

Environmental
Commissioner
of Ontario



Commissaire à
l'environnement
de l'Ontario

Gord Miller, B.Sc., M.Sc.
Commissioner

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Commissaire

June 3, 2003

David Guscott
Deputy Minister
Ministry of Transportation, 3rd Floor
Ferguson Block
77 Wellesley St. West
Toronto, ON M7A 1Z8

Facsimile # 416- 327-9185

By Fax & Mail

Dear Deputy Minister Guscott:

Re: Request for Extension of Public Comment Period for Bill 25 - *An Act to Enhance Public Transit and Provide for A Smart Transportation System in Ontario*

On May 23, 2003, the Ministry of Transportation (MTO) posted a notice for Bill 25 - *An Act to Enhance Public Transit and Provide for A Smart Transportation System in Ontario*. Your ministry has provided a 30-day comment period on this proposal.

My staff and I have undertaken a preliminary review of the bill and we believe that a 30-day comment period is inadequate. Therefore we urge your ministry to extend the comment period by 30 to 60 days. I think that there are several reasons to give serious consideration to this request. First, sub-section 2(5) of Bill 25 provides that the establishment of a development planning area or an infrastructure corridor planning area, and the preparation of plans in respect of those areas, are not undertakings under the *Environmental Assessment Act*, although we understand that particular developments or infrastructures within such an area continue to be undertakings under the *EAA*. Thus, the *EAA* would not apply to decisions as to whether a new transportation corridor is needed, and to alternative locations for the corridor. If this legislation is enacted, it will represent a significant change in how the province undertakes environmental planning for new highways.

Secondly, my office has been contacted by numerous stakeholders who have raised concerns about the scope of the bill. In the ECO's 1996 guidance document for the ministries on registry

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Deputy Guscott/Bill 25

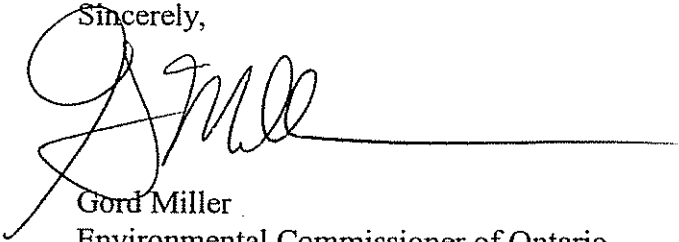
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notice and comment procedures, we recommend that ministries provide multiple comment periods and extended comment periods for complex and controversial proposals. This bill appears to meet the criteria set out in the ECO's guidance document. Accordingly, we think that stakeholders should be provided with additional time to make meaningful comments on the changes proposed by MTO in Bill 25.

As well, we would like to point out that the text of the Registry proposal notice concerning Bill 25 does not clearly identify the potential environmental implications of the proposal. The proposed changes to the *EAA* are not indicated in the Registry notice. Indeed, the *EAA* is not referred to specifically in the notice at all. You may wish to consider revising the notice to clarify the environmental significance of Bill 25.

Thank you for your attention to this matter. If your staff need more information, please call David McRobert, In-House Counsel at (416) 325-3376.

Sincerely,

A handwritten signature in black ink, appearing to read "G Miller", with a long horizontal line extending to the right.

Gord Miller
Environmental Commissioner of Ontario

cc: Heather Edwardson, Manager, Environmental Bill of Rights Office, MTO
✓ Mayor Rob MacIssac, City of Burlington