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**REPORT TITLE:**     **Transfer of Embleton Road from the Region of Peel to the City of Brampton**

**FROM:**                Kealy Dedman, Commissioner of Public Works

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## **RECOMMENDATION**

**That Regional Road 6 (Embleton Road), from Regional Road 1 (Mississauga Road) to Regional Road 19 (Winston Churchill Boulevard) in the City of Brampton, be transferred from the Region of Peel to the City of Brampton, effective October 15, 2021, as outlined in the report of the Commissioner of Public Works, listed on the September 23, 2021 Regional Council agenda, titled “Transfer of Embleton Road from the Region of Peel to the City of Brampton”;**

**And further, that the necessary by-laws be presented for enactment to amend Regional Road System By-law 95-2007 and Region of Peel Traffic By-law 15-2013 by removing Regional Road 6 (Embleton Road) from Schedule “A” of the subject by-laws, effective October 15, 2021;**

**And further, that upon enactment of the subject by-laws, staff be authorized to take all required steps to affect the transfer, including authorizing the Commissioner of Public Works to enter into and amend any necessary agreements, on legal terms satisfactory to the Regional Solicitor;**

**And further, that a copy of the subject report be forwarded to the City of Brampton, City of Mississauga, Town of Caledon, and the Ministry of Transportation, for information;**

**And further, that a copy of this resolution and necessary amending By-laws be forwarded to the Peel Regional Police and the Ontario Provincial Police.**

## **REPORT HIGHLIGHTS**

- In 2011, Regional Council approved the Arterial Road Rationalization Review as per Resolution 2011-681 related to the report of the Commissioner of Public Works, dated June 7, 2011, titled “Arterial Road Rationalization Review Phase II Project Update, Capital Project 08-4325 - All Wards”.
- The purpose of the Arterial Road Rationalization Review was to conduct a re-balancing of arterial road jurisdiction within the Region based on a package of recommendations resulting from a comprehensive technical and consultative process.
- The process recommended Option 4A, which proposed the transfer of seven sections of road inventory between the Region and local municipalities.
- As part of the Review, Regional Council approved, in principle, the jurisdictional transfer of Regional Road 6 (Embleton Road) from the Region of Peel to the City of Brampton between the limits of Regional Road 1 (Mississauga Road) and Regional Road 19 (Winston Churchill Boulevard).

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- Since that time Regional staff have initiated various activities including drafting title transfer documents, updating maintenance agreements for streetlighting and traffic signals schedules and undertaking required maintenance work and reapplication of pavement marking.
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### DISCUSSION

#### 1. Background

In November 2005, Regional Council directed staff, working in conjunction with local municipal staff, *“to review the criteria for designating a road as upper-tier and to undertake a review to rationalize the arterial road network”* (as per Resolution 2005-1363). In response, Regional and local municipal staff undertook the Arterial Road Rationalization (ARR) Review to conduct the jurisdictional re-balancing of arterial roads within the Region.

A working group, consisting of Regional and local municipal staff was formed, and it was agreed to approach the study in two phases: Phase One - Identification of Arterial Roads and Phase Two - Road Rationalization - Review of Financial Impacts, Jurisdiction, Service and Planning Implications. The Review was completed between 2005 and 2011, including comprehensive technical analyses and stakeholder consultation.

As part of Phase I, all roads within Peel, regardless of jurisdiction, were classified based on the following criteria:

- Service function
- Traffic flow
- Connectivity
- Truck and transit
- High volumes

Phase I identified nine jurisdictional options using the criteria defined above. During Phase II, performance measures were introduced to elected officials and municipal/regional staff who rated these measures from highest level of importance to lowest. The top five performance measures were selected as: Financial, Service Delivery, Customer Service, Network Effectiveness and Planning. The five measures were used to evaluate the nine jurisdictional options defined in Phase I.

The outcome of the Review was the recommendation to implement Option 4A, which involved the transfer of seven sections of road inventory between the four municipalities. These transfers were recommended to provide suitable responsibility to the appropriate municipality, based on the criteria developed in Phase I. This option resulted in a net increase of 60 lane-kilometres of arterial roads being transferred to the Region.

