

Brief on Recommended Agreement on Transportation Governance and Funding for Greater Vancouver

by

Chris Rolfe
Staff Counsel

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This brief is in response to the Greater Vancouver Regional District's request for comments on the "Recommended Agreement on Transportation Governance and Funding for Greater Vancouver" (the "Agreement") which was negotiated between the Province of BC and the Greater Vancouver Regional District (the "GVRD") in the summer and fall of 1997. Although we believe there are a number of improvements that can be made to either to the Agreement or to legislation implementing it, West Coast Environmental Law Association supports ratification of the Agreement by the Province and the GVRD.

The Current Situation.

Negotiation of the Agreement has been spurred by the failure of regional transportation planning and implementation on many levels:

- **The modest targets of the Livable Region Strategy and Transport 2021 are not being met.** Transport 2021's transportation plan for Greater Vancouver calls for a modest shift away from vehicle dependence, for instance, setting targets to increase transit's share of morning rush hour commuters from 13% in 1991 to 18% in 2021 and limiting growth in vehicle kilometres travelled during the morning rush hour from the current level of 3.1 million kilometres to 4.8 million kilometres in 2021. Although these goals fall far short of what is necessary for environmental sustainability, the investments in transit infrastructure necessary to meet the *Plan* are not occurring. Although an estimated 950 new buses are necessary to meet *Transport 2021* goals for 2006, BC Transit only intends to purchase 250 new buses. Similarly, introduction of transportation demand management is also behind schedule. *Transport 2021* calls for regional trip reduction services starting in 1995, and parking management and tolls starting in 1997. A report issued 3 years later calls for implementing regional trip reduction in 1997 or 1998, parking management starting in 1999, 2000 or 2001 and road tolls starting in 2002 or later. The pattern of deferring even modest improvements is a major threat to the livability of the region.

- **Current Trends Will Mean Declining Environmental Quality.** Despite improved emission standards for vehicles, there will likely be a deterioration in local air quality in Greater Vancouver if current trends toward automobile dependence are not reversed. The Ministry of Environment, Lands and Parks has projected a 60% increase in greenhouse gas emissions from light duty vehicles in Greater Vancouver from 1990 to 2020 given current trends in vehicle kilometres traveled and emission standards. This trend stands in stark contrast to Canada's commitment to reduce greenhouse gas emissions by 6% by 2010 and the need for far greater cuts in the longer term to mitigate climate change.
- **Regional transportation infrastructure is currently the responsibility of the provincial government or municipal governments, neither of which are responsive to regional needs and regional plans.** Currently all roads in the region are either the responsibility of municipalities or the province. If the recommended agreement is not ratified, it is likely that many roads will be "declassified" and become municipal responsibilities. Both the status quo and declassification ignore the fact that many roads fulfill primarily regional transportation needs (i.e. municipality to municipality travel). A mix of local and provincial responsibility for roads that fulfill primarily regional needs increases the difficulty of implementing regional transportation strategies (for instance, integrated bus priority lanes) that are consistent with the region's Livable Region Strategy.
- **Investments in transportation are sometimes motivated by narrow political agendas are inconsistent with regional needs.** On some occasions substantial investments have been made in infrastructure inconsistent with regional plans. For instance, West Coast Express has been an expensive investment that was inconsistent with Transportation 2021 and the Livable Region Strategy. Given the scarcity of resources available for transit and the need for transit to be linked with land use planning, such expenditures endanger attainment of regional transportation and land use goals.

What the Recommended Agreement Offers

West Coast Environmental Law Association commends the negotiators of the Agreement for having successfully dealt with a number of crucial issues. In particular:

- **The Agreement creates a regional body responsible for delivering integrated regional transportation services.** The Agreement takes a significant step in rationalizing delivery of transportation services in Greater Vancouver. A single authority - the Greater Vancouver Transportation Authority ("GVTA") - answerable to the region is responsible for the region's major road network and transit. This should allow for a much greater integration of decision making than currently occurs.
- **The GVTA has a clear mandate to provide transportation infrastructure and services which support the region's growth strategy and air quality objectives.** Formal recognition of the importance of transportation to growth strategies and air quality is important.
- **The GVTA has a clear mandate to pursue transportation demand management.** Currently, no single agency has clear responsibility for implementing transportation demand management. Progress on implementing measures such as trip reduction services has been delayed by the lack of clear responsibility. Clearly giving the GVTA the responsibility for implementing such services is a step forward.
- **The GVTA will help link transportation and land use planning.** Under the recommended agreement, the GVTA is to review and advise municipalities on the

regional transportation implications of official community plans and major development proposals. This may help encourage land use that is supportive of regional transportation plans. It should provide a more definitive reminder to municipalities of their regional context beyond what is required in municipal regional context statements under the *Municipal Act*.

- **The Agreement avoids the down-loading of responsibility for secondary roads to municipalities.** The Agreement avoids devolution of provincial secondary highways in the major road network.
- **Provides Stable Funding for Regional Transportation.** The Agreement sets out a number of secure sources of funding for the GVTA which can be used to improve the transportation network. Given the trend in other provinces to eliminate support for transit, and given the Province's current fiscal status, a secure source of funding is very important.

Recommendations Regarding the Agreement.

While the Agreement represents a significant step forward its intent is in some instances unclear. We recommend that implementing legislation be carefully designed to ensure the following:

The purposes of the GVTA set out in the Agreement should be set out in the body of implementing legislation. Defining the purposes of the GVTA in legislation helps ensure that the GVTA remains true to its purposes. The region's air quality objectives should be defined as including not only the GVRD's current aggregate emission reduction goal but also future goals which set reduction targets for specific pollutants. It should also include regional goals for reductions in greenhouse gas emissions or provincial and national goals for reductions in greenhouse gases from the transportation sector. Including references to greenhouse gases is particularly important due to the fact that regulatory initiatives have failed to curb greenhouse gas emissions per kilometre travelled by car. Transit is one of the keys to reducing greenhouse gas emissions.

