



DRAFT FONVCA AGENDA

Wednesday November 18th 2015

Place: DNV Hall 355 W. Queens Rd V7N 2K6

Time: 7:00-9:00pm

Chair: Margaret Fraser

Tel: 604-990-0909 **Email:** frasercandm@msn.com

1. Order/content of Agenda

- a. Chair Pro-Tem Suggests:

2. Adoption of Minutes of Oct 21st

- *a. <http://www.fonvca.org/agendas/nov2015/minutes-oct2015.pdf>

Note: (*) items include distributed support material

- b. Business arising from Minutes.

3. Roundtable on “Current Affairs”

A period of roughly 30 minutes for association members to exchange information of common concerns.

- a. EUCCA
- b. Delbrook CA
- c. Blueridge CA
- d. Others

4. Old Business

- a) Item carried over from October Mtg:
Public Hearing Input Limiting by Chair

See first bullet of page 2 at

<http://app.dnv.org/OpenDocument/Default.aspx?docNum=2744859> which states...

“Any additional presentations will only be allowed at the discretion of the Chair”

Time limits must be “reasonable” – see for example

http://www.bcwatersheds.org/wiki/index.php?title=Local_Government_Structure_and_Procedures

http://www.ubcm.ca/assets/Services/Publications/17_PUBLIC%20HEARINGS.pdf and especially

http://dspace.library.uvic.ca:8080/bitstream/handle/1828/4140/Williams_Bruce_MA_2012.pdf

- b) **Update: OCPIC by Corrie Kost**

Presentation of OCPIC progress report at COW of Monday October 26 – time allotted inadequate.

c) Update on Nov 7th Community Workshop

Second workshop is to take place - to continue discussing the role of community associations on 11am-3pm Sat. Nov 21 at 1055 Premier St.

d) Revision to FONVCA E-mail List – BCA

5. Correspondence Issues

- *a) **Review of correspondence for this period**

Distributed as non-posted addenda to the full package.

6. New Business

- a) **Presentation by Jillian Cooke**

Requests 5 minutes of the FONVCA meeting 18 Nov agenda to share a quick update on waterfront development issues and the North Shore Water Liaison Committee activities of which I was one of two DNV resident reps.

7. Any Other Business

- a) **NV Federal voter turnout 76.4%**

- one of the highest in Canada!

- Wilkinson 56.6% share a record for this riding

- Beech won Burnaby North-Seymour where turnout was 70.0% (former Councillor Mike Little came in third)

- b) **Presentation Request by Monica Craver**

Subject relates to sustainability of current trail building practices in the DNV wilderness. Requests Jan or Feb

8. For Your Information Items

(a) Mostly NON-LEGAL Issues

- i) News-Clips for the month of November 2015

<http://www.fonvca.org/agendas/nov2015/news-clips/>

Summary of titles:

* <http://www.fonvca.org/agendas/nov2015/news-clips/summary.doc>

Some annotated newspaper clips may be worth a read!

- ii) **Pricing Traffic Congestion**

<http://ecofiscal.ca/reports/traffic/>

http://ecofiscal.ca/wp-content/uploads/2015/10/Abacus_Ecofiscal_Congestion_Report- July2015.pdf

<http://ecofiscal.ca/wp-content/uploads/2015/10/Ecofiscal-Commission-Pricing-Traffic-Congestion-Report-November-2015.pdf>

(b) Mostly LEGAL Issues

- i) **Homeless have right to sleep in parks overnight**

<http://www.courts.gov.bc.ca/jdb-txt/SC/15/19/2015BCSC1909.htm>

- ii) **Review of Local Government Riparian Regulations**

http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/lq_rar_implementation_compliance_report_september_14_2015_r.pdf

- iii) **Putting a Price on Water**

<http://wcel.org/resources/environmental-law-alert/glass-half-full-and-what-should-it-cost>

9. Chair & Date of next meeting

7pm Wed Dec 16th 2015

FONVCA Received Correspondence/Subject

19 October → 15 November 2015

| LINKED or NO-POST | SUBJECT |
|-------------------|---------|
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Past Chair Pro/Tem of FONVCA (Jan 2010→present)

Nov 2015

Margaret Fraser

| | | |
|----------|-----------------|---|
| Oct 2015 | Diana Belhouse | Delbrook C.A. & S.O.S. |
| Sep 2015 | Val Moller | Assoc. of Woodcroft Councils |
| Jun 2015 | Eric Andersen | Blueridge C.A. |
| May 2015 | Val Moller | Woodcroft rep. |
| Apr 2015 | Adrian Chaster | Edgemont & Upper Capilano C.A. |
| Mar 2015 | John Miller | Lower Capilano Community Residents Assoc. |
| Feb 2015 | Eric Andersen | Blueridge C.A. |
| Jan 2015 | Diana Belhouse | Delbrook CA & S.O.S. |
| Nov 2014 | Val Moller | Woodcroft rep. |
| Oct 2014 | Brian Albinson | Edgemont & Upper Capilano C.A. |
| Sep 2014 | John Miller | Lower Capilano Community Residents Assoc. |
| Jun 2014 | Diana Belhouse | Delbrook CA & S.O.S |
| May 2014 | Eric Andersen | Blueridge C.A. |
| Apr 2014 | Val Moller | Woodcroft rep. |
| Mar 2014 | Peter Thompson | Edgemont & Upper Capilano C.A. |
| Feb 2014 | John Miller | Lower Capilano Community Residents Assoc. |
| Jan 2014 | Dan Ellis | Lynn Valley C.A. |
| Nov 2013 | Diana Belhouse | Delbrook CA & S.O.S |
| Oct 2013 | Val Moller | Woodcroft rep. |
| Sep 2013 | Eric Andersen | Blueridge C.A. |
| Jun 2013 | Peter Thompson | Edgemont & Upper Capilano C.A. |
| May 2013 | John Miller | Lower Capilano Community Residents Assoc. |
| Apr 2013 | Paul Tubb | Pemberton Heights C.A. |
| Mar 2013 | Dan Ellis | Lynn Valley C.A. |
| Feb 2013 | Diana Belhouse | Delbrook C.A. & SOS |
| Jan 2013 | Val Moller | Woodcroft & LGCA |
| Nov 2012 | Eric Andersen | Blueridge C.A. |
| Oct 2012 | Peter Thompson | Edgemont & Upper Capilano C.A. |
| Sep 2012 | John Hunter | Seymour C.A. |
| Jun 2012 | Paul Tubb | Pemberton Heights C.A. |
| May 2012 | Diana Belhouse | Delbrook C.A. & SOS |
| Apr 2012 | Val Moller | Lions gate C.A. |
| Mar 2012 | Eric Andersen | Blueridge C.A. |
| Feb 2012 | Dan Ellis | Lynn Valley C.A. |
| Jan 2012 | Brian Platts | Edgemont & Upper Capilano C.A. |
| Nov 2011 | Paul Tubb | Pemberton Heights |
| Oct 2011 | Diana Belhouse | Delbrook C.A. & SOS |
| Sep 2011 | John Hunter | Seymour C.A. |
| Jul 2011 | Cathy Adams | Lions Gate C.A. |
| Jun 2011 | Eric Andersen | Blueridge C.A. |
| May 2011 | Dan Ellis | Lynn Valley C.A. |
| Apr 2011 | Brian Platts | Edgemont & Upper Capilano C.A. |
| Mar 2011 | Val Moller | Lions Gate C.A. |
| Feb 2011 | Paul Tubb | Pemberton Heights ← Special focus on 2011-2015 Financial Plan |
| Jan 2011 | Diana Belhouse | S.O.S. |
| Dec 2010 | John Hunter | Seymour C.A. ← Meeting with DNV Staff on Draft#1 OCP |
| Nov 2010 | Cathy Adams | Lions Gate C.A. |
| Oct 2010 | Eric Andersen | Blueridge C.A. |
| Sep 2010 | K'nud Hille | Norgate Park C.A. |
| Jun 2010 | Dan Ellis | Lynn Valley C.A. |
| May 2010 | Val Moller | Lions Gate C.A. |
| Apr 2010 | Paul Tubb | Pemberton Heights |
| Mar 2010 | Brian Platts | Edgemont C.A. |
| Feb 2010 | Special | |
| Jan 2010 | Dianna Belhouse | S.O.S |

Notetaker

T.B.D.

| |
|--------------------------|
| Arlene King |
| John Miller |
| John Miller |
| Cathy Adams |
| John Miller |
| Diana Belhouse |
| John Miller |
| Arlene King (Norgate) |
| Eric Andersen |
| John Miller |
| Diana Belhouse |
| Eric Andersen |
| Dan Ellis |
| John Miller |
| John Gilmour |
| Diana Belhouse |
| John Miller |
| Eric Andersen |
| Sharlene Hertz |
| John Gilmour |
| Cathy Adams |
| Dan Ellis |
| Sharlene Hertz |
| Sharlene Hertz |
| John Miller |
| Sharlene Hertz |
| Cathy Adams |
| Sharlene Hertz |
| Kim Belcher |
| Diana Belhouse |
| John Miller |
| Dan Ellis |
| John Hunter |
| John Miller |
| Cathy Adams |
| Eric Andersen |
| Paul Tubb |
| Dan Ellis |
| John Hunter |
| Cathy Adams |
| Brian Platts/Corrie Kost |
| Diana Belhouse |
| Eric Andersen |
| Brenda Barrick |
| None |
| John Hunter |
| Paul Tubb |
| Eric Andersen |
| Cathy Adams |
| Cathy Adams |
| Dan Ellis |
| Diana Belhouse |
| K'nud Hille |

AGENDA ITEM 2(a)

FONVCA

Draft Minutes of Regular Meeting Wednesday October 21st , 2015

Place: DNV Hall 355 W. Queens Rd, North Vancouver

Time: 7:00-9:00pm

Chair: Diana Belhouse

Attendees:

| | |
|--------------------------------|----------------------------------|
| Ruth Hanson | Blueridge C. A. |
| Eric Andersen | Blueridge C. A. |
| Corrie Kost | Edgemont & Upper Capilano C. A. |
| Diana Belhouse (chair pro-tem) | Delbrook C. A. & Save Our Shores |
| John Miller | Lower Capilano Com. Res. Assn. |
| Arlene King (notes) | Norgate C.A. |
| Margaret Fraser | LVCA – guest |
| Cathy Adams | Lions Gate C. A. |

1. Order/content of Agenda

Called to order at 7:05pm

Chair pro-tem suggested that Item 4(d) be moved up to facilitate our Guest Speaker, Vince Beasse, President of the N.S.M.B.A.

