

AGENDA
Rail Issues Committee
Thursday, July 9, 2015
3:00 o'clock p.m.
Walkerville Meeting Room, 3rd floor, City Hall

1. **CALL TO ORDER**

2. **DECLARATIONS OF CONFLICT**

3. **ADOPTION OF THE MINUTES**

Adoption of the minutes of the meeting held March 26, 2014 (*attached*)

4. **BUSINESS ITEMS**

4.1 **Application for Transport Canada Funding Grade Crossing Improvement Program**

City Council at its meeting held May 4, 2015 adopted the following resolution in response to the report of the Policy Analyst dated April 9, 2015 entitled "Intersection of Jefferson Boulevard and South National Street":

CR94/2015 That Council **APPROVE** the allocation of \$100,000 as a pre-commitment to the 2016 Capital Budget to complete initial engineering and construction of grade improvements at the VIA Rail crossing with Jefferson Boulevard, with construction subject to the granting of matching funds from the Transport Canada Grade Crossing Improvement Program (GCIP).

The "Application for Transport Canada Funding Grade Crossing Improvement Program – Jefferson Boulevard at VIA Rail Canada Chatham Subdivision Crossing, Mile 103.1" – *attached*.

Note: The City of Windsor's draft submission is currently being reviewed. The deadline for submission is August 1, 2015.

5. **CORRESPONDENCE**

5.1 **Canada Gazette, Part 1, February 8, 2014 – Proposed Grade Crossings Regulations**

Letter from the City Engineer to the Minister of Transport dated May 6, 2014 regarding Proposed Grade Crossings Regulations – *attached*.

5.2 Proposed Amendments to the Railway Safety Administrative Monetary Penalties Regulations

The letter from the City Engineer to Ms. Theresa Barclay, Chief, Regulatory Development dated April 29, 2015 – attached.

5.3 Response Letter from Transport Canada – Proposed Amendments to the Railway Safety Administrative Monetary Penalties Regulations

The letter from Erin Maynard, Acting Chief, Regulatory Development Rail Safety to the City Engineer dated June 2, 2015 is attached.

Note: The following Regulations are in force as of April 1, 2015:

- Railway Safety Administrative Monetary Penalties Regulations
- The Railway Safety Management System Regulations, 2015
- Amendments to the Transportation Information Regulations

6. NEW BUSINESS

6.1 Revised Federal Rail Safety Regulations and Administrative Penalties Regulations

The revised federal rail safety regulations have impacts on municipalities and deadlines for compliance. The City of Windsor Action Plan is under development.

7. DATE OF NEXT MEETING

To be determined.

8. ADJOURNMENT

Application for Transport Canada Funding Grade Crossing Improvement Program

Jefferson Boulevard at VIA Rail Canada Chatham Subdivision Crossing, Mile 103.1

Submitted to:
Transport Canada
Transportation Infrastructure Programs, Programs Group
Tower C, 19th Floor
330 Sparks Street
Ottawa, ON K1A 0N5

Attention: Director, Transit Projects

Submitted by:
Mark Winterton, P.Eng., City Engineer



The Corporation of the City of Windsor
1266 McDougall St., Windsor, ON N8X 3M7
mwinterton@city.windsor.on.ca

June 2015

Executive Summary

The City of Windsor is making this application for funding from the Grade Crossing Improvement Program to upgrade the Grade Crossing located at the intersection of VIA Rail Canada Chatham Subdivision Mile 103.01 with Jefferson Boulevard to present day crossing standards. The work being petitioned for elevates the existing grade approaches of the railway crossing to ensure that a 2% grade is achieved. We are seeking a 50% Transport Canada Contribution, up to an upset limit of \$100,000, to ensure that this location is brought up to current standards for grade crossings.

Location

The Grade Crossing is located at Mile 103.01 of the Chatham Subdivision for VIA Rail Canada at Jefferson Boulevard in Windsor, Ontario.

The Project will not be located in or in close proximity to National Parks, National Park Reserves, National Historic Sites, or Historic Canals.

The Project is expected to be completed within the existing roadway and railway right-of-way although individual properties may be affected. The extent of property impacts will be known during the detailed design phase.

The Project will not be undertaken within 30m of a body of water.

The surrounding area is urbanized and is of a residential nature. Therefore, this work is not expected to impact the local biophysical environment. The project will not release any polluting substances into a water body, as the project will address the grades and no other components. Finally, the project is not subject to an Environmental Assessment nor are any surrounding areas subject to an Environmental Assessment.

