



THE REGIONAL MUNICIPALITY OF NIAGARA  
PUBLIC WORKS COMMITTEE  
AGENDA

PWC 2-2021

Tuesday, February 16, 2021

9:30 a.m.

Meeting will be held by electronic participation only

This electronic meeting can be viewed on Niagara Region's Website at:

<https://www.niagararegion.ca/government/council/>

Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber at Regional Headquarters will not be open to the public to attend Committee meetings until further notice. To view live stream meeting proceedings, visit:  
[niagararegion.ca/government/council](https://www.niagararegion.ca/government/council/)

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1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1. <u>PW 7-2021</u> Approval of Public Works Single Source Purchase Order Requests and Purchase Change Order Requests Exceeding \$100,000	3 - 15
5.2. <u>PW 9-2021</u> Niagara Transit Governance Study – Niagara Region Considerations	16 - 29
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1. <u>PWC-C 3-2021</u> COVID-19 Response and Business Continuity in Public Works	30 - 38

Appointment of By-law Officers for the Enforcement of the Sewer-use By-law (By-law #27-2014)

7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Tuesday, March 9, 2021 at 9:30 a.m.

9. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or [accessibility@niagararegion.ca](mailto:accessibility@niagararegion.ca) (email).

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**Subject:** Approval of Public Works Single Source Purchase Order Requests and Purchase Change Order Requests Exceeding \$100,000

**Report to:** Public Works Committee

**Report date:** Tuesday, February 16, 2021

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1. That the Single Source Purchase Order Requests and Purchase Change Order Requests identified in Appendix 1 of this report **BE APPROVED**.

### **Key Facts**

- At the Special Council meeting on July 30, 2020, Regional Council instructed staff that, “If any single source [Public Works] procurement [over \$5000] is deemed essential there must be approval first received by the Public Works Committee.”
- On August 18, 2020, the CAO provided Confidential Memorandum CONF-C 6-2020 providing key information in response to the July 30, 2020 staff direction. The memo identified that pursuant to a formal competitive procurement process, a change to the resulting contract (via the Change PO process) is required for any additional goods and/or services, which were not part of that formal process (consider Single Source additions). This includes most (if not all) instances where the “work” is underway when a Change PO request initiates.
- At the Council meeting on September 17, 2020, Regional Council approved an increase in the limit to \$100,000 above which approval must first be received by the Public Works Committee.

### **Financial Considerations**

The included Single Source requests have approved funding in place from either Capital or Operating budgets in the respective divisions in Public Works.

### **Analysis**

Niagara Region’s Procurement By-law 02-2016 as amended February 28, 2019 provides controls and methods that ensure, among other things, that the procurement processes undertaken to procure Goods and/or Services achieves, “best value for the Corporation”.

Pursuant to the formal procurement process, which culminates in contract award, there are occasions, when new information identified after award, requires further consideration of how these unforeseen additional requirements will impact the final project deliverable.

When this happens, staff consider the following alternative approaches to addressing the scope change:

1. Is the original project objective still achievable or should it be abandoned?
2. Can the project proceed as originally planned and this new information be deferred to a later time without reducing the integrity of the design, construction, etc.?
3. Is the current work at a point where it can be terminated, and a new competitive procurement for the additional scope items be initiated without excessive costs or negative impacts to the community from the delays?
4. Does the addition of this new work to the current assignment still achieve best value if Staff can validate that it represents fair value?

Staff note, that where a construction project is underway, the Ontario Occupational Health and Safety Act dictates that, "When an owner undertakes a project by contracting with more than one employer (contractor), the owner is undertaking the project and is the constructor." As a result, if Niagara Region were to initiate additional work on a project site at the same time by two contractors, Niagara Region would assume significant additional liability risk for the safety of all workers on the site. Ideally, the work of first contractor must be completed prior second contractor commencing.

## **Alternatives Reviewed**

Staff have considered the following alternatives for each of the change order requests appended as Appendix 1:

- Closing out the current work. Abandoning the previous approach and re-considering strategy;
- Proceeding as originally planned and addressing the new information/change in scope at a later time through a competitive process; and,
- Terminating the current contract where possible and conducting a competitive procurement process to complete the work with the additional scope items added.

Staff conclude that none of the aforementioned options achieves the desired best value outcome without significant risk to the Region in terms of cost, delay and unavailability of critical infrastructure. Staff have assessed the financial impact of these additionally scoped items, deemed them fair and reasonable hence, the recommendation contained herein is presented for approval as it offers the best value for the Corporation given in the specific circumstances.

### **Relationship to Council Strategic Priorities**

- Responsible Growth and Infrastructure Planning

### **Other Pertinent Reports**

- CONF-C 6-2020, July 30, 2020 Closed Session - Update from Special Council Meeting
- PW 42-2020, September 8, 2020 - Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request
- PW 45-2020, October 13, 2020 - Approval of Public Works Single Source Purchase Requests Over \$100,000
- PW 47-2020, November 10, 2020 Approval of Public Works Single Source Purchase Requests Over \$100,000
- PW 3-2021, January 12, 2021 Approval of Public Works Single Source Purchase Requests Over \$100,000

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**Prepared and Recommend by:**  
Bruce Zvaniga, P.Eng.  
Commissioner of Public Works (Interim)  
Public Works Department

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**Submitted by:**  
Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Dan Ane, Manager Program Financial Support and Bart Menage, Director Procurement and Strategic Acquisitions*

### **Appendices**

Appendix 1                      Single Source PO Requests and Change PO Requests

## Appendix 1

### Purchase Order Change Requests to Existing Contracts

#### 1. Grimsby Watermain Replacement (Phases 1 and 2) 2016-RFP-43

Request: Consulting Engineering Services

Consultant: Associated Engineering

Purchase Order Number: 24165

**Increase original contract amount of \$371,484 (excl. HST) by \$172,840 for a new total of \$544,324.**

#### Rationale for Increase

Associated Engineering (AE) was awarded consulting engineering services competitively bid under 2016-RFP-43 Grimsby Watermain Replacement, which closed on September 8, 2016. The original scope of work was to replace the existing 500 mm watermain with a new 750 mm watermain along South Service Road / CNR from Murray Street to Baker Road as recommended under the Niagara Region's Water and Wastewater Master Servicing Plan. AE's assignment was later extended and approved by Change PO to include a further extension of watermain replacement along the South Service Road / CNR from Baker Road to Park Road due to linear infrastructure reliability and security of supply concerns from Operations and Maintenance staff. Based on the construction cost estimate at 90% detailed design, the project budget was insufficient. It was decided to split the Grimsby Watermain Replacement project along South Service Road / CNR into 2 phases: Phase 1 from Murray Street to Baker Road, and Phase 2 from Baker Road to Park Road.

Phase 1 construction was completed at year end 2020 and is now in maintenance warranty phase. Currently, Phase 2 is at 90% detailed design and tender for construction is expected in early 2022.

During Phase 1 construction a four (4) month contract extension was required to address watermain construction challenges and delays associated with a coordinated transportation project. The General Contractor was granted a contract extension to address constructability challenges, rectifying watermain leaks detected, and to confirm successful passing of watermain pressure testing, disinfection, microbiological testing, and commissioning of the watermain into service. The Region's Transportation simultaneously performed a portion of their road resurfacing project along with asphalt restoration within Phase 1 of the Grimsby Watermain Replacement project site. There were delays associated with unforeseen conditions encountered within the resurfacing

limits and coordination efforts required during Phase 1. Associated Engineering completed four (4) months of additional engineering services for Phase 1 Construction for contract administration and full time inspection beyond the contract completion date of August 31, 2020 to year end.

