



**MEMO to
Development Services Committee**

To: Development Services Committee

Copy to: Andy Taylor, CAO
Jim Baird, Commissioner, Development Services Commission

From: Loy Cheah, Senior Manager, Transportation, x 4838
Brian Lee, Director, Engineering, x 7507

Date: March 20, 2017

Re: 407 Transitway Kennedy Road to Brock Road Transit Project
Assessment Project – Notice of Study Completion



Summary

- The Ministry of Transportation has completed the 407 Transitway Kennedy Road to Brock Road Transit Project Assessment Process (TPAP).
- Staff are generally satisfied with MTO's responses to City comments as documented in the final Environmental Project Report.
- Several issues that cannot be fully addressed in the Environmental Project Report will be pursued at the detailed design stage of the project.

Background

The Ministry of Transportation (MTO) released the subject Draft Environmental Project Report (EPR) in April 2016 for stakeholder review and comments. Staff updated Development Services Committee on April 25, 2016 with a report accompanying a presentation from the Ministry of Transportation's consultant. At that meeting and subsequently at the May 3, 2016 Council meeting, there were discussions and comments generated on the project details.

Council and staff comments were summarized and forwarded to MTO for response. MTO has reviewed the City's comments and responded with specific changes to the Draft EPR. As well, MTO has now issued the notice of study completion (Attachment 1) and filed the final EPR for a mandatory 30-day review period that ended on January 30, 2017.

This memorandum presents a summary of MTO's responses to those Council and staff comments.

Discussion

Staff are generally satisfied with the MTO responses to the City's comments related to the TPAP process and the changes to the EPR. There are four issues that staff feel were not

fully addressed by MTO and staff provided further comments on January 30, 2017. On February 17, MTO responded to the four issues that staff raised. A summary table of all the City comments and MTO responses are provided in Attachment 2.

Alignment of Transitway at Kennedy Road

The City requested wording changes in the EPR to allow for the alignment of the approved Transitway to be updated when the Markham Centre Mobility Hub Study is completed. MTO responded with "*The Transitway alignment at Kennedy Road would be revised as necessary, if the currently approved alignment west of Kennedy Road is modified.*" The alignment west of Kennedy Road is defined by the project to the west of this segment, the 407 Transitway from Highway 400 to Kennedy Road. In the 407 Transitway Highway 400 to Kennedy Road EPR, in section E.5, the last two sentences read "MTO recognizes that there are ongoing studies within this section of the transitway including Richmond Hill-Langstaff Gateway and Markham Centre. Should significant changes to land use plans and planned transit alignments be agreed to in the future by all parties, MTO will modify the 407 Transitway Environmental Project Report (EPR) as required." Therefore, the City's request is already covered under the approved 407 Transitway project that is between Highway 400 and Kennedy Road.

Protection of a station at McCowan Road

Unlike the other stations in Markham, the footprint for a station at McCowan Road was not fully defined and the vehicular access to the station site was not identified. As with every other station, access to this potential future McCowan Road station is very constrained by existing development and the ramps to/from Highway 407. Staff had requested that the vehicular access be protected also for this station. The design for this station can be pursued again when the Province is ready to implement this Transitway project. The MTO responded that if and when a station at this location is warranted, the access road will be identified.

Legacy subdivision road network

Parts of the Legacy subdivision were left unfinished so as to not constrain the station planning and alignment of the 407 Transitway as part of this environmental assessment study. With the Ninth Line station footprint now defined through this study, the City requested that the completion of the remaining road network elements of the Legacy subdivision be included as part of the 407 Transitway project. MTO has denied the request stating, in part, that "*The Legacy subdivision internal roads are not a component of the 407 Transitway project.*" This issue can be further pursued when the Province is ready to implement this Transitway project.

Rouge Valley Trail alignment and crossing

A section of the Rouge Valley Trail conflicts with the recommended Highway 407 Transitway alignment east of Markham Road and will need to be re-routed when the 407 Transitway is built. MTO has incorporated an expansion of the proposed Transitway structure spanning the Rouge River for the Rouge Valley Trail to cross the Transitway. However, the EPR changes do not commit MTO to re-aligning the portion of the Rouge Valley Trail that conflicts with the Transitway. Resolution of this issue can be pursued at the detailed design stage of the project when the Province is ready to proceed to implementation.

As shown in Attachment 2, the above four issues in addition to other minor comments were submitted to MTO before the end of the 30-day review period of the final EPR with MTO's comments of February 17, 2017 provided.

Conclusion

MTO has now completed the 407 Transitway Kennedy Road to Brock Road TPAP. City comments have mostly been addressed by MTO except for one outstanding issue regarding the Legacy subdivision road network. City staff will pursue this issue at the 407 Transitway detailed design stage.

Attachments:

