



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
 Transit Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	November 16, 2020
SUBJECT/REPORT NO:	Cross-boundary Connection with Niagara Regional Transit On-Demand Transit Pilot (PW20070) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jason VanderHeide (905) 546-2424 Ext. 2390
SUBMITTED BY:	Debbie Dalle Vedove Director, Transit Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That Niagara Regional Transit (NRT) be permitted to operate within the City of Hamilton's municipal boundary to provide a cross-boundary transit connection at Winona Crossing (Fifty Road and South Service Road); and,
- (b) That the General Manager of Public Works be authorized and directed to negotiate and execute an agreement with Niagara Region, to the satisfaction of the City Solicitor, with respect to the terms upon which public bus transportation shall be furnished by the adjoining municipality within our municipality, pursuant to the *Municipal Act, 2001*.

EXECUTIVE SUMMARY

Under the Municipal Act, municipalities have the authority to establish, operate and maintain a type of passenger transportation system within their own municipal boundaries and may provide a service in an area in another municipality upon consent of the neighbouring municipality.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Cross-boundary Connection with Niagara Regional Transit
On-Demand Transit Pilot (PW20070) (City Wide) - Page 2 of 6**

The purpose of this report is to obtain Council approval to permit Niagara Regional Transit (NRT) to operate their recently introduced pilot on-demand transit service within the municipal boundary of the City of Hamilton, to a singular drop off and pickup location, allowing NRT to provide residents of Niagara Region an opportunity to access shopping and employment at Winona Crossing and to connect to destinations within our municipality through transit services provided by the City of Hamilton.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Legal Services will be engaged in assisting with drafting, negotiating, and executing the cross-boundary service agreement between the City of Hamilton and Niagara Region.

HISTORICAL BACKGROUND

On August 6, 2020 staff from Hamilton’s Transit Division met with NRT staff, at the request of NRT. The discussion centred around the possibility of NRT being permitted to operate a soon to be launched pilot on-demand transit service within the municipal boundary of the City of Hamilton.

The requested cross-boundary connection, targeted for implementation between Thanksgiving and Christmas, would be an expansion to the planned pilot and would facilitate providing Niagara residents access to shopping and employment at Winona Crossing in addition to connecting the new service to the transit services already provided by the City of Hamilton at the same location.

During the meeting NRT staff advised that prior to the launch of the pilot on-demand service, residents in Niagara Region’s Town of Grimsby and West Lincoln did not have access to local transit services, and during presentations to Niagara Committee and Council, as well as in subsequent public consultations, the concept of a connection to the City of Hamilton at Winona Crossing was discussed and was widely supported.

On August 17, 2020 NRT launched the new pilot on-demand transit service, which uses an app-based booking platform, and operates Monday to Saturday from 7:00 am to 10:00 pm. The pilot is slated to operate for a one-year period with NRT providing updates to their respective Council in November 2020, and January 2021. During the January update, NRT will provide an assessment of the successfulness of the pilot as

well as a recommendation to either end or extend the pilot at the end of the one-year period.

In August and September 2020, staff from Hamilton's Transit Division worked with colleagues in the Licensing and Legal Divisions to ensure that the requested cross-boundary connection could be accommodated pending licensing and insurance for the on-demand service provider, Council approval, and a satisfactory agreement between neighbouring municipalities.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Municipal Act – Geographic Application

Limited to municipal boundaries

19. (1) By-law and resolutions of a municipality apply only within its boundaries, except as provided in subsection (2) or in any other provisions of this or any other Act.

Exception, services

(2) A municipality may exercise its power, other than its power to impose taxes, to provide a municipal system to provide a service or thing in an area in another municipality or in unorganized territory if one of the purposes for so acting is for its own purposes and if one of the following conditions applies;

1. The service or thing is provided to inhabitants of the municipality providing the service or thing.
2. The other municipality is a single-tier municipality and the service or thing is provided with its consent.
3. The other municipality is a lower-tier municipality and the service or thing is provided with consent of,
 - i. the lower-tier municipality, if it has jurisdiction to provide the service or thing in the area,
 - ii. its upper-tier municipality, if it has that jurisdiction, or
 - iii. both the lower-tier municipality and its lower-tier municipality, if they both have jurisdiction.
4. The service or thing is provided in an unorganized territory,

- i. with the consent of a local body that has jurisdiction to provide the service or thing in the area, or
- ii. with the consent of the person who receives the service or thing, if no local body has jurisdiction.

Terms

(3) A consent under subsection (2) may be given subject to such conditions and limits on the powers to which the consent relates as may be agreed upon.

Municipal Act – Transportation - Passenger transportation systems

69 (1) This section applies to passenger transportation systems other than the following:

1. Vehicles and marine vessels used in sightseeing tours.
2. Vehicles exclusively chartered to transport a group of persons for a specific trip within the municipality for compensation.
3. Buses used to transport pupils, including buses owned and operated by, or operated under a contract with, a school board, private school or charitable organization.
4. Buses owned and operated by a corporation or organization solely for its own purposes without compensation for transportation.
5. Taxicabs
6. Railway systems of railway companies incorporated under federal or provincial statutes.
7. Ferries.
8. Aviation systems.

(2) A municipality that has the authority to establish, operate and maintain a type of passenger transportation system may,

- (a) by by-law provide that no person except the municipality shall establish, operate and maintain all or any part of a passenger transportation system of that type

within all of the municipality or that area of the municipality designated in the by-law; and,

- (b) despite section 106 and any by-law under clause (a), enter into an agreement granting a person the exclusive or non-exclusive right to establish, operate or maintain all or any part of a passenger transportation system of that type within all of the municipality or that area of the municipality designated in the agreement under such conditions as the municipality provides,

RELEVANT CONSULTATION

The following City Departments/Divisions have been consulted on this report and agree with the recommendation:

- Legal and Risk Management Services, Corporate Services
- Licensing and By-law Services, Planning and Economic Development

The following external stakeholders have been consulted on this report:

- Niagara Regional Transit
- Business Licensing, Niagara Region

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Granting consent for the requested cross-boundary transit connection between the City of Hamilton and Niagara Region is mutually beneficial to residents travelling by transit in both directions across the municipal borders.

The increased access to transit services in both municipalities, and the connection of neighbouring transit services provides greater opportunities for improved access to;

- Employment
- Shopping
- Education
- Interregional Transit
- Tourism and Events

Increased access to, and connection between, municipal transit services assists in supporting municipal;

- Transportation Plans
- Strategic Plans

**SUBJECT: Cross-boundary Connection with Niagara Regional Transit
On-Demand Transit Pilot (PW20070) (City Wide) - Page 6 of 6**

There are no financial implications to the City of Hamilton, as the pilot on-demand service is being contracted by Niagara Region. Revenue generation and fare collection will be exclusive to each transit agency, whereby customers using Hamilton Transit services within the City of Hamilton will be required to pay regular transit fares when accessing service, and customers using Niagara Transit on-demand service while crossing between the City of Hamilton and Niagara Region will be required to pay transit fares to NRT. A singular connection location will be established to ensure that NRT trips are being made to and from Niagara Region, and not exclusively within the City of Hamilton.

Consenting to the cross-boundary transit connection provided by the NRT pilot on-demand service provider will provide staff from the Hamilton Transit Division an opportunity for greater exposure to the on-demand transit service delivery model and will assist in assessing the viability of on-demand services and the potential application of it as an option within the City of Hamilton's future transit plans.

ALTERNATIVES FOR CONSIDERATION

Do not consent to the request for cross-boundary transit.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

N/A