



## **Administrative Report**

### **Office of the Director of Infrastructure Services**

**To: Warden Tom Bain and Members of County Council**

**From: Tom Bateman, P.Eng  
Director of Infrastructure Services/County Engineer**

**Date: February 21, 2018**

**Subject: Ontario Municipal Commuter Cycling (OMCC) Program**

**Report #: 2018-0221-IS-R006-TRB**

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#### **Purpose**

The purpose of this report is to provide Council with information and recommending endorsement for participation in the Ontario Municipal Commuter Cycling (OMCC) Program.

#### **Background**

The Ontario Municipal Commuter Cycling (OMCC) Program is a four (4) year program that provides direct, dedicated, annual funding to Ontario municipalities to support implementation of commuter cycling infrastructure. Information on the program application and projects submitted for consideration were identified in report 2017-R019-TSD-0809-TRB (Appendix A).

The OMCC is a 4- year program that is supported by proceeds from the Ontario cap and trade program with \$93 million available in the first year to municipalities with a population over 15,000. The funding amounts for participating municipalities with populations over 15,000 were determined using an allocation formula based on a combination of commuter cyclists and population. In December, 2017, OMCC provided a list of Eligible Projects (Appendix B) and an allocation for the Essex County has been approved at **\$655,920.32**.

This funding can be used to cover up to 80% of the eligible costs of the eligible projects. The OMCC program provides only capital funding and does not provide funding for maintenance, operational costs or planning (other than development of cycling master plans).

## **Discussion**

Prior to entering into a Transfer Payment Agreement (TPA), the municipality is required to provide the Ministry with an enabling By-Law that:

- Permits the municipality to enter into an agreement;
- Designates signing officers for and authorizing the execution of the Agreement, certificates of insurance or any other documentation required by the Ministry;
- Includes a list of eligible projects;
- Commitment to the required municipal 20% share of eligible costs for each eligible project; and
- Commits to implementing projects and spending OMCC 2018 funding in accordance with all provisions identified in the agreement.

The County has discretion to undertake its choice of projects and the allocation of funds for any eligible project on the approved list, and must adhere to the terms of the Transfer Payment Agreement (TPA).

The County must annually declare its commitment to participate in the OMCC program. This declaration will be made utilizing the 'Annual Declaration Form' (Appendix C).

## **Costs**

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OMCC provides up to 80% of the eligible capital costs towards the implementation of projects on the approved eligible projects list. All project related costs can be incurred after May 30, 2017 and prior to December 30, 2020. Eligible Costs are the direct capital costs which are, in the Province's opinion, properly and reasonably incurred and paid by the Recipient for the design and construction of an Eligible Project.

Eligible project costs include:

- design and engineering costs
- project management
- construction materials
- construction

Unless a cost is considered an Eligible Cost pursuant to the TPA, all other costs will be considered an Ineligible Cost.

The municipality must contribute at least 20% of the total eligible costs for each project and are responsible for any budget overruns. Municipalities must also confirm that no other provincial funding will be used towards OMCC projects.

The County's contribution to support the 2018 OMCC allocation is \$163,980 and is recommended to be funded from CWATS reserves.

## **Eligible Projects**

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Eligible Project requirements were identified in the TPA as having the following factors:

- a) primarily for commuter cycling as opposed to being primarily recreational or touring;
- b) reduce Greenhouse Gas (GHG) emissions;
- c) connect to significant origins and destinations, in the opinion of the Province, with commuter cycling infrastructure;
- d) have its cycling infrastructure designed in accordance with Ontario Traffic Manual (OTM) Book 18;
- e) be identified on a municipal council approved cycling or active transportation plan; and
- f) be a standalone infrastructure project or an identifiable commuter cycling component of a larger infrastructure project; and

## **Administrative Report**

Page 4

February 21, 2018

Ontario Municipal Commuter Cycling (OMCC) Program

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The projects lists submitted with the application was not completely approved as eligible projects. The eligible Project List included in the TPA included nineteen (19) projects and is defined in Appendix B.

Ten (10) projects on the eligible project list have been approved in the 2018 CWATS Program, with cost sharing commitments with the Lower Tier Municipality and are identified as County (URBAN) segments that have a 60/40 funding commitment between the respective local municipality and the County. The CWATS Committee has recommended that the County should utilize the allocated OMCC funding for projects outside of the program in order to enhance the network.

Nine (9) projects are identified with a cost contribution of 100% to the County. The County will endeavor to coordinate eligible projects with the annual rehabilitation program to realize opportunities to construct cycling infrastructure (paved shoulders) at the same time of road rehabilitation.

## **Reporting Requirements**

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Reporting requirements are specified in detail in the TPA and generally include the following:

- annual financial report of OMCC funding expenditures
- annual construction report until all projects are completed
- post construction project performance data regarding usage and greenhouse gas (GHG) emission reductions, beginning at least 1 year and no more than 2 years after report completion; and
- final report

The County of Essex must monitor and evaluate cycling data and determine the GHG reduction benefits under prescribed procedures. Additional efforts and equipment will be required by Administrative staff to obtain counts of cyclists using the infrastructure for each project.

## **Recommendation**

Administration is currently reviewing opportunities to commence a portion of eligible projects in 2018 and will report back to Council once a program is developed. Accordingly, at this time, Administration is requesting the following recommendations from County Council:

## Administrative Report

Page 5

February 21, 2018

Ontario Municipal Commuter Cycling (OMCC) Program

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- That County Council adopt the enabling By-Law #09-2018 for the Ontario Municipal Commuter Cycling (OMCC) Program.
- That the Warden and Clerk be authorized to execute the Transfer Payment Agreement and all other documents required by the Provincial Government.
- The County contribution to support the 2018 OMCC allocation to be funded from the CWATS reserve.
- And Designating the Chief Administrative Officer as the authority to execute any additional documents required on behalf of the Corporation.

Respectfully Submitted

*Tom Bateman*

Originally Signed by

Tom Bateman P.Eng, Director of Infrastructure Services/County Engineer

Concurred With,

*Robert Maisonville*

Originally Signed by

Robert Maisonville, Chief Administrative Officer

Appendix No.	Title of Appendix
A	2017-R019-TSD-0809-TRB
B	Eligible Projects
C	Sample "Annual Declaration Form"