



## **Staff Report for Council Meeting**

**Date of Meeting:** February 24, 2021

**Report Number:** SRPI.21.024

**Department:** Planning and Infrastructure Department

**Division:** Infrastructure Delivery

**Subject:** Yonge Street Bus Rapid Transit (BRT) Transfer of Yonge Street jurisdiction between Levendale Road and Elgin Mills Road

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### **Purpose:**

The purpose of this report is to seek Council approval to transfer the jurisdiction of Yonge Street between Levendale Road (South limit) and Elgin Mills Road to the Regional Municipality of York (York Region) in order to facilitate the transfer of easement related to the Yonge Street BRT project to Metrolinx.

### **Recommendation(s):**

Report recommendations

- a) That Council endorses and approves the transfer of jurisdiction of Yonge Street between Levendale Road (South Limit) and Elgin Mills Road to the Regional Municipality of York.

### **Contact Person:**

Bob Levesque, Director, Infrastructure Delivery

### **Report Approval:**

**Submitted by:** Paolo Masaro, Exec. Director Infrastructure & Eng. Services

Grant Taylor, Director Public Works Operations

**Approved by:** Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

## Page 2

### Summary:

The Yonge Street Bus Rapid Transit (BRT) is a design-build project led by York Region Rapid Transit Corporation (YRRTC). Since Metrolinx funds the project, a Master Agreement between Metrolinx, York Region and YRRTC was established to define ownership, control, operations and maintenance over the BRT assets. There is a requirement in the agreement for York Region to convey easements for the rapidway corridor to Metrolinx. York Region has not been able to provide the required easements for the section from Levendale Road to Elgin Mills Road since this section of the BRT is under the jurisdiction of the City of Richmond Hill. This report provides a recommendation to ensure clarity around ownership and long-term maintenance and operations of the BRT assets in this section.

#### Key Points:

- A Master Agreement between Metrolinx, York Region and YRRTC defines ownership, control, operations and Maintenance of BRT assets
- The Region has not been able to provide the required easement to Metrolinx for this section of Yonge Street as it is in Richmond Hill's jurisdiction
- This change in jurisdiction will not impact the downtown heritage area along Yonge Street from Major Mackenzie Drive to Levendale Road
- Transferring jurisdiction from the City of Richmond Hill to York Region will ensure clarity around long term operations and maintenance and will allow the Region to provide the necessary easements to Metrolinx
- The transfer will result in significant cost savings and reduce risks for the city associated with the BRT

### Background:

The Yonge Street Bus Rapid Transit (BRT) is a design-build project led by York Region Rapid Transit Corporation (YRRTC). The project involves the construction of a VivaNext rapidway with fully segregated median bus lanes and associated infrastructure along Yonge Street in the City of Richmond Hill and the Town of Newmarket.

The VivaNext rapidway in Richmond Hill referred to as the Y2 rapidway consists of two discrete segments (Y2.1 and Y2.2) as shown on the Figure 1 below. Y2.1 is the south segment from Highway 7 to Major Mackenzie Drive. Y2.2 is the north segment from Levendale Road to Gamble Road/19<sup>th</sup> Avenue.

The Y2 rapidway construction started in 2016 and was substantially completed in December 2020.

