



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Transit Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	September 16, 2019
<b>SUBJECT/REPORT NO:</b>	Hamilton Transit Bus Maintenance and Storage Facility – Transit Project Assessment Process (PW19081) (Ward 3)
<b>WARD(S) AFFECTED:</b>	Ward 3
<b>PREPARED BY:</b>	Shaba Shringi (905) 546-2424 Ext. 3142
<b>SUBMITTED BY:</b>	Debbie Dalle Vedove Director, Transit Public Works Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the General Manager, Public Works, be authorized and directed to issue the Notice of Commencement of the formal Transit Project Assessment Process (TPAP) and public consultation, followed by filing the Hamilton Transit Bus Maintenance and Storage Facility Environmental Project Report for a thirty (30) day public review period; and
- (b) That upon completion of the public review period and subsequent decision from the Minister of the Environment, Conservation and Parks, the General Manager, Public Works, be authorized and directed to proceed with the implementation of the preferred alternative documented within the Hamilton Transit Bus Maintenance and Storage Facility Environmental Project Report.

**EXECUTIVE SUMMARY**

This City of Hamilton is currently preparing the detailed design, regulatory approvals and tender-ready construction documents for the new Hamilton Transit Bus Maintenance and Storage Facility (MSF). This scope of work is part of Phase 1 of the Public Transit Infrastructure Funding (PTIF), with a March 31, 2020 deadline for project completion.

As part of this project scope, the City is also required to undertake Ontario's Transit Project Assessment Process (TPAP) for the MSF Project. The TPAP is prescribed in

Ontario Regulation 231/08: Transit Projects and Metrolinx Undertakings (Transit Projects Regulation), under the *Environmental Assessment Act* (Ontario). The Transit Projects Regulation defines the TPAP and exempts these projects from Part II (Environmental Assessments) and Part II.1 (Class Environmental Assessments) of the *Environmental Assessment Act*.

The City of Hamilton is seeking to develop a new MSF to supplement the Mountain Transit Centre and offer greater capacity for vehicles and staff. The Mountain Transit Centre is operating well beyond its design capacity resulting in challenges to effectively and efficiently maintain and operate transit services. The need for a new MSF to accommodate current and projected growth within the Hamilton transit system was identified in Rapid Ready (2013) and the Ten-Year Local Transit Strategy (2015).

The purpose of this report is to seek Council approval to Issue the Notice of Commencement in order to initiate the TPAP for the recommended design of the MSF as laid out in the draft Environmental Project Report. The TPAP consists of two components: a pre-planning phase and a formal consultation phase (up to 120 days). With City Council endorsement of the recommended design, the Notice of Commencement will be issued to initiate the consultation phase of the TPAP. This phase continues consultation from the pre-planning phase with agencies, stakeholders, Indigenous communities, property owners and the public.

The preferred design recommendations are contained within the draft Environmental Project Report (EPR), as outlined in Appendix “A” attached to Report PW19081. The EPR describes the project, the details of consultation undertaken to-date, and the potential impacts, mitigation and monitoring measures, including the requirement for the TPAP.

### **Alternatives for Consideration – See Page 8**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no budget implications identified to facilitate Report PW19081. The preparation of the EPR and undertaking the TPAP process is within the scope of work of the Prime Consultant for the project and will be covered from available budget within Project ID 5301785701 for PTIF Phase 1 project HAM-001, Transit Maintenance and Storage Facility.

Staffing: N/A

Legal: N/A

## **HISTORICAL BACKGROUND**

The City's Transportation Master Plan set a transit mode share target of 12% of daily trips by 2031 to ensure that the transportation network continues to operate efficiently. Population and employment growth are expected to increase demand for transit service across Hamilton. The Ten Year Local Transit Strategy and Rapid Ready reports, both identified the need for a second bus garage to maintain and store a growing bus fleet required to deliver additional transit service. The City of Hamilton's transit buses are stored and maintained at the Mountain Transit Centre (MTC) located at 2200 Upper James Street. The MTC has the capacity to support 200 buses and is now operating beyond its design capacity. Approximately 60 buses are being stored outdoors, resulting in operational and fleet maintenance challenges.

Planning and design for a new MSF was included in Hamilton's list of projects submitted to the Government of Canada for funding under the Public Transit Infrastructure Fund (PTIF) Phase 1 and received project approval in 2017. A prime design consultant, IBI Group, was retained in 2018 through a competitive Request for Proposal to support the planning and design of the facility. The project team is working towards completing the planning and design works by the March 31, 2020 PTIF Phase 1 deadline.

