



## **Committee of the Whole Report**

### **For the Meeting of February 22, 2018**

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**To:** Committee of the Whole **Date:** February 20, 2018  
**From:** Fraser Work, Director of Engineering and Public Works  
**Subject:** Commentary on the CRD Proposed Transportation Service Bylaw

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### **RECOMMENDATIONS**

That Council receive this report for information and consider the risks and uncertainties associated with the bylaw's lack of clarity, roles and responsibilities as well as the important absence of BC Transit and Provincial transportation membership, which impair the CRD's ability to influence some of the most important regional transportation challenges.

### **EXECUTIVE SUMMARY**

The CRD's proposed Transportation Establishment Bylaw (4093) seeks to create a transportation service in the Capital Regional District. It outlines the intent to combine already functioning services from three separate service areas, into a new service, with possible taxpayer cost increases to fund future projects and a governance model that would be determined in the future.

Upon Council's request, staff completed a preliminary review of the proposed bylaw, which does not include a comprehensive analysis of the proposal history, which originated from the 2013 Regional Forum of Councils and the development of the 2014 CRD Regional Transportation Plan. In 2015, the CRD identified the establishment of a Regional Transportation Service as a Strategic Priority.

City staff have not been engaged with the CRD on this matter since preliminary discussions in 2016 after City of Victoria Council provided their initial support to explore service establishment. The bylaw development process in 2017 has largely focused on discussions with elected officials at the CRD Board and Committee levels.

The proposal suggests that a more efficient regional transportation service is possible through amalgamating the CRD's current functions under a new, single transportation service entity. The CRD letter from January 12, 2018 suggests that the original intent was to include capital works planning and transit management, but these are not included as a part of the proposed bylaw.

The lack of clarity regarding scope, roles, responsibilities and governance, together with the absence of any transit or provincial membership, all raise important uncertainties as to the magnitude of potential benefits, nor does the information available provide assurances that risks of inefficiencies or additional costs can be controlled.

Some of the most important regional transportation challenges are related to public transit and the highway road design and improvements. The absence of transit from the scope of this proposal, and the absence of transit and the provincial stakeholders from the committee membership raise additional risks that may prevent the CRD's ability to affect change in the highest priority issues affecting regional transportation efficiency.

In many instances, clear, constant communications and collaborative problem solving is already commonplace between municipal, transit and provincial stakeholders to deliver improvement programs in regional transportation. This has been demonstrated recently through investments to the E&N, Galloping Goose & Lochside trails, the Douglas Street dedicated bus lanes, transportation-related data collection and analysis, and inter-municipal coordination and delivery of important active transportation and road improvement programs and initiatives.

Increased efforts and constant and meaningful dialogue are required to ensure that local and regional transportation problems are creatively solved, in order of priority. Much more work can and should be done, using strong leadership and collaborative problem solving, which can be achieved outside of the proposed service establishment bylaw.

There is a need for continued liaison with key transportation stakeholders as well as renewed and ambitious, action-oriented discussions at the VRTC and CRD Board tables, and coordinated projects with municipal and regional partners. All of these discussions should be supported by information, analysis and insights from suitably qualified and experienced professionals.

## **PURPOSE**

The purpose of this report is to provide Council with City of Victoria transportation considerations pertaining to the proposed CRD Transportation Service Establishment bylaw.

## **BACKGROUND**

On November 3, 2016 Council passed a motion to support the establishment of a regional transportation service through the Capital Regional District subject to development of a service establishment bylaw that is satisfactory to the City of Victoria.

On February 15, 2018, Council directed staff to report to Council on the transportation considerations related to the proposed 2018 CRD bylaw. In general, the rationale for the proposed CRD bylaw is supportive of current OCP policies related to the alignment and coordination of transportation planning in the Region.

The Capital Regional District Transportation Service Establishment Bylaw No. 4093, 2018 has received three readings at the CRD Board. On January 10, 2018, CRD staff recommended to the CRD Board that their staff be directed to initiate a voter approval process of the Bylaw, as required by the *Local Government Act* (the "**LGA**") prior to adoption. However, rather than initiating a process to obtain voter approval of the Bylaw, the CRD Board passed a motion to obtain an indication of municipal consent to the Bylaw. As a result, the CRD has asked Councils of all municipalities to provide feedback on whether they intend to support adoption of the Bylaw which will impact the CRD Board's decision to pursue a voter approval process.