The GVTA should be given the authority to toll on a system basis. The draft agreement states that the Authority will have the ability to raise funds from "vehicle charges (not to be levied prior to October, 2001)", "project tolls on Authority and Authority funded facilities" and property taxes. It does not define vehicle charges, project tolls or Authority facilities. Implementing legislation should allow tolls or vehicle charges dedicated to the regional transportation system. Tolling should not be restricted to tolls on major transportation infrastructure improvements.

Allowing system tolling is consistent with the Transport 2021 *Long Range Transportation Plan for Greater Vancouver* (a plan developed by both the Province and the GVRD) which calls for tolls on all major bridges into the Burrard Peninsula. Given the public's support for the user pay concept, system tolling would appear to be more politically acceptable than funding transportation services through property taxes. It is also consistent with the GVTA's purpose of supporting regional air quality goals.

Tolls implemented only on new projects may disrupt the movement of traffic and cause harm to the environment and communities. For instance, if a toll is used to finance the replacement of the Lions Gate Bridge, many drivers may simply divert to the Second Narrows Bridge. The result could be people driving longer distances and greatly increased traffic through the east side of Vancouver.

Legislation should require public environmental assessment of major policy initiatives. Current environmental assessment legislation does not apply to policy initiatives even if they have profound environmental and social impacts. Policy decisions such as toll implementation or setting HOV lane requirements should be assessed for their environmental and social impacts and the assessments should be open to public scrutiny prior to decisions being made. Such assessment is essential to fulfilling the stated purpose of the GVTA regarding air quality objectives. Although, environmental assessment of policies is often problematic in a larger context, it would be relatively simple to include such provisions in the GVTA legislation. An environmental assessment process for major policies is consistent with the Agreement's statement that "plans, policies and standards will be developed in consultation with the public ..." and will help ensure openness of decision making.

Implementing legislation should require public environmental assessment of major transportation projects. Only very large projects come under the BC *Environmental Assessment Act*, and a number of loopholes restrict application of provincial environmental assessment to highways. For instance, subsection 46(5) of the *Reviewable Projects Regulation* excludes any arterial or secondary highway. Also roads will be excluded from an environmental impact review if built in segments, each of which is 19.9 kilometres or less. This is true even if part of a planned network of roads which is significantly over 19 kilometres in total. (For instance, the broadening of the Trans Canada Highway between the Cape Horn Interchange and Boundary Road is not captured by the BC *Environmental Assessment Act* because it only 16.5 kilometres in length even though it is part of a plan which involves extending the widening to 200th Street in Surrey, a much greater total distance.) Given the importance of transportation projects to achievement of regional goals, GVTA implementing legislation should include requirements for environmental assessment of transportation projects which build on those contained in the BC *Environmental Assessment Act*. Once again an environmental assessment process for major projects is consistent with the Agreement's statement that plans will be developed in consultation with the public.

Implementing Legislation should establish standards for public involvement in decision making. The above suggestions regarding environmental assessment of major policy and project decisions would help ensure public involvement in some issues, but other steps are needed to ensure public involvement in decisions such as establishment of transit routes, schedules and fares.

Operation of AirCare should be subject to provincial air quality standards and any higher standards developed by the GVRD. The Agreement provides that the GVTA will assume responsibility for the AirCare program and operate it subject to provincial air quality standards and the GVRD's Air Quality Management Plan

("AQMP"). It is not clear whether the GVTA will have responsibility for specifying testing methodologies. It is also unclear whether the GVTA will be allowed to set more stringent emission control standards than those included in the BC *Exhaust Emission Standard Regulation*. The agreement and implementing legislation should in no way inhibit the adoption of enhancements to AirCare that go beyond proposals outlined in the GVRD AQMP. The AQMP was developed prior to the 1995 provincial *Motor Vehicle Emission Reduction Regulation*, and the AQMP thus did not fully contemplate needed improvements to AirCare. To ensure that the GVRD benefits fully from the province adopting low emission vehicle standards it will be necessary to upgrade AirCare significantly beyond what was anticipated in the AQMP. This will include both changes to AirCare testing methods and the standards applicable to AirCare.

Municipal Act Amendment. The requirement in section 865 of the *Municipal Act* that any works and services undertaken by a regional district must be consistent with regional growth strategies should be extended to cover works and services of the proposed GVTA.

GVTA advice on implication of OCPs and developments should be public. Advice to municipalities and the GVRD on the regional transportation implications of official community plans and major development proposals should be registered in publicly accessible location, and not subject to any applicable exemptions under the *Freedom of Information and Protection of Privacy Act*.

Concurrency principle. Consideration should be given to adopting the "concurrency principle" in the *Municipal Act*. The concurrency principle is set out in several American states' growth management laws. It specifies that infrastructure to support a development must be available concurrent with the impact of the development. Essentially this means that new developments should not be allowed until financially viable plans to provide transportation infrastructure for them are in place. This would ensure that if the GVTA warns that a proposed development will overburden transportation infrastructure the GVTA's advice cannot be simply ignored.

GVTA should have responsibility for provision of regional bicycle infrastructure. The agreement makes no reference to provision of bicycle facilities. Although many such facilities will be provided by municipalities, the GVTA should have a role in providing bicycle facilities of regional importance.