1. Notice of Study Completion
2. Matrix of City of Markham Comments and Responses

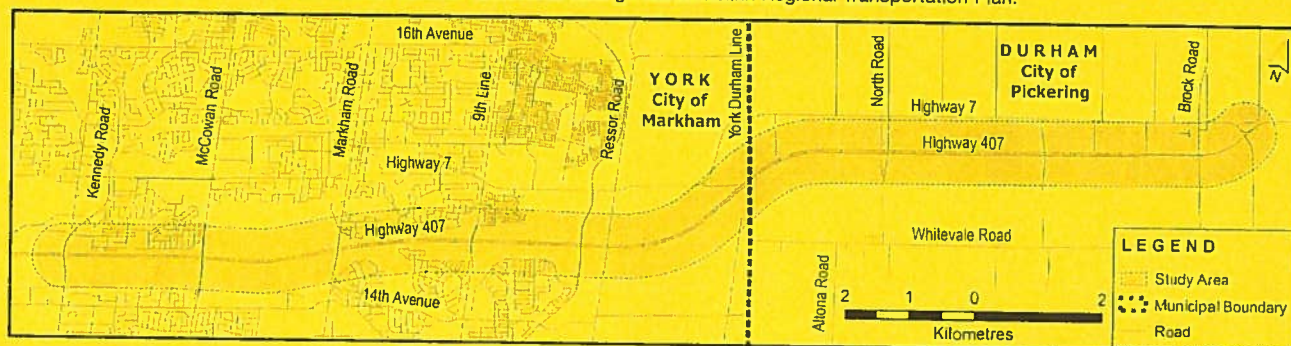
NOTICE OF COMPLETION OF ENVIRONMENTAL PROJECT REPORT

407 Transitway - Kennedy Road to Brock Road / Regional Municipalities of York and Durham

THE PROJECT

The **Ministry of Transportation (MTO)** is proposing a 18 km segment of a transitway facility along the Highway 407 corridor through York Region and Durham Region, from east of Kennedy Road in the City of Markham to east of Brock Road in the City of Pickering (407 Transitway). The 407 Transitway includes Markham Road Station, Ninth Line Station, Donald Cousens Parkway Station, Whites Road Station and Brock Road Station; and three protected sites near McCowan Road, York-Durham Line and Rail Transit (LRT) in the future.

This 18 km segment forms part of a planned 150 km long high-speed interregional facility on a separate right-of-way that parallels Highway 407 from Burlington to Highway 35/115, with stations, parking and access connections. This transitway is a component of the official plans of the stakeholder municipalities and of the Province's commitment to support transit initiatives in the Greater Golden Horseshoe through the Metrolinx Regional Transportation Plan.



THE PROCESS

The environmental impact of this transit project was assessed and an Environmental Project Report has been prepared according to the transit project assessment process as prescribed in Ontario Regulation 231/08, Transit Projects and Metrolinx Undertakings.

The Environmental Project Report for the 407 Transitway is now available for a 30-day review period starting **December 29, 2016** at the following locations:

Ministry of the Environment and Climate Change
Environmental Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, ON M4V 1L5
tel: 416-314-8001 or 1-800-461-6290
Monday to Friday:
8:30 a.m. - 5:00 p.m.

Ministry of the Environment and Climate Change
Central Region Office
5775 Yonge Street, 8th Floor
North York, ON M2M 4J1
tel: 416-326-6700 or 1-800-810-8048
Monday to Friday:
8:30 a.m. - 5:00 p.m.

Ministry of Transportation
Central Region
159 Sir William Hearst Avenue
Toronto, ON M3M 0B7
Monday to Friday:
8:30 a.m. - 4:30 p.m.

City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3
Monday to Friday:
8:30 a.m. - 4:30 p.m.

City of Pickering
One The Esplanade
Pickering, ON L1V 6K7
Monday to Friday:
8:30 a.m. - 4:30 p.m.

The Environmental Project Report is also available for download at www.407Transitway.com

Interested persons are encouraged to review this document and provide comments by **January 30, 2017** to project contacts listed below:

Graham DeRose
MTO Project Manager
Ministry of Transportation, Central Region - Planning & Design Section
159 Sir William Hearst Avenue, 4th Floor, Toronto, ON M3M 0B7
tel: 416-235-5255 / fax: 416-235-3576
e-mail: graham.derose@ontario.ca

Khaled El-Dalati
Consultant Project Manager
Parsons
625 Cochrane Drive, Suite 500, Markham, ON L3R 9R9
tel: 905-943-0505 / fax: 905-943-0400
e-mail: k.eldalati@parsons.com

There are circumstances where the Minister of the Environment has the authority to require further consideration of the transit project, or impose conditions on it. These include if the Minister is of the opinion that:

- The transit project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
- The transit project may have a negative impact on a constitutionally protected Aboriginal or treaty right.

Before exercising the authority referred to above, the Minister is required to consider any written objections to the transit project that he or she may receive within 30 days after the Notice of Completion of the Environmental Project Report is first published.

If you have discussed your issues with the proponent and you object to the identified change to the project, you can provide a written submission to the Minister of the Environment no later than January 30, 2017 to the address provided below. All submissions must clearly indicate that an objection is being submitted and describe any negative impacts to matters of provincial importance (natural/cultural environment) or Aboriginal rights.

Environmental Approvals Access and Service Integration Branch
Ministry of the Environment and Climate Change
2 St. Clair Avenue West, Floor 12A, Toronto, ON M4V 1L5
Attention: Gavin Battarino, Special Project Officer
tel: 416-314-8001 or 1-800-461-6290 / fax: 416-314-8452 / e-mail: EAASIBGen@ontario.ca
If not already provided, a copy of the objection will be forwarded to the proponent by the ministry.

All personal information included in a submission – such as name, address, telephone number and property location – is collected, maintained and disclosed by the Ministry of the Environment and Climate Change for the purpose of transparency and consultation. The information is collected under the authority of the *Environmental Assessment Act* or is collected and maintained for the purpose of creating a record that is available to the general public as described in s.37 of the *Freedom of Information and Protection of Privacy Act*. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, please contact the Project Officer or the Ministry of the Environment and Climate Change's Freedom of Information and Privacy Coordinator at 416-327-1434.

First Published on December 29, 2016.