Additional engineering services were required from Associated Engineering during Phase 2 Detailed Design. Based on initial testing results, additional geotechnical work was necessary, including environmental and pesticide testing, additional CN borehole depths, material testing and EASR support. Coordination and communication with CN and MTO to obtain approvals resulted in efforts beyond Associated Engineering's original scope of work. These efforts include additional meetings in Toronto, reviewing watermain alignment options and property issues, additional drawings for MTO to indicate the proposed watermain location would not impact future QEW widening and additional design for watermain microtunneling under CNR (design details, work areas, shafts, size and layout). Splitting the watermain project into two construction phases requires Associated Engineering to prepare a second tender package for Phase 2 and provide support during the tendering period.

This Change PO is a single source assignment as this portion of work was not included in the original contemplated scope of work. It is in accordance with Niagara Region Purchasing By-law 02-2016, Section 18(a)(i) as AE is familiar with the existing conditions in the immediate area and this work is directly related to the current project.

### **Alternatives Reviewed**

(i) Do nothing:

- This alternative does not address the additional engineering services required to provide construction support for the construction contract extension period and is not recommended.
- Not providing the additional engineering efforts associated with obtaining approvals from MTO and CN would prevent Phase 2 construction from proceeding and would not address the needs of the project.

(ii) Proceed with competitive RFP process:

- As described above, the additional engineering services were required immediately to support active construction.
- A competitive process will take more time than is available as there is immediate need for these services;
- A different consultant will require additional cost, effort and time to become familiar with the project, requirements and approval agency coordination.

- Having another consultant complete this work would also cause inefficiency in design cohesion and difficulty with construction and commissioning coordination.

(ii) Proceed with Engineering Consultant Services:

- Associated Engineering was awarded the RFP through a competitive process and it is recommended that the Niagara Region approve additional consulting engineering services for the Grimsby Watermain Replacement Phase 1 Construction Contract Administration and Inspection, and Phase 2 design engineering services.

**Funding Source**

Original PO \$371,484

Change PO \$172,840 (no HST)

Total changed unit price \$544,324

Total Budget \$16,825,092

Expenditures including commitments \$12,038,475.88

Budget Remaining \$4,786,616.12

There is sufficient budget in the project budget to assign this change PO.

**2. Municipal Class Environmental Assessment for the Reconstruction of Regional Road 87 (Main Street, Lock Street, Lakeport Road) between Verdun Avenue and Michigan Avenue in the City of St. Catharines 2018-RFP-60**

Request: Additional fees resulting from increased consultation with the City of St. Catharines

Consultant: Associated Engineering

Purchase Order Number: 0000051808

**Increase original contract amount of \$234,762 (excl. HST) by \$61,640 for a new total of \$296,402.**

**Rationale for Increase**

The request is for an extension to an existing contract.

Associated Engineering (AE) was retained through a competitive bidding process under Request for Proposal 2018-RFP-60. The additional fees are a result of additional coordination with the City of St. Catharines to review proposed alternatives.

The City of St. Catharines is a major stakeholder and partner in the project, and as such has been included in the development of alternatives throughout the EA. As Port



Dalhousie is an important destination undergoing development and growth, in working with City staff, additional alternatives were agreed upon to be reviewed as a potential EA alternative to presented to the community.

One of the alternatives identified significant City of St. Catharines property, which may be a viable solution to meet the vision and operation of the area. The work associated with these meetings (i.e. preparation of presentation material, revisions to alternative solutions, development of new alternatives, and additional analysis) is considered beyond the scope of the original assignment.

Included in the additional fees are additional Archaeological / Heritage investigation required for one of the alternative solutions, and a provisional Public Information Centre should revision to the preferred solutions be necessary based on comments received from the public/stakeholders.

The accumulated change, including the current change (iii), to the original Purchase order is \$118,138 as summarized below. There is available budget for this increase request:

- i. Extension of study limits: \$51,878
- ii. Additional Traffic Analysis: \$4,620
- iii. Additional scope relating to St. Catharines underground utility works: \$61,640

### **Alternatives Reviewed**

- (i) Do nothing:
  - Exposure to significant risk and cost when trying to implement a preferred solution not supported by the local municipality.
- (ii) New procurement:
  - Increased risk exposure to the Region as a result of the lack of project specific knowledge and decisions.
  - Increase in timeline (three to four months) due to project delay.
  - Not considered a viable alternative since compatibility with existing service is a paramount consideration
- (iii) Extend current assignment to cover the additional services:
  - Compatibility with existing service is a paramount consideration since there is consistent professional and technical knowledge with the current professional services contract.
  - Keeps the integrity of the Environmental Assessment process being undertaken by ensuring consistent non-conflicting information is evaluated to determine the preferred solution.

### **Recommendation by Transportation Services**

Approval of additional fees to support the review of additional alternatives as part of the EA process in partnership with the City of St. Catharines.

#### **3. St. Paul West CNR Bridge Replacement – Environmental Assessment and Design 2018-RFP-41**

Request: Additional design supporting property acquisition, utility relocation, and heritage consultation with the City of St. Catharines

Consultant: Associated Engineering

Purchase Order Number: 0000052177

**Increase original contract amount of \$201,294 (excl. HST), plus prior approved increases (i-vi) by \$18,966 for a new total of \$318,466.**

### **Rationale for Increase**

The request is for an extension to an existing contract.

Associated Engineering (AE) was retained through a competitive bidding process under Request for Proposal 2018-RFP-41. The additional fees resulted from design reviews and changes associated with property acquisition, intersection design, additional meetings with utilities for relocation coordination, and heritage consultation with the City of St. Catharines.

The project requires the acquisition of property adjacent to Regional Road 81. In order to justify the need for the acquisition of property, AE prepared sketches identifying impacts to the properties as a result of steep road grade changes. In addition, AE prepared a design identifying a proposed solution for the access of one of the adjacent properties. The design and sketch was required to support Niagara Region's acquisition of potential adjacent property(ies).

At the request of Niagara Region, AE reviewed the proposed design for the intersection of Regional Road 81 and St. Paul Crescent. The revised design was required to mitigate the impact of potential adjacent property(ies), and to allow for suitable access related to the road curvature. The revision of the intersection also provided a better horizontal alignment intersection for better traffic control.

As a result of the complexity of the project within the vicinity of the CNR, and the numerous jurisdictions required to provide input, additional utility coordination is required to assist with steep road grades and potential property requirements. AE undertook additional meetings with Bell and Alectra Utilities resulting from property changes and easement needs from CN and Transport Canada.

Also to note, the existing bridge was determined to have cultural and/or heritage significance. A Heritage Impact Assessment undertaken during the Environmental Assessment recommended mitigation measures to address the cultural heritage value of the existing structure. To ensure that the most appropriate mitigation measure is implemented there is a requirement to prepare and present a commemoration plan to the City of St. Catharines.

The accumulated change, including the current change (vii), to the original Purchase Order is \$117,172 as summarized below. There are sufficient funds within the budget:

i. Monitoring Well decommissioning and Heritage Impact Assessment.....	\$11,760
ii. Additional Public Information Centre .....	\$7,640
iii. Additional scope relating to St. Catharines underground works .....	\$41,406
iv. Additional survey for property impacts.....	\$5,973
v. Additional Geotechnical review for consolidation testing .....	\$19,880
vi. Street lighting design .....	\$11,547
vii. design associated with property acquisition, intersection design, additional utility relocation coordination, and heritage consultation.....	\$18,966

### **Alternatives Reviewed**

(i) Do nothing:

- Unknown cost exposures likely to occur during construction since these issues would need to be addressed during construction.