In June 2011, further to the report titled *“Arterial Road Rationalization Review Phase II Project Update, Capital Project 08-4325 - All Wards”* (Resolution 2011-681), Council approved, in principle to implement the jurisdictional transfers recommended under Option 4A.

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Since that time, two arterial road segments have been transferred between municipal jurisdictions:

- The portion of Coleraine Drive located north of Mayfield Drive was transferred from the Town of Caledon to the Region of Peel in June 2014, and
- The portion of Coleraine Drive south of Mayfield Drive was transferred from the City of Brampton to the Region of Peel in June 2016.

### **2. Proposed Approach**

Following the transfer of Coleraine Road segments, and consistent with Option 4A, Regional and local municipal staff began preparations for the jurisdictional transfer of Embleton Road. Embleton is a 2.9-kilometre (5.8 lane-kilometre) arterial road currently under the jurisdiction of Region of Peel proposed to be transferred to the City of Brampton (see Appendix II).

Embleton Road has been selected as the third jurisdictional transfer as all the current capital projects have been completed and there are no ongoing contractual commitments. Embleton Road will be the first road among Option 4A to be downloaded or transferred from the Region of Peel to a local municipality, rather than uploaded.

Applying the criteria developed as part of the ARR Review and described in Section 1 of this report, it can be concluded that Embleton Road meets the requirements of the minor arterial roadway but does not satisfy the major arterial roadway criteria. Embleton Road is considered a low volume road with limited connectivity to the broader transportation network. Therefore, the downloading of Embleton Road will be advantageous to both the Region and the City of Brampton as it will allow the City to manage the road in a manner consistent with its existing local road network.

Region of Peel and City of Brampton staff have already progressed through preparatory work required to transfer jurisdiction of the road, including provisions such as:

- Legal and Real Estate - Regional staff are working with the City of Brampton staff to address any outstanding title issues prior to the effective date, and to draft title transfer documents to convey the lands with a registration date of October 15, 2021.
- Traffic Operations – Regional staff will update the maintenance agreements for streetlighting and traffic signals schedules once the transfer is approved. Brampton staff are also completing an asset inventory and safety audit as part of the transfer.
- Operations and Maintenance – Regional staff will complete required maintenance work and reapplication of pavement marking prior to the transfer date. Regional staff will also provide maintenance status records to the City.

Regional and City staff are working towards an effective date of October 15, 2021 for the jurisdictional transfer.

### **3. Implementation Recommendations**

This section outlines the necessary adjustments to Regional By-laws and Official Plan Schedules to effect the transfer.

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### Required Updates to Regional By-laws

#### a) Regional Road System By-law 95-2007

That Embleton Road, as shown in Appendix II, be removed from Schedule “A” of the Regional Road System By-law 95-2007, effective October 15, 2021.

It should be noted that Section 52 of the *Municipal Act* states that an upper-tier municipality may remove a highway from its system and once removed, the highway is under the jurisdiction of the lower-tier municipality in which the highway is located. Thus, once Regional Council approves the transfer and related by-law amendments, the transfer of Embleton Road will take effect on October 15, 2021.

#### b) Region of Peel Traffic By-law 15-2013

That the following regulations be removed from Schedule “A” of the Region’s Traffic By-law, effective October 15, 2021:

##### i) Parking Prohibited

- Regional Road 6 (Embleton Road) north side from a point 520 metres west of Regional Road 1 (Mississauga Road) to a point 885 metres west of Regional Road 1 (Mississauga Road).

##### ii) Stop Prohibited

- Regional Road 6 (Embleton Road) both side from Regional Road 1 (Mississauga Road) to Cliffside Drive.

##### iii) Through Highway

- Regional Road 6 (Embleton Road) from the west limit of Regional Road 1 (Mississauga Road) to the centre line of Regional Road 19 (Winston Churchill Boulevard).