## Page 3

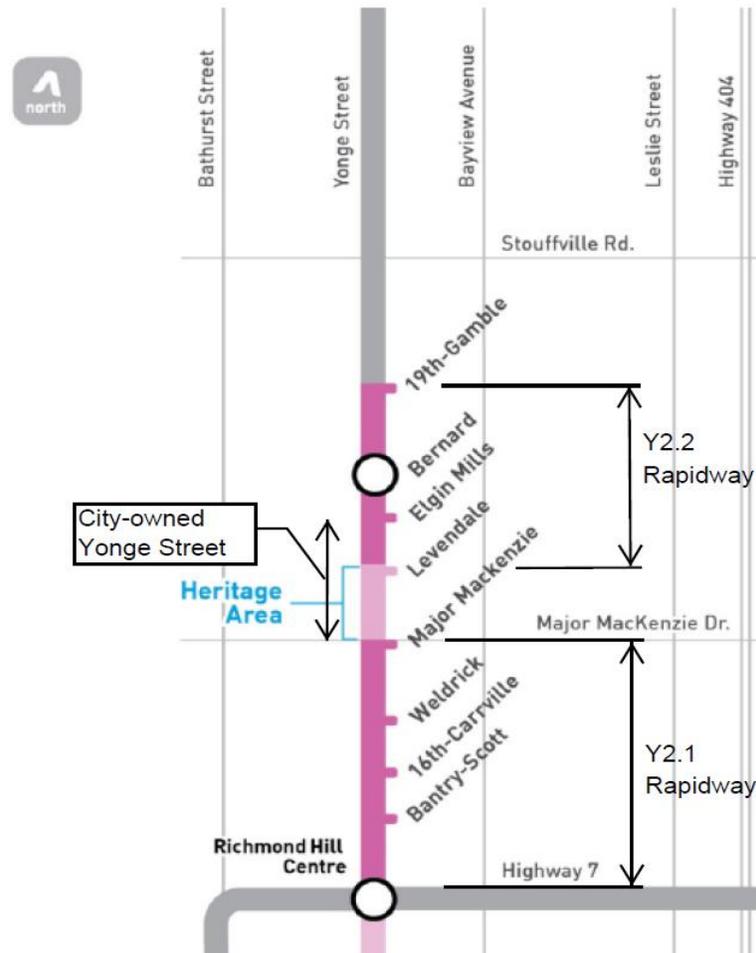


Figure 1: The Viva Next Rapidway in Richmond Hill

### Requirements for Master Agreement between Metrolinx, York Region and YRRTC

Metrolinx funds the BRT projects. In October 2009, Metrolinx, York Region and YRRTC entered into a Master Agreement to establish the respective roles and responsibilities of the parties for the delivery of the BRT projects. The Master Agreement sets out the following key operating principles and property protocol:

- Metrolinx will have ownership and control over the rapidway assets,
- York Region will operate, maintain and have regulatory control over the rapidway assets,
- York Region will convey an easement to Metrolinx for the rapidway along the center of the road allowance.
- Metrolinx will in turn grant access rights to York Region for regulatory and maintenance purposes.