The Capital Regional District Transportation Service Establishment Bylaw No. 4093, 2018 provides that the purpose of the Service is to provide "policy, planning, programming, administration and information management services in relation to transportation", which may include the provision of (section 1(A)):



- i. Transportation policy, plans, surveys and studies;
- ii. Transportation data collection, monitoring, analysis and reporting;
- iii. Transportation modelling;
- iv. Transportation web based and multi-media platforms;
- v. Active transportation programming, planning and promotion;
- vi. Transportation demand management programming, planning and promotion;
- vii. Partnerships for data, analysis, planning, programming and policy;
- viii. Transportation grant submissions.

This proposed service also includes management of designated regional trails, including planning, operations and maintenance, capital planning and management of land tenure.

The CRD's 2014 Regional Transportation Plan (RTP) development process included two to three meetings with City of Victoria staff, centred around the commitment for greater coordination on regional transportation projects, focussed mainly on the CRD projects within the City, related to multi-use pathways and public transit.

The RTP had defined actions under five general themes:

- 1. Integrating land use and transportation
- 2. Improved walking and cycling
- 3. Improved transit
- 4. Management of roads and trails
- 5. Influencing travel behaviour.

The 2014 RTP identified desired outcomes for transportation and land use as well as a multi-modal road network for both passenger and goods movement. The Plan also proposed a governance model, which included a standing committee, and technical advisory committee (TAC), made up of regional transportation stakeholders. While the RTP stated that transit would not likely fall under a regional transportation service authority mandate, it was expected that they would participate in the TAC along with the Province, as well as 12 other municipalities and 3 electoral areas.

The 2016 Regional Trails Management Plan provides guidance on investment and management of the CRD regional trails system. This document acknowledges the importance of regional trails as transportation corridors but maintains a position that these will continue to be regional linear parks.

**Current State:** The CRD currently performs various important and value-added regional transportation functions, including management of regional trails (local E&N and Galloping Goose trails), select transportation data and planning (eg. 'Origins and Destinations' study and cycling counts, etc), and transportation policy related to the regional growth strategy. The CRD has also implemented projects and programs from the regional Pedestrian and Cycling Master Plan which have benefited the City residents and supported minor infrastructure improvements.

These functions sit within 3 different business units in the CRD, and are funded from local government and electoral area taxes, at the rate of \$1.5M per annum. The service goals and actions for these units are approved by CRD committees and Board each year.

There is nothing preventing the CRD from continuing to play an important role in transportation absent a formal transportation service. The CRD strategic plan and annual budget development process enables regional decision makers to prioritize transportation partnerships, data collection, infrastructure or educational programs.



**Proposed Amendment:** The proposed bylaw seeks to amalgamate these services. Their proposal to amalgamate, under a new financial ceiling of \$2.5M or 0.02548 per thousand of net taxable value, whichever is greater, would require additional monies from local governments and electoral area through taxation. Since there is no plan to repeal the existing services, this new service would be in addition to those existing services. The intended functions or programs offered by any expansion of the new service are not yet defined. It remains unclear as to the potential for this change to achieve efficiencies, or if it would conversely introduce complexities and inefficiencies.

## **ISSUES AND ANALYSIS**

### **Overview**

This report represents a preliminary assessment of the proposed bylaw, and does not include a comprehensive review of the history of regional discussions related to the CRD's proposed transportation service. Due to the very short timelines available for comment, City staff have reviewed the content of the most recent correspondence and the information directly related to the proposed bylaw. If further analysis is required, staff resources could be allocated to review comprehensive service development history, with the necessary amendments to the City's transportation commitments, at Council's discretion.

The proposed CRD bylaw suggests that a more efficient regional transportation service is possible through moving its current functions under a new, single transportation governance entity. The CRD letter from January 12, 2018, from CRD Board Chair, suggests that the original intent was to include capital works planning and transit management, which are no longer part of the proposed service bylaw.