They are an Advocacy Group and their motto is "Trails for All, Trails For Ever". They started in 1997 as a small group to make sure that trails were better monitored, maintained & minimized damage and signage improved. They have membership dues \$40 - but you don't have to pay or need to belong to their organization to use the trails, as they are on public land. They have various training programs like the Trail Builders Academy and the Master Builders Academy. They get funding grants from various levels of government as well as B.C. Hydro, etc.

In 2014, they had 32 people or companies join their "Trail Adopters" program at \$3,000 per year. Their members worked on 28 trails, and put in at least 100 trail days of work, which is estimated to be \$100,000 worth of volunteer labour contributions. Although insured they rely on "landowners immunity". Biking trails users are predominantly male (80%/20%). In 2015 they had about 900 paying members (\$40 each), although the trail "passes" are voluntary to ride the trails.

For the future, they have received a \$10,000 grant to work on the Baden Powell Trail and trying to connect some of the trails. Preventive maintenance is ongoing. They are still looking at getting more and better signage.

PUBLIC EDUCATION -- a very hard job trying to get some rogue riders to NOT ride when the park is closed - especially the 'Night Riders'. Trail etiquette, too, is not practiced by some. A very real concern is the e-bikes. Some USA States have stringent rules - B.C. and Canada does not. For clarity, NSMBA.CA is their website/name – not to be confused with a 'for profit' group that has taken the name NSMB.COM

After a rain, if people see environmental damage – they can contact the appropriate people through the website NSMBA.com

The presentation is available at

http://www.fonvca.org/agendas/nov2015/NSMBA_FONVCA_PRESENTATION.pdf

2. Adoption of Minutes of Sep 16th

a. <http://www.fonvca.org/agendas/oct2015/minutes-sep2015.pdf>

John Miller moved minutes be adopted. Carried

b. Business arising from Minutes.

4(e) of Sep 16th FONVCA meeting: A letter was sent to M&C relating to handling of DWV public correspondence. No response to date. Note that this was only sent about a week earlier (October 7th). Item to be tabled to November FONVCA meeting.

3. Roundtable on “Current Affairs”

Short updates were provided by the following representatives...

a. EUCCA b. Delbrook CA c. Blueridge CA d) Norgate CA

As well, the members agreed that since Dan Ellis, a long-time attendee at past FONVCA meetings, is moving to the US, he should be sent a “Best Wishes” card expressing gratitude and appreciation for his many years of service to FONVCA.

4. Old Business

a) Update: OCPIC by Corrie Kost

After an extended summer break by this committee (of staff) final touches were put to the “OCP PROGRESS MONITORING 2011-2014” report to be submitted to Council at a future COW meeting.

b) Update on future Community Workshop

Update was given by Ruth Hanson, who is to be the Facilitator. It will now be held on Saturday Nov 7th 11am-3pm at the Lions Court at 1055 Premier Street, North Van. (arranged through Eric). Invites were to be sent to all existing and wanabee community associations. Ruth said she would get a local realtor/s to donate door prizes, provide lunch, etc. Ruth mentioned how she thought it should go (without having a pre-conceived vision of what is needed), so she took suggestions and

was feeling confident she now knew what members were hoping to get from this workshop.

c) Revision to FONVCA E-mail List – BCA

Ongoing – tabled to next meeting.

d) Presentation by NSMBA.--see above—

5. Correspondence Issues

a) Review of correspondence for this period

Distributed as non-posted addenda to the full package to the members present. It was decided that of the 6 emails, only #1, #3, and #5 be posted on the FONVCA website.

6. New Business

7. Any Other Business

The following item will be carried over to next FONVCA meeting.

a) Public Hearing Input Limiting by Chair

See first bullet item of page 2 at

<http://app.dnv.org/OpenDocument/Default.aspx?docNum=2744859>

which states...“Any additional presentations will only be allowed at the discretion of the Chair”

Time limits must be “reasonable” – see for example

http://www.bcwatersheds.org/wiki/index.php?title=Local_Government_Structure_and_Procedures

http://www.ubcm.ca/assets/Services/Publications/17_PUBLIC%20HEARINGS.pdf

and especially

http://dspace.library.uvic.ca:8080/bitstream/handle/1828/4140/Williams_Bruce_MA_2012.pdf

8. For Your Information Items

These were only lightly outlined...with no discussion.

(a) Mostly NON-LEGAL Issues

i) News-Clips of the month of October 2015

<http://www.fonvca.org/agendas/oct2015/news-clips/>

<http://www.fonvca.org/agendas/oct2015/news-clips/summary.doc> ← Summary of titles:

Some annotated newspaper clips may be worth a read!

ii) What if Roads Had No Rules?

<http://www.cbc.ca/radio/the180/defence-of-political-flip-flops-before-the-courts-contracting-out-the-workplace-1.3224238/taming-traffic-what-if-our-roads-had-no-rules-1.3224448>

Interesting things happen if more responsibility is downloaded to individuals.

iii) Healthy, Resilient, and Sustainable Communities After Disasters

Free 600 page pdf book available from National Academies Press at

<http://www.nap.edu/read/18996/chapter/1>

iv) Rating Municipal Governments

<http://www.dbrs.com/research/280843/rating-canadian-municipal-governments.pdf>

(b) Mostly LEGAL Issues

i) Jurassic Parliament Newsletters:

Included in distributed material were two articles:

- *Call for the question needs a second: Sep 2015*
- *Qualities of a good leader / Chairmanship: Oct 2015*

Source: <https://www.jurassicparliament.com/>

ii) Duty to keep trails and pathways safe

<http://www.citopbroker.com/special-reports/safe-city-trails-pathways-5789>

The legal ground on this issue is seeing changes. Ontario seems to be a trend setter.

iii) Extreme-sports not required to report injuries

<http://www.ourwindsor.ca/news-story/5733761-extreme-sports-facilities-not-required-to-report-injuries/>

9. Chair & Date of next meeting

Margaret Fraser - Lynn Valley

7pm Wed Nov 18th 2015

Meeting adjourned 9.15 pm

Public Hearings

SERIES NO.
17

Public Hearings Required

The *Local Government Act* requires councils and boards to conduct public hearings before adopting or amending Official Community Plans, zoning bylaws or rural land use bylaws [LGA s. 890]. Public hearings in many cases are considered a quasi-judicial function and so the elected members are required to act “as if” a judge. **Councils and boards must hear all the information** and then make a decision. Procedures governing these hearings are subject to:

- statutory requirements;
- **rules of natural justice and procedural fairness** when the statute is silent or incomplete; and
- other precedent-setting decisions of the courts.

Bylaws considered following public hearings have been successfully attacked in court because procedural requirements have not been followed strictly.

Statutory Requirements

The statutory requirements for public hearings are set out in the *Local Government Act* sections 890 to 894. As a general rule, if a local government embarks on a hearing process in relation to matters such as development permits or development variance permits, which do not statutorily require a hearing, the hearing procedures described in these guidelines should be followed.

Note: Councils can hold a public hearing on these matters! - cik

Timing

Public hearings must be held after first reading and before third reading of the **bylaw** [LGA s. 890(2)]. Public hearings must be held again, with new notices, if the local government wishes to alter the bylaw so as to alter the permitted land use, increase the permitted density of use, or without the owner's consent decrease the permitted density of use, or wishes to receive new information before adoption (with minor exceptions).

Waiving the Hearing

A local government may decide not to hold a hearing on a zoning bylaw that is consistent with an Official Community Plan [LGA s. 890(4)], provided two notices are published in a local newspaper; and if use or density of less than 10 owners is being altered a notice is delivered to the owners and tenants of property affected [LGA s. 892 (7)].

Although a public hearing is not required for a zoning bylaw which is consistent with an official community plan, some municipalities have chosen to hold hearings on all zoning bylaws to avoid any suggestion that council might be using the provision in s. 890 (4) to “sneak through” a zoning change that would face significant opposition at a public hearing if one was held. It should also be recognized that many current residents of an area may not have lived there when the Official

Community Plan was adopted, and may therefore not be aware of its provisions or have had an opportunity for input to the plan.

It should also be noted that one of the indicia of bad faith is rushing the bylaw and so waiving the hearing may (in the context of other indicia) give evidence of inordinate speed that may give rise to a claim for bad faith.

Delegation

A council may delegate the holding of a public hearing to one or more council members; and a regional board may delegate the holding of a public hearing to one or more directors and the persons to whom the hearing has been delegated must report back to the board before the bylaw is adopted [LGA s. 891; 890(7)] (also see Fact Sheet #15).

Notice Requirements

Two types of notice requirements are set out in the Act [LGA s. 892]. All public hearings must be advertised in a local newspaper in accordance with the Act's requirements. In addition, written notice must be sent to all property owners and tenants subject to the proposal and other owners within a distance local government has determined by bylaw if land use or density is being altered. The requirement for written notice does not apply if the bylaw affects 10 or more parcels owned by 10 or more persons. Local governments may enact their own requirements for posting of a site that is the subject of a bylaw amendment.

Disclosure

In addition to the proposed bylaw described in the formal notice, the local government must, prior to and at the hearing, make available to the public for inspection documents pertinent to matters contained in the bylaw, considered by the council or board in its determinations whether to adopt the bylaw, or which materially add to the public understanding of the issues considered by the council or board. There is no obligation to create information about the bylaw that would not otherwise exist.

