

DATE: February 6, 2020

FILE: 6410-20 RGS

TO: Chair and Directors
Committee of the Whole

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

**RE: Regional Growth Strategy – Regional
Transportation Memorandum of Understanding**

Purpose

The purpose of this report is to seek board support to advance a Regional Growth Strategy (RGS) Memorandum of Understanding (MOU) respecting regional transportation planning and advocacy in response to the recommendations of the Integrated Regional Transportation Select Committee (IRTSC).

Recommendation from the Chief Administrative Officer:

THAT the Regional Transportation Memorandum of Understanding (MOU), as attached to the staff report dated February 6, 2020 be presented to the Village of Cumberland, Town of Comox, City of Courtenay, Ministry of Transportation and Infrastructure and School District No. 71;

AND FURTHER THAT the MOU be presented by way of a delegation to each of the member municipalities that consists of staff and the chair and/or vice-chair of the Integrated Regional Transportation Select Committee;

AND FURTHER THAT K'ómoks First Nation be engaged to determine their interest in becoming a signatory to the MOU;

AND FINALLY THAT staff provide a report summarizing the feedback of the parties.

Executive Summary

- Transportation within the Comox Valley Regional District (CVRD) is a growing issue with increasing pressure on the Valley's road network impacting the economic, social and environmental goals of the region.
- At the July 30, 2019 board meeting, a recommendation from the IRTSC was endorsed directing staff to engage with local municipalities and other agencies regarding the development of a regional transportation implementation agreement with a focus on regional multi-modal transportation planning and advocacy.
- Planning and advocacy respecting a regional multi-modal transportation network, including active transportation, is fully supported through the goals and policies within the Comox Valley RGS. Specifically, Goal 4 provides "Develop an accessible, efficient and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions".
- While implementation agreements are provided for under provincial statute as the mechanism for local governments, boards of education, the Provincial government and other agencies to enter into agreements respecting the coordination of activities relating to

the implementation of an RGS, staff are recommending the creation of a Memorandum of Understanding to advance early collaborative efforts towards specific implementation agreements concerning the transportation objectives outlined in the RGS

- Although the local municipalities and the Ministry of Transportation and Infrastructure have primary jurisdiction and provide much of the transportation planning, infrastructure and services within the Comox Valley, it is recognized that collaboration and integration between the various agencies, as well as cohesive advocacy and education on specific regional matters, could provide significant value.
- Staff have prepared a draft MOU (Appendix A) between the CVRD, local municipalities, the Ministry of Transportation and Infrastructure (MOTTI) and School District No. 71 (SD71) and sought feedback from staff within each of the respective parties.
- The MOU provides a mechanism for inter-jurisdictional planning and coordination for regional transportation through the assignment of such responsibilities to CVRD staff, activation of the Technical Advisory Committee (TAC) and Steering Committee and, for the purposes of governance and budget allocation for such services, confirming the CVRD Board as the decision-making body through the RGS Service, function 512.

Staff raised this matter at the TAC meeting in December of 2019. The proposed RGS budget and key projects were reviewed by the senior planning and administrative staff from the City of Courtenay, Village of Cumberland and Town of Comox. As the MOU had not yet been drafted, substantive comments were not received.

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Stakeholder Distribution (Upon Agenda Publication)

City of Courtenay	✓
Town of Comox	✓
Village of Cumberland	✓
Ministry of Transportation and Infrastructure	✓
School District No. 71	✓

Background/Current Situation

The CVRD established the IRTSC in 2016 with a dual-mandate of working towards a multi-use path along Comox Road as well as exploring different approaches to address integrated transportation. Through staff research and a survey of key stakeholders, the review respecting integrated transportation considered:

- the existing independent transportation services provided by each jurisdiction/agency and the collaboration that occurs at the staff level;
- the various service delivery and governance models for delivering regional transportation services e.g. informal partnerships, formal service establishment;
- transportation service delivery in other jurisdictions within North America; and
- potential service activities.

