

## Report to Community & Protective Services Committee

**To:** Chair and Members  
Community & Protective Services Committee

**From:** Kelly J. Scherr  
Deputy City Manager, Environment and Infrastructure

**Subject:** Active Transportation Fund for Stoney Creek Pathway  
Connection to the Thames Valley Parkway– Contribution  
Agreement

**Date:** July 18, 2023

## Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken:

- a) The attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting on July 18, 2023, to:
  - i. approve the Contribution Agreement, attached as Schedule A to the proposed by-law, for the Permanent Public Transit Program - Active Transportation Fund (the “Agreement”) between His Majesty the King in Right of Canada as represented by the Minister of Infrastructure and Communities (“Canada”) and The Corporation of the City of London;
  - ii. authorize the Mayor and the City Clerk to execute the Agreement;
  - iii. delegate authority to the Deputy City Manager, Environment and Infrastructure, or their written delegate, to approve further Amending Agreements to the above-noted Contribution Agreement for the Active Transportation Fund;
  - iv. authorize the Mayor and Clerk to execute any amending agreements approved by the Deputy City Manager, Environment and Infrastructure; and
  - v. authorize the Deputy City Manager, Environment and Infrastructure, or their written delegate, to execute any financial reports required under this Agreement and to undertake all administrative, financial, and reporting acts necessary in connection with the Agreement.
- b) Civic Administration **BE AUTHORIZED** to undertake all administrative acts that are necessary in connection with this matter.

## Executive Summary

This report recommends that The Corporation of the City of London enter into the Contribution Agreement between His Majesty the King in Right of Canada as represented by the Minister of Infrastructure and Communities (“Canada”) and The Corporation of the City of London (the “Recipient”), attached as Schedule A to the proposed by-law, for funding of the Stoney Creek Pathway Connection to the Thames Valley Parkway (TVP) through the Active Transportation Fund.

## Linkage to the Corporate Strategic Plan

Strategic Area of Focus: Mobility and Transportation

Outcome 1: Londoners of all identities, abilities and means can move throughout the city safely and efficiently.

Strategy 1.1a) Build infrastructure that provides safe, integrated, connected, reliable, and efficient transportation choices.

# Analysis

## 1.0 Background Information

### 1.1 Previous Reports Related to this Matter

None.

### 1.2 Background and Purpose

The Active Transportation Fund is the first Government of Canada fund to target active transportation (walking, jogging, cycling, etc.). The Federal Government is providing \$400 million in funding available over 5 years to support a modal shift from cars toward active transportation, in support of Canada's National Active Transportation Strategy.

The Stoney Creek Pathway Connection to the Thames Valley Parkway project will construct a new multi-use pathway approximately 1.2 kilometers in length. The project will connect Windermere Road and Adelaide Street North to effectively link the entire Stoney Creek neighbourhood to the Thames Valley Parkway pathway system, along with London's rapid transit system, London's primary transit area and the Downtown core.

The project enhances an efficient, inclusive, and connected active transportation network that provides enhanced transportation options, supporting reduced reliance on automobile trips. All pathways are fully accessible providing access to nature and recreation for Londoners of all abilities.

The project formed part of the Thames Valley Parkway North Branch Connection Environmental Assessment, approved in 2017. Conceptual design has been completed and the project is currently in the early stages of the detailed design process. The tender is planned for Winter 2024 with a construction start date in the Spring 2024. It is anticipated that the project will be substantially complete in 2025.

In Fall of 2022, the city received confirmation that a \$1,200,000.00 (or 60% support) Federal grant was approved under the Active Transportation Fund.

On February 8, 2023, London received the Contribution Agreement, high-level guidelines for this program, and that the agreement must be executed and returned to the Federal government. Eligible expenses financed through this funding must be incurred between December 22, 2022 (the project approval date) and October 2025 (the project substantial completion date). Municipalities are required to provide details of their project(s) in the interim and annual reports, followed by a final progress report. Annual reports are due no later than 60 days following the end of the Fiscal Year. The final report on the use of this funding is due with the final claim no later than December 31, 2025.

The purpose of this report is to present the Contribution Agreement and introduce a by-law to seek approval for the Mayor and Clerk to execute the agreement with the federal government.

## 2.0 Discussion and Considerations

### 2.1 Contribution Agreement

On February 8, 2023, Civic Administration received the contribution agreement from the federal government (Schedule A to the by-law in Appendix A).

The Contribution Agreement is the same as the agreements executed for similar funding programs, other than the project specifics and the approved amount included in the Schedules to the agreement. It has been reviewed by both Legal Services and Risk Management without identified concerns.

### **3.0 Financial Impact/Considerations**

Receipt of federal funding through the Active Transportation Fund will finance 60% of the eligible cost of this project, up to the approved amount of \$1,200,000.00. The City of London is responsible for contributing 40% of total eligible project costs or \$800,000.00. Sources of financing for this portion of the project are identified and can be accommodated within existing approved Parks and Forestry capital programs.

The federal funding is conditional on the City entering into a comprehensive Contribution Agreement (CA) with the federal government. Construction must be complete by October 2025. The City is responsible for any cost overruns that may incur throughout the course of the project.

### **Conclusion**

This report introduces a by-law to seek approval of the Contribution Agreement between the His Majesty the King in Right of Canada as represented by the Minister of Infrastructure and Communities (“Canada”) and The Corporation of the City of London with respect to the Active Transportation Fund and authorizes the Mayor and the City Clerk to execute the agreement and any future amending agreements.

**Prepared by:** Julie Michaud,  
Landscape Architect, Parks Long Range Planning &  
Design

**Submitted by:** Paul Yeoman, RPP, PLE  
Director, Parks and Forestry

**Recommended by:** Kelly J. Scherr, MBA, P.Eng., FEC  
Deputy City Manager, Environment and Infrastructure

**Attachments:**  
Appendix A - By-law

cc: Alan Dunbar, Manager, Financial Planning & Policy, Finance Supports  
Manish Anjani, Financial Business Administrator, Financial Business Support

## Appendix “A”

Bill No.  
2023

By-law No.

A by-law to approve and authorize the execution of the Contribution Agreement between His Majesty the King in right of Canada, as represented by the Minister of Infrastructure and Communities (“Canada”) and The Corporation of the City of London for the provision of funding under the Active Transportation Fund

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting the financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Contribution Agreement between His Majesty the King in right of Canada, as represented by the Minister of Infrastructure and Communities (“Canada”) and The Corporation of the City of London for the provision of funding under the Active Transportation Fund (the “Agreement”) substantially in the form attached as Schedule “A” to this by-law is hereby authorized and approved.
  2. The Mayor and the City Clerk are hereby authorized to execute the Contribution Agreement authorized and approved under section 1 of this by-law.
  3. The Deputy City Manager, Environment and Infrastructure or their written delegate is hereby authorized to approve any amending agreements to the Agreement provided the amending agreements do not increase the indebtedness or liabilities of The Corporation of the City of London under the Agreement.
  4. The Mayor and Clerk are hereby authorized to execute any amending agreements approved by the Deputy City Manager, Environment and Infrastructure under section 3 of this by-law.
  5. The Deputy City Manager, Environment and Infrastructure or their written delegate is delegated the authority to execute any financial reports required under the Agreement and to undertake all administrative, financial, and reporting acts necessary in connection with the Agreement as approved in section 1, above.
  6. This by-law shall come into force and effect on the day it is passed.
- PASSED in Open Council on July 25th, 2023.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading –  
Second Reading –  
Third Reading –