Markham Council Comments					
407 Transitway Kennedy Road to Brock Road					
Comment No.	Comment (May 3,2016)	Response (MTO / Parsons)	Proposed Changes to the EPR (MTO / Parsons)	City of Markham staff response (January 30, 2017)	MTO Response (February 7, 2017)
MC-1	That the 407 Transitway (Kennedy Road to Brock Road) Environmental Project Report be endorsed with the following revisions/conditions:	Noted.	N/A	N/A	
MC-2	That the Transitway alignment at Kennedy Road be revised, if applicable, upon finalization of Markham Centre Mobility Hub Study and the amendment of the 407 Transitway alignment west of Kennedy Road.	The Transitway alignment at Kennedy Road would be revised as necessary, if the currently approved alignment west of Kennedy Road is modified.	N/A	Transitway east of Kennedy Road should align with the runningway to the west. Please include statement in this EPR that the alignment of the runningway at Kennedy Road may/will be modified, pending outcome of the Markham Centre Mobility Hub study, which will determine the preferred alignment of the Transitway west of Kennedy Road. Similar statement is included in the EPR for the 407 Transitway between Highway 400 and Kennedy Road.	The October 14, 2016 response was incorporated in the Final EPR. If in the future, the Transitway alignment to the west is revised, the alignment to the East will also be revised.
MC-3	That the Ministry of Transportation provide for an additional future station at McCowan Road, and include the preliminary design of the station as part of the EA.	A site located at the southeast quadrant of the Hwy 407 ETR – McCowan Road Interchange will continue to be protected for a potential future station. The Ministry of Transportation will develop a preliminary design of the station when and if a station is warranted at this location.	No change in the EPR.	City staff support protection of a station at McCowan Road, however an access road will need to be protected as part of the station property protection.	If a station is warranted at this location in the future, design of the station facility (including access road) will be developed, and land availability for access road will be discussed with property owners.
MC-4	That the Ministry of Transportation work with the City to restrict vehicular access to the Ninth Line Station through the residential neighbourhoods and resolve any traffic issues resulting from the station access from the Old Ninth Line.	Ministry staff and its consultants will continue to work with City staff through the detail design stage of the 407 Transitway to review the traffic impact study findings included in this Environmental Project Report (EPR). This will be based on actual traffic volumes and the regional/local road configuration that will exist at the time of detail design/implementation, which is uncertain at this time.	Text added to Chapter 9 - Consultation: <i>“MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include:</i> - o <i>Traffic impact and proposed road network infrastructural and operational modifications in areas affected by access to station sites.</i> - o <i>Development of traffic, parking, transit, cycling and pedestrian management strategies to be included in construction contract drawings. Traffic conditions will be monitored during construction to verify that all temporary traffic accommodation measures are effective.”</i>	Noted	
MC-5	Mitigation of noise and other possible impacts to abutting residential properties at the Ninth Line Station.	Mitigation measures to deal with noise and other impacts are being addressed in this Environmental Project Report (EPR). The station design elements will be subject to best practices to minimize impacts on the adjacent residential community.	No change in the EPR.	City would like the opportunity to review noise mitigations at preliminary and detailed design, where it is demonstrated that there is no increase in noise level. The noise report (Appendix K) states that the analysis was conducted based on the BRT and LRT operation on the transitway, noise and vibration during construction. Were operations of stations (buses, cars, etc) considered for analysis, particularly adjacent to residential areas at the Ninth Line station? We note that a berm is proposed for screening purposes due to concerns raised by the community, not for noise mitigation. City staff would like to review a noise study completed as part of the station detailed design.	Please see Appendix K, Section 3.2 “Noise from Stationary Sources” . It states the following: “The MTO Environmental Guide for Noise does not include a procedure for the assessment of noise impacts from stationary sources, instead outlining that the assessment of stationary sources is to follow the procedures developed by the MOECC in its Publication NPC-205. MOECC Publication NPC-205 has been superseded by Publication NPC-300: Environmental Noise Guideline [3]. It should be noted, however, that there are no stationary sources associated with the project design at this time. While the bus/LRT stations are stationary facilities, they are not considered to be stationary sources of noise according to MOECC definitions. The rationale for excluding the stations and potential garage as stationary sources is discussed in the following paragraphs. The planned stations will consist of a canopied platform with staircases and elevators to provide pedestrian access from street level, bus/LRT access to and from the platform, car parking facilities and designated PPUDO sites. Based on these open concept design plans, the stations are not anticipated to have any significant stationary noise sources associated with them (e.g., building ventilation, HVAC sources, etc.). The dominant sources of noise at the stations are anticipated to be associated with the transitway vehicles entering and exiting the station, and the vehicular activity in the parking/PPUDO areas, which are not considered stationary sources by the MOECC. The definition of a “stationary source” is provided in Part A of NPC-300. Section 5 of this definition outlines sources that are not considered as “stationary sources”, including transportation corridors (i.e., railways and roadways), and commuter parking lots [3]. The access/egress of vehicles from the stations and vehicular activity in the parking lot area have each been included in the assessment of noise from transportation sources as outlined in section 3.1 for comparison to the criteria outlined in Table 1...” The City will be consulted if any further noise analysis is conducted by MTO in the future.