Crossing Operations

There are eight VIA Rail Canada passenger trains travelling daily through the crossing. Maximum train speeds at this crossing are 50 miles per hour.

The Grade Crossing Assessment report indicated a total of 16 daily operating trains passing inclusive of switching operations through this intersection. At last count in 2012, there were 13,700 vehicles crossing the intersection.

Crossing Design

The North Approach slope from Jefferson Boulevard measures 4.899%, while the South Approach slope measures 2.72%. Both exceed the allowable grade of 2%. The crossing has an active warning system with flashing lights and gates.

Safety Issues

This location has been cited numerous times by area residents and members of City Council as a crossing in need of improvement. VIA Rail Canada and the City of Windsor ultimately agreed to collectively undertake a safety assessment of the crossing which was performed by Hatch Mott MacDonald Group, Inc.

The geometric configuration of the intersection with South National Street, located immediately south of the VIA Rail Canada line, contributes to a safety concern at the crossing. Collisions occurring at the South National intersection or directly north of it would result in vehicles becoming trapped on the crossing.

South National Street is at a significantly lower grade than the rail tracks. Six collisions have occurred here in the last five years. There are also noted challenges to improving turning movements from Jefferson Boulevard to South National Street as well as to existing pedestrian facilities.

Past Correspondence with Transport Canada

On February 4, 2013, Clarke Stephens of Transport Canada responded to the Hatch Mott MacDonald report advising of the aforementioned safety concern with respect to vehicles being trapped on the crossing due to an accident at this location, and that a solution must address the intersection with South National Street by eliminating it, changing the grades or by changing traffic patterns. The City of Windsor has elected to address the grades given the major impacts inherent with the other options.

In this same correspondence, Mr. Stephens advised that Transport Canada would recommend a grant of 50% under this program towards the work necessary to complete improvement of this crossing. This correspondence is attached.

City of Windsor Council Endorsement

This application was authorized by CR94/2015 of May 4, 2014, which reads "That Council APPROVE the allocation of \$100,000 as a pre-commitment to the 2016 Capital Budget to complete initial engineering and construction of grade improvements at the VIA Rail crossing with Jefferson Boulevard, with construction subject to the granting of matching funds from the Transport Canada Grade Crossing Improvement Program (GCIP)."

Proposed Work

The work will generally consist of removals and new construction required to construct:

- 80 metres of Curb and Gutter
- 250 tonnes of Asphalt
- 3 Replacement Manholes
- 1,130 tonnes of Granular "A"
- Traffic Control
- 100 metres of Sidewalk Replacement

Expected Grade Changes

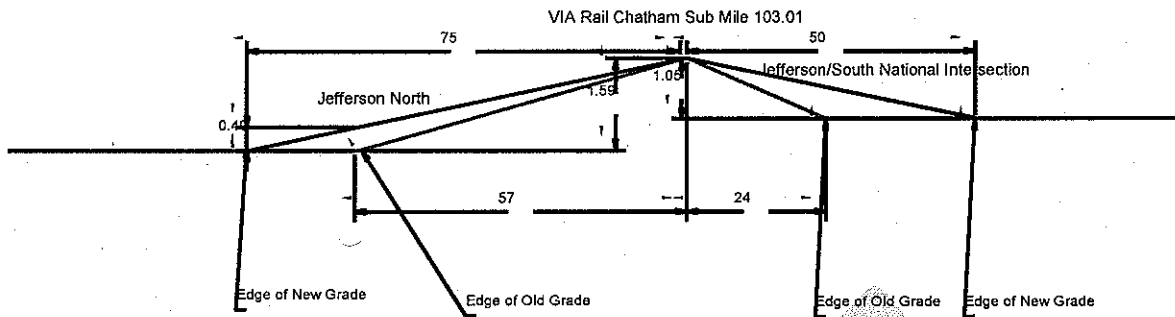


Figure 1: Proposed Change of Grade (Not to Scale). Dimensions are in metres.