The hearing must allow proponents of each side to have reasonable access to all relevant reports and materials provided by the parties over the course of consideration of the rezoning application including during the course of the hearing. If the local government has required an applicant to provide impact studies or similar material of a complex nature, the documents must be made available sufficiently in advance of the hearing to provide a reasonable opportunity for members of the public to review the material and prepare submissions on it (*Pitt Polder Preservation Society v. Pitt Meadows, 2000*).

The Hearing

A public hearing provides an opportunity for the public, including individuals who believe their interest in property may be affected by a proposed bylaw, to speak or submit written comments on the bylaw [LGA s. 890(3)]. More than one bylaw may be considered at a hearing [LGA s. 890(5)]. A summary of the representations made at public hearing must be certified as correct by the person preparing the report and, where the hearing was delegated, by the delegated council member or director, and must be maintained as a public record [LGA s. 890 (6) and (7)]. An inadequate report can jeopardize the adoption process: *Pacific Playgrounds Ltd. v. Comox-Strathcona Regional*

District (2005). A public hearing may be adjourned from time to time without publication of notice, provided an announcement is made at the adjournment of when and where the hearing is to be resumed [LGA s. 890 (8)].

Voting after a Hearing

Council or board members absent from a hearing can vote on the bylaw provided they receive an oral or written report [LGA s. 894 (2)]. After the public hearing, council or the board may, without holding another hearing on the bylaw, alter any matter before it finally adopts the bylaw [LGA s. 894 (1)] except it cannot alter the use; increase the density; or decrease the density (without the owner's consent) of any area originally specified in the bylaw.

Conflict of Interest and Bias

There are several situations involving conflict of interest and bias (see also Fact Sheet #14) but the most likely in public hearings are:

- Pecuniary: A financial interest in the outcome of the case. For example, an elected official owns property that would be affected by the zoning bylaw.
- Non-Pecuniary: There is a personal but non-financial interest in the outcome. For example a close friend or a family member may be affected by the outcome.
- Bias: Having a totally closed mind; not being amenable to any persuasion.

The Right to a Hearing

The *Local Government Act* requires that all persons who believe their interest in property is affected by the bylaw shall be given an opportunity to be heard. The rules of natural justice expand on the statute. Interested parties must not only be given the opportunity to be heard but also to present their case, subject to reasonable procedural rules such as the right of others attending the hearing to witness the presentation. They must also be able to comment on all material considered by the elected officials who are acting in the nature of judges. This means the council or board members must not communicate privately with any party in the hearing or consider material not available to the proponent or an interested party.

Before the Hearing

Clearly, in court if the judge was interviewed by the press before the case and stated that his or her mind was already made up, no plaintiff or defendant in the case would feel the hearing was fair.

A case where this point was tested was in *Save Richmond Farmland Society v. Richmond*, where a councillor was alleged to have a closed mind and claimed before the public hearing that "council had made up its mind". However, the court held that a politician does not have to enter the hearing with "an empty mind". Elected officials are entitled, if not expected, to hold strong views on the issues to be legislated. Clearly, local elected officials are entitled before the hearing to individually listen to their constituents and their concerns.

At the Hearing

At the hearing, the elected official's primary duty is to hear what all interested persons have to say about the bylaw (as defined in the *Act* as "all persons who believe that their interest in property is affected"). The hearing is not a forum in which elected officials should be debating among themselves or with the proponents or opponents; they should hear and (if necessary for clarification of a speaker's point) ask questions – council or board debate takes place after the hearing has closed. Elected officials should be reasonably attentive and considerate of the public; attention to non-relevant written material, mobile phones, personal digital assistants, pagers, and private discussions between officials, should be deferred until after the hearing or breaks called by the Chair.

When in doubt as to whether a person has sufficient interest to be heard, hear them – it saves problems later and elected officials can decide how much weight in its deliberations it will give to someone who lives outside the municipality or as between someone who lives beside the site affected by a minor rezoning and someone who lives 3 miles away.

The meeting must be run in an evenhanded and fair way – for example in *Ross v. Oak Bay* (1965) the Mayor asked the people not to speak unless they had something new to say that hadn't been said by previous speakers. This intimidated some members of the public and they didn't speak. The bylaw was struck down. Rhetorical or confrontational questions from members of council should also be avoided, as they can intimidate others who might wish to avoid the same treatment.

But if the hearing is rowdy and emotional, the Chairperson has considerable leeway to keep order, make reasonable rules governing the hearing and put speakers, interrupters and hecklers in their seats, again to ensure that others are not intimidated from participating [LGA s. 890(3.1)]. Speakers' lists and speaking time limits are commonly used in British Columbia, and have not been successfully challenged.

If the hearing has to be adjourned, it is sufficient to choose a time, place and date at the hearing before adjournment and announce it to those present; otherwise advertisement and written notice must be sent out again [LGA s. 890].

After the Hearing

After the hearing, the council/board, the council or board members, or committees may not hear from or receive correspondence from interested parties relating to the rezoning proposal. They can hear from their own staff, lawyers and consultants (*Hubbard v. West Vancouver*, 2005) but if they receive a delegation or correspondence they will be, in effect, reopening the hearing and will run the risk of having the bylaw quashed. Although a council or board is often tempted to pursue an outstanding or new issue after the hearing, the local government generally should not entertain new information or hear a party affected unless at a new hearing. The exceptions to this general rule should be considered carefully in the context of the circumstances of each case.

The Public Hearing
in the Official
Community Plan
Adoption Process

Municipalities

Each reading of an OCP bylaw must receive affirmative vote of majority of all members.

CONSIDERATION OF
CONSULTATION PROCESS

- Council (or its authorized delegate) must consider what consultation opportunities (in addition to the hearing) are appropriate in relation to the bylaw, and in particular whether certain named parties ought to be consulted and if so, how early and how often [s. 879 LGA].

IMPLEMENTATION OF SELECTED
CONSULTATION PROCESS

CONSULTATION WITH SCHOOL
BOARD [S. 880 LGA]

FIRST READING (AND/OR SECOND)

“Examine” OCP in conjunction with financial plan; any waste management plan; refer regional context statement for Board; refer to Land Commission if ALR.

NOTICE OF PUBLIC HEARING

- 2 newspaper notices, the last appearing a minimum 3 days and a maximum of 10 days before the hearing.
- If use, density or less than 10 parcels owned by 10 persons are affected, written notice to be delivered 10 days before the hearing to affected properties.

Regional Districts

Each reading of an OCP bylaw must receive affirmative vote of majority of all members entitled to vote.

CONSIDERATION OF
CONSULTATION PROCESS

- Same

IMPLEMENTATION OF SELECTED
CONSULTATION PROCESS

CONSULTATION WITH SCHOOL
BOARD [S. 880 LGA]

FIRST READING (AND/OR SECOND)

Same

NOTICE OF PUBLIC HEARING

Same

Advise the Minister of the results of above.

If one has 7 members on council this means 4 or more in the affirmative no matter how many are present at the reading.

HOLD HEARING

(report to full council after if members absent) or if delegated

(SECOND AND/OR) THIRD READING (OR DEFEAT)

FINAL ADOPTION

HOLD HEARING

(report to full board after if members absent) or if delegated

(SECOND AND/OR) THIRD READING (OR DEFEAT)

To Minister for approval unless exemption under B.C. Reg 279/2008 applies (30 parcel rule).

FINAL ADOPTION

Caution

The subject of public hearings is a complex one subject to ever-evolving case law and the elected official with a particular concern is advised to consult a solicitor for specific advice.

Updated December 2014

AGENDA ITEM 8(a)(i)

B.C. needs strong access to information regulations.pdf
BAGS OF CASH_ FICTION, NOT FACT - 2 Nov 2015 - SUN.pdf
Breaking the habit.pdf
Cities can either provide shelter or lose public parks.pdf
City of North Vancouver council calls for one-zone SeaBus fares.pdf
City of North Vancouver endorses active design guidelines.pdf
City Policies hamper business - 28 Oct 2015 - SUN.pdf
City put to transparency test by privacy commissioner - 12 Nov 2015 -SUN Page #7.pdf
City rolls out free Wi-Fi - 23 Oct 2015 - SUN.pdf
City wide bicycle registry adopted - 27 Oct 2015 - SUN.pdf
City's approach to access to information 'appalling' - 14 Nov 2015 -SUN- Page #20.pdf
CMHC arrives at an obvious conclusion about Vancouver real estate.pdf
CMHC sees housing slowdown - 27 Oct 2015 - SUN.pdf
Condo, house price gap narrows - SUN-4 Nov 2015 - Page #21.pdf
Controversy rolling on over cycling stops.pdf
Council minutes, agendas, and notices.pdf
Council OK's North Vancouver highway interchange plan.pdf
Court rules homeless have right to camp on public land - 22 Oct 2015 - SUN.pdf
Cyclists asked to pin their hot spots.pdf
Delbrook community plan to kick off soon.pdf
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Urban Congestion

