



**City of Kingston
Report to Council
Report Number 15-209**

To: Mayor and Members of Council
From: Denis Leger, Commissioner of Transportation, Facilities & Emergency Services
Resource Staff: Sheila Kidd, Director of Transportation Services
Date of Meeting: April 21, 2015
Subject: Kingston Transit License Agreement with Cataraqui Holdings Inc. for the Cataraqui Centre

Executive Summary:

The purpose of this report is to seek Council approval to enter into a license agreement with Cataraqui Holdings Inc., to allow Kingston Transit to operate within and use a portion of its Cataraqui Centre property to provide transit service. The agreement would allow for the future reconfiguration, reconstruction, and expansion of the existing Cataraqui Centre transfer point to address the matter of operational effectiveness primarily with regard to existing vehicle capacity constraints and accessibility considerations.

Recommendation:

That Council authorize the Mayor and Clerk to enter into a license agreement with Cataraqui Holdings Inc., in a form satisfactory to the Director of Legal Services, to formalize the operation of Kingston Transit at and through the Cataraqui Centre property and to allow for the reconfiguration, reconstruction, and expansion of the Cataraqui Centre transfer point, based on the key proposed terms and conditions outlined in Council Report 15-209.

April 21, 2015

Page 2 of 5

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Denis Leger, Commissioner
Transportation, Facilities &
Emergency Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives

Lanie Hurdle, Community Services

Not required

Jim Keech, President and CEO, Utilities Kingston

Not required

Desiree Kennedy, Chief Financial Officer & City Treasurer

April 21, 2015

Page 3 of 5

Options/Discussion:

Kingston Transit has several sites across the city, known as transfer points, where routes converge to allow riders to transfer between different buses. The Cataraqui Centre is a major transfer point in the city's west end that currently serves 10 routes including 2 Express routes. The Cataraqui Centre transfer point has more than 410,000 riders a year that board or transfer at the site. The current Cataraqui Centre transfer point was constructed in the 1980s and has been in operation as an integral part of the Kingston Transit system since that time. The site, located at the south end of the Cataraqui Centre across from the Kingston Public Library - Isabel Turner Branch, is a horseshoe configuration where all buses enter from the east end of the horseshoe and line up in the order of arrival at the curb. It also has two large shelters, one small shelter, and several benches.

The transfer point was designed to accommodate a maximum of 4 full size buses at a time. At present, the site is operating over the design capacity with up to 6 buses converging at the transfer point several times an hour. City staff, in consultation with Cataraqui Centre representatives, has developed operational procedures that currently allow the site to function as effectively as it can, however an expanded transfer point is required for more effective operation.

In addition to vehicle capacity constraints, the current site does not effectively address a number of accessibility considerations primarily as a result of the current configuration that does not allow buses to use a designated bus bay or allow it to pull completely parallel with the curb face. This makes it difficult for riders with visual or mobility impairments to board buses or easily transfer between buses.

Staff has been in lengthy discussion with representatives of Cataraqui Holdings Inc., the owners of the Cataraqui Centre site, to explore options to reconfigure and reconstruct the current Cataraqui Centre transfer point to address the operational and accessibility constraints and considerations noted above. Cataraqui Holdings Inc. representatives have been very accommodating in working with City staff to develop a new conceptual design, and have agreed to allow for an expanded transfer point. The ensuing detailed design review and configuration will be presented as part of a future site plan modification.

Staff is recommending that a license agreement be established for the Cataraqui Centre site with Cataraqui Holdings Inc. to allow for the use of land as a transit transfer point and to outline the respective operational and financial responsibilities of both parties, similar to other agreements where Kingston Transit uses a portion of private property for its operations (e.g. Kingston Centre and RIOCAN Centre). The agreement would also formalize a long-standing arrangement of consent for this use of the site between the property owners and the City.

The following summarizes the key proposed terms and conditions of the arrangement:

- The parties will enter into a license agreement for a 10-year term, with an option for the City to extend the agreement for one additional 10-year term.