MC-6	That the Ministry of Transportation relocate the Donald Cousens Parkway Station on the east side of Reesor Road, adjacent to the future GO service on the Havelock Subdivision rail line.	The available land east of Reesor Road alone is insufficient to accommodate the Donald Cousens Parkway Station; however, the site is being protected for a potential expansion of the Donald Cousens Station if in the future, GO Transit operates commuter service on the rail line.	No change in the EPR.	Noted	
MC-7	That the Ministry of Transportation address traffic impact due to station location on Markham Road to mitigate vehicular infiltration to residential neighbourhoods.	Ministry staff and its consultants will continue to work with City staff through the detail design stage of the 407 Transitway to review the traffic impact study findings included in this Environmental Project Report (EPR). This will be based on actual traffic volumes and the regional/local road configuration that will exist at the time of detail design/implementation, which is uncertain at this time.	Text added to Chapter 9 - Consultation: "MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Traffic impact and proposed road network infrastructural and operational modifications in areas affected by access to station sites. o Development of traffic, parking, transit, cycling and pedestrian management strategies to be included in construction contract drawings. Traffic conditions will be monitored during construction to verify that all temporary traffic accommodation measures are effective."	Noted	
MC-8	That leading edge sustainable measures be implemented to address stormwater, energy conservation, protection of wildlife corridors, and bird friendly guidelines.	Comment acknowledged. These matters are indicated in the EPR.	No change in the EPR.	We note that there is limited discussion on sustainable measures in the report. We suggest more discussion on considerations of measures during detailed design, including stormwater management, energy conservation, protection of wildlife corridors and bird friendly guidelines, as requested by Markham Council.	Noted.
MC-9	That special consideration be demonstrated regarding accessible design for people with disabilities.	The design of the 407 Transitway and its stations are subject to the Accessibility for Ontarians with Disabilities Act (AODA). The preliminary design of the station facilities and the guidelines and functional requirements for the Detail Design (Chapter 5 of the EPR), provide special consideration to accessibility for people with disabilities. Application of the AODA standards will continue to be applied through Detail Design.	No change in the EPR.	Noted	
MC-10	That in the event an ossuary is discovered, the proper Provincial protocols be followed.	Standard Provincial protocols and procedures will be followed should an ossuary be found during construction. This consideration is stated in Chapter 6 of the EPR	No change in the EPR.	Noted	
MC-11	That the Premier of Ontario, Minister of Transportation, and Metrolinx be requested to accelerate the program to a 10-15 year time frame, and to consider public-private partnerships and other opportunities to fund acceleration.	Considerations on the 407 Transitway implementation timing and funding alternatives are outside the scope of this EA study.	N/A	Noted	
MC-12	That an automated state-of-the-art rail transit system be considered as an alternative to the bus transitway.	A detailed evaluation of rapid transit technologies was conducted (please see Chapter 4 of the EPR). Due to numerous physical, operational, and property considerations, a bus rapid transit system with capability to be converted to light rail transit in the future if demand warrants, was selected as the preferred alternative for the entire 407 Transitway.	No change in EPR.	Noted	
MC-13	That GO Rail commuter service be advanced on the CP Havelock line.	MTO has no jurisdiction on the Havelock Rail Line. This is a separate matter to be addressed by others.	N/A	Noted	
MC-14	That the interchange ramps for all directions on the 407 ETR be protected.	The preliminary design of the 407 Transitway protects for future 407 ETR ramps along the study area.	No change in the EPR.	We note protection of eastbound ramps at Ninth Line and Donald Cousens Parkway.	
MC-15	That the completion of residential roads in Legacy as a result of the 9th Line station be included in the 407 Transitway budget.	The Legacy subdivision internal roads are not a component of the 407 Transitway project. Access to the Transitway station (part of this project), will be from Old Ninth Line.	N/A	We request that completion of Legacy Subdivision and roadway network to be reflected in the EPR and included in the Transitway budget.	MTO reinstates the October, 2016 response.

MC-16	That estimated costing of the project be provided.	Cost estimates are not part of the EA process	N/A	We note that a high level estimate of the transitway and stations has been added to chapter 7: Implementation	
MC-17	That the Ministry of Transportation be requested to review the detailed station and station access design for all stations with City and Regional staff.	Ministry staff and consultants will continue to work with the City staff through the Detail Design and Construction phases of the Transitway.	Text added to Chapter 9 - Consultation: "MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MINRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: - o Traffic impact and proposed road network infrastructural and operational modifications in areas affected by access to station sites. - o Development of traffic, parking, transit, cycling and pedestrian management strategies to be included in construction contract drawings. Traffic conditions will be monitored during construction to verify that all temporary traffic accommodation measures are effective."	Noted	
MC-18	That staff report back at the detailed design stage with further details related to access requirements, financial implications, potential partnership arrangements, transit oriented development opportunities, and any required agreements between Stakeholders.	This comment is to be addressed by City of Markham staff.	N/A	Noted	
MC-19	That the Ministry of Transportation provide a crossing and alternative alignment for the Rouge Valley Trail Multi-Use Path between Rouge Valley and Ninth Line at the Ministry's cost, when the 407 Transitway is constructed.	Following discussions with Parks Canada, the 407 Transitway structure bridge over the Rouge River was significantly expanded to allow adequate crossing of the Rouge National Urban Park. Parks Canada confirmed their agreement on August 25, 2016 (Parks Canada email included in the Correspondence Appendix of the EPR). Through Detail Design and Construction, MTO will continue consultation with the Parks Canada and the City.	Text added to Chapter 9 - Consultation: "MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MINRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: - o Adequate crossing of the multi-use pathway (MUP) under the Transitway runningway at the Rouge River valley. - o Construction staging of the Transitway through the Rouge National Urban Park to minimize effects to the Park."	In addition to the Rouge River crossing, please include Rouge Valley Trail alignment as a specific issue that will be addressed during detailed design. Please note that Council resolution states that any works regarding structure and relocation are provided at MTO's cost.	There is a commitment in the EPR to consult with the applicable agencies during Detail Design, to discuss matters related to potential effects of the 407 Transitway to municipal trails . Please also refer to MTO encroachment permit conditions and/or Trail Agreements.
MC-20	That the Federal Government and the Province of Ontario be requested to evaluate the feasibility of a high speed train from Windsor to Montreal; and that the Highway 407 corridor be considered as part of the route alignment for this train service.	A detailed evaluation of rapid transit technologies was conducted (please see Chapter 4 of the EPR). Due to numerous physical, operational, and property considerations, a bus rapid transit system with capability to be converted to light rail transit in the future if demand warrants, was selected as the preferred alternative for the entire 407 Transitway.	No change in the EPR.	Noted	
MC-21	That staff be authorized and directed to do all things necessary to give effect to this resolution.	This comment is to be addressed by City of Markham staff.	N/A	Noted	
MC-22	That staff report back to Committee in fall 2016 prior to the Ministry of Transportation finalizing their Transit Project Assessment Process study on the final study recommendations and Markham's comments.	This comment is to be addressed by City of Markham staff.	N/A	Noted	
MC-23	That the Minister of Transportation, Minister of the Environment and Climate Change, Metrolinx, Infrastructure Ontario, Regional Municipality of York be advised accordingly.	This comment is to be addressed by City of Markham staff.	N/A	Noted	

MC-24	Requested copies of other EA's for the system, and requested the estimated cost of construction across to Brock Road, for a comprehensive understanding of the system. It was suggested that the proposed train station be located at the east end of the line to avoid expensive land costs, that spur lines and parking structures be considered, and that a station be added at Bayview Avenue.	This comment refers to The Transitway Central Section – Hwy 400 to Kennedy Road, which EA was approved in 2011. This assignment covers the section: East of Kennedy Rod to Brock Road.	N/A		Noted - not part of the Council Committee minutes.	
MC-25	Requested that Notice of the next Public Information Centre be provided at Council, as well as to residents between McCowan Road and Markham Road.	All interested parties and the general public were advised at least two weeks in advance of the next public meeting.	N/A		Noted - not part of the Council Committee minutes.	