## Page 4

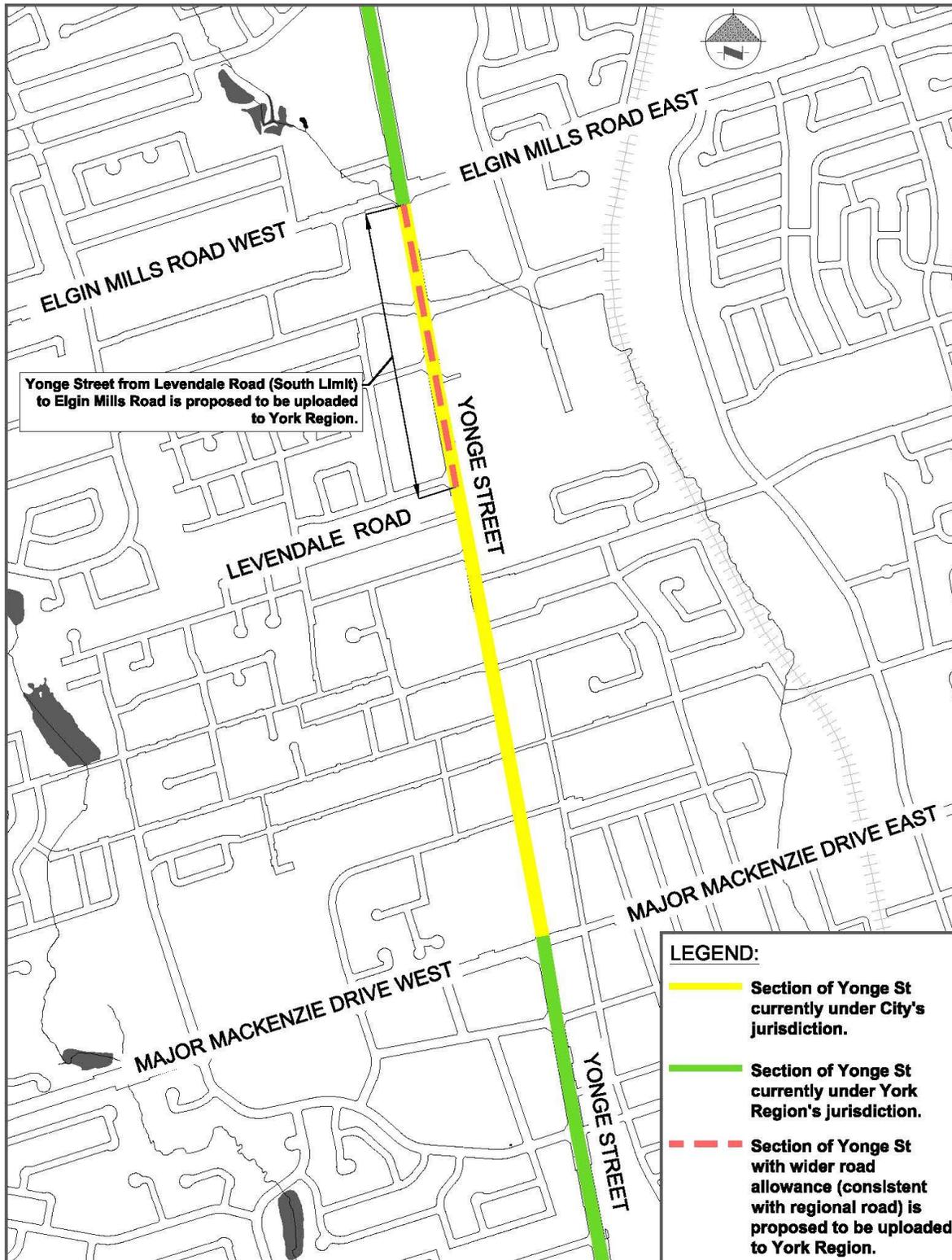
Subsequent to the acceptance of the Master Agreement, Metrolinx and York Region entered into an Access and Operating Agreement in August 2013 to address all elements of a long-term cooperative partnership including access and financial considerations related to the following:

- Responsibility for day-to-day transit operation and routine maintenance of transit, traffic and road infrastructure,
- The Region will maintain sole ownership and operational responsibility of the intersections including the traffic signals controlling the rapidway,
- Metrolinx will be responsible for funding the long-term capital rehabilitation and replacement of the rapidway infrastructure. The types and frequency of capital rehabilitation and replacement are defined,
- The perpetual easement for the rapidway to be conveyed by the Region to Metrolinx will not include intersections and will not be registered on title,
- The insurance requirements (general liability, automobile liability and property & equipment insurance) for each party are defined.

### **The section of the Y2.2 Rapidway within City of Richmond Hill's road allowance is wider and consistent with the road allowance for a regional road.**

The City owns the segment of Yonge Street between Major Mackenzie Drive and Elgin Mills Road; therefore, the Region cannot convey an easement to Metrolinx for the segment of the rapidway from Levendale Road to Elgin Mills Road as required under the Access and Operating Agreement with Metrolinx. As a result, the Region engaged City staff in discussions about the need to transfer an easement to Metrolinx for the Y2.2 rapidway within the City's road allowance.

The City's road allowance between Levendale Road and Elgin Mills Road where the Y2.2 rapidway is located (See Figure 2) is wider and consistent with the road allowance for a regional road. The south portion of the City-owned Yonge Street, from Major Mackenzie Drive to Levendale Road which is within the downtown village core, the City's road allowance is narrower and will remain unchanged since it is outside of the rapidway construction limits. The sections of Yonge Street from Major Mackenzie Drive to Crosby Avenue and from Crosby Avenue to Levendale Road will remain as four-lane road and five-lane road respectively. Staff has reviewed the easement transfer issue and have considered two options, discussed below.