(ii) New procurement:

- Increased cost due to additional surveying for access designs and procurement delays, and with coordination between assignments.
- Increased risk exposure to the Region as a result of the lack of project specific knowledge and decisions.
- Increase in timeline (three to four months) due to project delay
- Not considered a viable alternative since compatibility with existing service is a paramount consideration

(iii) Extend current assignment to cover the additional services:

- Compatibility with existing service is a paramount consideration since there is consistent professional and technical knowledge with the current professional services contract.
- Mitigates the risk/cost exposure resulting from conflicting information.

### **Recommendation by Transportation Services**

Approval of additional fees to support property acquisition, utility relocations, and heritage commemoration.

#### 4. Bridgeport Sewage Pump Station (SPS) Upgrades 2018-RFP-50

Request: Additional design supporting MECP approval

Consultant: CIMA+

Purchase Order Number: 49672

**Increase original pre-tax amount of \$106,273.00 by a further \$79,000.00 for a new total of \$655,650.00**

Originally contemplated fees (2018-RFP-50)	\$106,273.00
Total approved scope changes to date (single source)	\$470,377.00
Current request (single source)	\$ 79,000.00
Total fees for CIMA	\$655,650.00

#### **Rationale for Increase**

The request is to increase the current purchase order in order to account for additional work for revisions to the design and MECP approvals.

Revisions to the design for the Bridgeport SPS Upgrades. During the current design process, the orientation and overall layout of the new pumping station changed dramatically. Through stakeholder consultation during design, the local residents expressed significant concerns regarding the expansion of the existing pumping station within the right-of-way (ROW). The Region has been working with the local landowners and CIMA to develop a feasible design to address the stakeholders' concerns and to expedite the design and tendering process to allow the new development in the Town of Lincoln to proceed. Moving the SPS expansion footprint onto Region owned property adjacent to the pumping station, out of the ROW, was determined to be beneficial for all parties.

Concurrently with completing the Municipal Class Environmental Assessment and conducting required Archaeological Assessments on the property parcel, Region staff have been working with Cima to develop a SPS design. A revised orientation of the proposed wetwell and valve chamber are required to ensure that the SPS meets our design standards, to reduce risk during construction, and address stakeholder concerns. The new orientation of the proposed wetwell and valve chamber including incorporation of detailed internal review comments will result in a significantly better solution for both the overall design of the pumping station and satisfying the neighboring property owners.

In addition to revisions to the design, additional coordination is required with MECP to obtain approvals for an Environmental Compliance Approval amendment based on the

revised design within the new property parcel. CIMA will be leading the MECP coordination and managing approvals on behalf of the Region.

This project is DC recoverable. The Region, in consultation with the Town of Lincoln and local developers, has agreed to progress the project on an expedited schedule. With the revised design, CIMA has assured the Region they will be able to maintain an expedited schedule. This revised scope of work is directly related to CIMA's current assignment. CIMA has issued a change PO request for the required hours for the completion of the revised design and MECP approvals for the Bridgeport SPS Upgrade.

### **Alternatives Reviewed**

(i) Do Nothing:

- This alternative does not address needs of the project as it does not address the need for development and growth that requires an increase of the pumping station capacity.
- This alternative would prevent the Region from expanding the pumping station within the purchased property parcel which will not address the needs and concerns of the local residents, Town of Lincoln and Niagara Region WWW Operations and Maintenance staff.

(ii) Proceed with competitive RFP process:

- The engineering services are required immediately to move on with the design and tendering for construction. A competitive process will take more time than is available.
- Cima's current scope of work includes completion of the Environmental Assessment and Archaeological Assessment (Stage 4). Retaining a consultant through competitive RFP process would result in two consultants concurrently working on one project. This would increase risk and cost to the project.

## **Sole Source Purchase Requests for Approval**

### **5. Request: Fare Payment Technology Harmonization (i.e. mobile ticketing, contactless payment, etc.)**

Supplier: Masabi

**Sole source purchase of 35 Masabi Fare Validators required for Mobile Ticketing and Fare Payment Technology Harmonization at a total cost of \$121,450 USD (exclusive of HST).**

#### **Rationale for Purchase**

This purchase is part of the long-standing, multi-year Niagara-wide effort to bring mobile ticketing and contactless payment to transit. The Region, in coordination with the IMT Working Group (whose 2020 and 2021 workplans, under the direction of the LNTC, has been to implement mobile ticketing and contactless payment fare technology), have begun procuring the hardware and software necessary to enable this technology. The St. Catharines Transit Commission was the first transit property to pilot the technology, and recently received their new validator hardware. They have been piloting mobile ticketing in one form or another since May 2019 and their selection of Masabi as the service provider is the conclusion of months of research into available providers. With Standard Bus fleet specifications for local and regional fleet already in place at the IMTWG level, all other properties would follow suit in the procurement after the successful pilot.

Niagara Falls Transit has also placed its order with Masabi which will cover its own fleet, and the fleet that it maintains for Niagara Region operating NRT. Niagara Region staff have confirmed that similar orders will take place in St. Catharines and Welland with Masabi to cover all existing NRT fleet operated by our municipal partners. However, Niagara Region is still required to acquire the technology for use on both NST and NRT OnDemand which are under contract with different service providers to ensure alignment, parity and consistency across the NRT system. This request reflects the needs of that acquisition and includes hardware and software setup costs.

Section 18(a)(i) of the Procurement Bylaw justifies this Sole Source as each transit property is required to utilize the same hardware under the common bus specification standards established by the IMTWG as part of the harmonization work required for consolidation of transit.

### **Alternatives Reviewed**

(i) Do nothing:

The option remains for Niagara Region to not continue with the mobile ticketing project; however, Niagara Falls Transit has already begun procuring assets as this project was previously approved as part of the IMT Working Group's work plan regardless of the transit governance outcome. This is not advisable as it will create significant challenges for riders in that different forms of payment will be required depending where they start or end their trip. It also creates significant technology challenges as future bus purchases will not be equipped with the necessary infrastructure needed to install fare technology at a later date, thus incurring significant additional cost for adaptive post-production installation.

(ii) Procurement strategy is under review:

No additional review of the procurement strategy is currently being undertaken as the IMT Working Group, representing transit operations in all 13 municipalities, jointly agreed that the work done by St. Catharines Transit in preparation for its Mobile Ticketing Pilot was sufficient in finding a quality, proven product that integrates with existing technology (i.e. Transit App) and is priced below other competitors.

### **Funding Source**

Niagara Region has already been approved for funding for this project through ICIP (formerly PTIF Phase 2). Niagara Falls Transit and St. Catharines Transit also were approved for the fare technology project under the ICIP program. Niagara Region's portion was approved as part of the 2020 Capital Budget plan as this project was delayed to 2021 due to COVID-19.

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**Subject:** Niagara Transit Governance Study – Niagara Region Considerations

**Report to:** Public Works Committee

**Report date:** Tuesday, February 16, 2021

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## Recommendations

1. That the assessment of expected impacts to Regional services arising from the consolidation of transit services in Niagara **BE RECEIVED**; and
2. That staff **BE DIRECTED** to consider and incorporate these impacts as part of the updated transition plan to be returned in a final report to Regional Council for triple-majority consideration of transit consolidation.