Public Opinion on Possible Solutions

Conducted for the Ecofiscal Commission

Canada's 4 Largest Urban Markets

ABACUS DATA

Methodology

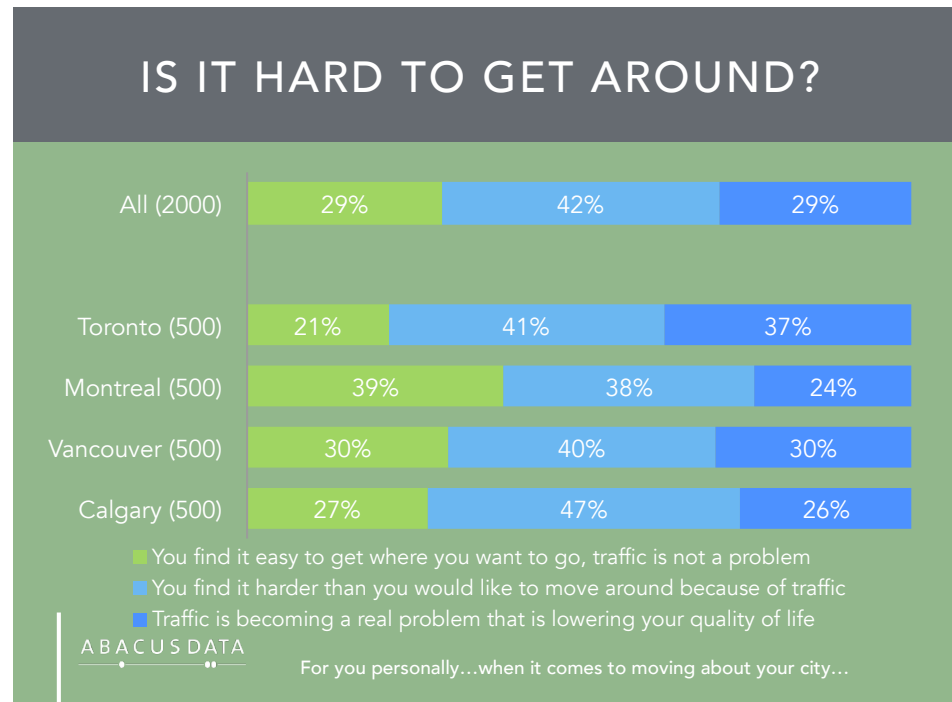
The survey was conducted online with 2,000 Canadians aged 18 and over from July 3 to 6, 2015 living in the Census Metropolitan Areas of Toronto, Montreal, Calgary, and Vancouver. 500 interviews were conducted in each city. A random sample of panelists was invited to complete the survey from a large representative panel of Canadians, recruited and managed by Research Now, one of the world's leading provider of online research samples.

The Marketing Research and Intelligence Association policy limits statements about margins of sampling error for most online surveys. The margin of error for a comparable probability-based random sample of the same size is +/- 2.2%, 19 times out of 20. The data were weighted according to census data to ensure that the sample matched each CMA's population according to age, gender, educational attainment, and subregion. Totals may not add up to 100 due to rounding.

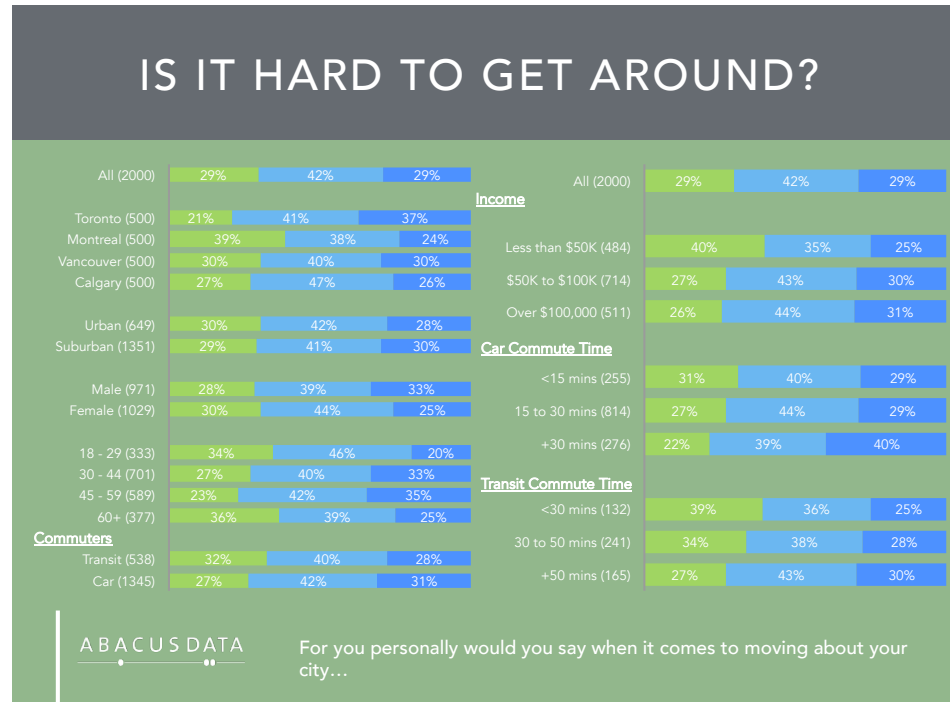
The Problem

Across Canada's four largest urban markets (Vancouver, Calgary, Toronto and Montreal) majorities of those surveyed said that they find traffic is a problem affecting their ability to get around and in many cases lowering their quality of life.

Those in the GTA perceive the problem as most severe, where fully 41% said that they "find it harder than they would like to move around because of traffic" and another 37% went further and said "traffic is becoming a real problem that is lowering their quality of life."

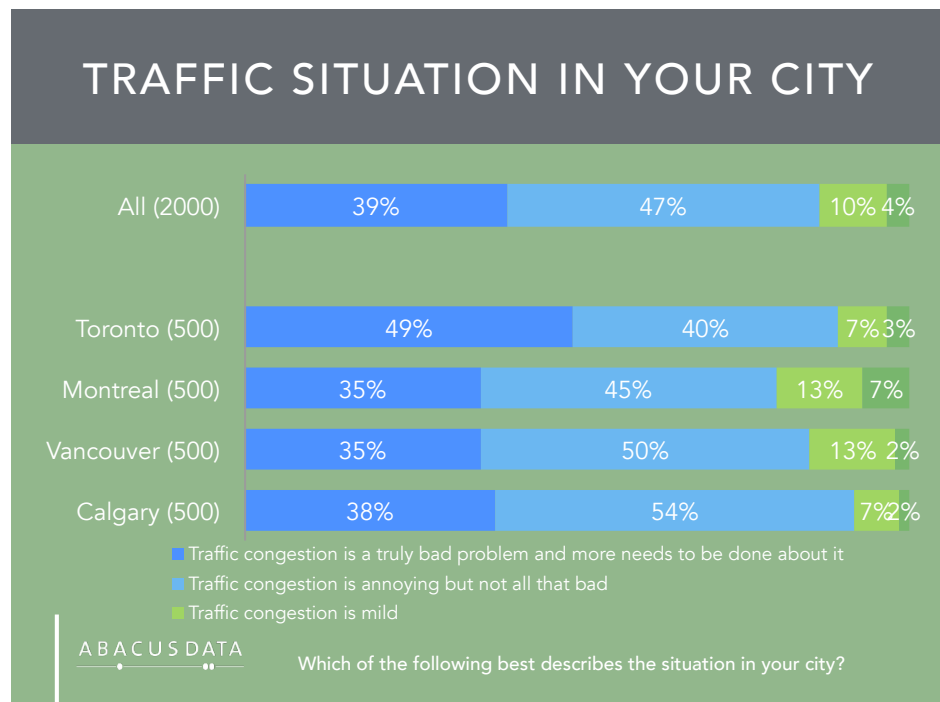


This problem is experienced by majorities in urban and suburban areas, both genders, all age groups, all income groups, and those who commute by car or transit. The longer the reported daily commute time - the more frustration is evident.



While majorities indicate a level of frustration in all four markets, the sense of urgency attached to solutions is mixed. Across the markets, 39% say “traffic congestion is truly bad and more needs to be done about it”, while 40% said “traffic congestion is annoying but not all that bad”. Urgency is highest in Toronto, where 49% say “truly bad”.

This suggests that, with the possible exception of in Toronto, the issue of traffic has become a constant irritant for many, but may not yet be at a tipping point where people are demanding urgent or disruptive policy solutions.



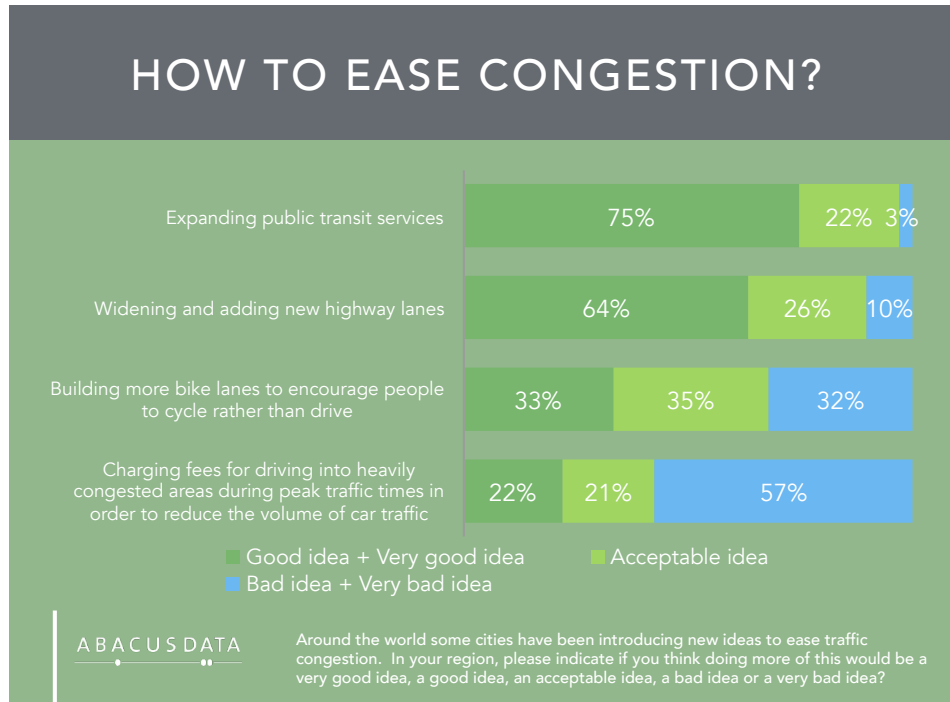
Possible Solutions

When probed on how best to alleviate congestion, most people tend automatically to gravitate towards solutions that expand capacity, rather than reduce demand.

