

Table of Proposed Class EA Amendments – Transit (Version 4, Date June 24, 2020)

The Municipal Engineers Association (MEA) has proposed the following changes to the Transit Schedules. However, some of these changes are inconsistent with the proposed changes to Part D, which speaks about deleting the transit schedules and replacing them with the projects included in Schedule 1 of Ontario Regulation 231/08 and categorizing them as Schedule C if the Class EA is used. For the purposes of the proposed amendment, please review the changes in this section. If the proposed changes shown here are made by the Minister, Part D will be updated to reflect these changes. Furthermore, the ministry has not reviewed the rationale of the application of the Planning Act as it relates to equivalency of the process, duplication, and consistency across jurisdictions. As such, the ministry is interested in hearing your feedback on these proposed changes.

| # | Section | Current Text | Proposed Amendment Additions in Red | MEA's Rationale |
|----|------------|--|--|--|
| T1 | Appendix 1 | 1. General maintenance of all transit-related facilities including but not limited to: <ul style="list-style-type: none"> • Normal or emergency operation and maintenance of transit facilities and related facilities • Resurfacing, patching and frost heave treatment with no change in footprint • Rehabilitation and internal modifications to existing buildings and facilities • Plowing and sanding of transit facilities and related facilities • Shaping and cleaning of existing roadside ditches and culverts • Parking lot and lighting rehabilitation; • Building rehabilitation or replacement; • Facility surveillance, control systems; etc. • Snow and de-icing operations that comply with MOE's Guidelines Schedule A+ | 1. General maintenance of all transit-related facilities including but not limited to: <ul style="list-style-type: none"> • Normal or emergency operation and maintenance of transit facilities and related facilities • Resurfacing, patching and frost heave treatment with no change in footprint • Rehabilitation and internal modifications to existing buildings and facilities • Plowing and sanding of transit facilities and related facilities • Shaping and cleaning of existing roadside ditches and culverts • Parking lot and lighting rehabilitation; • Building rehabilitation or replacement; • Facility surveillance, control systems; etc. • Snow and de-icing operations that comply with MOE's Guidelines Shift to Schedule A | Minor shift from Schedule A+ to Schedule A is proposed. While both Schedule A and A+ are exempt from the Environmental Assessment Act, a slight change is proposed to remove the recommendation for Municipalities to notify residents about these types of projects, as it is not practical. For roads and water/wastewater similar activities have always been Schedule A and there are no reported problems. |
| T2 | Appendix 1 | 6. Installation, construction or reconstruction of traffic control devices (i.e. signing, signalization) with no or minimal adverse environmental effects Schedule A+ | 6. Installation, construction or reconstruction of traffic control devices (i.e. signing, signalization) Combine items and shift to Schedule A+ from Schedule C (project 7) | These projects are typically located within existing rights-of-way and the potential for adverse impacts on the natural environment from this type of project are minimal. Other environmental impacts, for example social impacts, are best addressed by communication directly between the proponent |

| # | Section | Current Text | Proposed Amendment Additions in Red | MEA's Rationale |
|----|------------|--|--|---|
| | | <p>7. Installation, construction or reconstruction of traffic control devices (i.e. signing, signalization) with the potential for some adverse environmental effects Schedule C</p> | | <p>and the stakeholders. Projects of this type should be classified as Schedule A+ which encourages consultation with the local community so citizens have the opportunity to engage their municipal government</p> <p>These types of projects are also being proposed for exemption for road projects and are exempt from O. Reg. 231/08 (Transit Regulation).</p> |
| T3 | Appendix 1 | <p>9. Installation of safety projects (i.e. lighting, glare screens, safety barriers, energy attenuation) with no or minimal adverse environmental effects. Schedule A+</p> <p>10. Installation of safety projects (i.e. lighting, glare screens, safety barriers, energy attenuation) with the potential for some adverse environmental effects. Schedule C</p> | <p>9 Installation of safety projects (i.e. lighting, glare screens, safety barriers, energy attenuation). Combine items and shift to Schedule A+ from Schedule C (project 10)</p> | <p>These projects involve installing streetlights and guard rails, which are typically located within existing rights-of-way and the potential for adverse impacts on the natural environment from this type of project are minimal. Other environmental impacts, for example social impacts, are best addressed by communication directly between the proponent and the stakeholders. Projects of this type should be classified as Schedule A+ which encourages consultation with the local community, so citizens have the opportunity to engage their municipal government</p> <p>These types of projects are also being proposed for exemption for road projects and are exempt from O. Reg. 231/08 (Transit Regulation).</p> |
| T4 | Appendix 1 | <p>13. Reconstruction of water crossing where the reconstructed facility will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (capacity refers to hydraulic capacity). Schedule A+</p> <p>14. Reconstruction of water crossing where the reconstructed facility will not be for the same purpose, use, capacity and at the same location as the facility being reconstructed (capacity refers to hydraulic capacity). Schedule B</p> | <p>13. Reconstruction of water crossing where the reconstructed facility will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (capacity refers to hydraulic capacity). Remains Schedule A+; increases in hydraulic capacity are shifted from Schedule B to Schedule A+</p> <p>14. Reconstruction of water crossing where the reconstructed facility will not be for the same purpose, use, capacity or at the same location as the facility being reconstructed (capacity refers to hydraulic capacity). Remains Schedule B</p> | <p>The hydraulic capacity is no longer included as a trigger. Raising a bridge to match road grades or to meet minimum clearances above high-water elevations or widening a bridge to reduce the impact on the shoreline should not trigger a higher level of assessment. Raising a bridge higher above a river has no adverse impacts. Increasing the span of the bridge has less impact on the shoreline so increasing the hydraulic capacity actually reduces the potential for adverse impacts on the environment.</p> <p>However, if the hydraulic capacity of the bridge is part of the flood control system for the water course then item 63 "Modify existing water crossings for the purposes of flood control" from the Water/Wastewater table applies and the project is Schedule B.</p> |