An environmental assessment is required as part of the planning process, which is assessing the potential environmental impacts of the facility. The environmental assessment is being undertaken through the TPAP approach approved in O. Reg 231/08, Transit Project and Metrolinx Undertakings.

### **TPAP PRE-PLANNING**

Pre-planning activities have been underway since March 2019 to develop and select the recommended preliminary design for the MSF. The recommended preliminary design was selected by evaluating alternative options against criteria, alongside stakeholder feedback. Through stakeholder meetings, a Public Consultation Centre, emails and discussions, the Project Team gathered valuable feedback which influenced the recommended design. Elements of the pre-planning process included:

- **Development of Alternative:** Various site design alternatives were developed that met the MSF requirements. These were evaluated against criteria to select a preliminary preferred alternative. The evaluation incorporated measures that reflected site operations, safety, and fit within the local community. Criteria included: orientation and siting, operational flow, on-site flow/access, car flow, pedestrian flow and urban design.
- **Public Engagement:** Consultation with stakeholders, residents and property owners was completed during the pre-planning period. A Public Consultation Centre was held on March 26, 2019 and was attended by 28 individuals. The

Project Team presented information related to the need for the facility, design alternatives, the evaluation criteria used to assess the alternatives, and the preliminary preferred alternative. Feedback at the event and in follow-up communications was supportive of the selected preliminary preferred alternative. Stakeholders and the public also offered comments related to preserving greenspace and incorporating sustainable design features in the MSF.

- **Supporting Studies:** Technical studies were undertaken to assess and understand the potential environmental impacts related to a variety of issues, including traffic, noise, air quality, archaeology, cultural and natural heritage, and geotechnical and hydrogeology. The supporting studies did not identify any potential adverse impacts. Until the environmental assessment is completed, these studies are still considered “draft” and further comments may be incorporated, including from regulatory agencies and other stakeholders.
- **Identifying the Recommended Preliminary Design:** The preliminary preferred design was selected as the recommended design and is presented in the draft EPR. The design fulfils the technical requirements for the project and had support from the public during the first Public Consultation Centre. The design may be further refined during the Consultation Phase based on feedback and input from stakeholders and the public.

#### **DRAFT ENVIRONMENTAL PROJECT REPORT**

A draft Environmental Project Report (EPR) has been prepared and is attached to Report PW19081 as Appendix “A”. The purpose of the EPR is to describe the project, document the consultation undertaken in preparation for the TPAP, and identify appropriate measures to mitigate potential impacts. The draft EPR has been circulated to the Ministry of Environment, Conservation and Parks and relevant provincial ministries for review and comment in advance of initiating the consultation phase. Consultation with stakeholders, residents and agencies will continue during this phase.

The draft EPR documents the preferred transit project, the process, and the conclusions reached. The EPR includes:

- Project purpose and background;
- Project description, including the technically preferred design of the MSF;
- Description of existing conditions (including a series of technical studies related to cultural heritage, archaeology, noise, traffic and air quality);
- Description of the potential negative impacts and mitigation measures;
- Description of the monitoring program;
- Required approvals and permits; and
- A record of all consultation.

During the TPAP consultation phase, there will be further opportunities to gather comments from agencies, stakeholders and the public. At the end of the formal consultation period, the draft EPR will be updated based on the feedback received.

#### **RECOMMENDED PRELIMINARY DESIGN**

The recommended preliminary design described in the draft EPR represents a detailed concept that meets the functional requirements for the facility while minimizing impacts to the surrounding community. Key features of the design include:

- Indoor storage space for 300 buses. The plan provides capacity for 200 buses on opening day, and contains provisions to expand the facility to accommodate 100 additional buses based on growth;
- Maintenance space, including repair bays, inspection pits, paint shop, body shop, welding shop, tire repair bay, degrease and lube bay, sandblast room, compressor room, and appropriate materials storage space;
- Office space, meeting/breakout space, and storage for transit operations including dispatch and control, training, and administrative functions;
- Employee amenities such as male/female lockers, showers & washrooms, gender inclusive washrooms, quiet room, fitness room, first aid room, bicycle storage, and staff lunchrooms;
- Sustainability features including rainwater storage tanks (grey water), provisions for a green vegetative roof over the office area and solar panels on the rooftop of the MSF, and space provisions to allow for conversion to support electric buses in the future;
- Perimeter landscaping with naturalized open space to buffer the development along frontages, including new trees; and,
- A dedicated access point to the staff parking structure on the west side (off Hillyard St.), a primary access point for buses on the east side (off Birch Ave.), and secondary emergency access point on the north (off Brant St.). Additional access to the Public Works facility located at 330 Wentworth will be available on the south side.

#### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

These recommendations are consistent with the Ten-Year Local Transit Strategy, Hamilton Transportation Master Plan and all other corporate policies. The TPAP is within the scope of work the City is completing for the detailed design, regulatory approvals and tender-ready construction documents for the MSF, under Phase 1 of PTIF, with a March 31, 2020 deadline for project completion. This recommendation will not bind the Corporation or alter or contravene any established City Policy.

## **RELEVANT CONSULTATION**

### **MEMBERS OF COUNCIL**

The study area is located within Ward 3. Project details have been discussed with Ward Councillor Nann through various communications and participation at Public Consultation Centre #1. The Ward councillor will continue to be involved during the formal consultation period.

### **RESIDENTS AND PROPERTY OWNERS**

A notice promoting Public Consultation Centre #1 (PCC #1) was published on March 15, 2019, and March 22, 2019, in the Hamilton Spectator, and mailed to 178 occupants and property owners within the study area. The first PCC was held on Tuesday, March 26, 2019, from 6:00 p.m. to 8:00 p.m. at the Bernie Morelli Recreation Centre, at 876 Cannon Street East, Hamilton. PCC #1 followed a drop-in format which allowed attendees to review the display panels, provide written feedback, ask questions and give input directly to staff from the City of Hamilton and the Prime Consultant. A total of 28 individuals signed in at the PCC over the course of the evening. Feedback received during PCC #1 was supportive of the preferred design option of the MSF. Comments were received that suggested incorporating sustainable design features and minimizing the impacts on greenspace.

A second PCC is planned for Fall 2019. Details of the event will be included with the Notice of Study Commencement, which will be distributed in the same manner as above. Feedback collected from residents and property owners during this phase will be incorporated into the design, as appropriate.

The pertinent project information has been made available throughout the study on the following project website: <https://www.hamilton.ca/city-planning/master-plans-class-eas/hamilton-transit-bus-maintenance-and-storage-facility-design>

### **AGENCY/STAKEHOLDER CONSULTATION**

The notification of PCC #1 was circulated to agencies and other stakeholders. This includes the City's initiated contact with Ministry of Environment, Conservation and Parks, Ministry of Natural Resources and Forestry, the Ministry of Tourism, Culture and Sport, and the Hamilton Conservation Authority.

The Notice of Study Commencement and PCC #2 details will be circulated to all agencies and stakeholders. They will continue to be engaged during the formal consultation period.

## INDIGENOUS COMMUNITY CONSULTATION

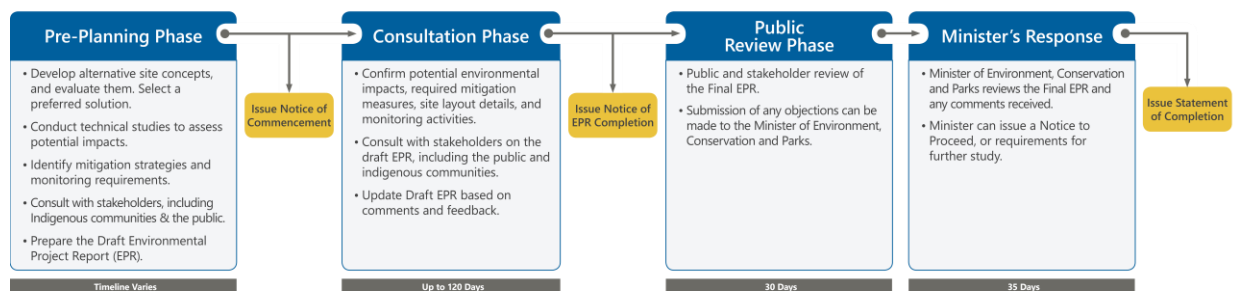
Indigenous communities with a potential interest in the project were circulated the Notice of PCC #1 by e-mail and registered mail. Follow-up calls were placed to all identified communities to confirm receipt of the notifications.

The Notice of Study Commencement and PCC #2 details will be circulated to all Indigenous communities. They will continue to be engaged with during the formal consultation period.

## ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Approving issuing the Notice of Study Commencement will permit the Project Team to advance to the TPAP consultation phase and consult with stakeholders, agencies and the public on the recommended preliminary design. This will enable the planning and design of the MSF to advance. Once the City issues the Notice of Commencement, fixed timelines will apply with respect to consultation, document completion, and the Minister's authority to act. The timelines and next steps in the TPAP process are described in detail below and shown in Figure 1.