The CRD proposal states generally that it seeks to deliver enhanced regional transportation planning through alignment of priorities, value-added services and information, and improved access to funding. The potential risks associated with this proposal are decisions that contradict City's Official Community Plan or transportation priorities and potential inefficiencies imposed by an additional layer of bureaucracy that risk impeding appropriate regional and municipality transportation planning and implementation, at an increased cost to the taxpayer.

The CRD bylaw and supporting documentation seem to represent only an outline of a de-scoped 2014 RTP proposal, likely as a result of objections already vocalized by some municipalities, and absent of BC Transit and Provincial programs, without the required detail necessary to provide assurance that risks could be avoided, and benefits could be realized.

This bylaw development process did not include information about other viable regional transportation improvement and problem solving approaches. It seems like much of the issues that require deliberate problem solving, priority setting and action planning could be achieved through a series of regular inter-municipal meetings, with professional staff from all concerned organizations.

It is likely not prudent to proceed along this course of action without clearer definition and understanding of the proposed service terms of reference, limitations, roles, responsibilities, and governance structure. Significant changes and experiences have occurred since the origin of the RTP and initial CRD proposal in November 2016. These developments, together with the exclusion of BC transit and provincial membership from this proposal, may support reconsideration of the risk/reward ratio of this particular approach to address regional transportation challenges.

## Issues and Considerations:

### Potential Benefits of a Regional Transportation Model

An agreed-to, well managed, well-defined, well-coordinated and well-funded regional transportation function could:

- Help align and expedite important, priority transportation improvement projects/programs.
- Help reduce costs, time and duplication of effort between municipalities for common projects, including transportation analysis, information, modelling etc.
- Help deploy consistent and appropriate messaging/communications to support the required public engagement in the region.
- Help leverage federal, provincial, private and foundation funding for transportation priorities.
- Help provide suitably qualified and experienced transportation analysis and recommendations for complex transportation challenges.

### Potential Risks of a Regional Transportation Model

A poorly managed regional transportation planning function poses the following potential risks:

- Failure to meet unique municipal transportation priorities in favour of regional projects,
- Failure to influence provincial (BC Transit or MoTI) authorities to correct the most important transportation service needs,
- Failure to provide actual transportation benefits,
- Failure to obtain land-use authority to implement change at the local level,
- Failure to implement transportation improvements in priority order,
- Failure to provide taxpayer value-for-money, and
- Failure to motivate or influence transportation behaviours at the local and regional level.

The main issues or considerations raised from the initial review of the CRD's proposal are as follows:

1. **Lack of Clarity:** The bylaw, January 12, 2018 letter and CRD FAQ documents do not clearly articulate key information regarding governance, roles, authorities, our deliverables which would be expected for new regional service development. These uncertainties raise concerns as to the potential benefit of this proposal. In a number of cases, service areas are unclear, and identified very generally using terminology like "may include", and other broad terms such as "programming".

Most importantly, the information illuminates that a "final governance structure will be approved by the CRD at a later date if a new service is approved", which seeks approval of the service, before governance is defined, which is considered unsupportable.

2. **Lack of Authority and Membership:** Arguably, the most important regional transportation issue facing the greater Victoria region is the need for transformational improvements in public transit, which could deliver improved quality-of-life for commuters, reduce congestion, reduce greenhouse gases and reduce travel / logistic delays.

As the transit mode is governed by the Victoria Regional Transit Commission (VRTC) and is not part of the proposed bylaw coverage any new service, there is likely to be limited positive impact for taxpayers. Other key regional transportation priorities identified in the



2014 RTP include investments and modifications to Provincial infrastructure, which are also outside the scope/authority of this body.

Land-use is managed under the authority of the land owner and the municipality, which calls into question the ability of this proposed service to actualize transportation change. Land use decision making in the region appears to have significant challenges, as recently demonstrated through the Regional Growth Strategy process. The City should be concerned if any regional service that was in conflict with OCP direction and intent.

3. **Lack of Technical Inputs:** The 2017 bylaw development and approval processes has largely been through regional committees and Board structures without robust staff level discussions among municipalities and associated agencies. While the City and region collaborate on a number of projects, there have been no dedicated inter-agency meetings about the bylaw since November 2016.
4. **Value for Money Concerns:** It is unclear from the current lack of information if this service would provide value-for-money for the taxpayer. Funding strategies and approvals are not well defined, and introduce uncertainties as to whether taxpayer monies will be invested in the highest value initiatives.
5. **Undefined Roles and Responsibilities:** The required governance, roles and responsibilities, and project details have not been defined, and therefore it is unclear as to how this proposal will actually function across municipal and regional boundaries, and how decision will be made.