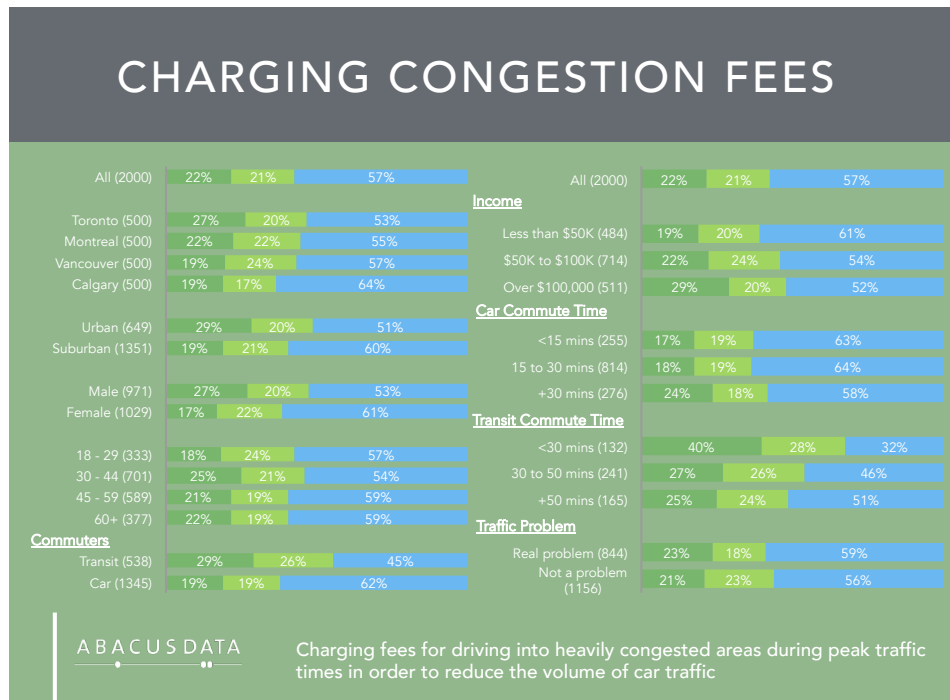
Fully 75% say expanding transit services is a good idea and another 22% say it is an acceptable idea. Almost as much support is evident for widening and adding new highway lanes (64% good idea, 26% acceptable). Bike lanes and congestion pricing ("charging fees for driving into heavily congested areas during peak traffic times in order to reduce the volume of traffic) find lower levels of support and more resistance.

On congestion reducing fees in particular, 22% say this would be a good idea, 21% an acceptable idea, while 57% indicate resistance. Higher levels of support are evident in Toronto, among those who live in urban rather than suburban areas, higher income households, and transit users, and especially transit users that have short commutes (indicating that they live in the downtown areas). The patterns suggest that support is higher than average among those who think they would personally experience no cost and/or less congestion as a result of this sort of pricing concept.

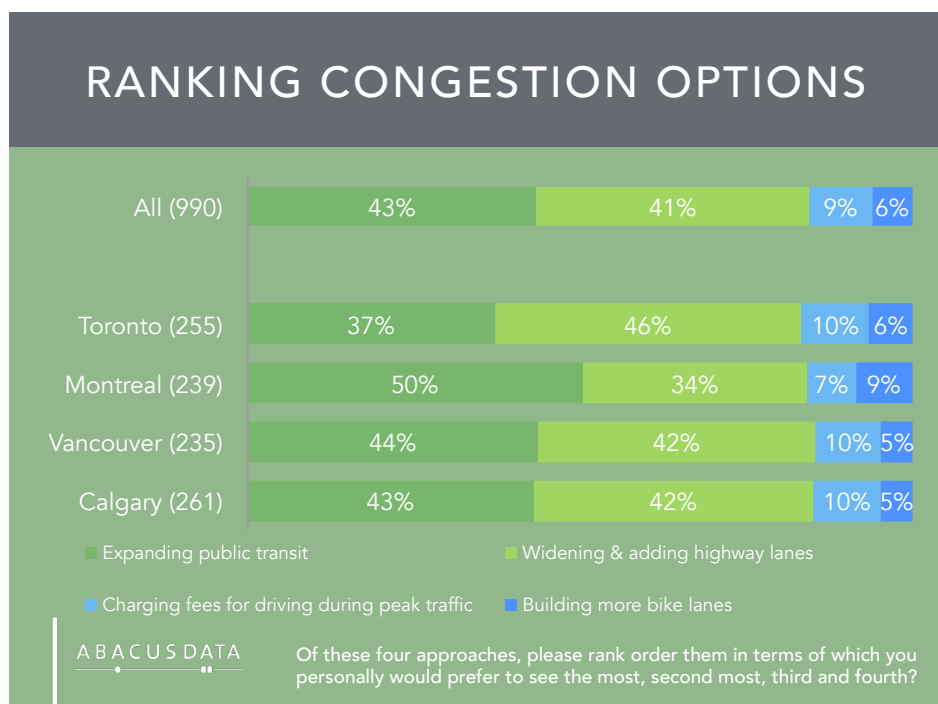
HOW TO EASE CONGESTION?



CHARGING CONGESTION FEES

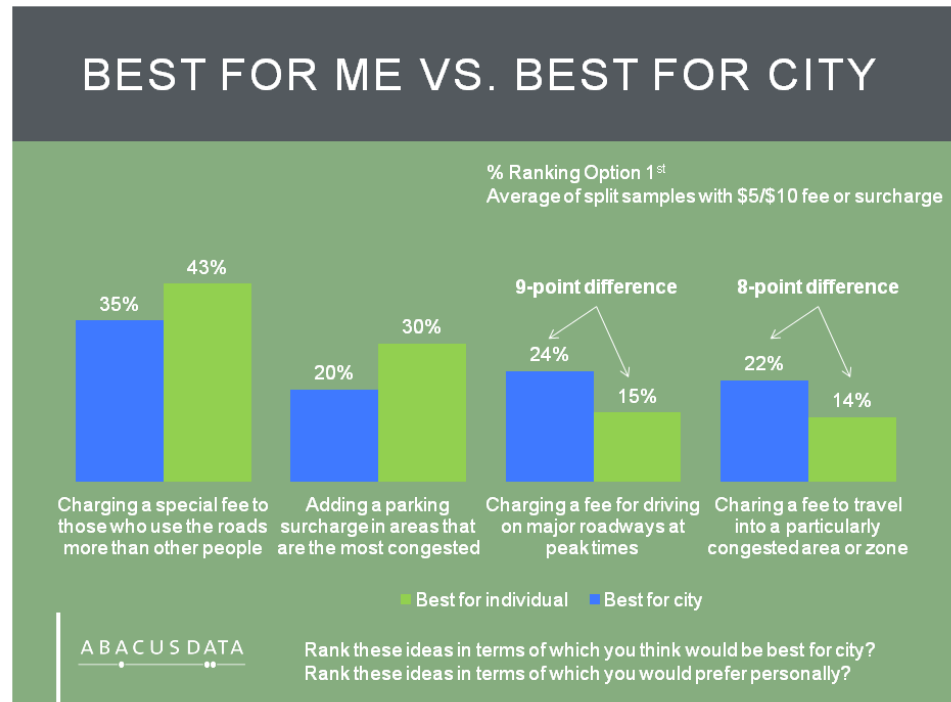


When asked to rank order the solutions they would most favour for alleviating congestion, pricing and bike lanes fall far below expanding capacity. This is the case in all four markets tested.



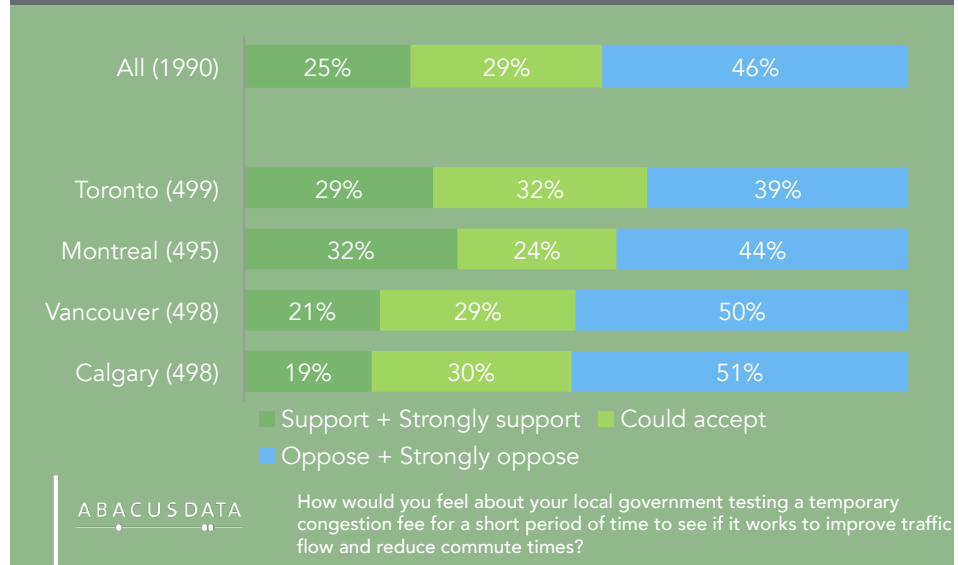
We asked people to consider which option they would prefer for themselves and which they think would be best for their city. This revealed that people prefer approaches that target heavier users of roads and those who choose to park in congested areas rather than those options that might impact them personally. When it comes to ideas that might be best for the city they live in, people tend to be more inclined to imagine that all of the solutions tested could have value, led by a frequent driver-pays more approach.

There is also a difference of opinion between what is best for individuals and what is best for the city. When it comes to charging a fee for driving on major roadways at peak times there is a 9-point gap between those who say it is the best option for them personally versus those who say it is best for their city. A similar gap exists on preferences for a congestion charge for traveling into a congested area or zone.

