



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.1.1
Transportation Standing Committee
March 26, 2018

TO: Chair and Members of (Name of Community Council or Board)

SUBMITTED BY: Original Signed

Bruce Zvaniga, P.Eng., Director of Transportation and Public Works

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: January 30, 2018

SUBJECT: **Restriction of Motorized Access on Proposed AT Greenway**

ORIGIN

Item 14.5.2, Regional Council, August 1, 2017, MOVED by Councillor Hendsbee, seconded by Councillor Whitman THAT Halifax Regional Council request a staff report giving consideration to permitting motorized access on the proposed active transportation greenway between the Head of Chezzetcook and Musquodoboit Harbour. The abutting property owners along the Gaetz Brook corridor are requesting motorized use, therefore, any municipal funding should be going towards the design of a multi-use, multi-share trail.

LEGISLATIVE AUTHORITY

The Halifax Charter section 73 states that The Municipality may enter into and carry out agreements: (c) with the Government of the Province with respect to the development, operation or maintenance of trails on land of Her Majesty in right of the Province.

The Halifax Charter section 79(1)(ah) states that The Council may expend money required by the Municipality for playgrounds, trails, trails developed, operated or maintain pursuant to an agreement made under clause 73(c), bicycle paths, swimming pools, ice arenas, and other recreation facilities.

RECOMMENDATION

It is recommended that the Transportation Standing Committee recommend that Halifax Regional Council direct staff to continue to pursue the Active Transportation Plan and Integrated Mobility Plan objective to develop a new segment of the active transportation network on the Gaetz Brook corridor with the understanding that the Provincial Government will make the decision on whether or not this segment is motorized or unmotorized.

BACKGROUND

Halifax's Active Transportation Priorities Plan established a 320km network of separated multi-use pathways for walking, bicycling and other active modes. Just under half of this network is already complete and the priority identified in the Plan is to focus on building connecting segments and building linkages into adjacent communities. This current and future network of multi-use pathways includes segments in HRM parks, Provincial parks, Provincial crown land (rails-to-trails corridors), HRM right-of-way, and on easements over private property. The segment discussed in this report is identified in the Active Transportation Priorities Plan as a gap in the network. This segment is also a gap in the Trans Canada Trail and the provincial Blue Route.

Overall Eastern Shore AT Corridor

The rails-to-trails corridor extending from CFB Shearwater in Dartmouth to civic 3570, Trunk 357 (near Meaghers Grant) is about 70km long and is composed primarily of Provincial crown land and Provincial parks. Given that the Province is the landowner on this corridor, that order of government, not HRM, decides which users are permitted to use these facilities (e.g. pedestrians, horses, off-highway vehicles, bicycles).

The Province has issued longer-term "letters of authority" (LOA) with four volunteer community groups along distinct segments of the corridor. These groups have responsibility to build, maintain, operate and recapitalize their segments. The Province has also issued two shorter-term LOAs to support the development of new segments of the corridor, including the subject of this report, the Gaetz Brook segment. The map in Attachment "A" illustrates this corridor and the various segments and community groups involved.

While owned by the Province and developed and maintained by community groups, this 70km corridor forms part of the existing and proposed active transportation network in HRM. HRM provides recapitalization and maintenance funding to the community groups who have LOAs for the Shearwater Flyer Trail (motorized), Cole Harbour Saltwater Marsh Trail, the Atlantic View Trail and the Musquodoboit Trailway (all non-motorized).

HRM supports these groups as part of Council direction to work with the Halifax Regional Trails Association and its members to develop and maintain the active transportation network in the municipality. HRM typically provides the majority of the capital and maintenance funding for groups to operate the provincially-owned rails-to-trails facilities on the Eastern Shore.

There is an approximately 10km segment of this corridor from, roughly, the intersection of Causeway Road and Trunk 207 to Porters Lake that is operated under LOA by the Marine Riders ATV club. This group is not part of HRTA and thus has not received recapitalization or maintenance funding from HRM.

The physical characteristics of these facilities are that they are about three metres wide, surfaced with packed crusher dust, and located within the 30 metre wide former rail corridor. There are a range of bridge structure types along the corridor. Depending on the segment, these facilities are branded as either a "trail" or "greenway". As an attempt to distinguish the active transportation network from hiking trails and from green corridors, the Integrated Mobility Plan proposed the use of the technical term "multi-use pathway" to describe such Active Transportation facilities. However, it is expected that such facilities will continue to be branded as trails or greenways.