Recognizing the alignment of regional transportation planning and the CVRD RGS, the IRTSC expressed an interest in whether regional transportation planning and advocacy services could be provided under the existing CVRD RGS Service, function 512. This was supported by staff as the RGS legislation provides a framework to enable collaboration on transportation related matters and specifically calls for, under Goal 4, the development of “an accessible, efficient and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions”.

With this framework in mind, the IRTSC proposed a planning and advocacy service model with a focus on greenhouse gas emissions reduction, public education, links between communities and destinations and active and healthy communities. Examples of the activities that could be provided include:

- Prepare, approve and pursue implementation of a regional transportation plan within the overall context set by the CVRD’s RGS.
- Establish and coordinate committees consisting of representatives of local governments, provincial agencies and other interested parties for the purpose of the development and implementation of a regional transportation plan.
- Undertake studies, data collection and modeling activities pursuant to the development and maintenance of the regional transportation plan.
- Promote education and awareness about regional transportation issues and opportunities;
- Listen to, understand and communicate the public’s wishes in respect of regional transportation priorities and then work with transportation infrastructure providers to find ways to implement these interests.
- Coordinate or support public events and programs regarding active transportation.
- Apply for grant funding opportunities for one or more participating jurisdictions to advance regional transportation projects.

As the RGS is a strategic planning function, the service activities suggested by the IRTSC do not alter the existing authorities, jurisdiction or ownership respecting transportation services within the Comox Valley. While a more formally integrated transportation authority may provide advantages in being able to plan, administer, fund and construct a fully-functional and integrated multi-modal transportation system, this presents a significant departure from the current state. Instead, the proposed arrangement would facilitate collaboration amongst all the relevant jurisdictions to undertake “big-picture” planning, policy development and advocacy concerning the regional multi-model transportation network.

The model proposed also achieves significant efficiencies by utilizing the CVRD’s existing administrative frameworks already established through the RGS with the regional district’s ten-member Board of Directors serving as the governing body. Further, the TAC, established to support the RGS amendment process, is also able to be utilized for such transportation-related initiatives.

A draft MOU respecting regional transportation has been developed with the intent of confirming the various parties’ commitment. While the board had directed staff to develop an implementation agreement, staff are recommending that an MOU be first established to confirm support, foster collaboration and develop initial plans and strategies. As implementation agreements are provided for under provincial statute as the mechanism for local governments, boards of education, the provincial government and other agencies to enter into agreements respecting the coordination of activities relating to the implementation of an RGS, staff are proposing that such agreements be considered at a later date when potential actionable projects and initiatives respecting regional

transportation are identified. This would allow for the relevant partners to confirm the specific responsibilities, funding arrangements and other activities.

CVRD staff have undertaken initial engagement with staff within the other local governments and agencies respecting the proposed MOU. Staff raised this matter at the TAC meeting in December of 2019. The proposed RGS budget and key projects were reviewed by the senior planning and administrative staff from the City of Courtenay and Town of Comox. The initial feedback of the parties can be summarized as follows:

- School District No. 71:
Supportive of the initiative and prepared to endorse MOU.
- Ministry of Transportation and Infrastructure:
Supportive of the general concept but still reviewing the specifics of the MOU.
- City of Courtenay, Town of Comox and Village of Cumberland:
Not adequate time or detail provided to allow substantive comments.

Policy Analysis

Part 13 of the *Local Government Act* legislation outlines the purpose and content of an RGS, as well as the process for adopting and amending a strategy, how it should relate to local plans and the process for resolving disputes. In general, an RGS will provide for an agreement-seeking approach to regional issues rather than strict compliance. In this regard, the Act does not provide regional mechanisms to enforce local implementation, nor does it provide penalties for non-compliance. As such, an RGS is structured to promote agreement and local autonomy rather than regulation.

Section 451 of the *Local Government Act* provides that a local government may enter into agreements respecting the coordination of activities relating to the implementation of an RGS. The Act also provides that such agreements may be entered into with the Provincial government and its agencies, the federal government and its agencies, other local governments, first nations, boards of education, greater boards, the South Coast British Columbia Transportation Authority, improvement district boards and other local authorities.

