



**Residential & Civil  
Construction Alliance  
of Ontario**  
Constructing Ontario's Future

May 12, 2008

Mr. Blair Rohaly, Project Manager  
Ministry of the Environment  
Strategic Policy Branch  
135 St. Clair Ave. West, 11<sup>th</sup> Floor  
Toronto, ON M4V 1P5

Dear Mr. Rohaly:

Re.: Proposed Regulation under the Environmental Assessment Act for Public Transit  
Projects (EBR Registry #010-2760)

The Residential and Civil Construction Alliance of Ontario takes transportation investment issues most seriously and in the past year and a half, our labour-management alliance has released three reports on Transportation. Last summer, RCCAO also responded to MEA's Environmental Study Report and provided a strong endorsement of the proposed amendment to the Municipal Class Environmental Assessment document. Our response noted that "[r]emoving the need to carry out Individual Environmental Assessments (IEA) with the front end time consuming process of developing and seeking approval of the Terms of Reference for an IEA will condense the EA phase by one to two years or more depending on the scale and complexity of the transit project."

In terms of the current regulatory proposal, we concur with the objective to put in place a six-month EA process for public transit projects. RCCAO is concerned, however, that the greatest weakness of the regulations pertains to the "time out" provisions. The use or misuse of these "time out" provisions could prove to be the "Achilles' heel" of this regulation in terms of the objective of achieving a six-month time frame. Suggestions to maintain an expedited EA schedule and other aspects of the draft regulation will be provided below.

RCCAO has reviewed the minutes of the Metrolinx board meeting held on March 28, 2008 where special guest speaker Environment Minister, the Hon. John Gerretsen, provided remarks upon the release of the draft regulation. We agree with the statement by the Minister that "although the time frame is accelerated, the result is not to reduce the importance of planning but rather to facilitate movement through the post-planning process by removing 'red tape' ... The regulation itself is grounded in the Ministry's commitment to invest in and protect the environment. Investment in public transit only serves to fulfill this mandate – as increased options for public transit are good for both the environment and quality of life."

An important distinction by the Minister is the “post-planning process” compared to earlier stages of the process. While a speedier process is important at the tail end of the process, it is equally important that the often cumbersome processes for the review of transportation projects be streamlined and rationalized wherever possible. The implementation of this six-month Transit EA regulation will not be a panacea to our traffic woes if proponents do not undertake comprehensive and balanced planning exercises and then perform rigorous reviews of these scoped alternatives through the EA process.

While this response is not meant to single out any one particular project, there is a sense of overzealousness in proceeding with a number of EAs for projects that are contained in Toronto’s Transit City “plan” even though development of the Regional Transportation Plan by Metrolinx remains in the formulation stages. It would be preferable to conduct proper planning and analysis for these proposed alignments first, otherwise the EA itself is too open-ended because the undertaking is not as well-defined as it could be.

In order to establish the most critical transportation priorities, input from a wide range of practitioners including governmental, private sector and public spheres will continue to be necessary. While we are not suggesting a change to the regulation with respect to providing evidence of consultation prior to undertaking an EA, we do wish to point out that the likelihood of more projects being completed within the six month time frame will be enhanced with proper planning and analyses.

#### Transit Priority Statement

RCCAO also supports the broad policy linkages that are enunciated in the draft “Transit Priority Statement” (dated April 2, 2008). For example, integrated transportation planning will support the objectives as set out in Ontario’s Growth Plan for the Greater Golden Horseshoe. Consideration should be given by the Province of Ontario to making the Transit Priority Statement a document that carries legal weight, much as the Provincial Policy Statement does.

#### Draft O. Reg. for Transit Projects and GTTA Undertakings

Definition of Transit Project (Schedule 1) – The proposed regulatory definition is too narrow and the exclusivity of bus or rail could prove to be short-sighted. Expanding or widening roads for the purpose of installing high occupancy vehicle lanes should be included. In many cases within the GTA, roadway cross-sections will not permit segregated lanes to be established, necessitating some degree of pavement widening within existing rights-of-way in order to accommodate transit facilities. Similarly, fast-tracking an HOV lane might help fill in the “missing pieces” of an integrated road network. In addition, with advanced tolling technologies, an expedited assessment for an HOV lane will help to raise revenues that can be directed to funding transit projects, in whole or in part.

Notice of Issue (Time Out Provision) – RCCAO recommends that the appropriate sections (s.11; s.6(2)) in the draft regulation be modified to limit provincial interest “time outs” to a maximum of two (2) months. If these sections remain unmodified, these provisions could be construed as “loopholes” and will result in interminable delays and undercut the intent of expediting urgent transit investments. Consideration should be given to limiting the number of time outs that can be triggered by opponents of a transit project.

While RCCAO has been a strong advocate for an expedited EA process for municipal transit projects, our association remains committed to the principle of public consultation as a way to help guide decision-making. In this way, priorities and solutions can be arrived at that are more sensitive to local community concerns and that will help to enlighten development of a regional transportation plan. However, where consultation processes result in frivolous protests as a way to delay a project that has clear environmental and socio-economic benefits, the Province must clearly direct that the project proceed.

RCCAO urges adoption of the proposed regulation and Transit Priority Statement, with the suggested revisions, within the current legislative time period.

Yours truly,

Andy Manahan  
Executive Director

Copy to:

Rob MacIsaac, Chair, Metrolinx

Hon. Dwight Duncan, Minister of Finance

Hon. John Gerretsen, Minister of the Environment

Hon. David Caplan, Minister of Public Infrastructure Renewal

Hon. Jim Bradley, Minister of Transportation

Hon. Jim Watson, Minister of Municipal Affairs and Housing

Hon. Sandra Pupatello, Minister of Economic Development and Trade

David Livingston, Infrastructure Ontario

Alan Wells, Office of the Provincial Development Facilitator