City of Markham Staff Comments

407 Transitway Kennedy Road to Brock Road						
Comment No.	Comment (May 27, 2016)	Response (MTO / Parsons)	Proposed Changes to the EPR (MTO / Parsons)	City of Markham staff response (January 30, 2017)	MTO Response (February 7, 2017)	
CM-1	General 1. Please refer to minutes from Council Meeting of May 3, 2016 (Attachment 'A'), as these are Council's comments on this TPAP.	Noted, addressed under Comments 1 through 25. <i>(These are the Council comments).</i>	N/A	Noted		
CM-2	General 2. Natural Heritage Policy comments are provided in the attached memorandum dated May 13, 2016 (Attachment 'B').	Noted, addressed under Comments 41 through N54.	N/A	Noted		
CM-3	General 3. The City has assets (storm, sanitary sewers and water mains) crossing Hwy 407 at Kennedy Rd, McCowan Road, Markham Road and 9th Line. Please advise if you require as-built drawings. Please note that the Region of York also has existing assets through the MTO corridor.	The Project team has obtained all available information from both the City and the Region regarding municipal service assets. This information was used in the assessment of alternatives and is included in the EPR.	N/A	Noted		
CM-4	General 4. All references to Town of Markham shall be updated to City of Markham in the EPR.	Noted. The EPR has been revised accordingly.	Entire EPR has been updated.	Noted		
CM-5	Transportation Markham Road Station 1. The report indicates that there will be operational issues at the 14th Avenue/Markham Road intersection but noted that the future extension of Donald Cousens Parkway ("DCP") will alleviate traffic operations at this intersection as more traffic will use DCP instead of Markham Road. As both Markham Road and DCP are under York Region's jurisdiction, the overall findings will have to be confirmed by the Region.	Noted. Traffic impact studies to Regional and Local roads are included in Appendix B of the EPR. York Region was consulted in this regard.	"MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: - o Traffic impact and proposed road network infrastructural and operational modifications in areas affected by access to station sites. - o Development of traffic, parking, transit, cycling and pedestrian management strategies will be included in construction contract drawings. Traffic conditions will be monitored during construction to verify that all temporary traffic accommodation measures are effective."	Noted		
CM-6	Transportation Ninth Line Station 2. Staff continues to express concern with the proposed site access in terms of traffic infiltration. The proposed station access at the Old Ninth Line/Rouge Bank Drive intersection will lead to an increase in traffic along Old Ninth Line in traffic classified as a local road and cut-through traffic is an ongoing issue identified by the public. As a signalized intersection, the spacing of signals along Rouge Bank Drive is also a concern. An alternative with direct signalized "full moves" driveway access on Ninth Line may be more desirable and should be investigated with the Region.	Since Old Ninth Line and the right in-out direct access off Box Grove By Pass are the only accesses to the Ninth Line Station, there should not be opportunity for traffic infiltration. A new signalized "full move" driveway on Ninth Line (Box Grove By-Pass), between the ETR eastbound off ramp and Rouge Bank Drive signals, as suggested by Staff, is not feasible due to proximity to adjacent signalized intersections on Box Grove By-Pass. The complete Traffic Analysis is included in the EPR Appendix B.	No change to the EPR.	Staff continues to express concern with the proposed site access. The proposed station access at the Old Ninth Line/Rouge Bank Drive intersection will lead to an increase in traffic along Old Ninth Line south of Rouge Bank Drive. This is not desirable as Old Ninth Line is classified as a local road and cut-through traffic is an ongoing issue identified by the public. The spacing of signals along Rouge Bank Drive is also a concern. An alternative with direct signalized "full moves" driveway access on Ninth Line should continue to be explored with the Region and included in the EPR.	As stated in the EPR, the Municipalities will be consulted during detail Design to discuss design components of the 407 Transitway that may affect municipal infrastructure and operation.	