## Key Facts

- The purpose of this report is to provide Council an assessment of expected impacts to Regional services arising from the consolidation of transit services in Niagara, as previously directed by the Linking Niagara Transit Committee (LNTC) as recommended in *LNTC-C 4-2020 - Niagara Region Transit Governance Study (NTGS)*.
- The three transit services currently delivered by the Region (Niagara Region Transit, Niagara Specialized Transit, NRT On-Demand pilot) are anticipated to form important components of the future consolidated transit system. Recent extensions/renewal of these contracted services by Council have focused on the purposeful and strategic alignment of these services with the potential for a transition to a consolidated Commission.
- Support from a wide range of Regional services will be required to facilitate both the transition to the Commission as well as its future operation, with potential for future shared-services between Regional and Commission services, with the degree of this integration varying by the business function or division.
- Additional resources will be required to support some Region-provided shared services through the transition process as the scope of required activities increases; to be provided through a combination of external consulting services, as well as through additional internal staff dedicated to the transition.



- Subject to the adoption of the recommendations of this report, this assessment and any additional feedback provided will serve, along with any feedback similarly acquired from the Local Area Municipalities (LAMs), as Regional Council's inputs to the future report which will initiate the triple-majority process.

## **Financial Considerations**

The initial financial strategy outlined in *LNTC-C 4-2020* estimates \$3.85 - \$4.96 million (\$1.67-\$2.25 million capital and \$2.17-\$2.73 million operating) in total operating and capital transition costs associated with the consolidation of transit in Niagara. All costs referenced in this report, including the referenced external legal retainer and HR strategy consultant, are incorporated within the transition costs originally estimated as part of the NTGS, and will be funded through a combination of funds identified in the 2021 Regional operating budget and through future separate transit levies identified in an agreed upon Commission financial model. Staff continue to seek support from senior levels of government to offset these costs through intergovernmental funding programs. The 2021 net Regional transit budget that will be transferred to the new Commission is \$16.1 million inclusive of debt servicing costs.

The initial funding strategy recommends that all existing and incremental transit spending will be transferred to the new Commission, funded through a single Regional tax levy. As directed by LNTC through *LNTC-C 4-2020*, feedback on this initial strategy is currently being sought from LAMs by the requested input date of February 28, 2021. Once received, this input will be joined with the ongoing review of alternative funding options directed by *LNTC-C 6-2020*, leading to a final recommended financial model with discussion of alternatives considered as part of the final triple-majority approval report.

## **Analysis**

At its meeting of October 21, 2020, LNTC considered *LNTC-C 4-2020 - Niagara Transit Governance Study* which presented the preferred governance and financial models for the consolidation of transit in Niagara. LNTC adopted amended recommendations providing support for a Full Commission and recommending further engagement with each of the twelve (12) local area municipalities to seek their feedback on and support for the recommended governance and financial models.

In parallel, LNTC directed staff to undertake an assessment of the expected impacts to Regional services that may arise from the consolidation of transit services in Niagara.

The purpose of this report is to provide that assessment, examining the potential impacts of consolidation across both the transit services that are currently being delivered by the Region as well as the Regional corporate services that will support the transition and future operation of the Commission.

### **Transit Operational Assessment**

Niagara Region currently operates three transit services: Niagara Region Transit (NRT), Niagara Specialized Transit (NST), and the recently launched NRT On-Demand (NRTOD) pilot. Each of these services fulfill a unique and important role in serving the mobility needs of Niagara residents and will form an important component of the future consolidated transit system.

Recent efforts have focused on the strategic alignment of each of these services with the potential for a transition to a consolidated Commission. This has included the planned intersection of agreements and future contractual decisions for all three services. This strategic alignment is purposefully intended to create an optimal situation whereby the Commission will be empowered to make decisions regarding the potential combination of on-demand and specialized services, in-house or contracted delivery models, and agreement terms. This alignment has been advanced through Council's recent approvals of *PW 52-2020*, *PW 53-2020*, and *PW 1-2021*.

The transition plan outlined as part of the NTGS anticipates that the Commission will assume operational responsibility for delivery of transit services in Q4 2022.

### **Niagara Region Transit**

First initiated as a pilot project in 2010, the Region formally assumed jurisdiction for the delivery of conventional inter-municipal transit (IMT) services in 2017 through a triple-majority process.

This service is currently delivered on behalf of the Region by local transit providers through an agreement with the St. Catharines Transit Commission, the City of Welland, and the City of Niagara Falls. This agreement is in the process of being extended for a two-year period to 2022 through Council's adoption of *PW 52-2020*.

It is anticipated that the Commission will assume responsibility for the delivery of IMT services as part of the overall consolidation of transit services and through the transfer of the assets, personnel, and other resources currently used to deliver this service. The

two-year extension period of the current NRT operating agreement was selected to align with this assumption of service delivery in Q4 2022.

As outlined in the NTGS, there is significant latent demand for IMT services in Niagara. An early objective for the Commission will be completion of a strategic growth plan that will identify the IMT service enhancements and associated investments that will best realize this potential growth. Consistent with principles being applied to local transit services, a minimum of the existing service level hours will be maintained for a period of five years. The current scope of NRT operations is a fleet of 30 buses operating 163,000 service hours, with a \$17.3M gross transit expenditure before offsetting revenues.

#### Niagara Specialized Transit and Niagara Region Transit On-Demand

In addition to conventional IMT services, the Region also operates two additional transit services:

- **Niagara Specialized Transit** - provides inter-municipal specialized transit services across Niagara, delivered on behalf of the Region by a third-party service provider. The inter-municipal service operated by the Region is supplemented at the intra-municipal level by the para-transit and specialized services operated by the region's municipalities. These local services are currently delivered through a combination of both direct service delivery in parallel with conventional services and through additional third-party agreements.

It is anticipated that the Commission will assume responsibility for both the Region's inter-municipal specialized service and the local intra-municipal specialized services in Q4 2022. The Region's third-party agreement for NST has recently been extended to 2021 through Council's approval of *PW 53-2020*, and contains options for additional one-year extension periods subject to the approval of Council. Work is currently underway through the Inter-Municipal Transit Working Group (IMTWG) to understand the contractual arrangements between local municipalities and their third-party providers to ensure the overall strategic alignment of these agreements with the planned consolidation.

- **Niagara Region Transit On-Demand** – launched as a pilot project in Q3 2020, the NRTOD service provides on-demand transit services in areas of the region that have historically been underserved or unserved by conventional transit services (i.e. Grimsby, Lincoln, Pelham, Wainfleet, and West Lincoln). There has

been significant growth in the use of NRTOD since inception, with a 463% growth in average rides taken between Week 1 and Week 15 of the pilot representing a total of 5,408 riders. In November 2020, a secondary service area was launched in Niagara-on-the-Lake after the Town's Council made a formal request to Regional Council.

Based on the early positive trends associated with the launch of NRTOD, it is anticipated that the on-demand model will be an important component of the future Commission. The current pilot project has recently been extended for an additional one-year period (*PW 1-2021*) with a strategic focus on alignment with the timelines in the transition plan for the consolidation of transit.

