

Donald Booth
June 8, 2020 @ 4:30pm
Remarks regarding Bill 171

I would like to thank the members of the committee for allowing me the privilege of addressing you on Bill 171. My remarks will focus primarily on the TPAP process.

I fully support improved transit. My neighbours living a few metres from the tracks support improved transit. We need a clear and fair process so that improved transit does not make our lives miserable.

I have been a founding member of the Lakeshore Community Advisory Committee since 2017, a committee created at Metrolinx's request and composed of representatives from communities along the Lakeshore East and Ontario Line. I have been to countless meetings with Metrolinx where things have been promised, then forgotten, personnel have changed, input completely disregarded, the most minor and inexpensive requests denied. It's a process that frustrates the community and demonstrates again and again that Metrolinx is not working in good faith.

You can't legislate good faith. You can legislate meaningful standards and due process.

I live along a stretch of track where the planned service improvements will require an additional track to be built. Construction will take place between 1 and 5 am, on and off, for about three years.

During the construction period our issues will be:

- Timely and effective notice of construction
 - Contractor's code of behaviour
 - Immediate and effective remediation of construction issues
- and
- Compensation for damages caused by construction

When the new service begins our issues will be:

- Noise and vibration from passing trains

and

- Timely and effective notice of maintenance

While all these issues are covered by City of Toronto Bylaws, and contractors build compliance into their process, Metrolinx is exempt from municipal bylaws and has chosen not to respect them. This is not a necessary prerequisite for building new transit. It could be built while maintaining the support, even the enthusiasm, of the communities it affects.

(Timely and effective notice of construction)

Construction in our neighbourhood will go on between 1 and 5 am at unpredictable intervals over three years. It should go without saying that neighbours should receive timely notice of construction. But we don't.

At the moment Metrolinx sends emails that most servers flag as spam. These emails more or less say "We will shake you out of your bed at some point in the next six weeks. Deal with it."

We've asked Metrolinx to circulate a calendar that publishes the schedule and then a reminder shortly beforehand. With a budget of \$14 billion there would be money for stamps.

It's not a good idea to wake people up in the middle of the night. What if one of those people is your surgeon? Or what if it's me and I fall asleep while driving on the 401?

With work taking place in the middle of the night, deep in quiet residential areas a code of conduct for contractors would be helpful along with a 24-hour hotline that can immediately address problems as they arise. Cities write this sort of thing into their bylaws; contractors comply without difficulty. This should be written into the legislation.

Some damage to buildings is inevitable and there are certain to be a few claims. The Province insures itself and Metrolinx adjudicates the claims. As far as I know they have never paid. Your legislation can and should contain clear criteria for the claims process and assign an expert third party to adjudicate claims. Residents

living next to heavy construction should receive a “damage claim kit” before construction begins.

Once the service is operating, the major issue will be noise and vibrations from trains.

Current noise abatement relies upon an interim protocol drafted 1995. It is byzantine and riddled with loopholes. My neighbourhood provides a common example.

Homes on both sides of the tracks have bedroom windows only a few metres from the sometimes-thundering trains. Both sides will suffer through service running every 3.5 minutes from 5am until 1am with empty trains shuttling through during the remaining hours.

Under current regulations Metrolinx will build noise barriers along the north side of the tracks but not the south side.

Why? The new track on the north side adds “new noise.” The old noise was just fine. The frequency of trains and the almost 24 hour schedule are irrelevant.

But even these modest plans may fail. As engineers look at the details of construction and as pressure on budgets mount the proposed noise barriers could be stricken from the plan as too expensive, too complex or operationally inconvenient.

Other jurisdictions have done much better. California has capped maximum noise levels. They measure at the loudest, not the average, as Ontario is doing.

The number of trains matters, as well as the extended hours.

The interim regulations of 1995 have no place in the Ontario of the second quarter of the 21 century. It’s time for legislation that reflects Ontario as it is today. If people know they are likely to be able to sleep at night they will more readily embrace additional service.

The problems that I have described are symptomatic of the entire false process.

A mayor once explained how things actually work: Embarrass Metrolinx – not the government of the day. Make Metrolinx look evil enough that the government can swoop in and save the day, taking credit for building transit and for correcting their wayward underling, Metrolinx. Metrolinx employees have quietly expressed the same opinion.

Bill 171, as now written, does nothing more than codify the situation as it exists. That is, it sweeps away any pretence of consultation, honest and effective regulation or due process. It replaces it with advertising and spin promoting transit that everyone wants anyway. Loud political maneuvering is left as the only way that communities can defend themselves from degradation and sometimes destruction.

But if you reign-in Metrolinx with a set of fair rules and regulations that honestly balance respect for communities with needs of the province at large and couple them with due process and you can restore trust. Demonstrate that transit will not be built at the expense of the tens of thousands of people living along the tracks and we will buy in. Everyone knows that transit has been delayed for decades.

We are all waiting for the same train.

Give us due process. Restore trust.