There is a 15km section of the former corridor that is not yet complete that can be divided into four sections:

- 1) At Highway 107, Exit 20, there is a gap up and over the overpass bridge. HRM is working with the Province to close this gap for pedestrians and bicyclists on a project that should be complete in 2018. This segment is non-motorized as per the Province;
- 2) From Porters Lake to the Head of Chezzetcook the Provincial Highway 107 lies on top of the former

rail corridor. There has been some planning to determine how to develop a multi-use pathway in this area, however, further planning and co-ordination with the Province is required;

- 3) From Head of Chezzetcook to about the intersection of Highway 107 and Trunk 7 near Musquodoboit Harbour, there is a seven km undeveloped segment of the former corridor that is the subject of this report. The community group Shore Active Transportation Association (SATA) holds a temporary LOA from the Province for this segment to enable facility planning and design, and bridge assessments and repairs; and,
- 4) There is a 3.5 km segment of undeveloped former rail corridor that extends from near the intersection of Highway 107 and Trunk 7 and that continues to the beginning of the Musquodoboit Trailway. The community group Musquodoboit Trailways Association currently holds a temporary LOA from the Province for this segment to enable facility planning and design, and bridge assessments.

Gaetz Brook Segment

In 2016, the Provincial government initiated a process to decide the future uses and governance of the Gaetz Brook corridor. Two community groups indicated their interest in obtaining the LOA for the corridor. One group, the Marine Riders ATV Club proposed to allow motorized vehicles on the corridor, and another, SATA, proposed a non-motorized facility. In March 2017, the Provincial Department of Natural Resources decided to designate the Gaetz Brook corridor as a non-motorized facility following a public consultation process. The Province then requested that SATA undertake a number of follow-up actions before they issued a multi-year LOA to the group to develop and operate a non-motorized multi-use pathway. SATA has undertaken follow-up actions, but the Province has not yet issued a multi-year LOA to SATA and there is currently no timeline for them to do so.

In July 2017, 68 residents living next to the proposed non-motorized corridor signed a petition requesting the Province designate this as a motorized facility.

Separate from the above process, the Provincial government has issued a short-term LOA to SATA for the Gaetz Brook segment that ends in June 2018. That LOA gives authority to SATA to conduct planning and to undertake repairs to bridges on the corridor. SATA is a member of the Halifax Regional Trails Association and HRM has allocated approximately \$100,000 in recent capital budgets to support SATA's planning and design and bridge assessment and repair work on the corridor. This work has also been supported by provincial government funding programs. HRM's decision to provide funding was because this segment is part of the planned municipal active transportation network and that it was eligible under the HRTA capital funding process.

This segment is also identified as part of the Trans Canada Trail. The Trans Canada Trail typically only funds non-motorized facilities.

DISCUSSION

As noted above, HRM has no authority to make decisions on whether the Gaetz Brook corridor is motorized or nonmotorized. The Province makes this decision.

By-law P-600 Respecting Municipal Parks, section 10.1 states: "No person shall operate any vehicle with in a park except wheelchairs, bicycles, Municipal or utility vehicles, unless otherwise posted, or by permission.". Given that many multi-use pathways are within municipal parkland (e.g. Chain of Lakes Trail or Bissett Greenway) these facilities do not permit ATVs. Furthermore, ATVs are not permitted on multi-use pathways within the municipal right-of-way (e.g. beside Larry Uteck Boulevard, Baker Drive, or Beaufort Street).

Through HRTA, Halifax currently does provide recapitalization and maintenance funding to volunteer

community groups who have LOA's on Provincially-owned rails-to-trails facilities that permit motorized uses (e.g. Saint Margaret's Bay Rails to Trails and the Beachville, Lakeside, Timberlea Trail).

There are a range of perspectives on whether a multi-use pathway should allow motorized uses and it tends to be a contentious issue within communities. Those in favour of allowing motorized uses cite the importance of equal access for all user groups, taxpayer rights, economic development potential and the distinct characteristics of rural communities. Those who are not in favour cite issues such as higher maintenance/recapitalization costs, enforcement challenges, environmental damages, and the potential danger to pedestrians and bicyclists.

Active Transportation staff are currently acting on a Transportation Standing Committee motion that requests advice on the "...future roles and responsibilities of community associations with respect to the construction, maintenance and operation of active transportation facilities in Halifax...". This report is anticipated to include a recommendation to establish an administrative order to update the terms and conditions under which HRM provides capital and maintenance funding to community groups who have LOAs for multi-use pathways on provincial crown land and within provincial parks. Council may wish to use this opportunity to provide direction on the Municipality's future role in supporting motorized segments of the AT network.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report. The risks considered rate low. To reach this conclusion, consideration was given to financial, legal and compliance, and service delivery risks.

COMMUNITY ENGAGEMENT

There has been no direct community engagement by HRM on this matter. The Province and the community groups involved in this process have engaged the community on the future uses and governance of the corridor.

ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications to this report.

ALTERNATIVES

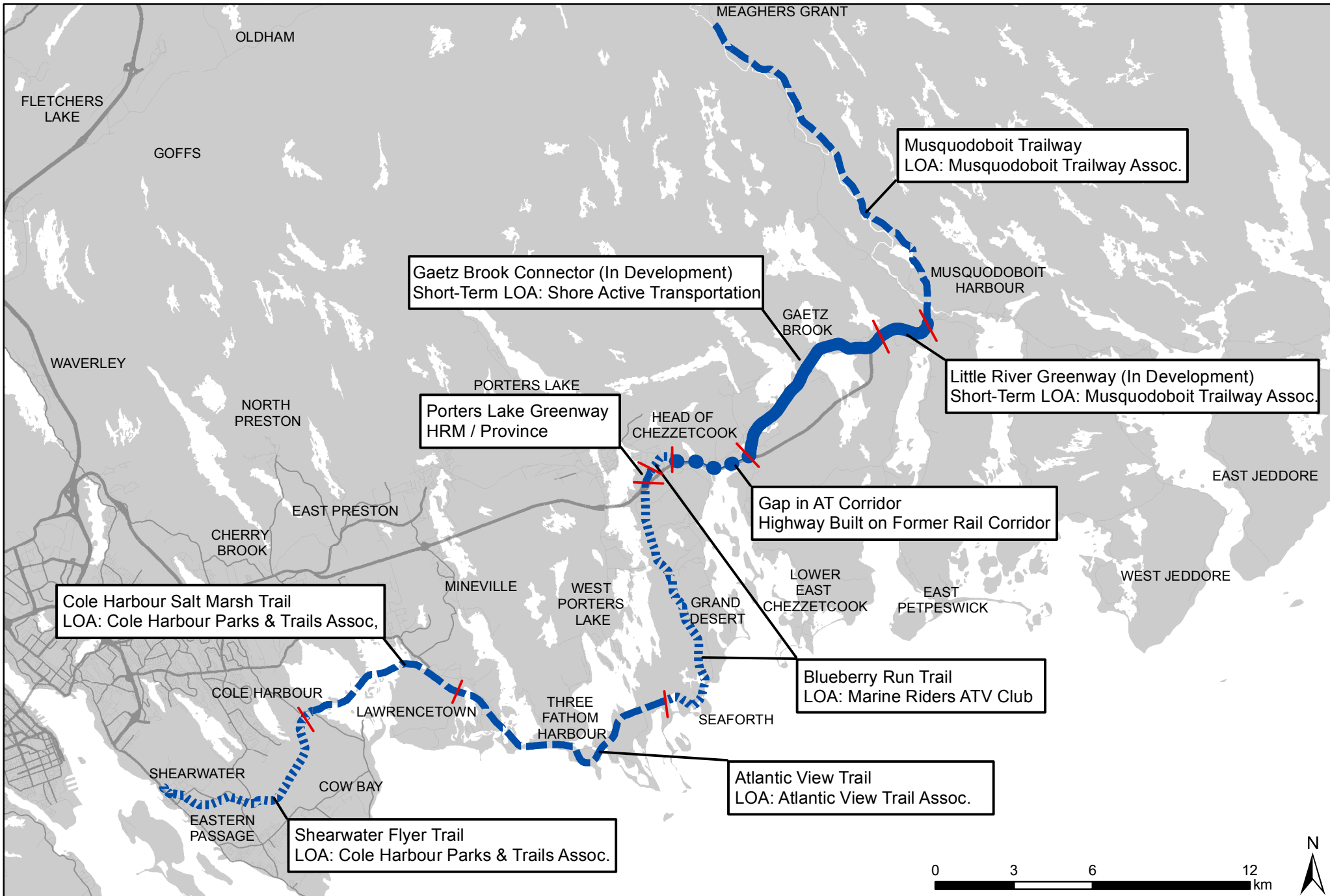
The Transportation Standing Committee may recommend that Regional Council request that the Mayor send a letter to the Provincial Minister of Natural Resources that provides Council's perspective on whether the Gaetz Brook corridor should be motorized or non-motorized.

ATTACHMENTS

Attachment "A": Map of "Eastern Shore Rails-to-Trails Active Transportation Corridor"

A copy of this report and information on its status can be obtained by contacting the Procurement Office at 902.490.4170, or Fax 902.490.6425.

Report Prepared by: David Maclsaac, Active Transportation Supervisor, 902.490.1665



Attachment A

Eastern Shore Rails-To-Trails Active Transportation Corridor

- Facility in Development
- Motorized Facility
- Non-Motorized Facility
- Gap