| # | Section | Current Text | Proposed Amendment Additions in Red | MEA's Rationale |
|----|------------|--|--|--|
| T5 | Appendix 1 | 18. Reconstruction of linear components of a transit system for different vehicle technology where there is no change in footprint or general purpose traffic operations. Schedule B | 18. Reconstruction of linear components of a transit system for different vehicle technology where there is no change in footprint or general purpose traffic operations. Shift from Schedule B to Schedule A+ | For project 18, the impacts on the natural environment from this type of project are minimal as there is no new disturbance associated with these types of undertakings. Other environmental impacts, for example social impacts, are best addressed by communication directly between the proponent and the stakeholders. Projects of this type should be classified as Schedule A+ which encourages consultation with the local community so citizens have the opportunity to engage their municipal government. This is consistent with similar road projects (for example re-designating a road to one-way traffic). These projects are also exempt from O. Reg 231/08 (Transit Regulation). |
| T6 | Appendix 1 | 29. Construction of new grade separation. Schedule B | 29. Construction of new grade separation Shift from Schedule B to C | New grade separations are shifted from Schedule B to C to be consistent with Ontario Regulation 231/08 (Transit Regulation) and the proposed changes to the roads schedules. |
| T7 | Appendix 1 | 30. Construction of new maintenance facilities not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses. Schedule B 31. Construction of new maintenance facilities in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses. Schedule C | 30 Construction of new maintenance facilities not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses. <i>provided the project is subject to Planning Act requirements and complies with municipal and other requirements</i> Combine items and shift to Schedule A+ | The Government's 2019 Discussion Paper: Modernizing Ontario's EA Program identified that a priority was to eliminate duplication between environmental assessment and other planning and approvals. The primary issue that relates to the MCEA is potential duplication with the Planning Act. Subject to Planning Act Requirements is defined in the MCEA and means that the project must conform to the normal standards established in the zoning bylaw such as setbacks, buffering, grading, drainage and stormwater management, parking, traffic flow etc that are appropriate and apply to the project. The Planning Act process could involve preparing a detailed inventory of the environment around the proposed project (including identifying residential land-use or an environmentally-sensitive area such as natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses), evaluating the impacts of the project on the various aspects of the environment and developing mitigation measures. The process also ensures stakeholder input and consideration of environmental features such as natural heritage, cultural heritage and archaeological resources. At the conclusion of the process, the proponent must demonstrate that the project conforms with the Official Plan conforms with the zoning bylaw and then where required obtain permission to develop through site plan. |