**Figure 1: Overview of the TPAP**



## NOTICE OF COMMENCEMENT

Following Council's approval to issue the Notice of Commencement, the up to 120 days TPAP consultation phase will commence. During this period, a consultation record will be maintained and form part of the final EPR. The consultation record will document all consultation undertaken during TPAP, including:

- A project mailing list (with the general public's personal information redacted);
- A description of consultation undertaken including follow-up efforts with interested parties (e.g. Public Consultation Centre, individual stakeholder meetings, regulatory agency meetings);
- Consultation activities with Indigenous communities, including summaries of meetings, discussions, and a record of comments and responses;

- Summary of comments submitted by interested parties including project team responses, when applicable;
- Assessment of impacts, both positive and negative, and reasoning and potential significance; and,
- A summary of the incorporation of stakeholder comments.

#### **REFINING THE ENVIRONMENTAL PROJECT REPORT (EPR)**

During the up to 120 days TPAP consultation period, the final EPR will be prepared to include all information required under O. Reg. 231/08. The final EPR will outline the impacts of the technically preferred design on the natural, cultural and socio-economic environments, and their interrelationship. The EPR will document the net effects of the facility, proposed measures to mitigate the negative impacts and identify how the effectiveness will be monitored.

#### **30-Day COMMENT PERIOD AND MINISTER'S DECISION**

Following the end of the up to 120 days TPAP consultation period, the Notice of Completion will be issued. This starts the 30 calendar-day public review period of the final EPR. The final EPR will be available on the project website and at a physical location in the City. During the 30-day period, if a person, regulatory agency or Indigenous community has concerns about the project, objections can be submitted in writing to the Minister of Environment, Conservation and Parks.

Following the end of the 30-day public review period, the Minister has 35 calendar days to act on matters of provincial importance, including any written submissions from the public or interested parties. The Minister must determine if there is a negative impact on a matter of provincial importance or a constitutionally protected Aboriginal or treaty right.

The Minister can act in three ways:

1. Allow the City to proceed with the transit project in accordance with the EPR,
2. Require the City to conduct further work and submit a revised EPR,
3. Allow the City to proceed with the transit project in accordance with the EPR, subject to conditions.

If the Minister does not act within the 35-day period, then the TPAP process is considered complete, and the City can continue with the implementation of the MSF as detailed in the EPR. However, it is expected that the Minister will act and provide notice in response to this transit project.

#### **ALTERNATIVES FOR CONSIDERATION**

The recommended design option was identified by evaluating alternatives per the Transit Project Assessment Process (TPAP), prescribed in Ontario Regulation 231/08:



Transit Projects and Metrolinx Undertakings (Transit Projects Regulation), under the *Environmental Assessment Act* (Ontario). TPAP projects are approved once the required process is complete and subject to a public review period.

Should City Council not approve issuing the Notice of Commencement, the study cannot proceed into the formal TPAP consultation period and would be unable to meet the legislative requirements outlined in O. Reg. 231/08. The City will not be permitted to construct the facility until a full TPAP is completed through an approved process under provincial legislation. It is therefore recommended that the Notice of Commencement be issued.

There are two scenarios for Council to consider with respect to the recommendations of this report:

1. As per the recommendations in this report – To file the Notice of Commencement of the formal TPAP and public consultation, followed by filing the Hamilton Transit Bus Maintenance and Storage Facility Environmental Project Report for a thirty (30) day public review period to comply with the TPAP. This will offer the public and agencies the opportunity for placement of an appeal with the Minister of Environment and fulfil the City's legal obligations under the *Environmental Assessment Act*.
2. To not proceed with the Hamilton Transit Bus Maintenance and Storage Facility project TPAP and associated requirements and, as a consequence, to not proceed with implementation of the project.

Should Council not wish to approve the filing of the Hamilton Transit Bus Maintenance and Storage Facility project, the TPAP would be considered by the provincial government as incomplete and the City will not have the approval under provincial environmental legislation to implement the recommended alternative. Eventually the City would have to repeat the Class EA process, which would likely result in the same recommendations. Additionally, the City will not have met the requirements for full completion of the project under Phase 1 of the Public Transit Infrastructure Fund.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

**Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**Built Environment and Infrastructure**

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDIX ATTACHED**

Appendix “A”: Draft Environmental Project Report