As these services are transferred to the Commission, there is strong potential to combine the on-demand model and delivery of specialized transit services. Accessibility advocates have long called for a transit system which provides social and transit equity – enabling both specialized and non-specialized riders to simultaneously utilize the same system, thereby eliminating social barriers and creating significant improvements to transit mobility and social determinants of health. A combination of the two systems could also create economies of scale and reduce the overall costs of running two parallel systems covering similar geographic areas.

### **In-House Regional Support Services – Capacity Assessment**

A number of Regional divisions currently support the delivery of NRT, NST, and NRTOD, as well as the work completed to date to advance future consolidation. The purpose of this section is to:

- outline the major activities that are applicable to each division during the transition to the Commission, including additional supports or resources that may be required; and
- provide an overview of the future-state relationship that may exist between some Regional divisions and the Commission, including the potential for shared-services and key considerations that will be taken into account in the development of those models.

It should be noted that in the analysis of each of these corporate divisions, senior staff in all cases have been engaged collaboratively to ensure each divisional representation is accurate and capacity thoroughly reviewed as to how existing support or further support is provided along the transition to the Commission.

### Office of the Regional Clerk

The Regional Clerk's office currently supports the consolidation of transit service through its facilitation of LNTC and by providing advice to the transition team on matters of legislative procedure.

Through the transition to the new Commission, the Regional Clerk will assist the transition team in the establishment of the Commission's Board and Advisory Committee, including the development of new Terms of References for each body. The Regional Clerk could then support these bodies through agenda management, meeting facilitation and minutes, and provide guidance respecting Records Management and Privacy legislation requirements.

The Regional Clerk will also support the appointment of members to the Commission Board. Political members of the Board will be selected by Regional Council, based on the board composition criteria that will be outlined in the final triple-majority report. An application process will take place through the Region's website for persons wishing to express interest in becoming public members of the board. Staff, working through the CAO Working Group (CAO WG), will forward recommended candidates to Regional Council for consideration and approval.

The transition to the Commission is not expected to result in a net increase in required support from the Regional Clerk's office, as the level of support required for LNTC is anticipated to proportionally decrease as the Commission's Board is established and it assumes greater responsibility for guiding the integration of transit in Niagara.

### Financial Management & Planning (FMP) - Corporate Services

Financial support is an integral part of advancing transit consolidation, responsible for providing strategic financial analysis and direction along with direct budgetary and financial reporting support to the Governance Project Team. The Finance Division also supports the delivery of the Region's three transit services through a similar provision of budgetary and financial analysis. Niagara Region's FMP division has led the development of the recommended financial strategy for consolidation, consulting regularly with the area Treasurers along the way, and guides the preparation of the annual operating and capital budgets for the GO Implementation Office which has oversight for all transit services.

Financial support is anticipated to expand through the approval and transition phases of consolidation. Niagara Region's FMP Division has established a position dedicated to supporting both the transition activities and future Commission support. Primary tasks of the role are anticipated to include:

- Support the final recommended financial model as part of the future "triple-majority" approval report incorporating feedback received from the LAMs through the first round of engagement, including consideration of any alternative funding models (*LNTC-C 6-2020*);
- Supporting the financial reporting implications of transfer of assets to the Region from the LAMs who currently operate transit services;
- Continuing to guide the capital and operating budgets of the GO Implementation Office which includes NST/NRT and GO; and
- Supporting the new Commission in the development of the budgetary and financial reporting structures/policies of the Commission, including determination of the shared services model with the Region;
- Prepares specific external reporting, liaising with Commission specific agencies as needed.

As a Municipal Services Board of the Region, it is critical to ensure financial alignment is consistent with Regional financial structures and reporting, to enable best practices for financial reporting and consolidation, cost effectiveness and taxpayer fiscal prudence, without limiting the Commission ability to develop their own strategic-level planning. The Region's FMP Division will directly support the Commission in its financial reporting and budgetary preparation to ensure alignment and integration with the Region's own reporting structures in a manner similar to that of Niagara Region Housing Corporation and the Joint Board of Management. The use of common platforms, systems, and processes has been identified as a critical element of this integration and consistent with other shared services being evaluated at the municipal CAO level.

#### GO Implementation Office

Under the direction of the CAO WG, the GO Implementation Office has had primary responsibility for advancing the consolidation of transit in Niagara. This responsibly includes providing day-to-day leadership of the initiative, consultation with partner divisions, outreach and engagement with local area municipalities and external stakeholders, and the oversight of supporting consulting assignments. This is in addition to providing leadership and secretariat support to the IMTWG since its inception in 2017. The GO Implementation Office has further management oversight and

responsibility for the three aforementioned transit services currently operated by Niagara Region.

The GO Implementation Office is expected to continue these roles through the transition to the new Commission. It will continue to coordinate all major deliverables pertaining to Transit Governance through 2021, including the future “triple-majority” approval process, supporting consulting assignments, and the steps necessary to establish and undertake the early transition to the Commission. It will also continue to oversee the delivery of the Region’s transit services until the all operational responsibility is assumed by the Commission, anticipated for Q4 2022, in addition to serving as liaison with the CAO WG and leadership on the IMTWG throughout the transition phase.

Responsibility for leading the later phases of the transition plan, including elements such as strategic planning and the transfer of assets, will shift to the Commission once the Board and Commission’s new senior leadership teams are in place.

#### Information Technology

The role of the Regional Information Technology division is anticipated to initially focus on supporting the establishment of the day-to-day functionality of the new Commission during the early phases of transition, including elements such as the provision of email and phone services, and supporting the integration or expansion of back-end systems for financial and human resources business requirements.

Subject to the final determination of the specific and/or extent of the shared-services models that could exist between the Commission and Region, it is anticipated that common platforms for back-end systems will be used. This may include either leveraging or expanding existing Regional contracts to meet the requirements of the Commission, or the Commission undertaking its own independent procurements with similar requirements to the Region’s.

A parallel exercise will also be required to integrate the in-field and transit-specific technologies to be used by the Commission such as fare payment technology, CAD/AVL systems, GPS formats and dispatch/scheduling software. The IMTWG has undertaken a significant effort in recent years to align many of these platforms and systems between the existing transit system providers in Niagara to accelerate this transition, including alignment of requirements for bus procurements and on-board systems. An update to LNTC by the IMTWG on the transition to a single integrated fare technology across Niagara is anticipated in 2021.

To understand the full scope of the required integration of both transit-specific systems and back-end systems, an inventory of the current systems employed by the LAMs and Region will be undertaken as the consolidation approval process proceeds.

### Human Resources (HR)

The successful transition to a consolidated transit Commission will require the completion of a number of milestones with significant HR components, including:

- the development of a new organizational reporting structure, including the creation or consolidation of job descriptions and salary structures;
- the transfer of personnel from the local area municipalities currently operating transit services, and recruitment for those positions not filled through transfer;
- the potential transfer, consolidation, or creation of new benefit and pension programs;
- the negotiation and/or consolidation of collective bargaining agreements;
- development of new organizational policies and procedures;
- the appointment or selection of members to the Board and Advisory Committee; and
- the determination of a potential future shared-service model between the Commission and Regional HR division.

### *Consulting Assignment*

Given the scope of these deliverables, additional resources will be required to supplement the Regional HR staff that have been supporting the consolidation exercise to date. In Q1 2021, a consulting assignment will be developed to create a comprehensive HR strategy that will outline in greater detail the steps required to facilitate the transfer of personnel to the new commission.

Key elements of this assignment will include outlining transition activities and confirming required resources, advancing the organizational structure and job descriptions, developing a change management process, and supporting the transition and onboarding of HR staff to Commission.