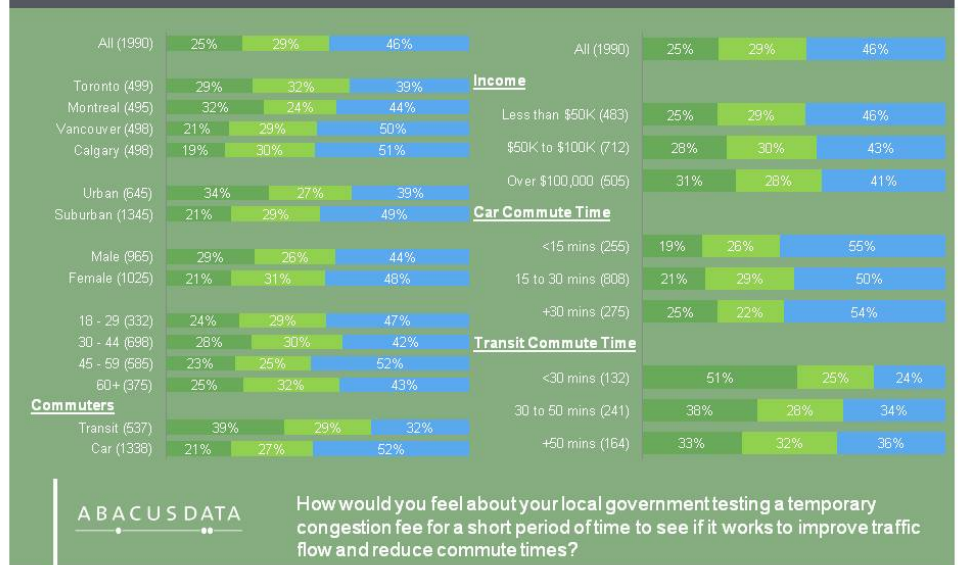


While the data in this study show some instinctive resistance by a majority to the idea of congestion pricing, when asked how they would feel about the idea being introduced on a trial basis, resistance dropped by 11 points to a situation where a small majority (larger in Toronto) say they would support or could accept this idea.

SUPPORT FOR TRIAL PERIOD?

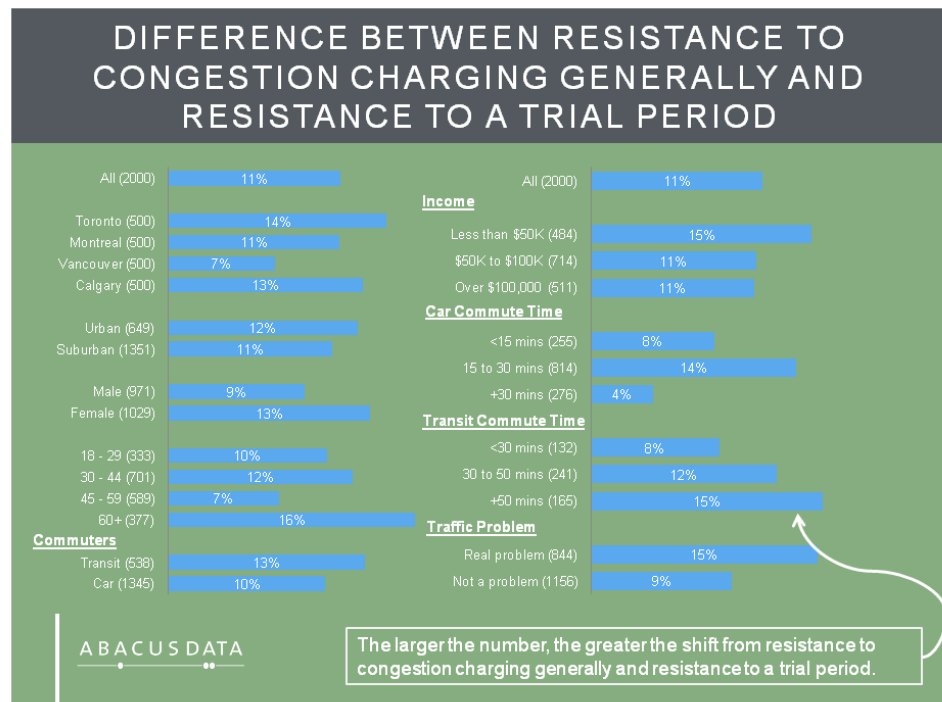


SUPPORT FOR TRIAL PERIOD?



The idea of a trial period had a particular effect of reducing resistance to congestion charging to those living in Toronto and Calgary, women, those aged 60 and over, and those earning less than \$50,000 per year. There was also

reduced resistance among those whose commute time is between 15 to 30 minutes and those who consider traffic to be a real problem in their community.



Arguments about Congestion Pricing

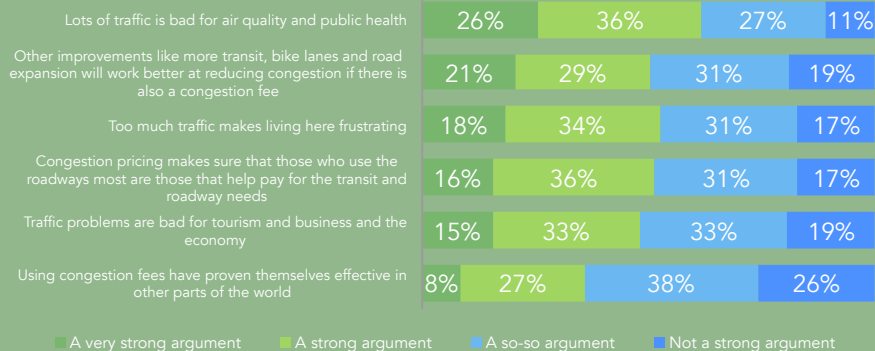
Respondents were shown a list of possible arguments for and against congestion charging and asked to provide some reaction to each one.

The strongest argument in favour of congestion pricing stems from the belief that too much traffic is bad for air quality and public health.

The second best argument is that congestion pricing will work best if it is linked with other solutions including those that add capacity. The weakest of the arguments tested is that congestion fees have worked in other places where they have been tried – which may be a reflection of the fact that people are unfamiliar with that track record.

Among the arguments tested against congestion pricing the strongest were that taxes were already high enough, that pricing would unfairly harm those with less money and that it might not actually work unless there are more viable alternatives to driving than there are right now.

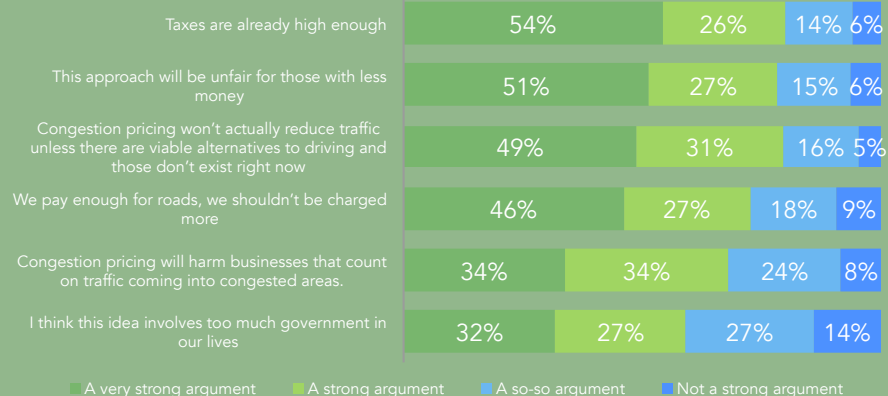
ARGUMENTS IN FAVOUR OF CONGESTION PRICING



ABACUS DATA

What do you think about each of the following arguments IN FAVOUR of using congestion pricing indicate if you think it is a very strong argument, a strong argument, a so-so argument, or not a strong argument.

ARGUMENTS AGAINST CONGESTION PRICING



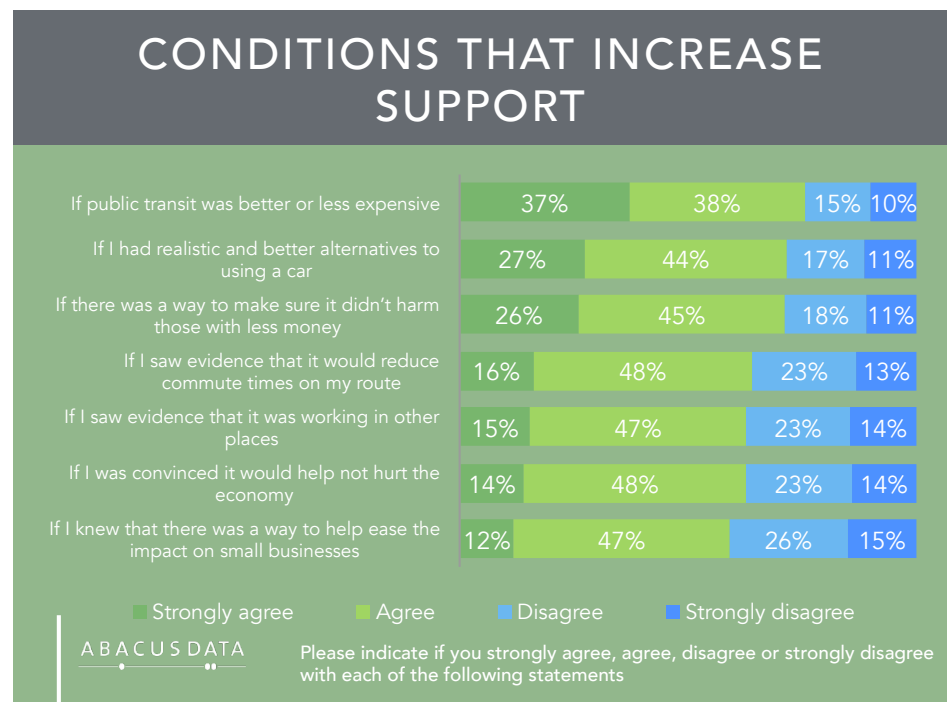
ABACUS DATA

What do you think about each of the following arguments AGAINST using congestion pricing indicate if you think it is a very strong argument, a strong argument, a so-so argument, or not a strong argument.

