provided by the Province (up to $300 million), the federal government (one third of eligible project costs to a maximum of $265 million) and the Region ($253 million). The net costs of the RT project and improvements to conventional transit are financed through annual tax rate increases.

**Other Department Consultations/Concurrence:**

This report was prepared with input from Corporate Resources.

**Attachments:** Nil

**Prepared By:** Thomas Schmidt, Commissioner, Transportation and Environmental Services

**Calvin Barrett,** Director of Financial Services and Development Financing

**Approved By:** Craig Dyer, Chief Financial Officer

**Thomas Schmidt,** Commissioner, Transportation and Environmental Services
<table>
<thead>
<tr>
<th>Meeting date</th>
<th>Requestor</th>
<th>Request</th>
<th>Assigned Department</th>
<th>Anticipated Response Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-Jun-13</td>
<td>Council</td>
<td>Operation of Raised Crosswalks Study</td>
<td>Transportation and Environmental Services</td>
<td>Mid 2014</td>
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<td>11-Dec-13</td>
<td>Budget</td>
<td>Business Plan for Waste Management</td>
<td>Transportation and Environmental Services</td>
<td>1-Jun-2014</td>
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<tr>
<td>07-Jan-14</td>
<td>S. Strickland</td>
<td>Staff to report back on Tim Mollison's suggested GRT Route changes</td>
<td>Planning, Housing and Community Services</td>
<td>29-Apr-2014</td>
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<tr>
<td></td>
<td>J. Haalboom</td>
<td>Staff continue to lobby the Province for changes to the Highway Traffic Act providing right of way to pedestrians and on an as needed basis provide an update to Council</td>
<td>Transportation and Environmental Services</td>
<td>as required</td>
</tr>
</tbody>
</table>