The HR strategy developed through this assignment will be used as an input to the future 'triple-majority' report, and inform ongoing discussion with LAMs and Transit Unions throughout the transition process.



This assignment will be coordinated through the GO Implementation Office, with support from Regional HR staff. In order to fully support this assignment, additional capacity within the Regional HR division may be required. A determination regarding this potential need will be made as the scope for the consulting assignment is finalized.

#### *Future Shared Services Model*

The HR Strategy developed through this assignment will also advance a preferred future shared-service model between the Commission and Regional HR division. There are a wide variety of potential models for this relationship, from establishment of a fully independent HR department within the Commission, to having some integration with Regional services.

Current support from HR for other Regional agencies and boards operates under a variety of models. For example, Regional HR staff process payroll for Niagara Regional Police, whereas no services are provided for Niagara Peninsula Conservation Authority, and payroll, benefits, recruitment and other consultative support is provided to Niagara Regional Housing (NRH).

Each potential model has a variety of potential benefits and offsets, each of which will need to be considered in development of a final recommendation on this item. These criteria will be evaluated as part of the consulting assignment for the purpose of developing a recommended model for the consideration of both the Region and the future Board of the Commission.

#### Legal Services

Legal support will be required throughout the transition to the Commission, focused in 2021 on the Phase 1 and Phase 2 Transition Plan activities such as the development of municipal transfer agreements (MTAs), drafting the by-law for approval as part of the triple-majority process and, subject to that approval, undertaking the steps required to establish the Commission as a Municipal Services Board.

An external legal retainer will be developed in early 2021 to provide additional resources to the project team and supplement the support provided from internal Legal Services staff. The costs for this assignment are included within the previously identified overall Transition Plan costs for legal services. It is anticipated that there may be a need for additional external legal support for some Phase 3 transition activities, such as development of internal policies, formalization of working relationships with partners, or

additional facilitation of asset and personnel transfer; however a final determination in this regard will be made later in 2021 and will be accommodated in the existing budget.

Responsibility for legal services related to the operation of the organization will transfer to the Commission as part of its new Corporate Services division once established. While subject to the future direction of the Commission and Council approval, there is potential benefit to the Commission and Region entering into a shared services agreement for the Region to provide some legal services on behalf of the Commission. Entering into an agreement of this nature would utilize existing staff expertise, and could achieve a costs savings as the Commission would otherwise require external legal support or its own in-house counsel.

Key considerations regarding any future service agreement will include the establishment of the scope of services (e.g. legal advice, risk management, insurance, claims support), determining appropriate service levels and responsiveness, and addressing the management of any potential conflict of interest that may arise. The current shared services agreement with NRH dating back to 2006 is an example of the Region providing legal services in this way.

### Procurement

The Region's Procurement division currently supports the GO Implementation Office in the development and issuance of procurements related to both the operation of the Region's three transit services as well as the consolidation of transit services. The ongoing need for procurement support will continue throughout the transition period, including the facilitation of procurements for external support assignments as identified herein. In consultation with Procurement, staff acknowledge that the prioritization and timing of these (all) projects deemed urgent and essential are predicated on the Procurement Intake Process.

A future determination will be required regarding the recommended shared-services arrangement, which could exist between the Commission and the Regional Procurement Division. This recommendation will be developed in the lead-up to the triple-majority report in Q2 2021, with a final determination being made early in 'Phase 3' of the transition plan. This recommendation will result from consultation with the Region's Corporate Leadership Team and the Commission's Senior Leadership Team, including its new Director of Corporate Services.

The relationship between the Region's Procurement Division and other Regional agencies varies. For example, both Niagara Regional Police and NRH operate under their own separate procurement by-laws and structures, have delegated authorities for their own staff, and have limited integration with the Region's Procurement Division. By contrast, Procurement has previously lead joint procurement exercises between Regional divisions and Regional agencies.

Staff note that other peer transit Commissions have typically operated their own decentralized Procurement Divisions tasked with undertaking their own independent procurement processes, recognizing the need for transit-specific expertise and knowledge in the development of competitions. Regardless of the approach followed, there will be benefit to ensuring alignment with Regional policies and procedures to facilitate collaboration and support between the organizations where required.

#### Strategic Communications & Public Affairs

Strategic Communications & Public Affairs supports the consolidation of transit through its provision of guidance and input on key messaging, assisting in stakeholder engagement and management, providing graphic design support to the GO Implementation Office, and in media relations.

It is expected that the role of Regional Communications staff will remain consistent through the early phases of the transition. It is anticipated that the Commission will assume primary responsibility for its own Communications activities when established, under its Corporate Services department. This approach will ensure that transit-related messaging is coming directly from the service provider, helping to build the brand of the Commission. Regional Communications staff will continue to coordinate with the Commission on broader strategic messaging which may affect the broader corporation.

Early areas of focus for this department will include the development of a corporate branding strategy, and significant internal communication and change management as part of the transition of staff.

#### **Next Steps**

Through January and February 2021, the Project Team will be engaging with LAMs to receive input and feedback on the proposed governance and financial models advanced by *LNTC-C 4-2020*. When completed, that combined feedback will be merged with this

assessment to fully inform the future 'triple-majority' report for the consolidation of transit to be brought to Council in Q2 2021.

## **Alternatives Reviewed**

There are no specific alternative scenarios or options that are directly relevant to this report. Subject to its approval, as the transition to a consolidated transit Commission advances, further ongoing discussion and consideration of alternatives will be required regarding the future shared-services relationships that will be recommended to exist between the Commission and Regional Divisions. Alternatives will be considered at that time and may include external legal advice in support of these options.

## **Relationship to Council Strategic Priorities**

The Niagara Transit Governance Strategy and the proposed consolidation of transit services across Niagara directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

## **Other Pertinent Reports**

CAO 8-2017	Niagara Region's Transit Service Delivery and Governance Strategy
LNTC-C 21-2018	Inter-Municipal Transit (IMT) Service Implementation Strategy
PW 60-2019	On-Demand Transit - Pilot Authorization
LNTC-C 4-2020	Niagara Region Transit Governance Study
LNTC-C 6-2020	Councillor Information Request - Niagara Transit Governance - Local Area Municipality Engagement
PW 52-2020	Niagara Region Transit Service Agreement Renewal
PW 53-2020	Niagara Specialized Transit Service Agreement Amendment 2021

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**Prepared by:**

Scott Fraser  
Transportation Lead  
GO Implementation Office  
Public Works Department

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**Recommended by:**

Bruce Zvaniga, P.Eng.  
Commissioner of Public Works (Interim)  
Public Works Department

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**Submitted by:**

Ron Tripp, P. Eng.  
Acting Chief Administrative Officer

This report was prepared in consultation with: Ann-Marie Norio, Regional Clerk; Bart Menage, Director, Procurement & Strategic Acquisitions, Corporate Services; Donna Gibbs, Director Legal & Court Services, Corporate Services; Heather Talbot, Financial & Special Projects Consultant, Financial Management and Planning; Julie Max, Associate Director - Infrastructure & Operations, Corporate Services; Jeff Garritsen, Associate Director Employee Relations, Human Resources; Robert Salewysch, Program Manager – Transit Services, GO Implementation Office; Sean O’Brady, Associate Director, Strategic Communications & Public Affairs; Tracie Byrne, Procurement Manager, Corporate Services; and reviewed by Matt Robinson, Director, GO Implementation Office; and Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer.

