



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office
and
PUBLIC WORKS DEPARTMENT
General Manager's Office

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| TO: | Mayor and Members General Issues Committee |
| COMMITTEE DATE: | September 21, 2022 |
| SUBJECT/REPORT NO: | Agreement Regarding Access to Hamilton/Burlington Piers (PED21064(a)/PW22075) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Jason Thorne (905) 546-2424 Ext. 4339 |
| SUBMITTED BY: | Jason Thorne General Manager Planning and Economic Development Department |
| SIGNATURE: | |
| SUBMITTED BY: | Carlyle Khan General Manager Public Works Department |
| SIGNATURE: | |

RECOMMENDATION

- (a) That staff be authorized and directed to enter into negotiations with the Hamilton-Oshawa Port Authority on the assumption of responsibility by the City of Hamilton for the maintenance of public access on the Hamilton portion of the Hamilton/Burlington Piers, and to report back to General Issues Committee with a recommended agreement for Council's consideration; and
- (b) That staff finalize a risk assessment for the Hamilton/Burlington Piers and include the information along with the report to Council on the proposed agreement.

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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.

EXECUTIVE SUMMARY

The Hamilton/Burlington Piers (also known as Fisherman's Pier) are owned and operated by the federal government. In November 2020, Transport Canada officials requested a meeting with City staff, at which City staff was informed that Transport Canada intended to close the Hamilton/Burlington Piers (the "Piers") to public access. Warning signage stating "Danger. Do Not Enter" had already been installed at that time and Transport Canada indicated that they were in the process of contracting the installation of three swing gate barriers. Staff were advised that the reason for the changes was to ensure public safety at the Piers and to restrict pedestrians from walking to the end of the Piers. The swing gates have now been installed.

In June 2022, Transport Canada announced that it was transferring management of the Piers to the Hamilton-Oshawa Port Authority (HOPA). The HOPA has indicated that its intent is to take responsibility of the Piers for their transportation purposes and lease them for nominal value to the municipalities (Hamilton and Burlington) for recreational purposes.

The purpose of this report is to seek Council direction to enter into negotiations with the HOPA regarding the terms and conditions of an agreement in which the City of Hamilton would take on responsibility for the maintenance of public access on the Hamilton portion of the Piers, and report back to Council. Staff have already undertaken a preliminary risk assessment of the Piers, and this report is further recommending that this risk assessment be finalized and included as part of the same report back to Council.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with the recommendations in this report. Any financial implications associated with assuming responsibility for maintaining public access to the Piers would be included in staff's report back. The finalization of the risk assessment report will be undertaken utilizing existing staff resources.

Staffing: There are no staffing implications associated with the recommendations in this report. Any staffing implications associated with assuming responsibility for maintaining public access to the Piers would be included in staff's report back. The finalization of the risk assessment report will be undertaken utilizing existing staff resources.

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Legal: Legal staff will be involved in the negotiations with the HOPA on the development of a draft agreement for Council's consideration.

HISTORICAL BACKGROUND

In November 2020, Transport Canada officials requested a meeting with City staff, at which City staff was informed that Transport Canada intended to close the Piers to public access. Warning signage stating "Danger. Do Not Enter" had already been installed at that time.

Transport Canada officials provided an e-mail update to staff on January 26, 2021. The e-mail advised the City that a contract for swing gates had been awarded and the construction company would be fabricating the gates with anticipated installation in mid-March 2021.

On February 25, 2021, City staff met with staff from the Region of Halton, City of Burlington and the Hamilton-Oshawa Port Authority to discuss the shared concerns with cutting off public access to the Piers.

An update was provided to Council through Report PED21064 on March 24, 2021.

The swing gates have now been installed.

In June 2022, Transport Canada announced that it was transferring management of the Piers to the HOPA. The HOPA has indicated that its intent is to take responsibility of the Piers for their transportation purposes and lease them for nominal value to the municipalities (Hamilton and Burlington) for recreational purposes.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff in the following sections have been consulted in the preparation of this report:

- City Manager
- Legal Services
- General Manager's Office Planning and Economic Development
- Environmental Services, Public Works Department

Prior to preparing this report, Hamilton City staff also met with staff from the City of Burlington and Region of Halton, and with staff from the HOPA.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Hamilton/Burlington Piers (also known as Fisherman's Pier), and referred to herein as the Piers, are owned, operated and maintained by the federal government through Transport Canada. While their primary purpose is for shipping and navigation, they have been informally accessible to the public for a number of years.

Currently, the Piers are closed to public access on both the Hamilton and Burlington sides. While it is understood that their primary purpose remains as shipping and navigation, there is a high degree of public interest in continuing to be able to have access to the Piers as a public space. The HOPA has previously undertaken public consultation with respect to a master plan that would provide for public access and public space on the Piers and surrounding lands. It is staff's opinion that this would significantly add to the existing waterfront experience and complement the parks and trail systems on both the Burlington and Hamilton sides.

Hamilton City staff have met with staff from Burlington and Halton, and there is a shared interest in both municipalities to ensure the continuation of public access, and to improve the Piers from a public realm standpoint.

The municipalities jointly undertook a preliminary risk assessment of the Piers, which was led by the City of Hamilton's risk staff, which identified a number of risk concerns that would need to be addressed prior to assuming responsibility for public access. These include measures such as lighting, guardrails and removal of trip hazards. Staff have also identified the desirability of the addition of public amenities such as shade, seating and lighting, should the Piers be formalized for public access.

In June 2022, Transport Canada announced that it was transferring management of the Piers to the HOPA. The HOPA has indicated that its intent is to take responsibility of the Piers for their transportation purposes and lease them for nominal value to the municipalities (Hamilton and Burlington) for recreational purposes.

Staff are recommending that discussions happen between HOPA staff, City of Burlington and Region of Halton staff, and City of Hamilton staff, toward the development of an agreement in which the municipalities would license the use of the Piers for public access at nominal cost, and assume responsibility for the operation and maintenance of the Piers for the purpose of public access. It is anticipated that this would involve the municipalities assuming responsibility for matters such as lighting, garbage collection and snow clearing, while the HOPA would maintain responsibility for the pier structures and for the shipping and navigation operations.

Among the issues to be addressed through the discussions with the HOPA, should Council adopt the staff recommendation, are the following:

- Responsibility for the necessary repairs and improvements needed to re-open the Piers to public access (i.e. repair/resurface walkways, elimination of trip hazards, installation of guardrails and barriers, installation of ladders, water rescue equipment and other safety features, installation of hazard/warning markings and signs throughout the Piers, installation of perimeter security infrastructure and lighting, etc.);
- responsibility for installation and maintenance of public amenities on the Piers;
- responsibility for operation and maintenance of the public access gates;
- responsibility for environmental compliance;
- clarity regarding any presently known environmental concerns;
- responsibility for the provision of and cost associated with the supply of utilities to the Piers;
- service levels with respect to snow clearing, foliage maintenance, garbage collection, etc.;
- delineation of maintenance responsibilities and liability for the pier structures; and
- financial terms.

ALTERNATIVES FOR CONSIDERATION

Council can direct that no further action be taken, in which case it is expected that the Piers would remain closed to the public.

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

Economic Prosperity and Growth

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

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.

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

None.