

August 7, 2020

Kris Kernaghan
Ministry of Transportation
Corridor Management and Property Office
301 St. Paul St
St Catharines, ON
L2R 7R4

Re: Traffic Impact Studies (TIS) Guidelines Update

On behalf of our collective members, the Ontario Home Builders' Association (OHBA) and the Building Industry and Land Development Association (BILD) would like to take this opportunity to thank Ministry of Transportation staff for inviting us to participate in the Traffic Impact Study (TIS) Guidelines consultations, which took place in July. This consultation followed earlier consultation on MTO's Highway Corridor Management System (HCMS) and a letter from OHBA and BILD recommending a variety of streamlining initiatives within the development review process on June 8, 2020. These initiatives are of great interest to our associations, and we support the Ministry's efforts to enhance both its HCMS and TIS Guidelines with the objective of:

- Supporting the Ontario Digital Services initiative;
- Streamlining and accelerating the land development review process;
- Providing, clearer, consistent requirements that would deliver a more transparent review process;
- Improving access to MTO contacts and features to meet client needs; and
- Reducing regulatory burden to the land development industry.

We understand that since the development of the current (2014) guidelines that the MTO has developed and implemented a comprehensive set of policies, guidelines, best practices and specifications that may be relevant to the development submission process and necessitate changes of the purpose, format and content of the current TIS Guideline. In an environment where housing supply and choice has become increasingly more complicated and expensive to deliver, OHBA and BILD believe the TIS guidelines should run parallel with a number of broader, provincially significant priorities like the *Housing Supply Action Plan* and, crucially in this time of the COVID-19 pandemic disruption, *Ontario's Economic Job and Recovery Committee* chaired by Finance Minister Rod Phillips.

As part of the MTO permit application process, preparation of a TIS may be necessary to determine the extent to which highway improvements are required as a direct result of a proposed development application. OHBA and BILD note that our members experience is that a TIS is typically required in most situations. We recommend that going forward, the MTO implement a stronger screening process to determine if a TIS is even appropriate or necessary. The industry requires greater clarity on the thresholds for a TIS (and the complexity of same) in cases where a development site is tangential or nearby, but not directly connecting to a highway. Therefore, having clear guidelines and thresholds along with appropriate MTO staff as part of pre-consultation is critical in order to be able to "make the call" on the necessity of a TIS.

To further support the MTO's objective to improve the quality of these studies, OHBA and BILD believe the MTO should also consider the following:

- In the TIS initial stage:
 - Creating a direct MTO Terms of Reference and Turning Movement Count contact (general email boxes for each).
 - Expanding the letter's recommendation to include explicitly stating particular thresholds/triggers of when the MTO's involvement is appropriate.

- In the TIS analysis stage:
 - Raising the 'critical' V/C ratios for more urban MTO jurisdictional areas.
 - Adding additional details on MTO Synchro/SimTraffic analysis parameters.

- Intersection performance criteria to be adhered is overly optimistic given that most of intersections within the GTA operate close to capacity conditions. A review of intersection performance criteria to be met as part of the TIS Guidelines should be completed, in consultation with OHBA and BILD members. This builds on the recommendation above related to raising the critical V/C ratios.

- Study requirements specified in the MTO TIS Guidelines are often different from those stipulated in the TIS Guidelines of local municipalities where the subject development is in, which sometimes triggers a need to prepare two separate reports. Finding a way to develop a set of requirements that would be acceptable to both authorities would be helpful (i.e. horizon years, methodology, etc.).

As shared through HCMS consultation, OHBA and BILD members also have broader concerns with MTO's role within the development review process, especially as we consider ways to expeditiously deliver much needed housing choice as well as begin our post-pandemic recovery efforts. We collectively support a number of the improvements the MTO has identified as part of its HCMS initiatives including updating the TIS Guidelines, but upon further discussion with our members, there are additional measures that we identified in our June 8, 2020 letter to the MTO that we feel will better position Ontario to be more open for business and re-stimulate the economy.

Enabling Transfer of Review

OHBA and BILD reiterate our June 8th recommendation in our submission on the HCMS that MTO would benefit from implementing the Transfer of Review program currently under the MECP, which is a voluntary program that is designed better coordinate the review and decision-making process between applicants, municipal partners and the Ministry.

OHBA and BILD recommend that the MTO consider, in consultation with our industry, the potential to adopt the MECP Transfer of Review program under a voluntary format with municipalities that are experiencing a high volume of work within their planning and development departments. Doing so may involve a municipal agreement with the MTO that sets out the Term of Reference for the process or alternatively, allows certain prequalified and approved consultants to review files (peer reviews) and have the delegated authority to approve on behalf of MTO. Transfer of review will allow municipalities and on-the-ground experts familiar with the local impacts to make more informed comments and decisions.

Clarifying when MTO's Involvement is Necessary and Appropriate

OHBA and BILD members believe, there is a lack of understanding of the MTO's jurisdiction and their area of interest, especially in the context of urbanized, rural and open-field areas of the province, or with the background planning work for a Master Planned area. This frequently results in applications unnecessarily being circulating to MTO when their involvement is not required, protracting already extended approval timeframes.

As well, in terms of their scope of work, it has been found that the MTO is increasingly commenting on matters that are not within their purview, resulting in mandate creep or perhaps misunderstanding. It is our position that the MTO should comment only in circumstances where a development project may have direct impacts on provincial transportation corridors or when Master Planning has not commenced.

Conclusion

OHBA and BILD members are supportive of enhancements to MTO processes impacting land development review. A greater emphasis should be placed on pre-consultation and customer service. As an additional measure, we would strongly encourage the Ministry to revisit the prescribed areas of review for its corridors. This should include better screening and clarity as to when a TIS is required.

Thank you again for the opportunity to be consulted in this process. We trust you find our comments above helpful and welcome the opportunity to engage further with MTO staff and our members, virtually, to discuss our thoughts in greater detail. If you have any questions or would like schedule a time to meet with our associations, please feel free to contact one of the undersigned.

Sincerely,



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Director of Policy, OHBA



Carmina Tupe, MCIP, RPP
Manager of Policy & Advocacy, BILD

CC: *Hugh Fraser, Ministry of Transportation*
Jennifer Graham Harkness – Assistant Deputy Minister & Chief Engineer - Asset Management