

Committee of the Whole (1) Report

DATE: Tuesday, June 7, 2022

WARD(S): 1 and 3

TITLE: CANADA DRIVE-AMERICA AVENUE COMMUNITY BRIDGE
LEGAL AGREEMENT WITH MINISTRY OF TRANSPORTATION

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek authorization from Council for delegated authority to the City Manager and City Clerk to execute an agreement between the City of Vaughan and the Ontario Ministry of Transportation (MTO) for the construction of the Canada Drive-America Avenue Community Bridge over Highway 400.

Report Highlights

- The Request for Proposal (RFP) to retain a Technical Advisor was awarded in October 2020, and finalization of the preliminary design is currently underway
- All crossings over the Provincial road corridors requires approval from the MTO. A Crossing Agreement is needed to advance the Canada Drive America Avenue bridge.
- The Agreement provides approval for the construction of the bridge structure and will identify the terms and conditions for the governance of the structure between the City of Vaughan and the MTO as it relates to the ownership and maintenance of the structure

Recommendations

The Deputy City Manager of Infrastructure Development in consultation with the Deputy City Manager of Administrative Services & City Solicitor recommends:

- 1) That the necessary By-law be enacted to authorize the City Manager and City Clerk to execute the Agreement with the Ontario Ministry of Transportation

(MTO) for the construction of the Canada Drive-America Avenue (CDAA) Community Bridge over Highway 400 to advance the project in a timely manner; and

- 2) That the Regional Municipality of York and the Ontario Ministry of Transportation be so advised by copy of Council's direction.

Background

A mid-block connection across Highway 400 was identified for the communities in Block 33

The transportation objectives of the City of Vaughan's Official Plan Amendment No. 600 identify the need to establish a primary road connection over Highway 400 between Major Mackenzie Drive and Teston Road in Block 33. This road connection is not only a key component of the area multi-modal transportation system (accommodating vehicles, cyclists and pedestrians) but also a means of providing the residents in the communities on either side of Highway 400 with better access to community services, reduced travel times and improved emergency response services.

Subsequently, the location of the mid-block connection between Canada Drive and America Avenue was identified through the development planning process for Block 33.

A Municipal Class Environmental Assessment Study was completed in 2013

In 2008 the City of Vaughan commenced a Municipal Class Environmental Assessment (EA) Study for North Maple Community Bridge, currently recognized as the CDAA Community Bridge, to develop and evaluate a range of alternative design concepts for the proposed Bridge to address the multi-modal transportation needs within the broader community.

The EA findings identified a preferred design which includes a 2-lane roadway, including sidewalks and bicycle lanes connecting Canada Drive and America Avenue. The Notice of Study Completion was issued in December 2013.

The Request for Proposal (RFP) to retain a Technical Advisor was awarded in October 2020, and design activities are currently underway.

The professional services of a Technical Advisor and Design Team (TA) for the bridge construction was awarded to the consulting engineering firm Hatch Limited in October 2020. The TA is responsible for overseeing, coordinating and completing the Preliminary Design, partial Detailed Design (Public Realm architectural

landscape/streetscape items only) preparation of Design-Build solicitation document(s), procurement support and advisory services, and Owner's Representation and Contract Administration services during construction of the bridge and post construction during the warranty period.

The Design-Build RFP for the bridge construction is being advanced with an expected release in Q3 2022.

Previous Reports/Authority

[North Maple Community Bridge Class Environmental Assessment Study Notice of Study Completion – November 19, 2013](#)

[Canada Drive-America Avenue Bridge Update – October 7, 2019](#)

Analysis and Options

The MTO is responsible to prepare the draft Agreement to allow the construction of the Canada Drive- America Avenue Community bridge. The Infrastructure Delivery Department and Legal Services will review the Agreement prior to its execution.

It is understood from past projects with the MTO, the Agreement permits the City to design and construct the crossing over King's Highway Number 400 including the associated highway improvements and illumination and sets out the terms and conditions governing the undertaking. Upon completion and acceptance of the works by the Regional Director for the Central Region of the MTO, the works will be subject to a two-year warranty period. Upon expiry of the two-year warranty period, the MTO will thereafter be responsible for any future Highway Improvements and/or the Traffic Control System Work (Work), except for the maintenance in the area of the Work contemplated by Section 20(2) of the Public Transportation and Highway Improvement Act (PTHIA).

Section 20(2) of the PTHIA specifies, Crossing highways

“Despite subsection (1), where a highway is carried over or under the King's Highway by a bridge or other structure the surface of the highway shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the remainder of the highway and the Crown shall not be liable for maintenance and repair of the surface of the highway. R.S.O. 1990, c. P.50, s. 20(2).

The execution of the Agreement will allow the City to proceed with the procurement to construct the bridge.

Financial Impact

There are no direct financial implications resulting from the recommendations of this report and stipulated in the Crossing Agreement. The project cost is being funded through the approved Capital Project ID-2079-19 Canada Drive-America Avenue Bridge.

Broader Regional Impacts/Considerations

The proposed bridge aligns with York Region's Transportation Master Plan

According to York Region's Transportation Master Plan (November 2016), the Region supports the proposed Bridge:

Policy Area 1 – Finer Grid Network

Currently, the Regional road network is built on two-kilometre concession blocks, with a limited number of continuous collector roads spanning between Regional roads. This results in limited route options for people to reach destinations throughout the Region and contributes to congestion on the existing Regional road network. Working with the Province and local municipalities to plan for and protect a series of mid-block highway crossings and continuous collector roads in York Region will provide alternate routes for vehicles, cyclists and pedestrians to reach destinations more quickly and safely. It will also better manage congestion by spreading traffic throughout the network.

In accordance with Regional policy, it is anticipated the Region will fund 33% of the cost of the construction of the Bridge.

City staff continues to work with the MTO and stakeholders to advance the Bridge project

Highway 400 is under the jurisdiction of the MTO. MTO is responsible for all infrastructure within Highway 400. The MTO was involved in the Environmental Assessment for the Bridge with regards to the design and structural requirements. The MTO is currently involved in the preparation of the Design-Build Request for Proposal and will continue to be involved during the detailed design and construction phases.

Conclusion

All crossings over the 400 series highways in Ontario require the proponent to obtain approvals from the MTO. The approvals, in the form of an agreement, also known as the "Crossing Agreement", in principle lays out the terms and conditions for the

governance of the bridge structure between the proponent, being the City of Vaughan, and the MTO, as it relates to the future ownership and maintenance of the structure.

By authorizing the delegated authority to the City Manager and City Clerk to execute the agreement on behalf of the City of Vaughan, it will facilitate the advancement of the project to the construction phase in a timely manner.

For more information, please contact:

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Attachment

1. Location Map

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Approved by



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