

# **The Regional Municipality of York**

Committee of the Whole  
Transportation Services  
April 13, 2023

Report of the Commissioner of Public Works

## **Simcoe Promenade Bus Rapidway Construction, Operation and Maintenance Agreements**

### **1. Recommendations**

1. Council authorize the Commissioner of Public Works to:
  - a) Enter into a “Permission to Enter and Construct” agreement with the City of Markham and York Region Rapid Transit Corporation for construction of the Simcoe Promenade bus rapidway
  - b) Amend the existing Licence to Operate and Maintain Transit Rapidways agreement dated, July 22, 2010, to include the Simcoe Promenade bus rapidway
2. The Commissioner of Public Works be authorized to execute the agreements and any future extensions or amendments to the Simcoe Promenade bus rapidway, if required.
3. This report be circulated to the York Region Rapid Transit Corporation, City of Markham, and The Remington Group.

### **2. Summary**

This report seeks Council authorization to enter into a Permission to Enter and Construct agreement with the City of Markham and York Region Rapid Transit Corporation (YRRTC) and amend the operating and maintenance agreement with the City of Markham to include the Simcoe Promenade bus rapidway – Birchmount Road to Andre De Grasse Street, in Markham Centre. The Simcoe Promenade bus rapidway is located within Markham road right-of-way therefore an agreement is required.

Key Points:

- The Simcoe Promenade project entails design and construction of a segment of dedicated bus rapidway between Birchmount Road and Andre De Grasse Street in Markham Centre

- On May 19, 2021, YRRTC received Board approval to award and execute contracts and agreements for the design and construction of the Simcoe Promenade bus rapidway. Work is progressing on the project
- Capital funding of \$1.8 million for the Simcoe Promenade bus rapidway is included in the YRRTC 2023 Multi Year Capital Expenditures budget. Increased costs to both operate and maintain the transit service will be included as part of the 2024 budget approval process
- Permission to enter and construct is required from Markham to facilitate construction of the rapidway on property owned by Markham
- An amendment is required to the existing Licence to Operate and Maintain Transit Rapidways (O&M) agreement, between the Region and Markham, in order to operate the Simcoe Promenade bus rapidway
- The agreements will provide access to the required lands for construction of the rapidway, and ensure ongoing operation and maintenance of the rapidway once complete

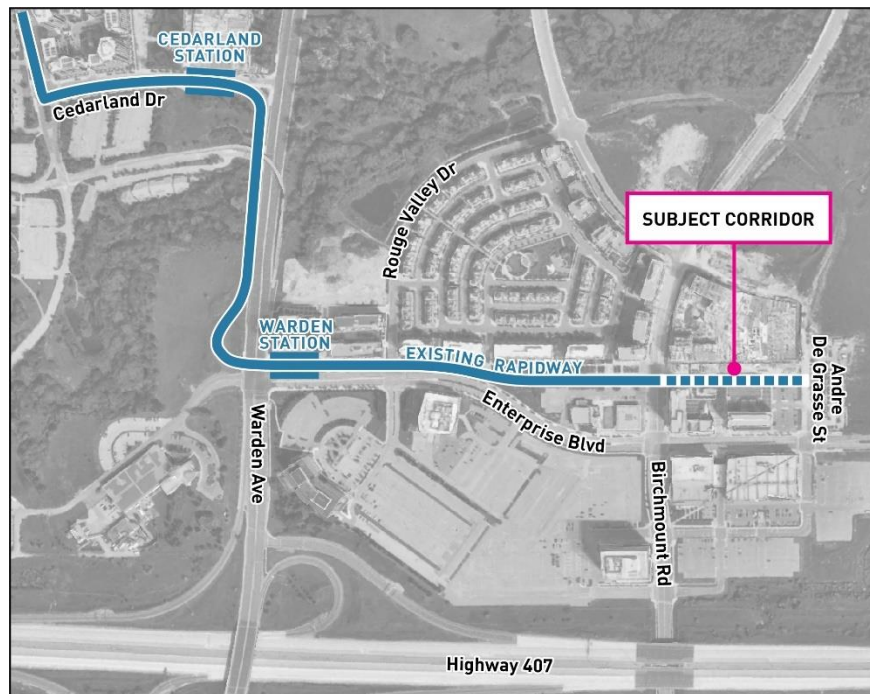
### **3. Background**

#### **Simcoe Promenade is an extension of the bus rapidway in Markham Centre**

The Simcoe Promenade bus rapidway is a 210-metre section of dedicated rapidway between Birchmount Road and Andre De Grasse Street, in Markham Centre (shown in Figure 1). This segment is a continuation of the dedicated rapidway through Markham Centre that currently ends at Birchmount Road. Further easterly extension of the dedicated rapidway will eventually connect to the Unionville GO Station and the Cornell Bus Terminal.

**Figure 1**

**Simcoe Promenade Bus Rapidway – Birchmount Road to Andre De Grasse Street**



**Prior agreements established the bus rapidway within Markham Centre which operate within City of Markham road right-of-ways**

The segment of rapidway between Warden Avenue and Birchmount Road – west of the Simcoe Promenade bus rapidway extension, was the first segment of rapidway built, and was pursuant to Council approval in [September 2008](#). Council authorized undertaking the construction and entering into the necessary legal arrangements for the use of and operation of the rapidway with the City of Markham. This approval did not include any lands east of Birchmount Road.