April 21, 2015

Page 4 of 5

- The City will pay all costs to design, reconstruct, and expand the existing Cataraqui Centre transfer point area to a mutually agreed upon design between the City and Cataraqui Holdings Inc. Cataraqui Holdings Inc. will manage the construction program within the site.
- The City will purchase and install new accessible shelters and benches at this site as part of this upgrade. Maintenance, repair, and replacement of the shelters and benches and all associated costs will be the responsibility of the City.
- The City will pay all costs to upgrade two additional bus stops within the Cataraqui Centre site near the intersection of Midland Avenue and Norwest Road to address transit accessibility concerns.
- Cataraqui Holdings Inc. will provide a dedicated washroom facility, including daily maintenance and cleaning, for use by Kingston Transit staff. The facility will be located within the Cataraqui Centre and will be accessed through a private entrance on the south side of the building. All costs for this facility will be the responsibility of Cataraqui Holdings Inc.
- Cataraqui Holdings Inc. will be responsible for the cost associated with the repair, maintenance, and replacement works required within the transfer point area once construction is completed, with the exception of related asphalt repair within the transfer point area which will be equally shared with the City. Expected future asphalt replacement costs will be mitigated through appropriate design of the bus loading area and the use of concrete in all bus loading areas.
- Cataraqui Holdings Inc. will be responsible for the costs of electrical power required to light the bus platforms during transit operation with the exception of electrical power, metered through a separate service, for equipment installed by Kingston Transit (such as additional internal shelter lighting, electronic passenger displays, etc.).
- Cataraqui Holdings Inc. will be responsible for all costs of snow clearing and maintenance of the parking lot, internal transit stops, walkways, and adjacent areas.
- Cataraqui Holdings Inc. and the City will each carry comprehensive general liability insurance in an amount not less than \$5,000,000, naming each other as an additional insured.
- Kingston Transit will be permitted to operate on the internal roadways of the site and coordinate actions such as bus operator and vehicle changes.
- Kingston Transit will be permitted to post information for riders related to the routes, schedules, and operation of the service at the transfer point. Advertising content may be posted on the shelters by or on behalf of Kingston Transit, provided the advertising does not contain content for a business enterprise competitive with the Licensor or its tenants and/or does not contain any themes of a political, sexual, controversial or religious nature.
- In consideration of these terms and conditions, the City of Kingston will make a one-time payment of \$2.00 to Cataraqui Holdings Inc.

April 21, 2015

Page 5 of 5

This report is seeking Council approval to authorize the Mayor and Clerk to execute a license agreement with Cataraqi Holdings Inc., for the purpose of facilitating and formalizing transit operation on private property, and to allow for the reconfiguration, reconstruction and expansion of the Cataraqi Centre transfer point.

Existing Policy/By Law:

Not Applicable.

Notice Provisions:

Not applicable.

Accessibility Considerations:

Accessibility deficiencies at the current Cataraqi Centre transfer point have been highlighted as one of the primary reasons to reconfigure, reconstruct and expand the transfer point within the site. The conceptual design developed with the Cataraqi Centre addresses the main accessibility issues that exist within the current site. Additional consultation for accessibility issues will be conducted as part of a site plan process to further refine the design. The refined solution will incorporate recommendations specific to increasing the overall accessibility of the Cataraqi Centre transfer point that meet or exceed City and provincial guidelines.

Financial Considerations:

There is approved capital budget of \$1.3M for the Cataraqi Centre transfer point reconstruction. Based on the conceptual design and the resulting Class D cost estimate, staff believes that there exists sufficient funds to provide for the required consulting services, supporting studies, design work, and construction of the new transfer point.

Contacts:

Sheila Kidd, Director Transportation Services, 613-546-4291, Ext. 2221
Ian Semple, Manager Service Development, 613-546-4291, Ext. 2306

Other City of Kingston Staff Consulted:

Jeremy DaCosta, Transit Manager, Transportation Services
Alan McLeod, Senior Legal Counsel, Legal Services

Exhibits Attached:

Not Applicable.