Options

The following options are identified for consideration:

1. Proceed with referral of the MOU to the various parties as proposed.
2. Direct further changes or investigation prior to referral of the MOU.
3. Take no action at this time.

Option 1 is recommended.

Financial Factors

The proposed agreement provides that a budget and work plan for regional transportation services and activities will be considered annually by the CVRD as part of the five-year financial planning process under the RGS service.

While a regional transportation gap analysis has been suggested as an initial project, these and other options will be considered by staff, referred to the technical advisory committee and then finally presented to the CVRD Board for consideration.

A similar arrangement established in the Regional District of Central Okanagan has an annual budget in the order of \$350,000 to \$360,000 per year, provided on a cost shared structure amongst

the participating local governments. However, it is noted that transit system governance is included within their arrangement. At this point CVRD staff are not proposing a dedicated staff position or other significant resources beyond funding to support initial analysis in support of regional transportation planning.

Legal Factors

RGS Implementation Agreements are voluntary arrangements intended to formalize partnerships between a regional district and other levels of government or other bodies to describe how certain aspects of a regional growth strategy will be carried out.

The draft MOU that has been prepared provides no financial or legal commitment respecting the parties as it is intended to serve as a tool to broadly confirm each jurisdiction's support for regional transportation planning and advocacy activities and services that will be largely defined, coordinated and funded through the CVRD Board.

Regional Growth Strategy Implications

Regional transportation planning, which focusses on collaboration and identifying joint priorities to coordinate the variety of jurisdictions' responsibilities, would move towards achieving numerous goals named in the Comox Valley RGS. Specifically, within the RGS' eight policy areas, three areas directly relate to the benefits from regional transportation advocacy and planning:

- Goal 4: Transportation
- Goal 7: Public Health and Safety
- Goal 8: Climate Change

It is worth noting that Goal 4 specifies the development of an accessible, efficient and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions.

In addition to the goals noted in the RGS, a regional transportation service could bring together the municipalities, CVRD, SD 71 and MoTI to align priorities and infrastructure projects. The CVRD already has an agreement between itself and the ministry that encourages collaboration on major projects and concepts. A more structured agreement under the RGS would formalize that relationship, including municipal priorities.

The RGS acknowledges the challenges of the current governance and service arrangement within the Comox Valley and provides the following objectives to achieve the transportation related goal: increase public transit use; improve bicycle and pedestrian infrastructure to increase the use of active transportation options; and develop and maintain an inter-regional transportation system that efficiently and safely facilitates the movement of people and goods.

The establishment of regional multi-modal transportation plans and strategies directly supports the RGS goals and objectives.

Intergovernmental Factors

Jurisdiction and ownership of transportation infrastructure within the Comox Valley is clearly defined and can be summarized as follows:

- CVRD does not own infrastructure beyond its parks and greenways but it does administer the regional transit service.

- Municipalities own and maintain roads and trails within their boundary (except for Provincial roads).
- Province owns and maintains rural and Provincial roads.
- SD 71 provides bus service to students across the Comox Valley.

Enhanced collaboration between the various parties respecting regional transportation is proposed through this report. CVRD staff have engaged with their counterparts at the various local governments and agencies to seek feedback on this initiative and have summarized their response in the Background section of this report.

Interdepartmental Involvement

This report has been prepared by the CVRD's Corporate Services Branch in partnership with the Planning and Development Services Branch.

Citizen/Public Relations

This topic has been advanced through the IRTSC which includes public member participation in addition to specific agency and local government representatives. Given the connection between the proposed agreement and the Comox Valley RGS, it is worth noting that the goals and objectives of the RGS were developed following three years of research, consultation and development.

It is anticipated that as part of the development of the annual work plan and budget associated with the activities under the proposed agreement, staff will identify any proposals or opportunities for public engagement regarding the projects and initiatives being considered.