The Region, YRRTC and the City of Markham previously entered into a Permission to Enter & Construct Viva Transit Rapidways agreement, dated on November 11, 2009, and amended July 17, 2013, for access to City of Markham- owned lands for construction of the bus rapidways within Markham Centre, ending at Birchmount Road.

On June 22, 2010, the Region and City of Markham executed a License to Operate and Maintain Transit Rapidways agreement, authorizing the Region to use the City's lands and rights-of-way to operate, maintain and repair the transit rapidways, within Markham Centre. The 2010 agreement accounts for the segments of rapidway already built, ending at Birchmount Road.

## **Simcoe Promenade will be constructed as part of adjacent development in Markham Centre**

Implementation of the bus rapidway within Markham Centre started in 2008 and has been coordinated with phasing of development. The Remington Group has an approved draft plan of subdivision for Markham Centre which includes residential towers and municipal streets. Coordinating construction of the rapidway with The Remington Group's development is an opportunity that will minimize disruption and impacts to the community.

The Simcoe Promenade bus rapidway will be located over parts of City of Markham-owned lands. The lands were conveyed to Markham for the rapidway right-of-way between Birchmount Road and Andre De Grasse Street in June 2008 and November 2018 by The Remington Group through its draft plan of subdivision agreements.

## **May 2021, YRRTC Board authorized entering into agreements to design and construct the Simcoe Promenade bus rapidway**

On May 19, 2021, YRRTC received Board approval to award and execute contracts and related agreements, including those with The Remington Group, for design and construction of the Simcoe Promenade bus rapidway.

## **4. Analysis**

### **Work is advancing on Simcoe Promenade bus rapidway in collaboration with adjacent development**

YRRTC and The Remington Group have been coordinating the detailed design and construction of the Simcoe Promenade bus rapidway as part of adjacent development.

The Remington Group will undertake the detailed design, tendering and construction of the rapidway. Detailed design will be completed in Q1 2023. The construction tender is expected to be issued in Q2 2023 with construction planned for Summer/Fall 2023.

The design and construction contractual arrangements will be between YRRTC and The Remington Group, per the YRRTC Board authorization. Given that The Remington Group operates as part of Neamsby Investments Inc., parties will enter into an assignment agreement for the purpose of assigning the construction contract from The Remington Group to Neamsby Investments Inc.

### **Construction of the Simcoe Promenade Rapidway on City of Markham lands requires a Permission to Enter and Construct agreement**

A Permission to Enter and Construct (PTEC) agreement is required between the Region, YRRTC, and the City to allow for access to the rapidway lands for construction of the Simcoe Promenade bus rapidway. The Region being signatory to the PTEC is a requirement of the City of Markham and is important for preservation of the Region's rights, entitlements, and

interests. The agreement will outline the rights and obligations of the Region, YRRTC and Markham.

### **Existing transitway Operation and Maintenance agreement requires amendment to include the Simcoe Promenade bus rapidway**

The existing June 2010, Licence to Operate and Maintain Transit Rapidways agreement between the Region and Markham requires amending to include the Simcoe Promenade bus rapidway. The only amendment anticipated is to include the Simcoe Promenade bus rapidway lands in the “Permission Lands” listed in the O&M agreement. By adding the Simcoe Promenade bus rapidway to the “Permission Lands”, this segment of rapidway will be subject to the same terms and obligations as the completed rapidway network within Markham Centre.

## **5. Financial**

Capital funding of \$1.8 million for the Simcoe Promenade bus rapidway is included in the YRRTC 2023 Multi-Year Capital Expenditures budget, endorsed by the YRRTC Board and approved by Council on February 23, 2023. There are no property costs associated with the project as the right-of-way was conveyed as part of the subdivision process to the City of Markham.

Operation and maintenance of the rapidway is shared between the Region and the City of Markham through amendment of the existing License to Operate and Maintain Transit Rapidways agreement. Increased costs to both operate and maintain the transit service will be included as part of the 2024 budget approval process.

## **6. Local Impact**

Construction of the Simcoe Promenade bus rapidway in coordination with The Remington Group’s development construction, will minimize disruption and impacts to the adjacent and surrounding community.

The agreements required to be executed will allow for construction and operation of this segment of rapidway, advancing the Bus Rapid Transit network in Markham Centre and providing opportunity for traveller connections to the Unionville GO Station and eventually Cornell Bus Terminal.

## **7. Conclusion**

Continuation of the rapidway east of Birchmount Road with eventual connection to the Cornell Bus Terminal is essential to the Region’s rapid transit network. The Simcoe Promenade bus rapidway is an important link in this eastern segment of the rapidway network, required to support the growth and development of the Region.

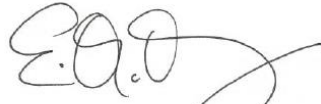
This report seeks Council approval to enter into the necessary agreements with the City of Markham to facilitate access, construction, operation and maintenance of the Simcoe Promenade bus rapidway from Birchmount Road to Andre De Grasse Street, in Markham Centre. Execution of these agreements is critical to successful implementation of the Simcoe Promenade bus rapidway.

Subject to Council approval, the Regional Solicitor will prepare the necessary documents.

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For more information on this report, please contact Brian Titherington, Director of Operations at 1-877-464-9675 ext. 75901. Accessible formats or communication supports are available upon request.

Recommended by:



**Erin Mahoney, M.Eng.**  
Commissioner of Public Works

Approved for Submission:



**Bruce Macgregor**  
Chief Administrative Officer

March 24, 2023  
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