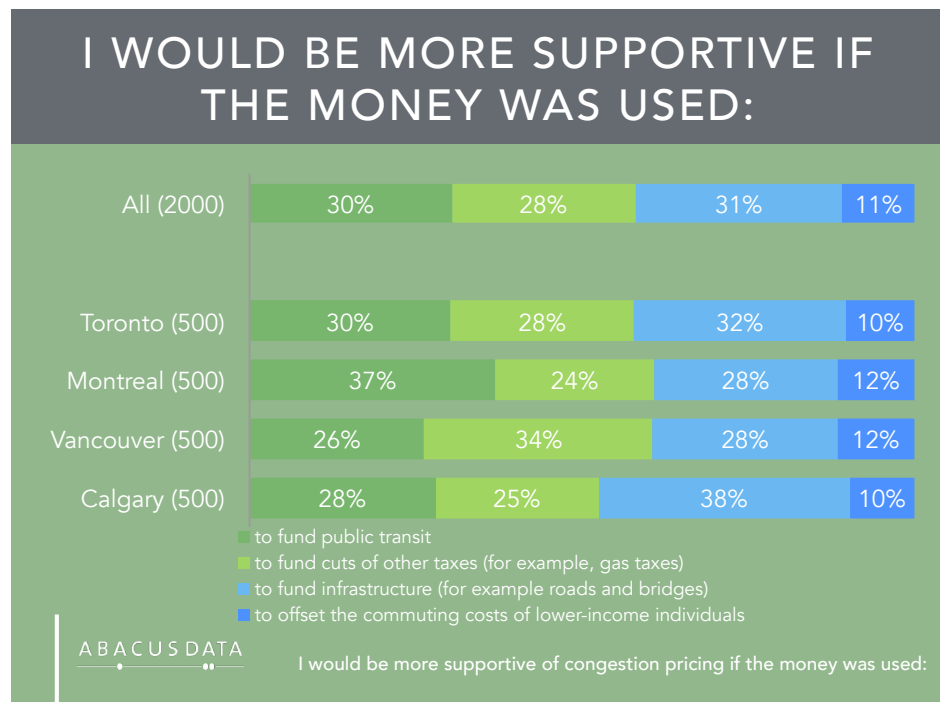
To round out our understanding of public opinion, we also tested a number of propositions that measured what might make people feel more inclined to support the idea of congestion pricing. The results showed that majorities of

those surveyed, despite having initial resistance to the idea, believe that they could be more supportive of the idea if:

- Public transit was better or less expensive (75% would be more supportive)
- If I had a realistic and better alternative to a car (71% more supportive)
- If there was a way to make sure it didn't harm those with less money (71%)
- If I saw it would reduce commute times for me (64%)
- If I saw evidence that it was working in other places (62%)
- If I thought it would help not hurt the economy (62%)
- If the impact on small business could be eased (59%)



Finally, different people have different preferences when it comes to how to deal with the revenue raised by a congestion price. Roughly equal numbers would prefer the money go to fund infrastructure like roads and bridges, to fund public transit, and returned to people in the form of other tax cuts.



Conclusions

Significant numbers of people in Canada's four largest cities are finding that traffic is a growing problem that is affecting their ability to move around and their quality of life as well.

For many people the problem is an irritant but hasn't yet reached the point at which it is an urgent situation demanding policy solutions. Toronto is closer to that tipping point than the other cities in this sample.

The tendency of most people is to favour solutions that increase capacity to move people but the results show that people are inclined to consider a mixture of different ideas that can improve the alternatives to driving into congested areas, as well as encourage people to use alternatives through some kind of congestion fee. Resistance to congestion pricing would be significant, unless it were paired with other measures, and people were reassured about how risks would be mitigated and provided with evidence that it has been useful in other jurisdictions.



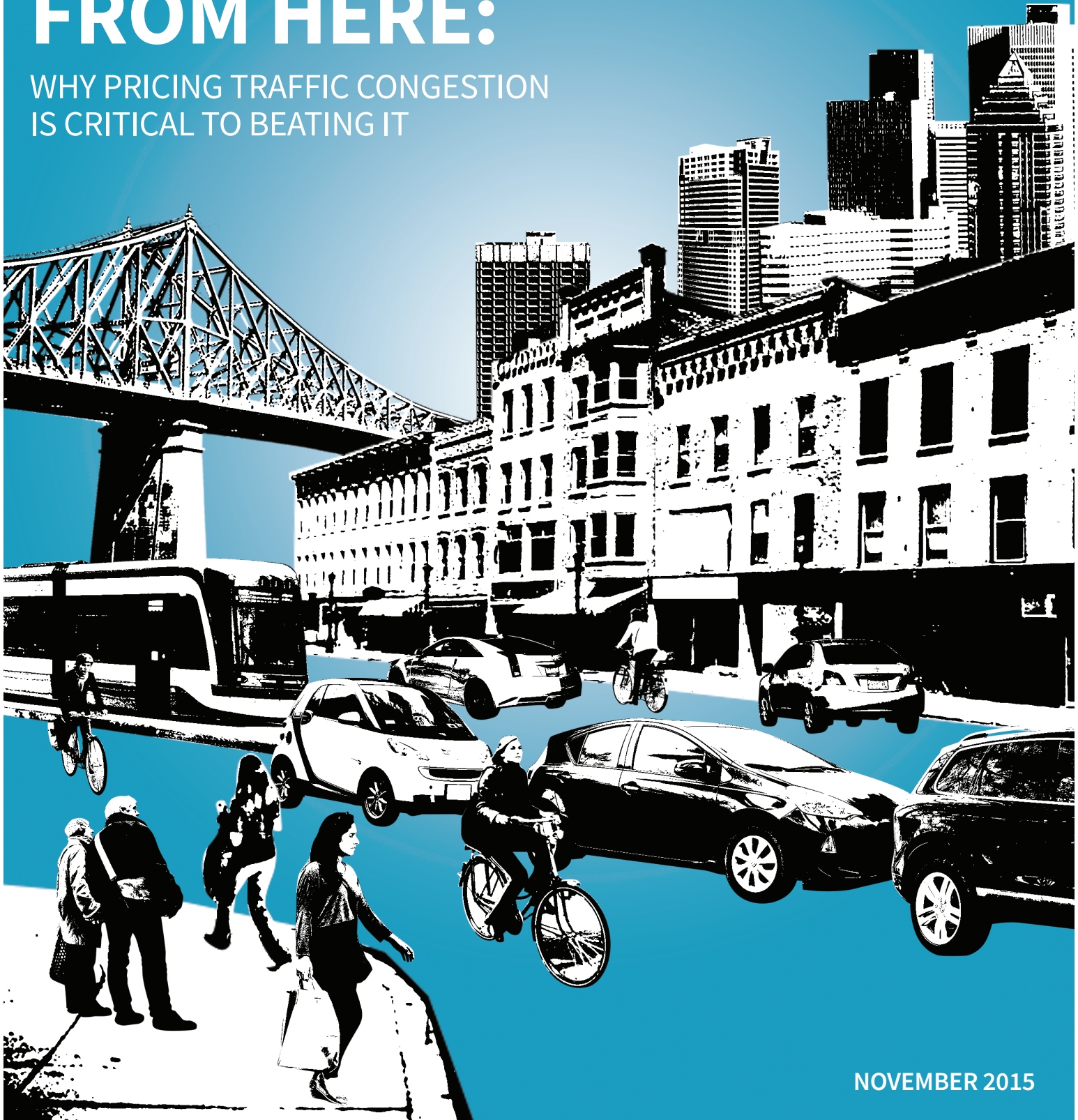
CANADA'S **ECOFISCAL** COMMISSION

Practical solutions for growing prosperity

AGENDA ITEM 8(a)(ii)

WE CAN'T GET THERE FROM HERE:

WHY PRICING TRAFFIC CONGESTION
IS CRITICAL TO BEATING IT



NOVEMBER 2015



CANADA'S ECOFISCAL COMMISSION

WHO WE ARE

A group of independent, policy-minded Canadian economists working together to align Canada's economic and environmental aspirations. We believe this is both possible and critical for our country's continuing prosperity. Our Advisory Board comprises prominent Canadian leaders from across the political spectrum.

We represent different regions, philosophies, and perspectives from across the country. But on this we agree: ecofiscal solutions are essential to Canada's future.

OUR VISION

A thriving economy underpinned by clean air, land, and water for the benefit of all Canadians, now and in the future.

OUR MISSION

To identify and promote practical fiscal solutions for Canada that spark the innovation required for increased economic and environmental prosperity.

For more information about the Commission, visit [Ecofiscal.ca](https://ecofiscal.ca)

A REPORT AUTHORED BY CANADA'S ECOFISCAL COMMISSION

Chris Ragan, Chair
McGill University

Elizabeth Beale
Atlantic Provinces Economic Council

Paul Boothe
Western University

Mel Cappe
University of Toronto

Bev Dahlby
University of Calgary

Don Drummond
Queen's University

Stewart Elgie
University of Ottawa

Glen Hodgson
Conference Board of Canada

Paul Lanoie
HEC Montréal

Richard Lipsey
Simon Fraser University

Nancy Olewiler
Simon Fraser University

France St-Hilaire
Institute for Research on Public Policy

This report is a consensus document representing the views of the Ecofiscal Commissioners. It does not necessarily reflect the views of the organizations with which they are affiliated.

