

MANAGEMENT REPORT TO METROLINX

Report Title:	Environmental Assessment for Transit Projects in Other Jurisdictions				
Report Number:	SP 08-002	Date to Board:	Mar. 28, 2008	Date to Committee:	
Report To:	<input checked="" type="checkbox"/> BOARD	<input type="checkbox"/> ADVISORY COMMITTEE <input type="checkbox"/> AUDIT COMMITTEE <input type="checkbox"/> GOVERNANCE COMMITTEE <input type="checkbox"/> HUMAN RESOURCES COMMITTEE <input type="checkbox"/> TECHNICAL ADVISORY GROUP <input type="checkbox"/> OTHER:			
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Item Class:	IN CAMERA	<input type="checkbox"/>	DECISION	<input type="checkbox"/>	INFORMATION <input checked="" type="checkbox"/>

1.0 RECOMMENDATION:

RESOLVED:

THAT the Report SP 08-002 on Environmental Assessment process for Transit Projects in Other Jurisdictions be received for information.

2.0 PURPOSE & EXECUTIVE SUMMARY:

The regional and municipal governments which comprise the Greater Toronto and Hamilton Area (GTHA) are faced with challenges related to transportation and transit infrastructure which are not keeping pace with growth. Between now and 2031, it is expected that the GTHA will be home to 3 million more people. Approximately 1.5 million more cars also will be on the region's highways and roads. The GTHA is not alone in having to cope with significant growth pressures; jurisdictions around the world face similar patterns of growth. They are also experiencing many of the same issues as the GTHA in having to operate with policies, planning tools and planning processes, which may not fully lend themselves to efforts to keep pace with the wide ranging effects of accelerating growth.

One planning tool in particular has attracted a lot of attention. Around the world, jurisdictions are looking closely at their Environmental Assessment (EA) requirements. They are recognizing a need to improve how they can balance their responses to growth pressures

while, at the same time, protecting the environment. The presentation which follows outlines the different approaches some jurisdictions have taken to accommodate the growth pressures while still preserving the role of EA in protecting the environment.

3.0 BACKGROUND:

As part of the MoveOntario 2020 announcement, the Ontario government committed to developing and implementing an EA process for transit projects which can be completed in a time-maximum period of 6 months. Metrolinx is playing a role in the development of the new EA process, and to date three reports have been filed with the Board:

- An outline of the work plan for examining the EA process which was presented to the Board on November 23, 2007 (**Report SP 07-001**);
- The CEO's report at the Board meeting on January 25, 2008 summarized the consultations among a large range of stakeholders which have occurred on the provincial EA process. The report also identified areas for potential change which the consultations identified (**Report CEO 08-001**); and
- An update at the February 8, 2008 meeting of the Board on opportunities to improve federal EAs by improving coordination among federal authorities and by adopting a strategic assessment approach to transit EAs in the GTHA at a regional level. The report also identified opportunities to foster greater coordination between federal and provincial EAs for transit projects specifically and for infrastructure development more generally (**Report SP 08-001**).

4.0 DISCUSSION:

Many jurisdictions are considering how they can renew and improve the EA process for transportation and transit projects. The most recent example is the National Surface Transportation Policy and Review Study Commission (NTSC) which concluded, in December 2007, "that it takes too long and costs too much to deliver transportation projects" and attributed some of the delay to "planning and administrative costs."¹ Like the U.S., other international jurisdictions are looking for ways to make EA more responsive to pressures on the environment and the quality of life. EA procedures are being redefined so that they can stimulate innovation and support the search for sustainable transportation and transit solutions to climate change, the emission of toxic gases, and congestion.

For many jurisdictions, the heart of renewing EAs rests on examining the rules about how public decision making processes are conducted and the kinds of supports which must be in place to make those processes effective. Consideration is being given to:

- The roles and responsibilities of stakeholders;
- The creation of new approaches for coordinating EA activities and blending them with other planning and decision making processes; and

¹ *Transportation for Tomorrow* (December 2007), Volume 1, p. 11.

- The development of new communication tools and techniques to enable discussion and debate to occur.

There is an international bench mark for EAs against which renewal processes can be measured. The Aarhus Convention was developed in Denmark during the late 1990s. The Convention was adopted subsequently by the European Community in February 2005. It emphasizes the importance of public awareness about environmental issues, better implementation of projects which are subject to EAs, and enhanced enforcement of environmental legislation. The principles of the Aarhus Convention include:

- Timely notice of a proposed EA decision making;
- Non-technical and technical information being available to support consultation;
- Opportunities for the public to engage in an EA process being clearly spelled out;
- An adequate amount of time for the public to engage in the EA process;
- Public comments being taken into account and reflected in the EA decision; and
- Providing the public with information about all of the factors considered in the EA process.

Taken together, all of the elements of the Aarhus Convention are intended to lead to a better understanding of a project, its environmental implications, and of divergent interests within the community. The Convention requires the process to be supported by a solid base of information, reasonable timeframes, clear reporting of outcomes, and defensible decisions.

In the U.S., the National NTSC recommended that for projects where there are few significant environmental impacts, EA reviews should be simplified. For all other projects the NTSC recommended that:

- Proponents should be required to consider a limited number of reasonable alternatives which reflect community values and funding realities;
- The early identification of environmental issues and considering them within a standardized risk methodology; and
- The need to take into account any other of the permits and approvals which projects may require because they can be the source of significant delays.

In the European Community, recommendations have been made for fewer rules and higher quality EAs.

- In Holland, for example, it has been proposed that EAs focus on what is essential and that the eventual reports which are generated for EA are short and readable.² A

² Netherlands Commission on Environmental Impact Assessment, *Annual Report* (2003), pp. 17-21.

recommendation was also made for a greater focus on policy and integrating EA into the larger context of spatial planning.

- In United Kingdom, the Planning and Environmental Bar Association also recommended the early initiation of EAs, considering projects within a broader policy or planning context, and the use of scoping provisions to address the most significant environmental effects arising out of a project.³

In New Zealand, a study in 2003 proposed changes in the *Resource Management Act* to create efficiency dividends by considering individual transportation projects with a sustainable development framework.⁴ It was also recommended that EAs should be based upon:

- Coordinated, multi-agency reviews;
- The development and use of best practice guides; and
- An expedited appeals process.

5.0 FINANCIAL MATTERS:

NA

6.0 HUMAN RESOURCES MATTERS:

NA

7.0 ENVIRONMENTAL MATTERS:

NA

8.0 COMMUNICATION MATTERS:

NA

9.0 LEGAL MATTERS:

NA

10.0 CONCLUSION:

The global interest in changing EAs is part of a larger process aimed at improving the delivery of transit projects because car-oriented development not only fails to halt congestion, but also leads to a host of social, environmental and economic problems. The changes which are being proposed in EAs, however, are not just about speed for the sake of speed.

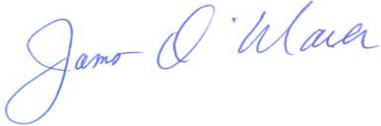
³ *Barker Review* (March 23, 2006).

⁴ Adrienne Young Cooper, *Streamlining RMA Approvals for Land Transport Projects* (February 2003).

They are aimed at making the process more effective and efficient without diminishing environmental protection or reducing the ability of stakeholders and the public to participate in the process in a meaningful manner.

Respectfully submitted,

Approved for Submission to the Board



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