CM-7	Transportation Ninth Line Station 3. The Report (Section 3.4.3.4) suggests south to west left-turn restriction at the intersection of Rouge Bank Drive/Old Ninth Line-Station Access. Please clarify if this actually refers to westbound left turn restriction.	This refers to the south to west movement. Please note that the complete Traffic Impact Studies are included in Appendix B of the EPR. Section 3.4 Traffic Operations has been removed from Chapter 3. Recommendations for traffic operations at all station accesses are included in Section 6.4.3. Table 6.12 of Chapter 6 of the EPR.	Section 3.4 “Traffic Operations” has been removed from Chapter 3 “Existing Conditions”.	Noted.	
CM-8	Transportation Ninth Line Station 4. The Report (Section 3.4.3.2) states that “the intersection volumes from the neighbourhood to the east of the Ninth Line/Copper Creek Drive were not scaled...as it is fully developed”. However, please note that there are still ongoing developments along Copper Creek, which should be accounted for in the traffic forecasts.	Noted. This was a typo error that has been corrected in the Traffic Report (Appendix B).	Traffic Report (Appendix B) was corrected to read“the intersection volumes from the neighbourhood to the east of the Ninth Line/Copper Creek Drive”..... Section 3.4 “Traffic Operations” has been removed from Chapter 3 “Existing Conditions”.	We noted that the text was corrected to read "west of Ninth Line."	
CM-9	Multi-use pathway (MUP) 1. The MUP crossing 407 ETR east of the Rouge River should be considered during the design of the Transitway. The MUP should also be included in the EPR in the following sections (Comment No. 35 and 36).	Following discussions with Parks Canada, the 407 Transitway structure bridge over the Rouge River was significantly expanded to allow adequate crossing of the MUP. Parks Canada confirmed their agreement on August 25, 2016 (Parks Canada email included in the Correspondence Appendix of the EPR). Through Detail Design and Construction, MTO will continue consultation with the Parks Canada and the City.	Text added to Chapter 9 – Consultation: “MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Adequate crossing of the multi-use pathway (MUP) under the Transitway runningway at the Rouge River valley. o Construction staging of the Transitway through the National Urban Park (NUP) to minimize effects to the Park.”	Noted	
CM-10	Multi-use pathway (MUP) a. Section 6 (Impact Assessments: Mitigation and Monitoring) - to assess and identify construction and operation impacts associated with the implementation of the 407 Transitway.	Noted. Assessment of effects to the MUP and mitigation measures during construction, are addressed in Chapter 6 of the EPR.	Paragraph added to Table 6.8 of Chapter 6 to read: – “Construction activities will be staged to avoid/minimize traffic delays to residents, business owners, recreational and community facility operators /users and motorists travelling within the study area to the extent possible;”	We noted that the mitigation measures were included in Table 6.11, however, there is no emphasis or discussion of MUP. Please add reference to the MUP.	Chapter 9 includes a commitment to consult with the applicable stakeholders during Detail Design, to discuss potential effects on the MUP
CM-11	Multi-use pathway (MUP) b. Section 8 (Consultation) - to address the concerns and the action required to be taken.	Noted. MUP consultation during Detail Design and Construction of the Transitway is addressed in Chapter 9 of the EPR.	Text added to Chapter 9 – Consultation: “MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Adequate crossing of the multi-use pathway (MUP) under the Transitway runningway at the Rouge River valley. o Construction staging of the Transitway through the National Urban Park (NUP) to minimize effects to the Park.”	This only addresses the crossing, please add reference to the MUP alignment.	The response applies to everything concerning the MUP.
CM-12	Multi-use pathway (MUP) Please refer to Council recommendation (Attachment ‘A’) and report to Development Services Committee report, dated April 25, 2016.	Addressed under Comments 1 through 25.	N/A	Noted.	
CM-13	Heritage Assessment In accordance with the Built Heritage Features and Cultural Heritage Landscapes in section 6.2.2, partial preservation of properties at 8042 and 8119 Reesor Road is discussed, which includes recommendation for partial preservation and possibility of relocating the cultural heritage resource to a new location on its current site. Our Heritage team recommended that consideration be given to relocating the barn out of the path of the proposed Transitway at the Heritage Markham Committee Meeting of May 11, 2016. The recommendation was approved and is included (Attachment ‘C’) for your records.	Noted. Commitment addressing this comment is being included in Chapter 9.	Text added to Chapter 9 – Consultation: “MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Relocation of barn located at 8119 Reesor Road”	Noted.	
CM-14	Heritage Assessment We note that in the evaluation of station sites, Figure 4.5 notes expropriation and removal of residential homes. This conflicts with the recommendations.	Expropriation of the two homes is not required. Part of the property on the west side of Reesor Road will be required to accommodate the access road to the Donald Cousens station site. The property on the east side of Reesor Road is being protected for potential future expansion of the station. Both properties are currently owned by IO and will not require expropriation. Figures 4.5 – The wording in the table is being updated to properly reflect the recommendations.	Text in Figure 4.5 referring to expropriation and removal of residential homes has been removed.	Noted.	