Existing Grade Elevations

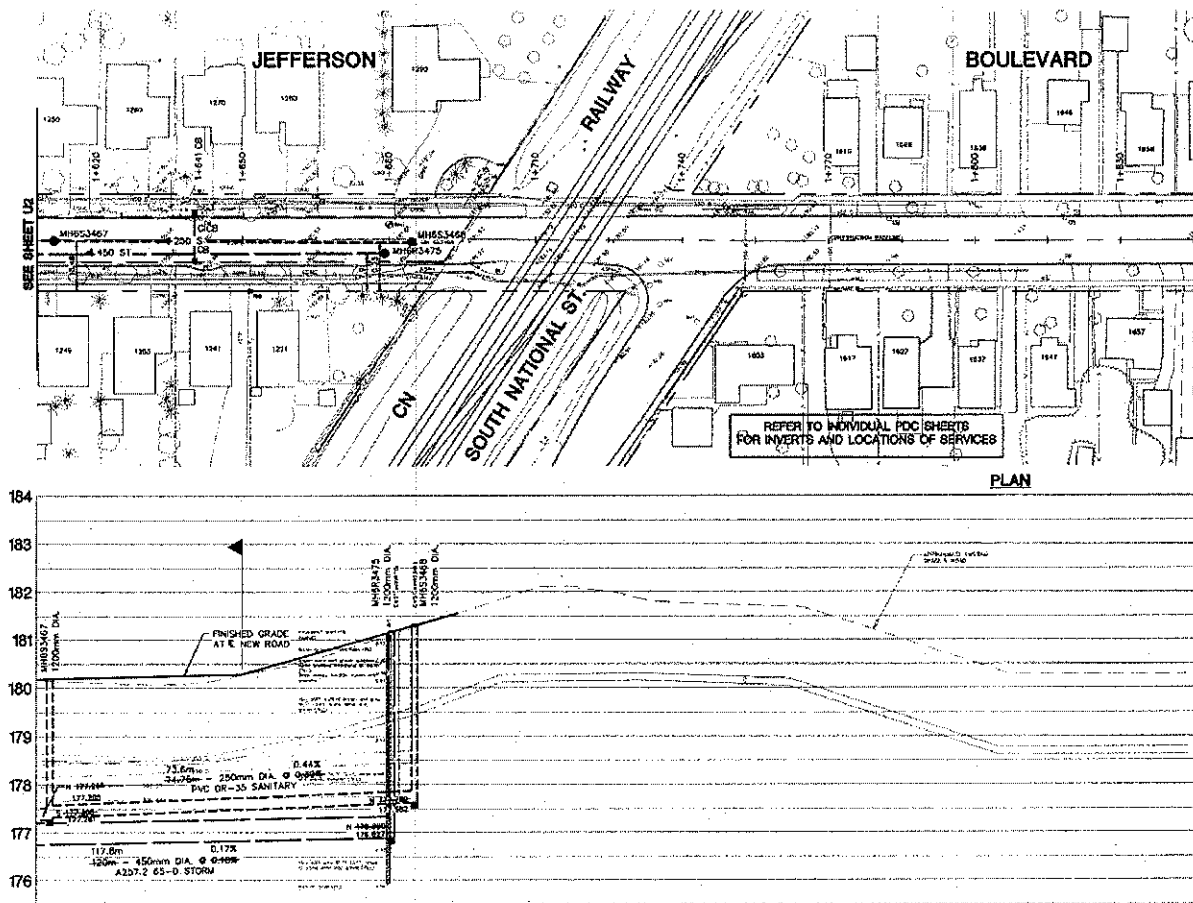


Figure 2: Existing Elevations

Cost Estimate

Area Quantities

- A. Area of Asphalt
= (11m x 40m) + (42m x 10m)
= 860m²
= 950 m² allowing for contingency/waste
- B. Area of Curb and Gutter
= 180m x 0.3m
= 54 m²
- C. Total Area
= 950 m² + 54 m²
= 1004 m²

Costs

- A. Earth Removals
= 0.6 metres depth x 1,004 m² area x \$12 per m³
= 602.4 m³ x \$12 per m³
= \$7,230
- B. Curb and Gutter and Sidewalk Removals
= \$2,500
- C. Curb and Gutter
= 180 metres x \$45 per metre
= \$8,100
- D. Asphalt
= (950 m² x 0.1m) x \$122 per Tonne
= 95 m³ x 2.6 Tonnes per m³ x \$122 per Tonne
= 247 Tonnes x \$122 per Tonne
= \$30,130
- E. Manholes
= 3 x \$2,800 per Manhole
= \$8,400
- F. Granular "A"
= 0.5 m depth x (950 m² area asphalt + 54 m² area curb and gutter) x 2.25 Tonnes per m³ x \$45 per Tonne
= 502 m³ x 2.25 Tonnes per m³ x \$45 per Tonne
= \$50,830
- G. Traffic Control
= \$11,040
- H. Sidewalk Replacement
= 100 metres x \$45 per metre
= \$4,500

