

DRAFT FOR DISCUSSION PURPOSES ONLY

CAPITAL REGIONAL DISTRICT

BYLAW NO. ____

**A BYLAW TO ESTABLISH A REGIONAL TRANSPORTATION COMMISSION AND
REGIONAL TRANSPORTATION INVESTMENT FUND**

WHEREAS section 796 of the *Local Government Act* gives regional districts the general authority to establish services that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Regional Growth Strategy (Bylaw 2952) adopted August 2003, identified transportation as a regional priority and specified that the regional district and its partners would prepare a Regional Transportation Strategy to identify local issues, their extent, and possible solutions;

AND WHEREAS the Regional Transportation Strategy studies conclude that the region needs to:

- Integrate land use and transportation, between and within planned major centres of the region, along primary corridors, and in expanding suburban and rural areas;
- Enhance alternatives to driving alone through the provision of attractive, regional cycling, pedestrian, and transit facilities and services;
- Manage roadway investments to support mobility and safety of priority modes – transit, cycling, pedestrians, ride sharing and commercial vehicles – while maintaining the affordability of the transportation system within the region;

AND WHEREAS the highest priority action recommended, identified as fundamental to the success of the Regional Transportation Strategy, was the coordination of funding along with adequate governance to implement the Regional Transportation Strategy;

AND WHEREAS the Government of Canada has established a long-term infrastructure funding programs that are available for regional districts to invest in transportation infrastructure;

AND WHEREAS the Board of the Capital Regional District, upon consideration of these reports and in consultation with its member councils, considers it necessary to establish a Regional Transportation Commission and associated Investment Fund;

AND WHEREAS the approval of the electors in each Participating Area has been obtained under section 801.4 of the *Local Government Act*;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained under section 802 of the *Local Government Act*.

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. SERVICE

- a) The Service established by this Bylaw is the Capital Regional District Regional Transportation Commission (the "Commission") and the Regional Transportation Investment Fund (the "Fund") for the purpose of providing capital funding:
 - i. To stimulate investment in transportation initiatives consistent with the Capital Regional District's Regional Growth Strategy and Regional Transportation Strategy;
 - ii. To prepare annual budgets and five-year transportation investment plans that advance the goals of the Regional Transportation Strategy;
 - iii. To develop and apply criteria for identifying transportation infrastructure services initiatives and priorities;
 - iv. To form partnerships and leverage the funding resources of private, municipal, provincial and federal sources;
 - v. To recommend changes to the Regional Transportation Strategy to address the strategic directions outlined in the Capital Regional District's Regional Growth Strategy; and
 - vi. To provide the Board of the Capital Regional District with an annual performance review of the implementation of the Regional Transportation Strategy.
- b) The Fund is established where:
 - i. The Board shall determine annually the portion of Federal Government Gas Tax rebate program to be allocated to the Fund;
 - ii. The fund will receive funds from all potential Federal and Provincial sources;
 - iii. All funds will be applied towards Board approved transportation initiatives that advance the goals of the Regional Transportation Strategy.

2. MEMBERSHIP

The membership of the Commission is comprised of:

- a) The council of each municipal participating area shall appoint members of council equivalent to the number of council members that municipality has on the Regional District Board; and
- b) The Director of the Juan de Fuca Electoral Area is a member of the Regional Transportation Commission.

3. BOUNDARIES

The boundaries shall be those of the participating municipalities and electoral areas within the Capital Region, namely [...to be determined following municipal consultation on the draft bylaw...].

4. PARTICIPATING AREAS

The municipalities of [...to be determined following municipal consultation on the draft bylaw...].

5. COST RECOVERY

The annual cost of providing the Commission and the Fund shall be recovered from the annual Federal or Provincial Gas Tax rebate to the Capital Regional District, or other government funding initiatives that may arise.

6. MAXIMUM REQUISITION

There is no requisition for this service.

7. DISBURSEMENT

- a) The Commission will consider cost-sharing applications for capital matching funds from participating municipalities, electoral areas and other partners .
- b) The Commission may recommend to the Capital Regional District Board for approval, the disbursement of matching capital funds to projects and programs deemed eligible for funding, up to a maximum of 50% of project or program capital costs.

8. VOTING ENTITLEMENT

- a) On all bylaws and resolutions of the Board respecting the administration and operation of and the expenditure of monies from the Fund, each Director who is present and who represents a Participating Area has the number of votes assigned to that Director.
- b) The Commission is comprised of directors appointed by Participating Areas who are authorized to vote on matters relating to the administration and operation of the Commission and the Fund, with one vote per participating director. The approval of any matter related to the Regional Transportation Commission requires the approval of a majority of directors.

9. ADMINISTRATION

No more than 5% of the monies raised and received annually for the Fund shall be used to cover the costs of administration of the service for all purposes.

10. CITATION

This bylaw may be cited for all purposes as “The Capital Regional District Regional Transportation Commission and Regional Transportation Investment Fund Service Establishment Bylaw No. 1, 2005”

11. EFFECTIVE DATES

READ A FIRST TIME THIS _____ day of _____, 2005

READ A SECOND TIME THIS _____ day of _____, 2005

READ FOR THE THIRD TIME THIS _____ day of _____, 2005

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS _ day of _____, 2005

ADOPTED THIS _____ day of _____, 2005

Chair

Secretary

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS _____ day of _____, 2005