## OPTIONS AND IMPACTS

Council is faced with two general options, which include support or decline the proposed service establishment bylaw. Any support for this bylaw as currently structured would suggest that Council and stakeholders have been served with enough detail/information to provide assurance/confidence that benefits are probable, and risks are likely to be controlled through the appropriate mitigations. If those assurances are not possible with the current content, format and detail within the CRD proposal, declining or promoting an alternative approach could be considered the most suitable course of action.

If the Committee is in agreement with the CRD plan to establish the new transportation service, it could pass the following motion: "That Council pass a motion expressing support for the proposed CRD Bylaw No. 4093."

If the Committee does not support the establishment of the new transportation service, it could pass the following motion: "That Council pass the motion expressing opposition to the proposed CRD Bylaw No. 4093."

### *Accessibility Impact Statement*

Accessibility performance is a main design requirement for all transportation infrastructure and programs and will be incorporated into all City designs.

### *2015 – 2018 Strategic Plan*

This proposal is directly related to Strategic Objective No.9, and also indirectly related to objectives 1,3,5,6,7 and 12.

These important requirements and issues are being addressed in concert via the City's Sustainable Mobility Strategy, which is a high-priority program currently under development for completion in late 2018. The City honours the potential benefit posed by improved local and regional transportation infrastructure and mobility, and its collective effect on the health, vitality and well-being of the entire region.

#### *Impacts to Financial Plan*

This proposed CRD bylaw, if enacted, could result in increased regional taxation in the City. The requisition amount for the already established services is currently approximately \$1.5 million. Our understanding from CRD staff is that there is no plan to discontinue the already existing services and repeal those bylaws. Therefore, the new service would be in addition to these already established services.

As such, the CRD would have the authority to requisition additional funding of \$2.5 million or 0.02548 per thousand net taxable value, whichever is greater, meaning that as assessed values increase so does the requisition maximum amount.

#### *Official Community Plan Consistency Statement*

In general, the rationale for the proposed CRD bylaw is supportive of OCP policies related to the alignment and coordination of transportation planning in the Capital Region.

Specific reference includes objectives under the policy 7.25 "Support the coordinated planning and delivery of regional and local transportation initiatives." This section supports a regional approach to transportation planning and specifically identifies the CRD as one of the key partners to support this approach. This approach is resident in the current co-operation and collaboration with other municipal and regional partners.

### **CONCLUSION**

Constant and meaningful dialogue is required to ensure that local and regional transportation problems are creatively solved, in order of priority. Much more work can still be done via regular meetings with key stakeholders, renewed and ambitious, action-oriented discussions at the VRTC and CRD Board table. These aligned and coordinated communications can happen without any changes in legislation or additional funds.

In many instances, clear, constant communications and collaborative problem solving is commonplace between municipal, regional, transit and provincial stakeholders to deliver projects that support regional transportation outcomes, such as regional trails, Douglas Street dedicated bus lanes, and inter-municipal coordination of active transportation and road improvement programs. The City has an opportunity to influence these through its participation in the CRD Board and Committee structure and through service plan development.

The primary barriers to improved transportation performance in the region are associated with provincial road design and transit capabilities, such as lack of transit facilities or high-occupancy vehicle lanes, elimination of stops along highways etc. It stands to reason that a coordinated and aggressive approach to problem solving with key stakeholders is possible today, using the VRTC and inter-municipal committees and relationships, that are already in place.



Alternate approaches are an option, which would consider the new information and landscape changes since 2014 RTP, changes in provincial leaderships, and consider what approaches may provide the most significant probability of success for a transportation authority.

Respectfully submitted,



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Fraser Work  
Director, Engineering & Public Works

Report accepted and recommended by the City Manager:

  
Date: Feb 21, 2018

Attachments:

1. CRD Proposed Bylaw No. 4093
2. CRD Letter January 12, 2018 – Council Support for Bylaw 4093
3. CRD FAQ – Regional Transportation Service Establishment Bylaw (January 2018)