CM-15	Bulk Water Sales Station Please be advised that Markham's Waterworks Department has obtained an encroachment permit from MTO for construction of a Bulk Water Sales Station on Old Ninth Line, north of Rouge Bank Drive.	Noted. Bulk Water Sales Station will not being affected by access to Ninth Line Station.	No change to the EPR.	Update: Bulk Water station to be completed early 2017.	Noted.
CM-16	Attachment B - Natural Heritage There is considerable environmental impact as a result of this proposed transitway infrastructure. The report identifies 11 tributary crossings of the Rouge River in Markham and a total loss of 107.6 hectares of natural cover across Markham and Pickering. We note that similar scale Environmental Assessment Studies in the recent past have incorporated compensation into the EA budget (16th Avenue Trunk Sewer and Southeast Collector). We request additional information on what the compensation budget and strategy is for this EA.	The 407 Transitway EPR commits to future environmental strategies to offset the environmental impacts prior to construction. Please note that the project adheres to MTO policies and guidelines including the Environmental Reference for Highway Design, which addresses impact assessment/mitigation on environmental factors including landscape and terrestrial ecosystems. Compensation and meeting the requirements of the regulatory agencies, is being included as a commitment in Chapter 9 of the EPR.	Text added to Chapter 9 - Consultation: "MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Development of detailed landscaping plans and agreement on compensation ratios for lost vegetation communities (including woodlands, wetlands, and meadow marshes)."	While we would have preferred that compensation be more clearly articulated at this stage, we do not object to the EPR recommendations to prepare compensation and restoration plans at the detailed design stage.	Noted.
CM-17	Attachment B - Natural Heritage In accordance with the City's Official Plan and environmental priorities, a no net loss approach is required to address natural heritage impacts. We are particularly interested in ensuring minimization and mitigation are appropriately addressed in the following impacts areas (Comment No. 43 through 47):	Noted.	N/A		
CM-18	Attachment B - Natural Heritage 1. Crossing the main branch of the Rouge River east of Markham Road. We note that this is identified as an area of High Sensitivity with an Opportunity for Enhancement. We are particularly concerned about potential impacts along the Rouge River and the close proximity of the residential community. The EA should contain more direction on the impact of the transitway on the features including mitigation and compensation. We also note the City's Multi-use Pathway EA included a connection across Highway 407 at the Rouge River. Please ensure that the requirements for the implementation of the MUP are addressed and that the appropriate pathway connection is secured in the design of the transitway at this location.	Noted. Chapter 6 of the EPR addresses potential impacts to the Rouge River and proposed mitigation measures. The Transitway bridge designed over the Rouge River is longer than the 407 ETR structure and will allow for the MUP connection to be maintained. Adjustments in the MUP routing may be required during the Transitway Detail Design to optimize the MUP crossing under the Transitway structure. This is being addressed in Chapter 9 of the EPR.	Text added to Chapter 9 - Consultation: "MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Adequate crossing of the multi-use pathway (MUP) under the Transitway runningway at the Rouge River valley. o Construction staging of the Transitway through the National Urban Park (NUP) to minimize effects to the Park."		
CM-19	Attachment B - Natural Heritage 2. The transitway crosses the Provincially Significant Cedar Grove Wetland Complex between 9th Line and Donald Cousens Parkway at 2 locations. The mapping identifies these lands as Moderate Sensitivity with Opportunity for Enhancement. The feature is shown on the EA mapping as a watercourse. The mapping should be modified to identify the PSW wetland and include the Provincial boundary mapping of the feature.	Noted.	Appendix E has been revised to include mapping delineating Cedar Grove Wetland Complex.		
CM-20	Attachment B - Natural Heritage 3. The transitway crosses the Rouge National Urban Park (RNUP). Parks Canada are currently undertaking a Trails Master Plan for the RNUP. The transitway corridor further impacts north south accessibility of the RNUP. The EA needs to identify and confirm that the requirements of Parks Canada to secure public trail across the transitway and 407 have been addressed to their satisfaction and that the transitway will not further impair north south trail access through the RNUP. The coordinator of the trails study at Parks Canada is Richard Scott at 705-742-1984 richard.scott@pc.gc.ca	Following discussions with Parks Canada, the 407 Transitway structure bridge over the Rouge River was significantly expanded to allow adequate crossing of the MUP. Parks Canada confirmed their agreement on August 25, 2016 (Parks Canada email included in the Correspondence Appendix of the EPR). Through Detail Design and Construction, MTO will continue consultation with the Parks Canada and the City	Text added to Chapter 9 - Consultation: "MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include: o Adequate crossing of the multi-use pathway (MUP) under the Transitway runningway at the Rouge River valley. o Construction staging of the Transitway through the National Urban Park (NUP) to minimize effects to the Park."		
CM-21	Attachment B - Natural Heritage 4. Wildlife passage needs to be addressed in the design of the transitway crossing over the two major watercourse corridors (as a minimum) – Rouge River and Little Rouge Creek. TRCA and Parks Canada should be consulted regarding specific wildlife crossing requirements. TRCA may also have additional comments on this matter.	As indicated in the response to the previous comment following discussions with Parks Canada, the 407 Transitway structure bridge over the Rouge River was significantly expanded to allow adequate crossing of the MUP.	No change to the EPR.		

CM-22	Attachment B - Natural Heritage 5. The York Durham Line Site (Protected) is identified on lands subject to conveyance to the Rouge National Urban Park. All landowners involved in the conveyance of lands to Parks Canada or owning public infrastructure abutting the RNUP participated in the signing of a Memorandum of Agreement Respecting the Assemble of lands for the Proposed Rouge National Urban Park. That agreement identifies additional lands that may be required for future infrastructure (this site is not identified), sets out a process for the disposal of public lands and provides for a cap on land disposal for infrastructure. This matter needs to be addressed with Parks Canada and the current public landowner of the parcel. We also note that this site contains a portion of the Locust Hill Wetland Complex and woodland vegetation. Alternative locations for this facility should be explored as part of the EA given the use of the land intended for National Park purposes and the natural heritage features on the site.	The York Durham Line site is being protected for environmental compensation and is not identified for a station or any other infrastructure facility as part of this EA. This has been discussed with Parks Canada, TRCA, MNRF and IO and is reflected in Chapters 4 and 7 of the EPR. Public land transfers to Parks Canada and infrastructure land caps are ongoing matters between the Federal and Provincial governments and are not addressed by this EA.	No change to the EPR.	
CM-23	Attachment B - Natural Heritage The City will be looking for Mitigation and Compensation to ensure no net loss to natural heritage and hydrologic resources resulting from this infrastructure. We will require a detailed assessment of the natural heritage and hydrologic features (woodlands, wetland and stream features) being impacted and removed for the transitway. We note that the EA identifies compensation for some features but not others (page 6-7 identifies no compensation for a cedar coniferous forest but does identify compensation for a meadow marsh). The City's position is to achieve no net loss and compensation should be directed to all protected features impacted by this infrastructure.	Please note that Chapter 6 (page 6-8) of the draft EPR presented compensation measures for removal of wetland and forest communities. In addition, the requirement for a detailed planting plan will be developed during the Detail Design phase of this project once restoration areas are identified as stated on Chapter 6 (page 6 - 8). Chapter 9 of the EPR is being revised to include the commitment.	Text added to Chapter 9 - Consultation: <i>"MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include:</i> <i>o Development of detailed landscaping plans and agreement on compensation ratios for lost vegetation communities (including woodlands, wetlands, and meadow marshes)."</i>	Text added to Chapter 9 - Consultation: <i>"MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include:</i> <i>o Development of detailed landscaping plans and agreement on compensation ratios for lost vegetation communities (including woodlands, wetlands, and meadow marshes)."</i>
CM-24	Attachment B - Natural Heritage Discussions regarding mitigation and compensation should commence before approval of the EA document. The EA identifies compensation to be addressed at the detailed design stage, but because of the large impact anticipated, the City seeks more direction on this matter prior to EA approval.	The 407 Transitway EPR commits to future environmental strategies to offset the environmental impacts prior to construction. Please note that the project adheres to MTO policies and guidelines including the Environmental Reference for Highway Design, which addresses impact assessment/mitigation on environmental factors including landscape and terrestrial ecosystems.	Text added to Chapter 9 - Consultation: <i>"MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include:</i> <i>o Development of detailed landscaping plans and agreement on compensation ratios for lost vegetation communities (including woodlands, wetlands, and meadow marshes)."</i>	Text added to Chapter 9 - Consultation: <i>"MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include:</i> <i>o Development of detailed landscaping plans and agreement on compensation ratios for lost vegetation communities (including woodlands, wetlands, and meadow marshes)."</i>
CM-25	Attachment B - Natural Heritage The EA is expected to address all matters related to fisheries impacts resulting from requirements of the Federal Fisheries Act and endangered and threatened species impacts resulting from the requirements of the Endangered Species Act.	This impact assessment presented in the EPR is based on the Preliminary Design phase of the transitway. Further requirements of the Federal Fisheries Act and the Endangered Species Act will be conducted during the Detail Design phase prior to construction. Please see Chapter 9 of the EPR for future commitments.	No change in the EPR.	