**Figure 2: Section Y2.2 of the Viva Next Rapidway**

## Page 6

### **Option 1 – Transfer jurisdiction of Yonge Street between Levendale Road and Elgin Mills Road to York Region.**

The City can transfer the jurisdiction of Yonge Street between Levendale Road and Elgin Mills Road to York Region in order that York Region can then convey the rapidway easement to Metrolinx for Y2.1 and Y2.2, directly.

The limit of jurisdiction transfer is only within the section of Yonge Street between Levendale Road and Elgin Mills Road where the rapidway is constructed, which is approximately 750m long. The existing City-owned Yonge Street segment from Major Mackenzie Drive to Levendale Road that runs through Richmond Hill village core will remain under the City's jurisdiction.

Upon the transfer of road ownership, York Region will assume responsibility for road infrastructure on Yonge Street between Levendale Road (South limit of intersection) and Elgin Mills Road as is the current practice for all regional roads within Richmond Hill. The Region will be responsible for the maintenance of the pavement, boulevard, storm sewers, streetlights and traffic signals. The City infrastructure within that road segment will continue to own and maintain the sidewalk, watermain, sanitary sewer and the traffic signals at the Yonge Street and Levendale Road intersection.

The transfer of road ownership to the Region will result in the following benefits to the City:

- Cost savings associated with the long-term capital reconstruction of the road segment at the end of its lifespan estimated to be about 30yrs. By not having to perform long term rehabilitation works, the City will save approximately \$5.9M
- There will also be a reduction in operational costs as the City will no longer be responsible for the maintenance works. This will save the City an anticipated \$41,800 in operational costs annually. Over the life span, this would account for savings of about \$1.3M.
- There will also be cost savings associated with resurfacing of the road segment, as the City will no longer be responsible for road resurfacing resulting in anticipated saving of approximately \$0.50M to the City.

Table 1 – Estimated Cost Savings

<b>Cost Savings over 30yrs Lifespan</b>	<b>Cost (\$M)</b>
Operation Cost	\$1.3
Road Resurfacing	\$0.5
Capital Rehabilitation	\$5.9
<b>Total Savings</b>	<b>\$7.7</b>

- Eliminate the need for the City to enter into an agreement with Metrolinx for the easement transfer.

## Page 7

- Eliminate the need for the City to enter into an agreement with the Region to define the roles and responsibilities for the operation and maintenance of the rapidway infrastructures. The Region and Metrolinx will have the sole responsibility for the operation, maintenance and long-term capital rehabilitation of the Yonge Street rapidway as defined in the existing Master Agreement and the Access & Operating Agreement between the two parties.
- The lands expropriated by the Region for the BRT construction are currently under the Region's title. It will not be necessary for the Region to transfer ownership of these lands to the City since this section of Yonge Street will become a regional road.

After the jurisdiction transfer, performance of any future maintenance and rehabilitation works by the City on the sidewalk, watermain and sanitary sewer within this section of Yonge Street will require approvals or permits from the Region. However, this is the current requirement for all City infrastructure located on other regional Right of Ways.

Based on staff level discussion with the Region to date, Regional staff are supportive of the possible upload of this section of Yonge Street as the road meets the Region's Regional Road Assumption Policy (Attachment 2). This policy is used when considering the transfer of jurisdiction of a road from a local municipality to the Region.

To initiate the road assumption process the Policy requires the Regional Council receive a resolution from Richmond Council, requesting upload of the road jurisdiction. Regional Council would then receive the request and direct Regional staff to assess whether the requirements of the Regional Policy are met.

Prior to the jurisdiction transfer, the City will have to notify adjacent landowners of the proposed change in jurisdiction. Any agreed to Development Charge (DC) reserves and asset replacement reserves specific to this section of Yonge Street would be required to be transferred to the Region.