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**MEMORANDUM**

**PWC-C 3-2021**

**Subject: COVID-19 Response and Business Continuity in Public Works**

**Date: February 16, 2021**

**To: Public Works Committee**

**From: Bruce Zvaniga, P.Eng., Commissioner of Public Works (Interim)**

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As reported previously, Public Works has remained focused on keeping the critical public infrastructure operational while responding to the COVID19 pandemic. Departmental staff continue to ensure that the community has: safe drinking water, reliable wastewater systems, recycling and waste collection/disposal, regional specialized and regular transit and a well-maintained regional road system. Public Works staff recognize and are dedicated to the essential role they play ensuring that healthcare, social services, emergency responders and the community-at-large can depend upon the reliable availability of these core municipal services.

Public Works leadership is actively participating in the Municipal Emergency Control Group. Working with all other departments, the Business Continuity Plan and staff redeployment strategy is monitored and adjusted to respond to changing conditions.

The Department Leadership team continue to actively participating in virtual meetings with their counterparts in the Local Area Municipalities, and provincial committees to share our successes and learn how others have overcome challenges.

The following provides a brief highlight from each of the four (4) divisions on their respective status, service changes, actions taken and future outlook.

**Water & Wastewater Services**

**Current Status of Operations**

The focus continues to be providing high quality safe and reliable water and wastewater services to the residents of Niagara while continuing to implement the necessary safety

and social distancing protocols in accordance with Niagara Region Public Health directives and Ontario Regulations.

Both the Drinking Water and Wastewater Quality Management Systems (QMS) remain active. Capital infrastructure projects are deemed essential and continue to be delivered.

All W-WW staff and contractors continue to be reminded of their obligations to comply with the Niagara Region mask by-law and other pandemic mitigation policies and procedures.

### **Service/Operational Change**

As a result of January 14, 2021 Provincial Stay-at-Home Order and new State of Emergency declaration the following mitigation measures have been reinstated at all W-WW locations:

- All non-essential staff must work from home wherever possible and limit any on-site work to essential tasks only; designation of essential staff is at the discretion of the manager based on business needs identified in the Business Continuity Plan.
- Closure of all plant meeting rooms to non-essential in-person meetings. All essential in-person meetings must adhere to posted occupancy limits.
- Essential site tours outdoors must be limited to a maximum of five (5) with participants with all participants wearing face coverings where physical distancing cannot be maintained.
- Cancellation of all non-essential indoor site visits.
- Cancellation of all in-person training (including mandatory Health and Safety training).
- Deferral of non-essential drone flights and Matterport (360 View) scanning.
- Deferral of all non-essential contracted services.
- Limiting operations/maintenance staff from working/moving between multiple W/WW facilities to be implemented as much as possible as per business need and at the discretion of the operations and/or maintenance managers.
- Provision of manager's vehicles will be made for staff as per business need and at the discretion of the operations and/or maintenance managers.
- Using Regional courier to send items between facilities instead of in-person drop off as much as possible
- Re-adoption of no-contact drop-off/pick up for courier, deliveries, uniforms and lab supplies if not currently being practised

## **Operational Outlook**

- The focus continues to be on the maintenance of all key components, the sustainable supply of key chemicals and materials and most importantly on the well-being of the staff managing these essential systems.

## **Transportation Services**

### **Current Status of Operations**

Essential bridge, culvert and roadway works, forestry, traffic control, pavement markings and signage are critical services which continue to be provided.

Design, construction management and environmental assessments continue from engineering staff and consultants.

Staff continue to monitor all material shipments, supplies and construction contracts experiencing delays to understand larger impacts to ongoing construction project schedules.

### **Service/Operational Changes**

Transportation staff will be redeployed to assist with pandemic needs as required.

The Province of Ontario issued a Stay-at-Home Order and a new State of Emergency declaration effective January 14, 2021 in response to the second wave of the COVID-19 pandemic. In response to this, Management implemented several prevention measures some of which were adopted in the first state of emergency in spring of 2020.

Effective January 14, 2021, the following measures were implemented:

- All staff able to perform work duties from home must do so and limit any on-site work to essential tasks only.
- Essential work as outlined by the Province and identified by Management in the Transportation Business Continuity Plan will continue in accordance with the State of Emergency Declaration.
- Essential construction projects and contracted services are under review based on information coming from the Province and staff, contractors, constructors, etc., will be notified as required.
- All non-essential in-person meetings are cancelled until further notice.



- Closure of all Transportation facilities and yards to visitors. Visitors requiring stock items from our stores at Thorold Service Center must now call Fleet Services Department, Materials Technician Leadhand at **905-227-2220, press 2** in order to place and arrange for curbside pick-up only.
- Essential construction project on-site meetings (per bullet 3) must be limited to a maximum of five (5) participants wearing face masks until further notice.
- Cancellation of all in-person training.
- Staggered shifts and locations are under review and will be implemented as deemed necessary.

Staff continue to follow existing measures diligently and already in practice:

- Pre-screening is Mandatory before entry into a Regional work location.
- Stay home if you have any of the symptoms and contact manager.
- Sanitation of workstations, regional property and vehicles per procedures put in place.
- Maintain physical distancing and mask wearing, especially in break rooms, vehicles and shared spaces

### **Operational Outlook**

- Essential and critical project interpretation based on Provincial announcements will affect the delivery of projects and levels of service to residents of Niagara region. This continues to be under review. The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.
- Contracts are continuing to be monitored by staff with regards to any shortages (supplies and trades) and updates will be highlighted.

### **Waste Management Services**

#### **Current Status of Operations**

The Province of Ontario's Stay-at-Home Order and a new State of Emergency declaration, which came into effect January 14, 2021, has not impacted service and program delivery. Modifications that have been implemented are as follows:

- Staff who are able to perform work duties from home have been asked not to attend their work location. On-site work has been limited to essential tasks only.

- Essential work as outlined by the Province and identified in the Waste Management Business Continuity Plan will continue in accordance with the State of Emergency Declaration.
- Essential site tours outdoors must be limited to a maximum of five with participants with all participants wearing face coverings where physical distancing cannot be maintained.
- Cancellation of all non-essential indoor site visits,
- All non-regional recycling bin destruction centres are closed. Regional sites continuing to remain open with modifications to limit in person interactions. Residents encouraged to visits Region's website for waste management service/program updates.

Strategic initiatives are continuing such as the MRF Opportunity Review, administration of new collection contracts and services levels, Strategy Plan, construction projects, and operational tenders.

### **Operational Outlook**

- Continue to provide waste management services as an essential service.
- Review contingency plans with contractors to ensure plans are updated and current.
- RFP will be issued for the division's Long-term Strategic Plan.
- NRFP MRF Opportunity Review will be issued Q1.
- Preparation for the start of the new Humberstone contract.

## **Niagara Region Transit/Specialized Transit & GO Implementation**

### **Current Status of Operations**

As of November 23, 2020, every transit service in Niagara has reduced its onboard passenger capacity to 50% of the vehicle's seated capacity rating. For Niagara Region, this includes NRT, NST and NRT OnDemand. After additional consultation with the IMT Working Group, these capacity changes will remain in place for an indefinite period of time, however further reductions are not recommended at this time.