| # | Section | Current Text | Proposed Amendment Additions in Red | MEA's Rationale |
|----|------------|---|--|--|
| | | | | <p>Requiring a Schedule B or C MCEA process would involve presenting the same detailed inventory of the environment around the proposed project and the same mitigation measures to the same stakeholders, which would duplicate the Planning Act requirements.</p> <p>If the construction of a new maintenance facility is in a jurisdiction where it not be subject to Planning Act requirements, then the projects without Planning Act approval would be subject to Schedule C of this Class or they should follow the O Reg 231/08 process.</p> <p>Schedule A+ makes maintenance facilities for municipal transit consistent with maintenance facilities for municipal road/water/wastewater departments</p> |
| T8 | Appendix 1 | <p>32. Construction of new storage facilities not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses. Schedule A</p> <p>33. Construction of new storage facilities in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses. Schedule B</p> | <p>32 Construction of new storage facilities not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses provided the project is subject to Planning Act requirements and complies with municipal and other requirements. Combine items and shift to Schedule A+</p> | <p>The Government's 2019 Discussion Paper: Modernizing Ontario's EA Program identified that a priority was to eliminate duplication between environmental assessment and other planning and approvals. The primary issue that relates to the MCEA is duplication with the Planning Act. Subject to Planning Act Requirements is defined in the MCEA and means that the project must conform to the normal standards established in the zoning bylaw such as setbacks, buffering, grading, drainage and stormwater management, parking, traffic flow etc that are appropriate and apply to the project. The Planning Act process could involve preparing a detailed inventory of the environment around the proposed project (including identifying residential land-use or an environmentally-sensitive area such as natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses), evaluating the impacts of the project on the various aspects of the environment and developing mitigation measures. The process also ensures stakeholder input and consideration of environmental features such as natural heritage, cultural heritage and archaeological resources. At the conclusion of the process, the proponent must demonstrate that the project conforms with the Official Plan conforms with the zoning bylaw and then obtain permission to develop through site plan approval, if required.</p> |

| # | Section | Current Text | Proposed Amendment Additions in Red | MEA's Rationale |
|---|---------|--------------|--|---|
| | | | | Requiring a Schedule B or C MCEA process would involve presenting the same detailed inventory of the environment around the proposed project and the same mitigation measures to the same stakeholders and may duplicate the Planning Act requirements. |

| | | | | |
|----|------------|---|--|--|
| T9 | Appendix 1 | <p style="text-align: center;">SCHEDULES</p> <p>Schedules of Municipal Transit Projects under the Class Environmental Assessment.</p> <p>Section is deleted and replaced with the following:</p> <p>The following schedules are intended to assist proponents in understanding the status of various projects.</p> <p>In 2007, the Municipal Transit Projects Chapter was added to the Municipal Class EA. This provided municipalities with a streamlined process for planning and implementing transit projects under the EA Act.</p> <p>In 2008, O. Reg. 231/08, the Transit Projects and Metrolinx Undertakings regulation (the transit regulation) made under the EA Act came into effect, providing an alternative streamlined assessment process for transit projects to that in this class environmental assessment. In accordance with subsection 2(6) of O. Reg. 231/08, proponents must provide written notice to the Director of the Environmental Assessment Branch and the appropriate Regional Director of the Ministry if they intend to proceed with the process set out in this class environmental assessment where the Transit Assessment Process otherwise applies. The notice must clearly state that the proponent intends to proceed with their undertaking pursuant to the Municipal Class EA process.</p> <p>Proponents should note that transit projects that include heavy rail cannot proceed pursuant to the Municipal Class EA but rather must proceed pursuant to the Transit Assessment Process set out in the transit regulation.</p> <p>If a proponent chooses to proceed in accordance with the Class EA, the proponent shall review all applicable schedules to ensure the correct schedule is selected. In cases where components of a single project fall within more than one Schedule, the more rigorous Schedule shall apply, unless that project is exempt from the Environmental Assessment Act (Schedule A and A+ projects). Proponents</p> | | Introduction section updated to reflect changes introduced by Bill 108 and mesh with amended project descriptions. |
|----|------------|---|--|--|

are encouraged to refer to the associated Companion Guide section for an explanation of each project definition and advise related to those activities/project types.

Key considerations when screening potential effects are outlined in Appendix 3 and include requiring property, affecting watercourses, affecting fisheries, affecting significant natural heritage features (e.g. woodlots and wetlands), or having impacts which are considered significant to your community.

Overlap Between EA Approvals:

Where two or more components of a project are not covered entirely within the roads schedules, the water and wastewater schedules, or the transit schedules, it will be necessary to plan the project under the more rigorous of the schedules. For example, a project consisting of a new road or transit facility crossing a new dyke could not be planned in its entirety under the roads, the water and wastewater, or the transit schedules. In such cases, the proponent shall plan the project in accordance with all applicable requirements but may document the planning process in one Project File or ESR.

The decision to proceed under one set of schedules rather than another shall not be open to challenge nor be grounds for a request for a Part II Order.

Background Studies

Background Studies are exempt from the Class EA process