##### iv) Maximum Rate of Speed

- 40 kilometres per hour on Regional Road 6 (Embleton Road) from 250 metres west of Cliffside Drive to 270 metres east of Heritage Road from 8:45 a.m. to 9:45 a.m. and 3:00 p.m. to 4:00 p.m. on school days.
- 50 kilometres per hour on Regional Road 6 (Embleton Road) from Regional Road 1 (Mississauga Road) to Heritage Road.
- 60 kilometres per hour on Regional Road (Embleton Road) from Heritage Road to the boundary between the Region of Peel and the Region of Halton.
- the west limit of Regional Road 1 (Mississauga Road) to the centre line of Regional Road 19 (Winston Churchill Boulevard).

##### v) Heavy Truck Restrictions

- Regional Road 6 (Embleton Road) from Regional Road 1 (Mississauga Road) to Regional Road 19 (Winston Churchill Boulevard).

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### **Regional Official Plan Amendment**

Following Regional Council approval of the transfer of jurisdiction for Embleton Road, a Regional Official Plan Amendment (ROPA) will be required to remove Embleton Road in its entirety from Schedule F (Regional Road Mid-Block Right-of-Way Requirements) of the Region of Peel Official Plan. This change will be proposed in the Peel 2051 Official Plan Review which will be brought forward for Council adoption in Early 2022.

### **RISK CONSIDERATIONS**

Region of Peel and City of Brampton staff will ensure that any potential risks associated with the transfer are mitigated or eliminated. The risk to the Region in relation to the transfer is considered to be low.

The effective transfer date of October 15, 2021 has been selected to ensure that the City can effectively assume road operations and maintenance tasks before the start of the winter season. Should the transfer not be approved in the early fall, it leaves little time for the City of Brampton to adequately prepare for the winter maintenance season.

### **FINANCIAL IMPLICATIONS**

#### **Arterial Road Rationalization Review**

The City of Brampton will assume all costs related to Embleton Road once the transfer from the Region to the City is complete. This is the same approach as the previous transfers of two Coleraine Drive segments from the Town of Caledon and the City of Brampton to the Region of Peel, wherein the Region assumed all costs related to the road including a transfer of debt from the Town of Caledon.

The ARR Review was developed with the objective of cost neutrality. Overall cost neutrality is achieved when a relatively similar length of road network is both uploaded and downloaded from the area municipalities to the Region. To determine the cost neutrality of each option, the ARR Review examined both the operational costs and capital costs of the proposed transfers, including itemized expenditures related to development charge improvements, if applicable. Council Resolutions 2011-681 and 2013-371 (Appendix III) follow an overall cost neutrality principle as relatively the same length of road network was to be uploaded and downloaded under the Option 4A of the ARR Review recommendation. Option 4A downloads approximately 40 lane-km to local municipalities, while uploading 106 lane-km from them, resulting in a difference of only 66 lane-km. This option was identified to be one of the more cost neutral options, contrasting against some options that demonstrated a difference of over 800 lane-kms being uploaded or downloaded.

In summary, the jurisdictional transfers included as part of Option 4A, considered individually, will result in savings for the downloading municipality and costs for the uploading municipality. However, the overall impact of the transfers in totality is generally cost neutral.

#### **Embleton Jurisdictional Change**

The transfer of the Embleton Road will shift approximately \$37,000 in operating costs per year from the Region to the City of Brampton. Additionally, the Embleton Road transfer will result in a shift of three new intersection projects associated with Embleton Road from the Region to the

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City of Brampton. These projects are currently included in the Region's 2021 10-Year Capital Plan in years 2024, 2026 and 2027 and amount to approximately \$3 million. These are primarily funded from Transportation Development Charges Reserve Fund.

Subject to Council approval of the jurisdiction transfer, the removal of the projects will be reflected in Region's 2022 Operating and Capital Budgets and Plan, as well as in the Region's next Development Charge Background Study.

### **CONCLUSION**

Region of Peel and City of Brampton staff will continue to work collaboratively to ensure all necessary steps are completed for the successful jurisdictional transfer of Embleton Road, effective October 15, 2021. City of Brampton staff have separately engaged Brampton Council, and will be taking a similar report to update their Council once Regional Council approves the transfer.

### **APPENDICES**

Appendix I – Map of Option 4A

Appendix II - Map of Embleton Road Transfer from Mississauga Road to Winston Churchill  
Boulevard

Appendix III – Council Resolutions

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