At this time the IRTSC nor any other public advisory committee is being proposed to provide ongoing support or oversight to the regional transportation activities described in this report. Efficiencies would be realized by using the existing RGS TAC and steering committee to implement the MOU. As specific projects arise, which either require public engagement or would benefit from public discourse, then public outreach would be conducted in whatever form is most suitable for that particular project.

Attachments: Appendix A – “Regional Transportation Memorandum of Understanding”

MEMORANDUM OF UNDERSTANDING

BETWEEN:

**THE COMOX VALLEY REGIONAL DISTRICT, THE CITY OF COURTENAY,
THE TOWN OF COMOX, THE VILLAGE OF CUMBERLAND, SCHOOL
DISTRICT NO. 71 and the MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE**

REGARDING:

REGIONAL TRANSPORTATION PLANNING WITHIN THE COMOX VALLEY

THIS MEMORANDUM OF UNDERSTANDING dated for reference the ____ day of _____ 2020.

1.0 PREAMBLE

The Comox Valley Regional District (CVRD) adopted Bylaw No. 120 being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” on March 29, 2011 to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources. The Comox Valley Regional Growth Strategy (RGS) outlines the need for regional coordination on a variety of issues that cross local government boundaries, including housing, transportation, food security, public health, environmental protection and climate change and economic development. With respect to transportation, Goal 4 and its supporting objectives of the RGS provide for the following:

- **Goal 4: Transportation:**
Develop an accessible, efficient and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions.

Objective 4-A: Increase public transit use.

Objective 4-B: Improve bicycle and pedestrian infrastructure to increase the use of active transportation options.

Objective 4-C: Develop and maintain an inter-regional transportation system that efficiently and safely facilitates the movement of people and goods.

In addition to the goals, objectives and supporting policies outlined in the RGS, the City of Courtenay, the Town of Comox and the Village of Cumberland have identified objectives and requirements for transportation mobility within their official community plans. Recognizing the affinities in provincial, regional and community goals for transportation planning for the future of the Comox Valley, and the need for coordination between the Ministry of Transportation and Infrastructure, the Regional District, the City of Courtenay, the Town of Comox, the Village of Cumberland and School District No. 71 in establishing and implementing unified regional policies and strategic transportation plans, the parties establish this Memorandum of Understanding (MOU) to foster enhanced cooperation towards achieving the transportation goals and objectives of the RGS.

This MOU relates only to the goals, objectives and policies of the RGS that are related to transportation. Specific implementation agreements are intended to be developed in the future with respect to the projects and initiatives developed to achieve the transportation objectives within the RGS.

2.0 PART 2 - PURPOSE

This MOU provides a mechanism for the development of inter-jurisdictional strategies and plans for implementing the growth management goals and commitments in the RGS. Its purpose is to serve as a written understanding of the commitments and responsibilities of the parties to enhance cooperative planning and advocacy respecting transportation issues that have a regional and, therefore, multi-jurisdictional impact.

The parties acknowledge that notwithstanding any wording contained within, neither the MOU as a whole nor any of its parts taken separately are intended to be either a contract or contractual in nature. This MOU is not legally binding in any way and places no legal obligation on the parties either individually or collectively.

3.0 PART 3 - PRINCIPLES

The parties are committed to the following principles:

- **Local Autonomy:** mutual respect for the different and distinct statutory powers, authority, ownership and responsibility relating to land use and transportation related infrastructure and services, and acknowledgement that this MOU does not amend, modify, limit, extend or add to statutory powers and authority. Any formal actions that may result from this MOU, between the parties, have to follow the appropriate decision-making protocols;
- **Holistic:** appreciation of the need for a complete system-view in terms of the transportation system's social, economic and environmental impacts and value for a coherent multi-modal system for the cost-effective and efficient movement of people and goods.
- **Healthy and Sustainable:** active transportation has been demonstrated to provide multiple transportation, environmental and public health benefits, including promoting physical activity, reducing contributions to climate change, improving air quality and improving community livability. For these reasons active transportation strategies should be given priority status.
- **Coordinated Planning and Cooperation:** appreciation of the need for coordinated regional planning and cooperation on regionally-significant transportation projects and programs.

