

RCCAO

Comments

Issues and documents discussed at the April 2014 meeting of the MCEA stakeholders

INTRODUCTION

RCCAO was pleased to participate in the Municipal Class Environmental Assessment (MCEA) stakeholder meeting on April 17, 2014 and provides the following comments and recommendations in relation to the issues raised at that meeting.

A. The Proposed Cycling Amendments

With respect to the proposed changes to 'Appendix 1. A) Municipal Road Projects' RCCAO provide the following comments:

Item No. 1 RCCAO agrees with the proposed description of the project and characterization of it as a Pre-Approved Schedule 'A' project, namely:

"Normal or emergency operation and maintenance of linear paved facilities, cycling lanes/facilities & multi-purpose paths, sidewalks, parking lots and related facilities located within or outside existing rights-of-way."

Item No. 3 RCCAO agrees with the proposed description of the project and characterization of it as a Pre-Approved Schedule 'A' project, namely:

"Construction or removal of sidewalks or multi-purpose paths or cycling facilities within existing or protected rights-of-way."

Item No. 19 RCCAO agrees with the proposed description of the project and characterization of it as a Pre-Approved Schedule 'A+' project, namely:

"Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes, bicycle lanes/facilities or multi-purpose paths) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities or parking lanes).

RCCAO

Comments

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Item No. 22 RCCAO agrees with the proposed description of the project and the change in the characterization of it as a Pre-Approved from a Schedule 'A+' project to a Schedule 'A' project, namely:

“Redesignation of a Linear Paved Facility, through signage or pavement marking modifications (i.e. not requiring physical construction beyond localized operational improvements as described in activity No. 12 above):

- ***addition or removal of parking or turning lane markings on an existing roadway;***
- ***conversion of one-way or two-way streets;***
- ***redesignation of existing General Purpose Lane (GPL) or on-street parking to High Occupancy Vehicle (HOV) or cycling lanes/facilities;***
- ***addition or removal of cycling lanes/facilities”***

Additional New Item Subject to RCCAO's stated position that capital cost thresholds should be eliminated in favour of physical description parameters, RCCAO agrees with the proposed wording of a new item for the construction or removal of certain facilities outside an existing right of way, and the characterization of that project as a Schedule 'B' project if the capital costs of such a project exceeds \$9.5 million, namely:

“Construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way.”

B. The Proposed Collaborating with the MEA to document baseline requirements for preparing Schedule B and C projects.

There is a growing trend that the duration, complexity and costs of many Municipal Class Schedule 'B' projects are almost indistinguishable from Schedule 'C' projects and also that the costs of reports for both Schedule 'B' and 'C' projects appears to have more than doubled over a period of four years. Consequently, RCCAO supports the proposed initiative to a collaborative effort to identify baseline requirements for preparing Schedule 'B' and 'C' projects and using such data to evaluate the cost/benefit of including extra steps/work during the Schedule 'B' and 'C' process.

C. Sharing and Posting of Studies and Part II Requests and Orders

The MCEA stakeholders acknowledged that there is no central, readily accessible registry or source for completed MCEA studies. Requests for Part II Order or actual Part II Orders granted and that often these materials are not available or not referenced in final designs or construction tender documents. Given the purpose of the MCEA report to inform the public and demonstrate consultation and dialogue, it is consistent with such objectives to have ready

RCCAO

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access to past as well as ongoing projects. It was suggested that an amendment to the Environmental Bill of Rights Registry to include MCEA Reports, Notices of Commencement and Notices of Completion as well as the posting of any requests for Part II Orders would be a practical and effective means of preserving and communicating relevant information to all stakeholders including the general public. **RCCAO encourages the MCEA stakeholders to request that the Ministry of the Environment take steps to utilize the EBR internet platform to make MCEA reports and notices available and accessible to the public.**

D. Delegating Authority to Respond to Part II Order Requests

Since 2009, RCCAO has been advocating for the delegation from the Minister to a Director, the authority to respond to Part II Order requests. As the time it takes to respond to Part II Order requests can range from several months to several years, a delegation of such an authority has the potential to reduce long delays and excessive costs associated with delivery of municipal infrastructure projects. In addition, where it is reasonably clear that a Part II Order request is being used to frustrate the implementation of a project that has already had extensive public consultation under the Planning Act, the Director should have the power to refused the request (see item “E” below).

E. Eliminating “Double Jeopardy” for Integrated Projects

RCCAO has been advocating for years that one of the reasons why few proponents are willing to undertake integrated consultations and studies under both the *Environmental Assessment Act* and the *Planning Act* is due to the potential for dual and even inconsistent appeal results if a project is opposed under both the *Planning Act* and under the *Environmental Assessment Act*. While the updated section A.2.9 (2011) was originally intended to address the “double jeopardy” where a single project can be subject to two separate appeal processes, no meaningful progress has been made to encourage the adoption of an integrated process.

RCCAO encourages the Ministry of the Environment to restrict the right to Part II Order requests in those circumstance where a proponent undertakes an integrated project for approvals under both the *Planning Act* and the *Environmental Assessment Act* and an opponent still has a right to oppose such a project pursuant to the *Planning Act*.

CONCLUDING REMARKS

RCCAO welcomes the opportunity to continue discussions and collaboration on improvements to the MCEA process with all stakeholders.