### **Option 2 – Easement transfer from the City to Metrolinx**

An alternative approach is for the City to transfer easements directly to Metrolinx for the Yonge Street rapidway from Levendale Road (South limit) to Elgin Mills Road. The following items will need to be coordinated with Metrolinx and the Region in order to facilitate the process:

- The City will need to enter into an agreement with Metrolinx for easement transfer similar to the Agreement between the Region and Metrolinx.
- The City will need to enter into an agreement with the Region to define the responsibilities for the operation, maintenance and long-term capital rehabilitation of the rapidway infrastructure with the Region.  
As the City does not have any existing operating agreement with the Region or Metrolinx for the rapidway, it is imperative to obtain a confirmation from the Region that the City will not be responsible for the maintenance and long-term

## Page 8

capital rehabilitation of any BRT related elements (e.g. dedicated bus lanes, station and associated equipment and transit signals).

- The region has to transfer to the City, all the lands expropriated by them for the BRT construction, as the City owns this section of Yonge Street.

### Recommended Option

It is recommended that Council endorse the transfer of jurisdiction of Yonge Street between Levedale Road (South limit) and Elgin Mills Road (Option 1) due to the following reasons:

- The transfer does not affect the existing City-owned downtown core between Major Mackenzie Drive to Levedale Road.
- It will provide a seamless solution for the easement transfer to Metrolinx as the Region and Metrolinx already have established procedures for easement transfer for the rapidways.
- It will provide assurance that the City will have no responsibility for the maintenance of BRT related infrastructure.
- The Region and Metrolinx will share responsibilities including cost of operation, maintenance and long term capital rehabilitation of the Yonge Street rapidway in accordance with the existing Master Agreement and Access & Operating Agreement between the two parties.

**Note: City staff have collaborated with Regional staff on this matter and they are supportive of the upload of this section of Yonge Street pending on the approvals from City Council followed by Regional Council.**

### Financial/Staffing/Other Implications:

The transfer of jurisdiction of Yonge Street between Levedale Road and Elgin Mills Road will reduce the City's costs by approximately \$7.7M as the City will have less infrastructure to maintain within this section of Yonge Street.

### Relationship to Council's Strategic Priorities 2020-2022:

The implementation of the Yonge Street BRT project aligns with the priority of getting around the City as identified in Council's 2020-2022 Strategic Priorities by improving the function of streets and strengthening the connections to transit. Furthermore, the coordination of City infrastructure improvements in conjunction with the Region's road and transit project aligns with the Priority Fiscal Responsibility in Council's 2020-2022 Strategic Priorities by serving as a role model in municipal management.

## **Page 9**

### **Conclusion:**

Staff recommends that Council endorses and approves the transfer of jurisdiction of Yonge Street between Levendale Road and Elgin Mills Road to York Region so that the easement transfer to Metrolinx for the Yonge Street rapidways can be seamlessly executed under the existing Master Agreement and Access & Operating Agreement between York Region and Metrolinx.

### **Attachments:**

- Attachment 1 – York Region’s Regional Road Assumption Policy

## Page 10

### Report Approval Details

Document Title:	SRPI.21.024 Yonge Street BRT-Transfer of Yonge Street jurisdiction between Levedale Road and Elgin Mills Road.docx
Attachments:	- SRPI.21.024 Attachment 1 - Regional Road Assumption Policy.pdf
Final Approval Date:	Jan 28, 2021

This report and all of its attachments were approved and signed as outlined below:

**Bob Levesque - Jan 25, 2021 - 10:07 AM**

**Grant Taylor - Jan 25, 2021 - 2:47 PM**

**Paolo Masaro - Jan 25, 2021 - 4:39 PM**

**Kelvin Kwan - Jan 28, 2021 - 9:29 AM**

**MaryAnne Dempster - Jan 28, 2021 - 5:34 PM**