Niagara Region Transit (NRT) is operating at a reduced level of service when compared to a typical January through April schedule. This is due to Brock University being 95% online, and Niagara College having significant enrollment reductions combined with many online programs and lower Niagara-based student residency:

- 7:00 a.m. - 11:00 p.m. operating hours effective Sept 7 (back up from 7:00 a.m. - 9:00 p.m. from May 4 to Sept 6)
- Hourly service (60 minutes) on most routes except 40, 45, 60 and 65 as those are typically well utilized student routes.
- The only Express routes currently running are the 60A, 65A but only during typical morning and afternoon peak periods to help prevent potential crowding.

Niagara Specialized Transit (NST) continues operating at the normal level of service, except for trips whose origins or destinations are to/from a location with reported cases of COVID-19 are not being provided. Reducing hours of operation is not a necessity in this case as Niagara Region only pays for trips delivered, rather than an hourly rate. Overall, NST trip requests are significantly reduced, however NST continues to deliver all requested trips within the capacity available. Ridership has continued to show small signs of recovery but still sits at approximately 40-50% of typical usage.

NRT OnDemand service operates in Grimsby, Lincoln, Pelham, Wainfleet and West Lincoln from Monday to Saturday, 7 a.m. - 10 p.m. and in Niagara-on-the-Lake from 7 a.m. - 7 p.m. Staff are monitoring the ridership levels. Since moving into lockdown, ridership has dropped roughly 50%, but is still quite strong and comparable to NST.

Mandatory mask usage is required as per the Region's Face Covering By-law.

### **Service/Operational Changes**

Despite the reduction of vehicle capacity, there is no need to return to rear door boarding as each vehicle has a partition separating the operator/driver from the passengers.

The "Rear door boarding" policy enacted on March 23 to temporarily limit driver contact and respect physical distancing has been lifted on July 2. Because Niagara's transit providers have installed plexi-glass bio-barriers across the entire fleet of vehicles to protect bus operators, even if COVID-19 numbers increase, there will not be a need to return to rear door boarding and thus fare collection will be maintained as well.

A lower than typical service level began on January 4, however staff attempted to maintain an adequate amount of service as the student demand from Niagara College was unclear.

### **Significant Initiatives or Actions undertaken**

- All NRT, and NST fleet vehicles continue to be professionally cleaned/disinfected/sanitized well beyond regular protocols, and Aegis antimicrobial spray was applied to all interior surfaces. This work was completed by the local transit service providers as they manage and operate the NRT fleet as part of their own.
- Due to the low volume of trips, BTS has made every effort to deliver trips with only a single occupant in each vehicle, although this has not been formalized as a public policy.
- NRT OnDemand does not permit the use of the front passenger seat in order to maintain distance between the drivers and passengers.

### **Operational Outlook**

#### **1 month**

- Staff will continue to monitor the COVID-19 numbers and categorization for Niagara. Service adjustments may be required as the situation worsens, however the current belief held by the IMT Working Group is to continue offering existing service for essential workers.
- NRT staff continue to review ridership data closely in order to determine appropriate levels of service.
- Staff continues to work with Brock University and the Brock University Student Union to maintain the U-Pass Program for the 2020-2021 academic year. Niagara College terminated the U-Pass agreement in response to COVID-19 and thus students will be purchasing monthly passes in September.

#### **3 months**

- Staff are preparing schedules for May through August 2021. Due to the extremely low ridership, the loss of the bulk U-Pass revenue (i.e. from Niagara College) and increasing COVID-19 numbers, the service level has been significantly scaled back as of January and will likely see similar service levels in the summer.
- Possible further service adjustments based on ridership and in reaction to any provincial changes. Staff will continue to work with the IMTWG in reviewing the available data to ensure that adequate service is being provided while being mindful of the financial challenges faced by each municipality.

- The Niagara Transit Governance Study report will be complete by summer 2020. Introduction of the final report to LNTC with recommendation on a new governance model by the Project Team and study consultants will be done in consultation with the CAO Working Group and the LNTC Chair.

6 months

- The IMTWG will begin working towards the implementation of a new fare payment technology through the funding provided by the Investing in Canada Infrastructure Program (ICIP). Due to the complexity of the program, an implementation date in 2021 is being targeted, however orders for the hardware are just beginning to be made. Staff will continue to provide updates once a timeline has been established and at the major milestones.

As both the Province and Region move through the recovery process, staff at each of Niagara's transit providers will continue to collaborate in monitoring service levels, processes, and policies to ensure the safety of the residents and employees remain a priority and that decisions are made and communicated jointly wherever possible.

Respectfully submitted and signed by,

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Bruce Zvaniga, P.Eng.  
Commissioner of Public Works (Interim)

## **Other Pertinent Reports**

CAO 10-2020, April 23, 2020 COVID-19 Response and Departmental Updates

PWC-C 13-2020, May 12, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 20-2020, June 16, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 24-2020, July 14, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 27-2020, August 4, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 33-2020, September 8, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 37-2020, October 13, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 41-2020, November 10, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 47-2020, December 8, 2020 COVID-19 Response and Business Continuity in Public Works

PWC-C 1-2021, January 12, 2021 COVID-19 Response and Business Continuity in Public Works

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**MEMORANDUM**

**PWC-C 5-2021**

**Subject: Appointment of By-law Officers for the Enforcement of the Sewer-use By-law (By-law #27-2014)**

**Date: February 16, 2021**

**To: Public Works Committee**

**From: Jason Oatley, Manager, Quality and Compliance (Wastewater)**

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Niagara Region enacted Sewer-use By-law #27-2014 (the By-law) on February 27, 2014. The By-law contains concentration-based limits for the discharge of heavy metals, suspended solids, oil and grease, phosphorus and other parameters of concern. The By-law also contains requirements for the discharge of Hauled Sewage and storm water. The limits and requirements of the By-law are designed to protect the wastewater collection system and sewage treatment plant infrastructure from adverse effects and to ensure the wastewater treatment plant discharges are maintained in environmental compliance with various provincial and federal legislation.

The purpose of this memorandum is to request approval from Regional Council for the appointment of individuals involved in administration and enforcement of the By-law as listed below. Individuals responsible for the administration and enforcement of this By-law require Council approval to be duly authorized as by-law enforcement officers and Provincial Offences Officers.

Under Section 87 of the Municipal Act, 2001, *“a municipality may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose.”*

Under Section 3.1 of Niagara Region By-law, 27-2014, *“Regional Council may enact a by-law appointing enforcement officers for the purpose of the enforcement of this By-law as required.”*

A temporary Environmental Enforcement Officer has joined the Environmental Enforcement Section to replace another officer currently on leave. Staff is requesting that the required by-law be enacted to appoint this individual to enforce the Bylaw.

The following list of individuals are employees of the Corporation and are trained and qualified for the enforcement of the By-law:

Jason Oatley, Manager, Quality and Compliance (Wastewater) - Previously Appointed

Dominic Valentini, Environmental Enforcement Officer- Previously Appointed

Craig Burns, Environmental Enforcement Officer – Previously Appointed

Ashley Marshall, Environmental Enforcement Officer – Previously Appointed

Chris Brylinski, Environmental Enforcement Officer – Previously Appointed

Jasson Villeneuve, Environmental Enforcement Officer – New appointment needed

It is therefore recommended that the individual(s) above be appointed (or remain appointed as the case may be) as by-law enforcement officers and Provincial Offences Officers and included in a by-law as appropriate.

Respectfully submitted and signed by

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Jason Oatley, B.Sc., C.Chem.  
Manager, Quality and Compliance (Wastewater)