

TransLink Governance and Bill 22



April 2014

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April 9, 2014

Mayor Richard Walton
Chair, Mayors' Council on Regional Transportation
c/o TransLink
400 - 287 Nelson's Court
New Westminster, BC V3L 0E7

Dear Mayor Walton and Members of the Mayors' Council on Regional Transportation

Re: Report on TransLink Governance and Bill 22

On behalf of the consulting team, comprising of Ken Cameron, Clive Rock, and myself, we are pleased to submit the attached report on *TransLink Governance and Bill 22*. We hope you will find the information contained therein to be useful in your review of the implications of Bill 22 on TransLink's governance and the scope of the Mayors' Council.

Our ability to complete this assignment has been greatly assisted by the cooperation and support we have received, not only from you and Mayor Wright, but also from staff at TransLink and from the Province of BC. While we appreciate this assistance, the content and views of the attached report are solely those of the consulting team.

We are honoured to have completed this assignment for the Mayors' Council and we hope this report will prove useful in the latest evolution of TransLink's governance.

We look forward to the opportunity to present this report to you and your colleagues and to respond to your questions and comments.

Yours truly,



Clark Lim, P.Eng., FITE

EXECUTIVE SUMMARY

On March 27 2014, the Minister of Transportation and Infrastructure introduced Bill 22, 2014: *South Coast British Columbia Transportation Authority Amendment Act, 2014*. The legislation proposes some significant changes to the roles and functions of the entities currently involved in TransLink governance. This report assesses the implications of the proposed changes within the framework of the key common “best practice” governance characteristics which were identified in the earlier report *TransLink Governance Review*, which was prepared for the Mayors’ Council in March 2013. That report examined a number of “Leader Regions” and identified two particular aspects of urban transportation governance: (i) the Levels of Governance Functions and (ii) Desirable Dimensions for Good Governance.

- *Levels of Governance Functions* - each of the “Leader Regions” displayed a similar hierarchy of governance functions with three main levels: (i) The Policy Level involves the development of overall policy direction, etc. and is invariably undertaken by elected representatives; (ii) The Management Level which is generally the place where appointed board members function as an operating board under broad policy direction; and (iii) The Implementation Level involving staff and contractors.
- *Desirable Dimensions for Good Governance* - each of the regions examined also displayed strengths with respect to six key dimensions of the governance system, namely: Accountability; Transparency; Responsiveness; Clarity of Purpose; Advocacy; and Productive Relationships.

Bill 22 proposes a number of changes most of which have the potential to move in the direction of best practices in terms of better defining “who does what.” It does not, however explicitly redefine the role of the Mayors’ Council as the “policy body” or place the TransLink Board in a position to explicitly take policy direction from the Mayors’ Council. Nonetheless, the various proposals in Bill 22, and the need for TransLink to seek the Mayors’ Council approvals for certain plans, are considered capable of allowing the Mayors’ Council to assume much of the role of a policy body.

Assuming that both the Mayors’ Council and the TransLink Board are supportive of making the proposed new arrangements work well, a number of issues would have to be resolved, and preferably documented in a series of protocols. Examples include: the joint definition of roles and responsibilities, identifying appropriate working arrangements including establishing several Mayors’ Council committees; agreement on plan processes to ensure Mayors’ Council involvement prior to approval; and securing technical support for the Mayors’ Council.

There are a number of other matters which also warrant attention, including a review of the remuneration for the Mayors’ Council Chair, Vice-Chair and Chairs of any committees, developing processes to allow Mayors’ Council review of annual plans and the need to work towards stronger municipal connections at the council and staff levels. With specific regard to the preparation of annual plans and the review of annual budgets, it is noted that in the Capital Region, the Victoria Regional Transit Commission has a significant role defined in the BC Transit Act. The Mayors’ Council should propose that it be given the ability to prepare plans and review budgets at least in a manner similar to the role of the VTRC.

The 2013 report noted that the current urban transport governance arrangements were “*unique in the world and not in a good way*” relative to what was found to be in place in “Leader Regions” like Stockholm or London. In reflecting on that finding, Bill 22 has the potential to move TransLink’s governance closer to best practices. However, it is our view that the new arrangements as proposed by Bill 22 will only take the region part of the way to a structure that is fully analogous to those in place in “Leader Regions.”

Overall it is concluded that with goodwill and effort by all parties, improvements should be achievable.

TRANSLINK GOVERNANCE AND BILL 22

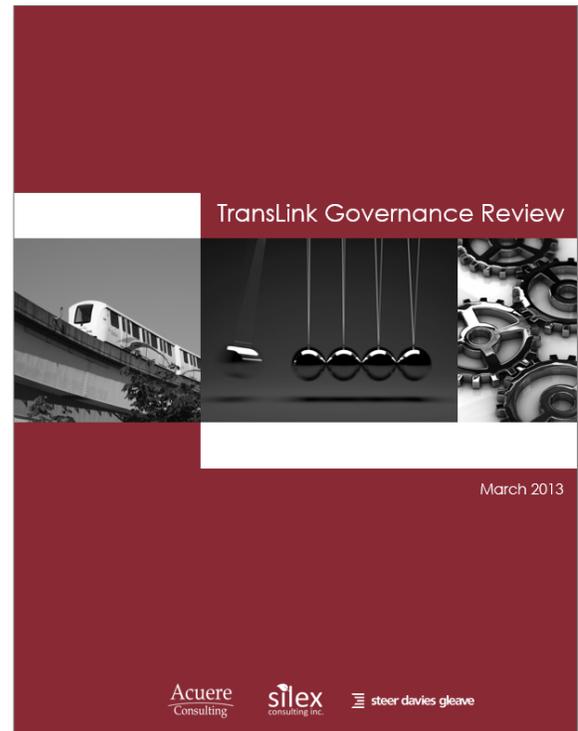
1 INTRODUCTION

1.1 March 2013 TransLink Governance Review

In December 2012, the Mayors' Council on Regional Transportation commissioned Acuere Consulting Inc. to conduct an independent review of the current urban transport governance arrangements in the Vancouver region. The terms of reference called for a literature review to identify best practices, research on other urban regions and their urban transport governance arrangements, and interviews on the current structure with key individuals in the region.

The report, (<http://www.acuere.ca/docs/tl-gov-review/>), was published in March 2013. The document presented a review of the current arrangements in relation to other comparable urban areas and identified a set of governance principles and model structures that are commonly found elsewhere. It also identified a number of urban regions that may be characterized as “Leaders” in terms of transportation governance.

The report provided part of the context for discussions between the Mayors' Council and the Province that led to the development by the Province of proposed changes in legislation intended to improve transportation governance in the region.



1.2 March 2014 Proposed Governance Changes

On March 27 2014, the Minister of Transportation and Infrastructure introduced Bill 22: *South Coast British Columbia Transportation Authority Amendment Act, 2014*. (A related piece of legislation introduced the same day, Bill 23-2014: *South Coast British Columbia Transportation Authority Funding Referenda Act*, is outside the scope of this report). The legislation proposes some significant changes to the roles and functions of the entities currently involved in TransLink governance.

1.3 Purpose of this Report

On March 28 2014, the Mayors' Council authorized the Chair and Vice-Chair to retain members of the original consulting team to provide a commentary on the changes proposed in Bill 22 in relation to the current governance arrangements and in the context of the perspectives advanced in the 2013 report.

This report includes a summary of the 2013 Governance Review; an overview of the key proposals in Bill 22; discussion of the proposed changes relative to the findings from the 2013 report and concluding observations and suggestions.

2 SUMMARY OF MARCH 2013 GOVERNANCE REVIEW

2.1 Assessment of TransLink's Current Situation

The March 2013 report noted that the scope, mandate and funding sources of TransLink were seen as “state-of-the-art” internationally and its achievements are a source of pride locally (even though the adequacy of the funding may not be sufficient and the processes for accessing the funds may be restrictive).

The governance structure, comprising TransLink, the Mayors’ Council and the Commissioner of Regional Transportation, was not found elsewhere in the world and was judged to be “*unique in the world and not in a good way*” relative to what was in place in “Leader Regions.” The current governance structure also had few, if any, supporters within the region.

It was concluded that any effort to revise the governance structure should reflect several basic criteria or dimensions for good governance, as were found in a literature search and in best practices in “Leader Regions” in other parts of the world.

2.2 Characteristics of Transport Governance in “Leader Regions”

The 2013 literature review and international “scan” revealed two particular characteristics of urban transportation governance related to (i) the Levels of Governance Functions and (ii) Desirable Dimension for Good Governance.

2.2.1 Levels of Governance Functions

“Leader Regions” around the world reflect an optimal “division of labour” between the levels of an urban transportation governance system, as shown in Figure I:

- I. *Policy Level* - Decision-making on policies, plans, funding and relationships to broader plans and public purposes is the responsibility of elected representatives;
- II. *Management Level* – the translation of policy into action is the responsibility of persons and/or bodies skilled in management, administration, customer service, capital projects, service provision and financial control, including the selection of service delivery modes and structures; and
- III. *Implementation Level* - Implementation is the responsibility of staff or contractors hired and paid for this purpose.

Figure I



Transport for London (TfL) is one example of how these functions are undertaken. In London, the elected

Mayor sets plans, policies and overall direction. The TfL Board of Directors, which is appointed by the Mayor, functions as an operating board to translate the Mayor’s plans into projects, programs and services. The TfL Board has the Mayor as its Chair, meets in public and has a very wide range of skill-sets, represented by individuals as diverse as the current Chairman of British Airways and a licensed taxi driver.

Among the urban regions examined in 2013, in the cases of London, Vienna and Stockholm it was particularly notable that transit planning and transport plans are integrated with spatial and other plans in each metropolitan area¹. This stands in contrast to Metro Vancouver where these links were concluded to have been significantly weakened or effectively severed.

2.2.2 Dimensions of Good Governance

Within the framework of the levels of governance functions, the earlier report identified a number of criteria that should ideally be reflected in the governance structure: Within this broad context, the March 2013 report went on present the six core dimensions of a governance framework. The working definitions of these were as follows:

<p>Accountability Degree to which the governance structure has political, administrative, environmental and social accountability linkages</p>	<p>Clarity of Purpose Degree to which the prime agency understands and acts on its direct and indirect purposes</p>
<p>Transparency Accessibility of information to those affected by decisions and visibility of governance process</p>	<p>Advocacy Speaking out, leading and encouraging public dialogue on major relevant public policy issues</p>
<p>Responsiveness Extent of citizen orientation, public friendliness in decision-making and redress if needed</p>	<p>Productive Relationships Relative strength of relationships and recognition of dependencies with other entities</p>

Collectively these six dimensions or characteristics were seen as reflecting the overall “fitness for purpose” of the governance system. An analogy is to see these as a series of interlocking gears in a governance “machine” that all have to be fully functional and synchronized for optimum results.



Section 4 of this document later applies these two aspects of the governance system, i.e. (i) the Levels of Governance Functions and (ii) Criteria for Good Governance as a framework within which to provide commentary on the changes proposed in Bill 22 in as well as other observations on the overall structural changes which will arise from the legislation.

¹ For example in London the Mayor’s Transport Strategy is one of three plans for greater London with the other two dealing with Spatial Planning (Land Use) and London’s Economic Strategy.

3 OVERVIEW OF KEY CHANGES PROPOSED IN BILL 22

Bill 22 contains many provisions. For the purposes of this brief report, the following high-level summary² concentrates on matters which relate to governance and which allow, in Section 4, an assessment of the extent to which the changes will bring Metro Vancouver closer to governance dimensions and practices similar to those found in “Leader Regions.”

3.1 Planning Provisions

There are a number of changes related to plans and planning processes in Bill 22. The core changes are summarized below:

- **Preparation of a Long-Term Strategy** - TransLink must continue to prepare a long term strategy every 5 years and, in doing so, must also³:
 - Consider “provincial transportation and economic objectives”; and
 - Consult with the Mayors’ Council.
- **Preparation of Investment Plans** – TransLink’s current process for 3-year base plans and supplemental plans (and associated 7-year “outlooks”) is replaced by 10 year Investment Plans, with similar provisions for consultation and considerations, including considering “provincial transportation and economic objectives”.
- **Plan Approvals:** TransLink must seek the Mayors’ Council’s approval for (i) the Long-Term Strategy every 5 years after 2013 and (ii) every 3 years for Investment Plans after the date of approval for the first Investment Plan. (Investment Plans must be accompanied by all bylaws and resolutions proposed or passed by the TransLink board in relation to revenue measures and borrowing limits for the first 3 years of the investment plan).

3.2 Mayors’ Council on Regional Transportation

The legislation will result in a number of changes to the Mayors’ Council on Regional Transportation in terms of its role, responsibilities, resources and functions. Some of the key changes are summarized below:

- **Transfer of selected Regional Transportation Commissioner Powers:** The legislation sees the removal of the Regional Transportation Commissioner’s office and the following powers transferred to the Mayors’ Council:
 - Approval for certain fare changes beyond certain levels;
 - Oversight of TransLink’s process for customer satisfaction surveys;
 - Oversight of TransLink’s process for customer complaints; and
 - Oversight of the disposition of major facilities and assets.

One power which is not transferred and which the legislation removes entirely is the ability to undertake “inspections” of the authority or any subsidiary under certain circumstances.

² The consulting team’s commentary on certain provisions of Bill 22 is not a legal opinion.

³ This is over and above existing provisions to consider regional and other objectives, population growth, etc. and to consult with a range of other entities including Metro Vancouver.

- **Increased Resources:** The funding available to the Mayors' Council for its activities will now be 0.07% of TransLink's gross revenue in the previous fiscal year. This would be approximately \$1.06 million, (based on 2013 gross TransLink revenue of approximately \$1.43 billion.)
- **Executive Compensation:** The Mayors' Council will have a statutory role in the approval of an executive compensation plan or an amendment to an executive compensation plan.
- **TransLink Board Appointments:** The Mayors' Council will appoint 7 (currently 9) of the TransLink Board members.
- **TransLink Board Member Compensation:** The Mayors' Council may approve or reject a screening panel's recommendation regarding compensation for board members. The legislation anticipates that the Mayors' Council Chair and Vice Chair will be on the TransLink Board and so they are excluded from this process.
- **Mayors' Council Meetings:** The changes see the remuneration to members of the Mayors' Council altered with the limit of 10 meetings per year removed.
- **Proposed Additional Funding Sources:** While it is a change arising from Bill 23, it should be noted that the SCBCTA Act would be amended to enable the Mayors' Council to present a proposal to the minister that demonstrates the need for additional funding sources and evidence that the additional funding is supported by the electors in the region.

There are also a number of other provisions related to fare changes and taxation related to plans. One apparent anomaly is that while the Mayors' Council will not be presented with annual service, operating or capital plans⁴, in the event that a particular fare increase is proposed, it appears that these plans must accompany such a proposal.

3.3 TransLink Board

The TransLink Board will comprise 11 members with:

- The Chair and Vice-chair of the Mayors' Council;
- 2 members appointed by the Province; and
- 7 members appointed by the Mayors' Council under the Act

The Act is silent on how the provincial members will be chosen, but the legislation mentions that nothing should prevent a minister-appointed director of the authority from providing to other directors the views of government.

⁴ In comparison, under the BC Transit Act, the local government elected officials who are appointed to the Victoria Regional Transit Commission are asked to approve BC Transit services and budget each year.

3.4 Summary of Changes to Planning and Approval Processes

The table below provides a brief and high level summary of the processes for the preparation and approval of (i) the Long-Term Strategy; (ii) 10-Year Plans (now referred to as Investment Plans) and (iii) Annual Service, Operational and Capital Plans⁵.

Plan Type	Current Process	Under Bill 22	Observations
Long Term Strategy	<ul style="list-style-type: none"> Led by TransLink Board Only TransLink Board approves strategy 	<ul style="list-style-type: none"> TransLink prepares strategy (no change in definition) Mayors' Council approves strategy (without approval for a new strategy, the last long-term strategy remains in effect) 	<ul style="list-style-type: none"> It may be possible to develop a protocol where the Mayors' Council takes a more significant or lead role This would require TransLink staff to effectively support the Mayor's Council
10-Year Plan	<ul style="list-style-type: none"> Led by TransLink Board Guided by Long-Term strategy Comprises a fully-funded 3-year 'Base' plan plus a 7-yr Outlook Base Plan has to use existing revenue streams Supplement can consider other revenue 	<ul style="list-style-type: none"> Led by TransLink Board Guided by Long-Term strategy Fully-funded 10-yr 'Investment Plan' replaces Base and Supplemental plans Submission to Mayors' Council must include proposed fares, taxes, tolls, etc. for 3 years Mayors' Council approval is required 	<ul style="list-style-type: none"> It may be possible to develop a protocol where the Mayors' Council would take a more significant or lead role This would require TransLink staff to effectively support the Mayor's Council Legislation anticipates existing plans in place until new Investment Plan is approved Approval required at approx. 3 year intervals (different for first plan)
Annual 'Service, Capital and Operational Plans'	<ul style="list-style-type: none"> Led by TransLink Board Annual Plans and Budgets reflect the Base Plan and any Supplements Approvals needed by Mayors' Council for supplements beyond Base Plan 	<ul style="list-style-type: none"> No ongoing direct role for Mayors' Council if TransLink seeks a supplementary fare increase in one or more fiscal year then it must submit 'the current service, capital and operational plans' with the application 	<ul style="list-style-type: none"> It would be logical for the Mayors' Council to be involved in the process It may be possible to develop a protocol where the Mayors' Council takes a lead role This would require TransLink staff to effectively support the Mayor's Council

In summary, the Mayors' Council has a substantial approval role with the Long-Term Strategy and the Investment Plans, but it is TransLink which is charged with the preparation of each of these plans. Bill 22 does not anticipate the Mayors' Council's involvement in the approval process for annual plans and budgets unless it is in a year where a supplementary fare increase is being sought. As is discussed elsewhere in this document, it is concluded that it would be beneficial to involve the Mayors' Council in the preparation of the Long Term Strategy and the Investment Plan.

There would also be benefit in the Mayors' Council reviewing annual service, capital and operation plans in relation to assessing progress towards the implementation of the other plans as well as with respect to its new role in customer satisfaction surveys and the handling of complaints.

⁵ The role of the Commissioner is left out of the table, because Bill 22 proposes eliminating this Office.

4 DISCUSSION

The following reviews the changes within the context of the i) Levels of Governance Functions and (ii) The Dimensions of Good Governance discussed in Section 2 earlier.

4.1 Implications for Governance Structure, Roles and Responsibilities

As noted earlier, the 2013 report concluded that within the overall governance structures in “Leader Regions” there was typically an arrangement which placed elected officials clearly in the role of the policy body and, in situations where there are appointed boards, these were optimally used as an operating board under the oversight of the policy body.

While Bill 22 identifies a number of changes, most of which appear to have the potential to move in the direction of best practices in terms of clearly defining “who does what,” it does not explicitly redefine the role of the Mayors’ Council as the “policy body” or place the TransLink Board in a position to take policy direction from the Mayors’ Council⁶.

Nonetheless, the various proposals in Bill 22, and the need for TransLink to seek the Mayors’ Council approvals for certain plans, are capable of allowing the Mayors’ Council to assume much of the role of the policy body, similar to what is discussed in Section 2.

If both the Mayors’ Council and the TransLink Board are interested in making the proposed new arrangements work well, a number of actions should be undertaken, including:

Roles and Responsibilities – It would be necessary for the Mayors’ Council and the TransLink Board to work through the practical details of “who’s on first” with a broad range of issues and to define each entity’s roles and responsibilities. Some of this could be relatively straightforward, with the Mayors’ Council taking on the role of the policy body and the TransLink Board pursuing a role closer to that of an operating board.

Working Arrangements – It will be necessary for the Mayors’ Council to develop a number of committees for its tasks to be manageable. This would make it easier for the 23-member Council to process its business efficiently.

Plan Processes - While the Act does not require that the Mayors’ Council review TransLink’s annual budgets, service and other plans, it may be argued that the Mayors’ Council should be presented with these plans and this would potentially create greater accountability. Although TransLink has to act within the context of the Investment Plan which will be approved by the Mayors’ Council and updated every 3 years or so, it would seem to be a sensible and practical course of action to include the Mayors’ Council in the review process for annual documents.

⁶ It should be noted that any restructuring of TransLink governance in isolation would be unlikely to be able to truly match what is in place in say, London or Stockholm. This is mainly because those regions have much more robust regional government structures in place. Optimal transportation arrangements can only be developed within the context of a broader structure which can leverage the synergies of planning for the regional economy, the transportation system and spatial development as a whole.

Technical Staff Support – The changed role of the Mayors’ Council will require technical support. An option could be for designated staff groups within TransLink to be assigned to provide support for the Mayors’ Council and allow it, in a practical sense, to be involved in preparing the plans which it has to approve, rather than being presented with them by TransLink. It is understood that the current experience with the Mayors’ Council’s working group, chaired by Mayor Greg Moore, to develop the “Regional Vision” has been positive and constructive thus far and it probably shows how with goodwill such arrangements can be effective.

Development of Protocols – Assuming that roles and responsibilities are clearly defined, it would be useful for these to be set out in a set of protocols. These should also identify processes for the development of plans and other initiatives.

Mayors’ Council Remuneration – There appears to be an omission in Bill 22 which, while removing the cap on Mayors’ Council members’ remuneration, has not addressed the issue of the remuneration for the Mayors’ Council Chair and Vice-Chair and does not seem to have anticipated the need for committees to allow tasks to be handled effectively within smaller groups.

4.2 Implications for Desirable Governance Dimensions

The March 2013 TransLink Governance Review identified six desirable governance dimensions (Accountability; Transparency; Responsiveness; Clarity of Purpose; Advocacy; and Productive Relationships). This section provides a high level assessment of the likely implications of Bill 22 relative to each of these dimensions.

4.2.1 Accountability

Bill 22 will move the governance system towards greater accountability, due to a number of factors:

- The Bill proposes eliminating the Commissioner’s position and transferring a number of responsibilities to the Mayors’ Council (the 2013 report noted that the Commissioner’s function was not seen as necessary and was seen by some as placing unnecessary distance between the Mayors’ Council and TransLink).
- There are a number of new formal approval powers for the Mayors’ Council, including as approval of the Investment Plans and the Long-term Strategy, oversight of TransLink Board and Executive compensation, ongoing appointment of board members (reduced from 9 to 7), and regulating fares as well
- The opportunity for realignment of the roles of the Mayors’ Council as the policy body and the TransLink Board as an operating board suggests it may be appropriate to revisit the TransLink Board’s Articles which define the desirable skill sets and experience of board members, to focus on skills suitable to a large, service-oriented, operating entity with many customers.

4.2.2 Transparency

Bill 22 should result in greater transparency.

- The Mayors’ Council will be better resourced and be able to meet, usually in public, more often as necessary. In addition, the revised and simplified structure has the potential for clearer definition of roles and responsibilities.

- The reduction in the number of entities with the elimination of the Commissioner’s function will make the lines of responsibility somewhat clearer.

However any move in this direction could be strengthened by TransLink reporting to the Mayors’ Council in public on an annual basis regarding its operating budget, service, operating and capital plans.

4.2.3 Responsiveness

The extent to which the arrangements will be more responsive cannot be fully determined at this time.

- While the Mayors’ Council will be better resourced and able to meet more often, it appears that the TransLink Board may remain somewhat more distant from the public, although this may change with the addition of the new statutory members.
- The Mayors’ Council will be much more engaged in the preparation of longer term plans and this should result in some improvement in responsiveness due to the members’ stronger community connections.
- The absence of the Mayors’ Council from a role in the preparation of annual service and other plans, which is where many of the more important local changes in bus services, service levels etc. are made, combined with the comparatively remote nature of the TransLink Board, is unlikely to enhance responsiveness.
- The Mayors’ Council’s new roles in the oversight of TransLink’s processes for customer satisfaction surveys and for customer complaints have the potential for some greater responsiveness.

Overall it our conclusion that the changes have the potential to increase responsiveness but this will depend on the relationships which are developed, the definition of roles and the development of suitable protocols between the Mayors’ Council and the TransLink Board.

4.2.4 Clarity of Purpose

Relative to the current arrangements, there may be some increased clarity of purpose, or, in other words what is trying to be achieved with the transportation system.

- The Mayors’ Council has a clear understanding of the critical role that transportation, in general, and transit in particular, will have in the region’s diverse communities and its environmental, economic and social wellbeing.
- As a result of the Mayors’ Council being better resourced to play a stronger policy role through its approval of both the Investment and Long-range Plans, there should be some increased clarity of its role relative to the TransLink Board. Although this could be further strengthened through the Council’s explicit involvement in processes to prepare and review annual plans and budgets (discussed further in 5.2.1).
- Clarity of purpose for TransLink may potentially be enhanced if the Board were to refine its role and strengthen its members’ expertise in aspects directly related to the operation and delivery of services within a defined policy framework. TransLink is a very large operating entity with extensive customer-facing services and therefore expertise on the Board in high-volume customer-focussed industries, and how to achieve exceptional levels of customer service, will be of increased importance.

- The simpler structure with the elimination of the Commissioner’s Office should also be able to enhance this aspect of the governance.

On balance, there is potential for increased clarity of purpose, but this could be enhanced further by amendments to the draft legislation.

4.2.5 Advocacy

Organizations in “Leader Regions” have the ability to lead and encourage public dialogue and concerted action to advance the common goals for which they are responsible. The proposed changes have the potential to allow greater advocacy, but this cannot be fully determined at this time.

- The potential for advocacy leadership will be strongly influenced by having a greater ‘Clarity of Purpose’ for both TransLink and the Mayors’ Council.
- The past 7 years have shown that it has been challenging for the TransLink Board to have legitimacy in the role of “advocate” or to lead a regional dialogue on matters such as regional tolling, rapid transit priorities, environmental issues, and funding challenges.
- If the current processes produce an agreed vision with funding approved in a referendum, there may be an opportunity to shift the focus in advocacy from funding and large capital projects to collaboration in the achievement of desired transportation and related outcomes.
- It will be more challenging in this region to develop a legitimate advocacy role fully because, as noted earlier, there are broader regional governance issues which transcend transportation and the region has a relatively weak form of metropolitan government.
- Within the context of TransLink, to some degree strengthened advocacy will depend on the strength of the relationships which develop within the Mayors’ Council and between the Council and the TransLink Board and also between both bodies and the Province.

In theory the Mayors’ Council will be able take on stronger ownership of the longer term direction, but this will depend on the extent to which it is engaged as the policy body, consistently providing the broad framework within which TransLink is to operate. Only time can tell.

4.2.6 Productive Relationships

There is some potential for more productive relationships to be established.

- Representation from the Mayors’ Council and the Province on the TransLink Board will, at a minimum, facilitate cooperation and communication.
- The relationship between the Mayors’ Council and the TransLink Board should improve with greater clarity on roles and responsibilities and the removal of the Commissioner’s office.
- The development of protocols between the Mayors’ Council and the TransLink Board regarding how the roles can be translated into actions and make relationships smoother will be important.

There remain two areas that are important to productive relationships on which the legislation is silent, i.e.: the roles of the Province and municipalities:

- There is still no process to allow the reconciliation of provincial and local responsibilities in a “single” transportation plan for the metropolitan region, which would help to address issues

such as highway development vs transit development, user fees and tolls, etc. In the preparation of the earlier report, the consulting team concluded that relationships between TransLink and municipalities, especially at the staff level, were not as robust as they had been in the past.

We conclude that while relationships should improve under the new arrangements, the development of a sense of common purpose would greatly enhance relationships. There is also a need to strengthen TransLink's relationships with municipalities at both the council and staff levels.

5 CONCLUSION

5.1 Overall Assessment

In general, Bill 22-2014 has the potential to move TransLink's governance closer to best practices as identified in the 2013 *TransLink Governance Review*. However, it will take the region only part of the way to a structure that is fully analogous to those in place in the "Leader Regions" identified in the Review.

Not all processes and procedures can or should be codified or legislated, and there is plenty of scope to make improvements through collaborative efforts. With goodwill and effort by all parties, significant improvements are possible. Nonetheless there are a number of opportunities which the Mayors' Council and TransLink may wish to pursue to capitalize on the changed arrangements anticipated in Bill 22-2014.

5.2 Opportunities for Refinement

5.2.1 Review of Annual Service, Operational and Capital Plans

It appears that the Mayors' Council will not, by statute, have a direct role in the review or approval of annual service plans or budgets. As noted earlier, the Victoria Regional Transit Commission (which also comprises elected local government officials) has such a role. The British Columbia Transit Act⁷ states:

"(12) A regional transit commission must

- (a) prepare plans and, consistent with the operating and capital budgets set by the authority, set fares and determine service and performance standards for each public passenger transportation system in the regional transit service area for which it is designated in consultation with municipal officials and the public in the regional transit service area,*
- (b) review and make recommendations to the authority respecting the budget of the commission and the annual operating and capital budgets for each public passenger transportation system in the designated regional transit service area..."*

The Mayors' Council should propose that it be given the ability to prepare plans and review budgets in a manner at least similar to the role of the VTRC.

5.2.2 Links to Municipalities

Under the previous TransLink model, with a Board of elected local government representatives, there were strong and robust links to municipal plans and processes. This was especially so at the staff level

⁷ http://www.bclaws.ca/Recon/document/ID/freeside/00_96038_01



through the then Major Roads and Transportation Advisory Committee (MRTAC). Currently some of these relationships are reported to have been weakened or severed. Municipalities continue to play a major role in a number of areas which are critical to the success of the regional transportation system:

- The ownership and operation of TransLink’s Major Road Network (MRN).
- The provision of bus lanes, bus stops, landing areas, traffic priority, passenger shelters, etc. – all of which are critical for the bus system to be effective.
- The regulation and planning of land uses adjacent to TransLink facilities.

The Mayors’ Council may wish to consider requesting a defined role for MRTAC in legislation, or a regulation, or developing a protocol regarding closer and sustained municipal engagement.

5.2.3 TransLink Board Skill Set

With the Mayors’ Council being placed in a more significant policy role, it may be appropriate to consider if the TransLink Board’s collective skill set, as set out in Section 13.2 of the Board’s Articles⁸, might be revised to achieve a stronger focus on “operational oversight” skills than may be the case at present.

5.2.4 A “Single-Transportation System” Approach

The proposed revisions to the Act are silent on the identified need for there to be one plan for surface transportation in the region, with a single shared and integrated plan for all provincial and regional facilities. This need has been identified by the Mayors’ Council in the past and, with an increasing number of provincial road facilities being funded primarily by “regional” taxpayers (e.g. Port Mann Bridge), it will be important to assess the relative priorities and trade-offs on what may otherwise be competing demands. Without such a coordinated approach, there is a risk of massive investment in both road and transit infrastructure projects which may be at cross-purposes with each other.

5.2.5 Mayors’ Council Resourcing

The legislation provides for some increased resources for the Mayors’ Council. It will be important for the Council to be very active in the transition stages of the move to new arrangements and to be able to sustain its own independent perspective on matters brought before it.

Improving governance should always be regarded as a work in progress, and the work done by the Province and the Mayors’ Council has produced proposals that are a significant step forward. This work also demonstrates another principle of good governance, which is that collaboration and cooperation are essential to making any system work. Bill 22, 2014 can be regarded as evidence of the willingness of all parties to work together to meet the region’s transportation needs.

⁸ http://www.translink.ca/~media/documents/about_translink/governance_and_board/articles/articles_sccta.ashx