CM-26	Attachment B - Natural Heritage The transitway impacts the Provincial Greenbelt Plan area. The EA must include a section that addresses how the infrastructure policy 4.2.1 has been addressed in the EA document.	Noted. Section 3.2.1 under the Greenbelt Plan subsection is being revised to include discussion regarding the Greenbelt Plan Infrastructure policy 4.2.1. An Environmental Assessment (EA) Study was completed in 1997 for Highway 407 and the 407 Transitway from Markham Road to Highway 7 East of Brock Road. The EA received approval prior to the establishment of the Greenbelt Plan in 2005. The EA documents the process that was followed to determine the location of the Transitway facility. The need for this transportation infrastructure was demonstrated during the EA, and a number of route planning alternatives were developed and evaluated, considering a range of factors including potential impacts on the agricultural system and natural environment. During this planning and preliminary design study, efforts have been made to minimize the footprint of the runningway within the Greenbelt Plan lands. The runningway is located just south of the Highway 407 alignment, concentrating urban infrastructure within one corridor. In addition, no stations have been planned within the Greenbelt Plan area. Key natural heritage features include Little Rouge Creek, an unnamed watercourse, and Petticoat Creek, and the Non- Provincially Significant Locust Hill Wetland Complex. The potential impacts of the runningway on these features, and the recommended environmental protection and mitigation measures are described in Chapter 6 of the EPR. <i>The design and construction practices identified in Section 4.2.1.2</i>	Section 3.2.1 under the Greenbelt Plan has been updated to include the following: <i>"Section 4.2.1.1 of the Greenbelt Plan states that all existing, expanded or new infrastructure subject to and approved under the Canadian Environmental Assessment Act, the Environmental Assessment Act, the Planning Act, the Aggregate Resources Act, the Telecommunications Act or by the National or Ontario Energy Boards, or which receives a similar environmental approval, is permitted within the Protected Countryside, subject to the policies of this section and provided it meets one of the following two objectives: a) It supports agriculture, recreation and tourism, rural settlement areas, resource use or the rural economic activity that exists and is permitted within the Greenbelt; or b) It serves the significant growth and economic development expected in southern Ontario beyond the Greenbelt by providing for the appropriate infrastructure connections among urban growth centres and between these centres and Ontario's borders.</i> <i>An Environmental Assessment (EA) Study was completed in 1997 for Highway 407 and the 407 Transitway from Markham Road to Highway 7 East of Brock Road. The EA received approval prior to the establishment of the Greenbelt Plan in 2005. The EA documents the process that was followed to determine the location of the transitway facility. The need for this transportation infrastructure was demonstrated during the EA, and a number of route planning alternatives were developed and evaluated, considering a range of factors including potential impacts on the agricultural system and natural environment.</i> <i>In addition, no stations have been planned within the Greenbelt Plan area. Key natural heritage features include Little Rouge Creek, an unnamed watercourse, and Petticoat Creek, and the Non- Provincially Significant Locust Hill Wetland Complex. The potential impacts of the runningway on these features, and the recommended environmental protection and mitigation measures are described in Chapter 6.</i> <i>The design and construction practices identified in Section 4.2.1.2 of the Greenbelt Plan will be evaluated and addressed in the Detail Design phase of the Transitway."</i>	
CM-27	Attachment B - Natural Heritage Site Specific Comments: 1. Page 3-21 of the document identifies Milne Woods ESA in Markham. The City does not recognize the ESA designation. The feature being referenced is actually the Provincially Significant Milne Park Wetland Complex.	Noted.	In Sections 3.1.7, 3.1.8 and 6.2.1 of the EPR, Milne Woods ESA has been changed to Provincially Significant Milne Park Wetland Complex.	
CM-28	Attachment B - Natural Heritage Site Specific Comments: 2. The natural environment discussion on page 6-6 and the Designated Natural Areas on page 6-11 needs to recognize the Provincially Significant Wetland between 9th Line Station and Donald Cousens Parkway.	Noted.	Section 6.2.1 "Ninth Line Station to Donald Cousens Station" has been updated to include reference to the Provincially Significant Cedar Grove Wetland Complex.	
CM-29	Heritage Markham That Heritage Markham recommends that in the case of the designated heritage property at 8119 Reesor Road, that consideration be given to relocating the early 20th century gambrel-roofed barn out of the path of the proposed Highway 407 Transitway as a mitigation strategy, to preserve the cultural heritage landscape of the historic William Harding House farmstead; and, That the preferred location would be closer to the farmhouse; and further, That the consultation be advised of Heritage Markham's recommendation.	Noted. Commitment addressing this comment is being included in Chapter 9.	Text added to Chapter 9 - Consultation: <i>"MTO will continue consultation and coordination with the Municipalities and applicable stakeholders such as TRCA, Parks Canada, MNRF, Hydro One and others, during the Detail Design and Construction phases of the project. Specific issues that will be addressed include:</i> <i>Potential relocation of barn located at 8119 Reesor Road."</i>	Noted.