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Elyse Allan

Jim Dinning

Janice MacKinnon

Peter Robinson

Sheila Watt-Cloutier

Dominic Barton

Peter Gilgan

Preston Manning

Bob Rae

Steve Williams

Jean Charest

Michael Harcourt

Paul Martin

Lorne Trottier

Karen Clarke-Whistler

Bruce Lourie

Jack Mintz

Annette Verschuren

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CANADA'S ECOFISCAL COMMISSION
Practical solutions for growing prosperity



EXECUTIVE SUMMARY

Traffic congestion is a growing problem in many of our cities, imposing significant costs on Canadians

Congestion on our roads and freeways leads to wasted time for commuters and goods movement. Given the importance of the movement of goods and people through our cities, this lost time translates into a less efficient economy. The Toronto Board of Trade (2013), for example, estimates that the direct annual costs of congestion for the Greater Toronto and Hamilton Area could rise to \$15 billion by 2031 without further action. In some Canadian cities, it takes more than an hour to get to and from work every day for half or more of the residents. Congestion also affects choices about where to live, undercutting the ability of cities to attract businesses, jobs, and workers. And congestion increases air pollution from vehicles, with corresponding health implications for Canadians. This air pollution is related to higher risks of asthma, high blood pressure, cardiovascular disease, diabetes, aggravation, and stress.

As cities continue to grow, with higher levels of urbanization and car ownership, traffic congestion and its associated costs are expected to worsen. The higher these costs climb, the greater the benefits from reducing congestion.

Congestion pricing is an essential—but missing—piece of smart transportation policy

Congestion pricing is an ecofiscal policy that prices road use or parking with the aim of reducing costly traffic congestion. A growing body of evidence and policy experience suggests that congestion

pricing works, particularly as part of a broader policy package. When designed well, it leads to reduced traffic congestion and creates net economic benefits both for the economy as a whole and for individual drivers.

The case studies examined in this report highlight this point: pricing policies of different kinds have reduced congestion. In Ontario, traffic on the tolled Highway 407 consistently moves at free-flow speeds, while peak travel times on parallel unpriced routes are 50% to 200% longer. Under Stockholm's congestion pricing policy, vehicles entering the city core dropped by 20% to 30%. Minnesota's high-occupancy toll (HOT) lanes increased traffic speeds by 6% in the general-purpose lanes while maintaining free-flow speeds in the toll lanes. In Oregon's pilot project, drivers subjected to higher per-mile charges during peak times responded by reducing driving at those times by 22%, relative to those paying a flat rate. And San Francisco's parking-pricing program led to a 50% decline in the number of drivers circling for a parking spot—a major contributor to downtown traffic congestion.

Despite the evidence of its potential benefits, Canada has very limited experience with congestion pricing. The traditional approach to dealing with traffic congestion has been to expand public transit and build more roads. These policies are key components of the transportation puzzle: they increase the overall capacity of the transportation system and can reduce congestion in the short term. In the absence of congestion pricing, more drivers will ultimately fill this increased road capacity, and congestion may not be reduced in the long term. Moreover, the building of new road infrastructure to meet growing demand is constrained by land-use policy and increasingly stretched government budgets.

Congestion pricing is therefore the crucial, missing piece of a broader, coordinated package of policies to create greater mobility for a growing urban population. More public transit, roads, and cycling infrastructure provide drivers with alternatives, making it easier for them to respond to the congestion price by changing their behaviour. They are essential complements to congestion pricing. But without addressing the fundamental issue of misaligned incentives around free access to roads, traffic congestion in Canadian cities will only get worse.

The design details of congestion pricing policy matter

Congestion pricing is not a one-size-fits-all policy solution. Different cities face different types of congestion problems, and tailoring policies to local circumstances is critical for success. Policy design includes a range of choices. Should pricing be narrowly targeted or broadly applied? That is, should it price access to some roads, to all roads, to parts of roads, or even to parking? How should the price vary? Should it be higher at times of peak traffic, or even vary dynamically in response to real-time traffic levels? How should revenue from the policy be used? Smart policy design can reduce congestion, improving efficient transportation and travel outcomes for all travellers. It can also ensure that low-income travellers are not disproportionately affected. But the specific details of effective, cost-effective, fair, and practical policy solution will vary from city to city.

How can we move ahead with practical and cost-effective policy to reduce traffic congestion while considering the unique and complex characteristics of each city? This report makes four recommendations for Canadian policymakers.

RECOMMENDATION #1:

Major Canadian cities should implement congestion pricing pilot projects, customized to their local context

As illustrated by case studies from Stockholm, Oregon, and San Francisco, trial periods for congestion pricing are low-risk policy initiatives. They can be voluntary for drivers, as in Oregon; take place for a limited time, as in Stockholm; and apply to a narrow scope of drivers, as in San Francisco.

Yet the benefits of such trials could be huge. If well designed, they can demonstrate the concrete benefits that congestion pricing can deliver. They can also provide opportunities for learning about how well different policy designs work in different contexts, thus allowing policy design to evolve and improve over time.

Municipalities best understand their own congestion context, and should play a major role in designing pilot projects. They

should design their pilot projects according to their unique policy objectives and their local geography, governance, infrastructure, and attitudes and cultures. Different trial policies are not only more likely to succeed when customized to local context, but can also provide more information to other Canadian cities regarding what works and what does not.

The four proposals for congestion pricing policies for each of the country's four largest cities outlined in this report could form the foundation for time-limited trials in each city. The details of each proposal draw on lessons that emerge from experience with congestion pricing in other jurisdictions, take into account local context (gauged in part from interviews and polling), and consider key elements of policy design. They are not recommendations in and of themselves, but instead are intended as policy springboards to kick-start more detailed policy conversations in each city.

- ▶ **Metro Vancouver** has constrained geography bounded by mountains and ocean, polycentric travel patterns with multiple hubs of activity, and a complex governance structure with involvement from multiple municipalities and the provincial government. Applying variable pricing to each of the region's bridges and tunnels that cross waterways would be one way to price access to key driving arteries to reduce regional congestion.
- ▶ **Calgary** has low density, a lack of familiarity with congestion pricing, and more localized congestion problems. In this context, HOT lanes could be practical to implement, provide unpriced alternatives, and reduce congestion in key locations.
- ▶ The **Greater Toronto Area** has polycentric travel patterns with drivers travelling between multiple hubs in multiple directions and relatively unconstrained geography. Converting high-occupancy vehicle (HOV) lanes to HOT lanes or building new HOT-lane capacity on the provincially owned 400-series of highways—a backbone of the regional transportation network featuring the privately operated and variably tolled Highway 407—would be a practical approach for reducing congestion in the area.
- ▶ **Greater Montreal** has extensive commuting to and from the central Island of Montreal; relatively widespread congestion; an existing, time-varying toll on the Autoroute 25 bridge connecting the Island; and plans to replace—and toll—the aging, highly used, and federally owned Champlain Bridge. The natural cordon formed by the Island provides a practical opportunity to implement variable pricing on the full array of surrounding bridges and tunnel, harmonizing tolls and reducing congestion throughout the area.

RECOMMENDATION #2:

Provincial governments should initiate, enable, or facilitate congestion pricing pilot projects

Provincial governments can play multiple roles in enabling congestion pricing. First, not all roads are municipally owned and operated. In some situations, it is provincial governments that should directly implement congestion pricing policies. We consider approaches for Toronto, for example, that would price access to all or some lanes on the provincially owned 400-series freeways. While coordination with municipal government would be essential, the province should implement the congestion pricing policy.

Second, provincial governments should play a coordinating role. A key governance challenge in many urban areas (for example, Metro Vancouver and Greater Montreal) is the diverse collection of municipalities with highly linked and overlapping transportation corridors.

Finally, provincial governments should provide municipalities with explicit authority to implement congestion pricing policies. The existing legal framework for implementing road pricing in Canadian municipalities is unclear, and is complicated by overlapping jurisdictions. Generally, most municipalities are unable to implement broad congestion pricing on their own without changes to provincial policy. Provincial governments should reduce the existing ambiguity and make space for municipal policy by passing explicit legislation permitting municipalities to implement these policies.

RECOMMENDATION #3:

The federal government should help fund pilot projects

Funding for congestion pricing pilot projects remains a barrier. Physical and digital infrastructure will be required to set up, monitor, and enforce the pricing policy during the trial period. While revenue could be generated, the scale of this revenue is uncertain and depends on the details of how the policy is implemented. Municipalities have very limited revenue sources and could face significant financial challenges in initiating pilot projects.

Federal funding to establish pilot projects would generate benefits for Canadians well beyond the individual municipalities involved. Evaluation of these projects would lead to valuable lessons

learned about congestion pricing policy design and implementation that could be applied in other Canadian cities. Additionally, the cross-country benefit of efficient goods movement means that the federal government has a direct interest in supporting regional congestion pricing.

Support from the U.S. federal government played an important role in at least two of the American case studies examined in this report. Federal support helped enable the parking-pricing trial period in San Francisco as well as helped finance the development of Minnesota's HOT lanes.

RECOMMENDATION #4:

Governments should carefully evaluate the performance of pilot projects, communicate the results broadly, and incorporate lessons learned into future mobility policies

The full benefits of pilot projects can only be realized if they are monitored over time, with data from before and after a project is implemented. The projects should be set up so that the impact on congestion, and also the overall administrative costs, can be measured and assessed. This analysis can help to communicate new, city-specific information about the efficacy of congestion pricing to stakeholders and to the general public. Demonstrating policy success can be a powerful tool for building public support.

This data-driven evaluation of the policy should be used to inform next steps. If the policy does not perform as well as anticipated, its design can be adjusted over time to respond to problems, or the policy can be terminated. If, on the other hand, the policy performs well, it can be expanded more broadly. Both the benefits and the costs of the policy should inform subsequent policy decisions.

Pilot projects are only a first step in addressing Canada's congestion problems. Yet as cities grow and congestion problems build, a starting point for smart policy is desperately needed. Demonstrating the effectiveness of congestion pricing on a small scale can create a launching pad for creating a transportation system that gets prices right—a transportation system that fosters cleaner air and more liveable cities, and ensures people and goods move efficiently, rather than wasting time in traffic.