



**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, MARCH 14, 2018**

SUBJECT **Municipal Consideration of Proposed Transportation Service Bylaw**

ISSUE

To report back on municipal responses received from referral of proposed Bylaw 4093, Regional Transportation Service Bylaw.

BACKGROUND

At its November 8, 2017 meeting, the Capital Regional District (CRD) Board gave the proposed Bylaw 4093 three readings, and referred the bylaw to the Inspector of Municipalities for approval.

At the January 10, 2018 meeting, the proposed bylaw was amended as suggested by Ministry staff. At the same meeting, the Board also passed motions to postpone a decision on how to obtain elector approval of the bylaw and to seek feedback from municipalities on their support for the amended proposed bylaw.

DISCUSSION

On January 12, 2018 a request for feedback was sent by the Corporate Officer to all municipalities. A copy of the distributed package is included in Appendix A. The responses are summarized below. Related correspondence is in Appendix B.

In Favour

District of Highlands
District of Oak Bay (conditional)
District of Saanich
Town of Sidney
Town of View Royal

Opposed

District of Central Saanich
City of Colwood
Township of Esquimalt
City of Langford
District of Metchosin
District of North Saanich
District of Sooke
City of Victoria

The Board directed that correspondence be sent to municipalities. As such, the three electoral areas were not canvassed. The Juan de Fuca Electoral Area Director, however, submitted an email indicating opposition.

ALTERNATIVES

Alternative 1

- a) That the Capital Regional District Board defeat the January 10, 2018 postponed motion to "Direct staff to initiate a region-wide Alternate Approval Process (AAP) as identified in Section 345 of the *Local Government Act* to meet the legislative requirement for voter approval in relation to Bylaw 4093."; and
- b) That the Capital Regional District Board direct staff to cease work on advancing a regional transportation service.

Alternative 2

That the Capital Regional District Board refer the report back to staff for further information.

IMPLICATIONS

Legislative Implications

The package of information sent to municipalities as directed at the January Board meeting was not an official referral for municipal consent as required for service bylaw approval under the *Local Government Act*. Therefore, if the Board wishes to proceed with the service it could still decide to pursue an approval process: either an official municipal consent process/electoral area alternate approval (AAP) process, or a region-wide alternate approval process (counter-petition), or a region-wide referendum.

While legislatively possible to proceed with an approval process, municipal feedback suggests that support for such is not in place. Municipal consent would require unanimous municipal support and successful Electoral Area AAPs. A region-wide AAP would require 2/3 Board support. A referendum would require majority Board support.

Absent agreement on an approval process, Transportation Service Bylaw 4093, which sits at third reading, cannot be advanced. The January 10, 2018 motion regarding advancement of an AAP was postponed and must be dealt with. The Board can either defeat the motion (Alternative 1) or approve it.

Feedback Implications

A *regional* transportation service will only be effective if all parts of the region participate. The feedback provided through the referral process clearly indicates that complete support is not currently in place. Furthermore, feedback indicates opposition to use of an AAP as the method for obtaining electoral approval.

It would appear that there is currently widespread agreement that the region faces critical transportation issues and that the status quo governance structures are not satisfactory. There is not yet agreement on how to resolve the situation despite agreement by the Board that transportation is a regional priority.

Governance Implications

Over past months, multiple conversations about the region's transportation governance have taken place amongst local, regional and provincial elected officials. At the same time, senior governments have been deliberating on transportation infrastructure investments/funding. At present, the capital region has no collective voice with which to influence senior government decisions.

As the entity setting the framework for local and regional jurisdiction, and as the government responsible for highways and transit, the Province is a key player. The Chair of the Board sent a letter to the Province requesting clarity on its position relative to CRD discussions of a transportation service (Appendix C). As of the date of writing this report, a response on the provincial position had not yet been received.

In the absence of a CRD transportation service, the CRD Board could: encourage a strong regional voice on regional transportation matters including ferries, rail and transit; advocate to senior levels of government to support major multi-modal transportation projects which support

the region's sustainability measures; and advocate for regional transit priorities to the Victoria Regional Transit Commission. These functions are provided for within the Terms of Reference of the CRD's Transportation Committee.

Strategic Implications

The transportation service was pursued because the CRD Board identified establishment of a regional transportation service as among its 2015-2018 Board priorities. The establishment of a Transportation Service also aligned with the recommendations of the Regional Transportation Plan (RTP) and the Transportation Service Feasibility Study. The Transportation Service Feasibility Study indicated that the creation of a transportation service would best achieve the actions identified in the RTP.

Until advised otherwise by the Board, staff are working to advance the Board's Strategic Priority. If there is no Board desire to proceed with an electoral approval process, then the Service cannot be advanced. In that case, it is recommended that staff be formally directed to cease work on the service, as provided for in Alternative 1.

In the absence of a transportation service, staff would continue to manage regional trails, plan, collect and analyze data and foster partnerships, as per current service mandates. The Board can continue to advocate as referenced in the Transportation Committee Terms of Reference.

CONCLUSION

The amended Regional Transportation Service Establishment Bylaw, No. 4093 was referred to all municipalities to obtain an indication of each Council's support. Feedback has now been received from all municipal Councils. Without broader support, it is recommended that a regional transportation service not be further advanced at this time.

RECOMMENDATIONS

- a) That the Capital Regional District Board defeat the January 10, 2018 postponed motion to "Direct staff to initiate a region-wide Alternate Approval Process (AAP) as identified in Section 345 of the *Local Government Act* to meet the legislative requirement for voter approval in relation to Bylaw 4093."; and
- b) That the Capital Regional District Board direct staff to cease work on advancing a regional transportation service.

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JH/SB

Attachments: Appendix A – Package sent to Municipalities January 12, 2018
Appendix B – Municipal Correspondence
Appendix C – Provincial Correspondence