4.0 PART 4 - GOVERNANCE AND ADMINISTRATION

4.1 The CVRD Board, as the service participants of the RGS Service, function 512, is the governing body for the operation and administration of the service.

4.2 Without limiting the scope of responsibilities of the Senior Manager of Sustainability and RGS Planning for the CVRD, this position shall be responsible for the operation and administration of the services under this MOU, including the following specific matters:

- a) preparing and presenting an annual budget and work plan for the services under this MOU;
- b) reporting to the Technical Advisory Committee (TAC), Steering Committee and CVRD Board with respect to the work undertaken for services under this MOU and any other matter considered appropriate.

5.0 PART 5 - ADVISORY COMMITTEES

5.1 The RGS TAC shall serve as advisory committees concerning the services provided under this MOU. When matters concerning regional transportation are considered by the TAC, the membership shall include a staff representative from the Ministry of Transportation and Infrastructure and School District No. 71.

5.2 The activities of the Technical Advisory Committee (TAC) are to include, but are not limited to, the following:

- a) to provide comments or advice upon request, or at the Committee's initiative, to local government boards/councils, or other agencies respecting regional transportation initiatives;
- b) to ensure proper process and consultation in regards to regional transportation plans and priorities, policy, monitoring, and related issues;
- c) to support the monitoring and evaluation of this MOU and progress towards the achievement of the RGS goals and objectives related to transportation.

5.3 The TAC shall provide such advice and comments in the form of a report prepared by regional district staff, to the Steering Committee. Upon receipt of a report from the TAC, the Steering Committee will meet to review and discuss. The Steering Committee will provide its comments and recommendations to the CVRD Board via a report prepared by regional district staff.

5.4 The TAC shall meet as necessary and at least twice each calendar year to discuss each jurisdiction's regionally-significant transportation projects and consider the annual budget and work plan for services under this MOU.

5.5 The TAC may receive and require reports and information regarding the services under this MOU as it considers necessary.

6.0 PART 6 - SERVICES

6.1 The services established and provided in respect of this MOU, and without limiting the foregoing, may include:

- a) regional transportation data-collection and monitoring;
- b) advocacy respecting transportation issues of common interest to the local governments and other agencies within the Comox Valley;

- c) multi-modal regional transportation planning and policy development; and
- d) public education and promotion respecting active transportation.

6.2 The specific services to be provided under this MOU shall be considered annually by the CVRD Board as part of the budget deliberations concerning the RGS Service, function 512.

7.0 PART 7 - FINANCIAL CONSIDERATIONS

7.1 Funding for services and projects under this MOU shall be provided under the RGS Service, function 512.

7.2 Notwithstanding any provision of this MOU, the expenditure of money by any party to achieve any of the objectives or plans established by, set out in or created by this MOU or to fulfil any of the commitments set in out or created by this MOU is subject to funds being available.

7.3 The parties acknowledge that this MOU is not intended to be a procurement instrument or influence procurement in any way. Any procurement resulting from or required by the implementation of this MOU must be accomplished in accordance with applicable procurement laws, regulations and policies.

8.0 PART 8 – MONITORING AND REVIEW

8.1 This MOU may be reviewed in conjunction with the formal reviews of the RGS or at the request of any of the parties.

IN WITNESS WHEREOF THE parties have executed this Memorandum of Understanding as of the date first above written.

COMOX VALLEY REGIONAL DISTRICT

by its authorized signatory:

THE CITY OF COURTENAY

by its authorized signatory:

THE TOWN OF COMOX

by its authorized signatory:

THE VILLAGE OF CUMBERLAND

by its authorized signatory:

SCHOOL DISTRICT NO. 71

by its authorized signatory:

THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

by its authorized signatory: