

# **Gas Tax Fund**

## **Guidelines for Identifying Project Eligibility for Community Works Fund Projects**

Last updated on March 31, 2020



This document is provided by the Union of BC Municipalities (UBCM) to support local government decision-making with regard to the expenditure of allocated Federal Gas Tax Funds, delivered through the Community Works Fund (CWF) program. The CWF provides dedicated, predictable long-term funding to all local governments in British Columbia to support local priorities. UBCM administers the Federal Gas Tax Fund in British Columbia.

## **Community Works Fund**

The Community Works Fund (CWF) is one of three program streams established under the *Administrative Agreement on the Federal Gas Tax Fund in British Columbia* (GTA).

The CWF transfers over \$100 million in federal revenues annually to local governments in British Columbia. In turn, local governments invest CWF allocations within a range of capital and capacity building projects and in accordance with the program's eligibility framework.

In order to receive annual CWF allocations, all local governments enter into an agreement with UBCM which sets out the terms and conditions of the program, including outlining eligible project categories, eligible costs and reporting requirements. The agreement also lays out provisions for providing funding to a third party for eligible projects.

### **Eligibility Framework for CWF projects**

As projects are identified at a local government level and not approved by UBCM in advance, local governments must make a determination on whether a project meets the eligibility requirements set out in the CWF agreement. While Community Works Funds may be used for a broad range of eligible costs for eligible projects, not every local infrastructure will be eligible.

For projects to meet eligibility in BC, they need to be reviewed under a three-step process: the funds may only be utilized by one of the entities set out in the "Ultimate Recipient" definition within the GTA; the funds must be applied towards the eligible expenditures of an eligible project as set out within an "Eligible Project Category", and the project must meet the definition of "Infrastructure", as defined in the Agreement.

#### **1. Is the recipient eligible?**

An "Ultimate Recipient" is defined in Annex A of the Agreement as:

- (i) a Local Government or its agent (including its wholly owned corporation);
- (ii) a non-municipal entity, including for-profit, non-governmental and not-for-profit organizations, on the condition that (a) the Local Government(s) where the Eligible Project would be located, if applicable, has (have) indicated support for the project through a formal resolution of its (their) council(s) or board(s).
- (iii) the South Coast British Columbia Transportation Authority, the Greater Vancouver Water District and the Greater Vancouver Sewerage and Drainage District; a trust council, a local trust committee and the trust fund board, all within

the meaning of the Islands Trust Act, and any other entity that delivers core local government services agreed to, in advance, by the Parties; and,

(iv) BC Transit subject to the agreement of the appropriate Local Government, through its council or board. In the case of transit Eligible Projects within the Capital Regional District, the appropriate Local Government is the Capital Regional District.

It is important to note that for all non-municipal entities, the council or board must still support the transfer of funds to that Ultimate Recipient for eligible costs of an eligible project through a formal resolution.

It is also strongly recommended that the local government and the Ultimate Recipient enter into an agreement that sets out the commitments of both parties for the use of funds, including reporting of project outcomes, public access to the infrastructure, and access to documentation for audit purposes.

## **2. Eligible Project Categories**

The Eligible Project Categories are set out in Schedule B of the GTA. The Agreement stipulates that eligible investments are those associated with acquiring, planning, designing, constructing or renovating a tangible capital asset; or strengthening the ability of local governments to improve local and regional planning and asset management; and joint communications activities or federal signage.

The table below provides a list of Eligible Project Categories with some examples of the types of projects considered under each category:

<b>Project Category</b>	<b>Description</b>	<b>Examples</b>
<b>Public Transit</b>	Infrastructure which supports a shared passenger transport system which is available for public use	<ul style="list-style-type: none"> <li>• Transit infrastructure such as rail and bus rapid transit systems, and related facilities</li> <li>• Buses, rail cars, ferries, para-transit vehicles, and other rolling stock and associated infrastructure</li> <li>• Intelligent Transport Systems such as fare collection, fleet management, transit priority signaling, and real time traveler information system at stations and stops</li> <li>• Related capital infrastructure including bus lanes, streetcar and trolley infrastructure, storage and maintenance facilities, security enhancement, and transit passenger terminals</li> </ul>
<b>Local Roads,</b>	Roads, bridges and	<ul style="list-style-type: none"> <li>• New and rehabilitation of roads</li> </ul>

Project Category	Description	Examples
<b>Bridges, and Active Transportation</b>	active transportation (active transportation refers to investments that support active methods of travel)	<ul style="list-style-type: none"> <li>• New and rehabilitation of bridges</li> <li>• Cycling lanes, paths, sidewalks and hiking trails</li> <li>• Intelligent Transportation systems</li> <li>• Additional capacity for high occupancy/transit lanes, grade separations, interchange structures, tunnels, intersections and roundabouts</li> </ul>
<b>Regional and Local Airports</b>	Airport related infrastructure (excludes National Airport System)	<ul style="list-style-type: none"> <li>• Construction projects that enhance airports and are accessible all year-round, through the development, enhancement or rehabilitation of aeronautical and/or non-aeronautical infrastructure (includes runways, taxiways, aprons, hangars, terminal buildings etc.)</li> <li>• Non-aeronautical infrastructure such as groundside access, inland ports, parking facilities, and commercial and industrial activities</li> </ul>
<b>Short-line Rail</b>	Railway related infrastructure for carriage of passengers or freight	<ul style="list-style-type: none"> <li>• Construction of lines to allow a railway to serve an industrial park, an intermodal yard, a port or a marine terminal</li> <li>• Construction, rehabilitation, or upgrading of tracks and structures, excluding regular maintenance, to ensure safe travel</li> <li>• Construction, development or improvement of facilities to improve interchange of goods between modes</li> <li>• Procurement of technology and equipment used to improve the interchange of goods between modes</li> <li>• Short-line operators must offer year-round service</li> </ul>
<b>Short-sea Shipping</b>	Infrastructure related to the movement of cargo and passengers around the coast and on inland waterways, without directly crossing an ocean	<ul style="list-style-type: none"> <li>• Specialized marine terminal intermodal facilities or transshipment (marine to marine) facilities</li> <li>• Capitalized equipment for loading/unloading required for expansion of short-sea shipping</li> <li>• Technology and equipment used to improve the interface between the</li> </ul>

Project Category	Description	Examples
		<p>marine mode and the rail/highways modes or to improve integration within the marine mode including Intelligent Transportation Systems (ITS)</p> <p><i>Note: The purchase of vessels, infrastructure that supports passenger-only ferry services, rehabilitation and maintenance of existing facilities such as wharves and docks, and dredging are not eligible for funding</i></p>
<b>Community Energy Systems</b>	Infrastructure that generates or increases efficient use of energy	<ul style="list-style-type: none"> <li>• Renewable electricity generators</li> <li>• Electric vehicle infrastructure/fleet vehicle conversion</li> <li>• Hydrogen infrastructure (generation, distribution, storage)</li> <li>• Wind/solar/thermal/geothermal energy systems</li> <li>• Alternative energy systems that serve local government infrastructure</li> <li>• Retrofit local government buildings and infrastructure</li> </ul>
<b>Drinking Water</b>	Infrastructure that supports drinking water conservation, collection, treatment and distribution systems	<ul style="list-style-type: none"> <li>• Drinking water treatment infrastructure</li> <li>• Drinking water distribution system (including metering)</li> </ul>
<b>Wastewater</b>	Infrastructure that supports wastewater and storm water collection, treatment and management systems	<ul style="list-style-type: none"> <li>• Wastewater collection systems and or wastewater treatment facilities or systems</li> <li>• Separation of combined sewers and or combined sewer overflow control, including real-time control and system optimization</li> <li>• Separate storm water collection systems and or storm water treatment facilities or systems</li> <li>• Wastewater sludge treatment and management systems</li> </ul>
<b>Solid Waste</b>	Infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable	<ul style="list-style-type: none"> <li>• Solid waste diversion projects including recycling, composting and anaerobic digestion</li> <li>• Solid waste disposal projects including thermal processes, gasification, and landfill gas recovery</li> </ul>

Project Category	Description	Examples
	materials and garbage	<ul style="list-style-type: none"> <li>• Solid waste disposal strategies that reduce resource use</li> </ul>
<b>Sport Infrastructure</b>	Amateur sport infrastructure (excludes facilities, including arenas, which would be used as a home of professional sports teams or major junior hockey teams)	<ul style="list-style-type: none"> <li>• Sport infrastructure for community public use</li> <li>• Sport infrastructure in support of major amateur athletic events</li> </ul>
<b>Recreation Infrastructure</b>	Recreational facilities or networks	<ul style="list-style-type: none"> <li>• Large facilities or complexes which support physical activity such as arenas, gymnasiums, swimming pools, sports fields, tennis, basketball, volleyball or other sport-specific courts, or other facilities that have sport and/or physical activity as a primary rationale</li> <li>• Community centers that offer programming to the community at large, including all segments of the population</li> <li>• Networks of parks, fitness trails and bike paths</li> </ul>
<b>Cultural Infrastructure</b>	Infrastructure that supports arts, humanities, and heritage	<ul style="list-style-type: none"> <li>• Museums</li> <li>• The preservation of designated heritage sites</li> <li>• Local government owned libraries and archives</li> <li>• Facilities for the creation, production, and presentation of the arts</li> <li>• Infrastructure in support of the creation of a cultural precinct within an urban core</li> </ul>
<b>Tourism Infrastructure</b>	Infrastructure that attract travelers for recreation, leisure, business or other purposes	<ul style="list-style-type: none"> <li>• Convention centers</li> <li>• Exhibition hall-type facilities</li> <li>• Visitor centres</li> </ul>
<b>Disaster Mitigation</b>	Infrastructure that reduces or eliminates long-term impacts and risks associated with natural disasters	<ul style="list-style-type: none"> <li>• Construction, modification or reinforcement of structures that protect from, prevent or mitigate potential physical damage resulting from extreme natural events, and impacts or events related to climate change</li> <li>• Modification, reinforcement or relocation of existing public infrastructure to</li> </ul>

Project Category	Description	Examples
		<p>mitigate the effects of and/or improve resiliency to extreme national events and impacts or events related to climate change</p> <p><i>Note: this category is related to disaster prevention (such as dykes, berms, seismic upgrades etc.) and not response (such as fire trucks, fire halls etc.)</i></p>
<b>Broadband Connectivity</b>	Infrastructure that provides internet access to residents, businesses, and/or institutions in British Columbia	<ul style="list-style-type: none"> <li>• High-speed backbone</li> <li>• Point of presence</li> <li>• Local distribution within communities</li> <li>• Satellite capacity</li> </ul>
<b>Brownfield Redevelopment</b>	Remediation or decontamination and redevelopment of a brownfield site within municipal boundaries, where the redevelopment includes: the construction of public infrastructure as identified in the context of any other category under the GTF, and/or the construction of municipal use public parks and publicly-owned social housing.	<ul style="list-style-type: none"> <li>• New construction of public infrastructure as per the categories listed under the Federal Gas Tax Agreement</li> <li>• New construction of municipal use public parks and affordable housing</li> </ul>
<b>Asset Management</b>	Increase local government capacity to undertake asset management planning practices.	<ul style="list-style-type: none"> <li>• Asset Management Practices Assessment</li> <li>• Current State of Assets Assessment</li> <li>• Asset Management Policy</li> <li>• Asset Management Strategy</li> <li>• Asset Management Plan</li> <li>• Long-Term Financial Plan</li> <li>• Asset Management Practices Implementation Plan</li> <li>• Asset Management Plan Annual Report</li> </ul>
<b>Integrated Community Sustainability Plans</b>	Increase local government capacity to undertake integrated community sustainability	<ul style="list-style-type: none"> <li>• Integrated community sustainability plans</li> <li>• Regional growth strategies</li> <li>• Community development plans</li> </ul>



Project Category	Description	Examples
	plans	<ul style="list-style-type: none"> <li>• Community plans</li> </ul>
<b>Long-term Infrastructure Plans</b>		<ul style="list-style-type: none"> <li>• Transportation plans</li> <li>• Infrastructure development plans</li> <li>• Liquid waste management plans</li> <li>• Solid waste management plans</li> <li>• Long-term cross-modal transportation plans</li> <li>• Water conservation/demand management plans</li> <li>• Drought management contingency plans</li> <li>• Air quality plans</li> <li>• GHG reduction plans</li> <li>• Energy conservation plans</li> </ul>

### 3. Definition of Infrastructure/ Public Use or Benefit

“Infrastructure” is defined in Annex A as: *“municipal or regional, publicly or privately owned tangible capital assets in British Columbia primarily for public use or benefit.”*

While the Agreement includes guidelines for identifying Ultimate Recipients, a definition of “Infrastructure” as well as “Eligible Project Categories”, a definition for “Public Use or Benefit” is not defined.

Specifically, local government councils and boards, who are responsible for approving Community Works Fund funding allocation will need to identify whether a project is “primarily for public use” or “public benefit” when a non-municipal entity seeks funding.

Although the Agreement does not include a definition for “Public Use or Benefit”, the term has been defined by a number of government and academic sources. The *Canada 150 Community Infrastructure Program* is a federal-provincial partnership program that distributes federal funds to eligible applicants for renovation, expansion and improvement of existing community and cultural infrastructure. For this program, Infrastructure Canada defines “Public Use or Benefit” as: *“The facility or asset is accessible to the public and not limited to a private membership, or confers a tangible benefit on a sufficiently large segment of the public or community.”*

The Canada Revenue Agency (CRA) provides guidelines for determining the characteristics of a “Public Benefit” and has developed a test for determining whether a facility or an asset will be for Public Benefit. While the test was established for charity registration purposes, the criteria used to determine Public Benefit may apply to eligible projects.

The basic requirements for the CRA's test are similar to the definition provided by Infrastructure Canada: a sufficient segment of the community must benefit and the benefit must be demonstrably tangible. The CRA provides further guidelines for defining "tangibility", "proof of benefit", as well as case law references.

#### **4. Determining Public Use or Public Benefit**

The set of questions below provides guidance for local government decision-makers to determine if a proposed project primarily provides a public use or benefit.

If the answer is "yes" to each of the following questions, then most likely the criteria for meeting public use or benefit is met. If only some of the questions can be answered in the affirmative, then consideration be given to whether the project provides sufficient public use or benefit.

##### **Public Use:**

- Does the proposed project primarily provide a service that is available or open to the public?
- Does the proposed project result in a service that is not limited by private membership?
- Does proposed project primarily result in a publicly owned asset or delivers a public service that a local government traditionally provides?

##### **Benefit:**

- Does the project provide a service that is a tangible benefit that aligns with the national outcomes of productivity and economic growth; a clean environment; or strong cities and communities?
- Does the project result in a service that benefits a sufficiently large segment of the public or community?

The following are examples of eligible and ineligible projects based on the three criteria: Ultimate Recipient, Eligible Project Categories and Public Use or Benefit.

##### **Example: Construction of a society-operated community hall:**

- **Ultimate Recipient:** Meets requirement (a non-municipal entity, including for-profit, non-governmental and not-for-profit organizations, on the condition that (a) the Local Government(s) where the Eligible Project would be located, if applicable, has (have) indicated support for the project through a formal resolution of its (their) council(s) or board(s).)
- **Eligible Project Category:** Meets requirement (Cultural infrastructure; privately owned tangible capital asset); funds are expended on eligible costs.
- **Public Use or Benefit:**

- Does the proposed project primarily provide a service that is available or open to the public? YES
- Does the proposed project result in a service that is not limited by private membership? YES
- Does proposed project primarily result in a publicly owned asset or delivers a public service that a local government traditionally provides? NO
- Does the project provide a service that is a tangible benefit that aligns with the national outcomes of productivity and economic growth; a clean environment; or strong cities and communities? YES
- Does the project result in a service that benefits a sufficiently large segment of the public or community? YES

Conclusion: This project satisfies the test for public use and benefit.

**Example: Installing energy efficient lighting system for common areas in strata housing complex:**

- **Ultimate Recipient:** Meets requirement (a non-municipal entity, including for-profit, non-governmental and not-for-profit organizations, on the condition that (a) the Local Government(s) where the Eligible Project would be located, if applicable, has (have) indicated support for the project through a formal resolution of its (their) council(s) or board(s).)
- **Eligible Project Category:** Meets requirement (Community energy systems; privately owned tangible capital asset); funds are expended on eligible costs.
- **Public Use or Benefit:**
  - Does the proposed project primarily provide a service that is available or open to the public? NO
  - Does the proposed project result in a service that is not limited by private membership? NO
  - Does proposed project primarily result in a publicly owned asset or delivers a public service that a local government traditionally provides? NO
  - Does the project provide a service that is a tangible benefit that aligns with the national outcomes of productivity and economic growth; a clean environment; or strong cities and communities? YES
  - Does the project result in a service that benefits a sufficiently large segment of the public or community? NO

Conclusion: This project does not satisfy the test for public use and benefit.

**Example: Enhancing sprinkler system for private golf course:**

- **Ultimate Recipient:** Meets requirement (a non-municipal entity, including for-profit, non-governmental and not-for-profit organizations, on the condition that (a) the Local Government(s) where the Eligible Project would be located, if

applicable, has (have) indicated support for the project through a formal resolution of its (their) council(s) or board(s).)

- **Eligible Project Category:** Meets requirement (Recreational infrastructure; privately owned tangible capital asset); funds are expended on eligible costs.
- **Public Use or Benefit:**
  - Does the proposed project primarily provide a service that is available or open to the public? NO
  - Does the proposed project result in a service that is not limited by private membership? NO
  - Does proposed project primarily result in a publicly owned asset or delivers a public service that a local government traditionally provides? NO
  - Does the project provide a service that is a tangible benefit that aligns with the national outcomes of productivity and economic growth; a clean environment; or strong cities and communities? YES
  - Does the project result in a service that benefits a sufficiently large segment of the public or community? NO

Conclusion: This project does not satisfy the test for public use and benefit.

## 5. Reporting

Local governments are required under the GTA to report annually, by June 1, all transactions related to funding during the previous calendar year along with a declaration by the officer responsible for financial administration that the Ultimate Recipient has complied with all funding agreements between it and UBCM.

UBCM, the Government of Canada, and a third party auditor reviews ultimate Recipient reporting. In the event of a question about the eligibility of any projects, UBCM or the audit team will contact the Ultimate Recipient for additional information.

Should a project not meet the eligibility criteria outlined above, local governments will be required to resolve the issue through removing the project from the report and any Gas Tax funding applied to the project must be reinvested in another eligible project or returned to the local government Gas Tax fund account for future use.

## 6. Questions

If you have questions or comments about this informational pamphlet, please contact:

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