Subtotal: \$122,730

Add 20% for Contingencies = \$146,844

Total including 15% for Engineering, Surveying and Drafting = \$168,871

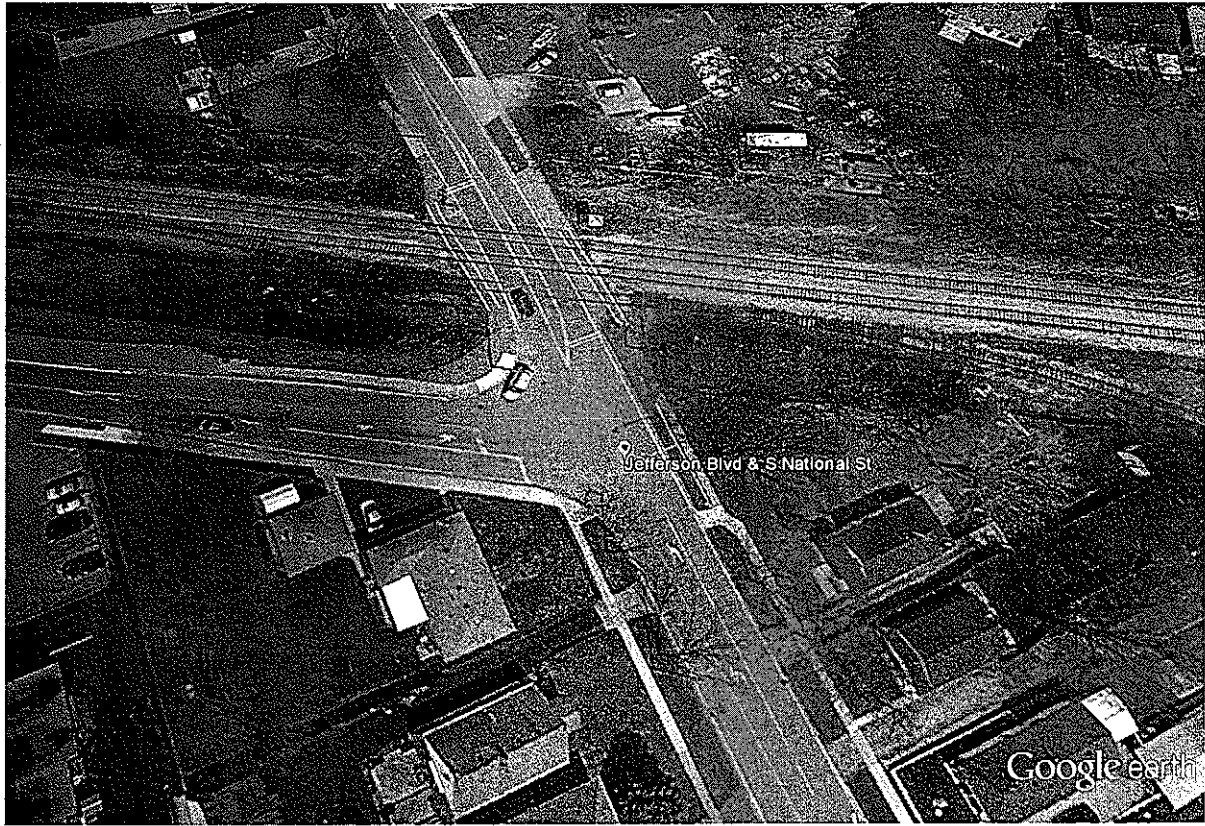


Figure 3: Aerial Photo

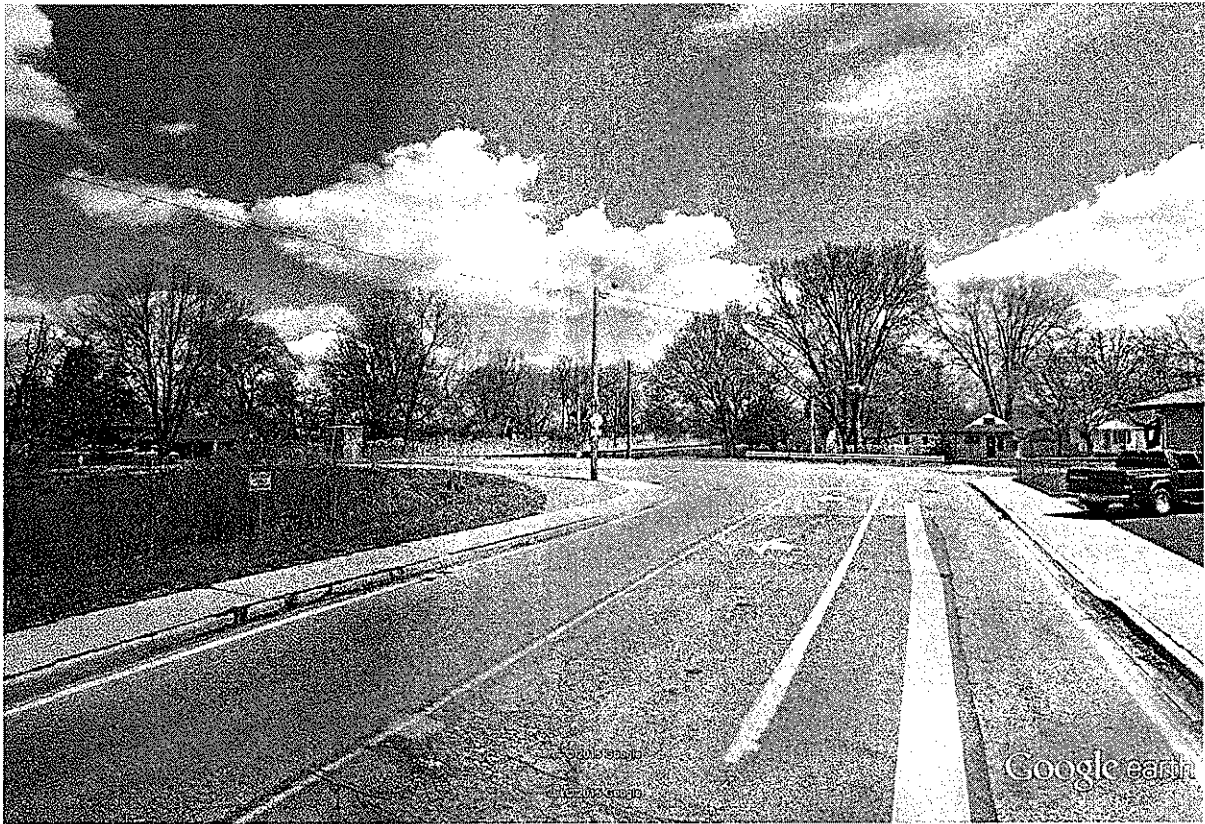


Figure 4: Looking East from South National St.



Figure 5: Looking North from Jefferson Boulevard



Figure 6: Looking South from Jefferson Boulevard



Figure 7: Grade Crossing looking South



Figure 8: Grade Crossing Looking West



Figure 9: South National St. looking West

DRAFT

Eugeni, Josette

From: Stephens, Clarke [clarke.stephens@tc.gc.ca]
Sent: February 4, 2013 11:15 AM
To: Eugeni, Josette; Paul_Butaveneue@viarail.ca
Cc: Winerton, Mark; kraycraft@railcan.com; Wolf, John; Derek Tardif/CCMIA
Subject: Crossing improvements at Jefferson Drive/Pilette Ave. in the City of Windsor, ON at mile 103.01 Chatham Subd. VIA Rail

Good Morning folks, sorry about the tardy delay in summarizing Transport Canada's position on the proposed crossing improvements to Jefferson Drive/Pilette Avenue in the City of Windsor at mile 103.01 Chatham Subdivision VIA Rail.

Due the geometric configuration of the intersection of Jefferson/Pilette, it poses a safety concern with respect to vehicles being trapped on the crossing due to an accident at the aforementioned location.

Therefore, any solution to this safety concern must address the intersection either by eliminating it, grade changes or by changing traffic patterns. Transport Canada would recommend a grant of 50% (new max.) towards that end. It should be noted that these funds if approved would not be available until 2014/2015 fiscal year. However, saying that, the parties may proceed ahead of that date and still hold onto their eligibility for funding.

It is my opinion that the city is probably the best suited to determine which intersection/crossing option for improvement is best. The railway would also have an interest if traffic lights were installed at this intersection since an interconnection with the railway signals would be essential. These signal improvements would also be recommended for funding.

Once the parties have decided on an option for improvements, I would suggest a meeting to finalize the submissions for funding.

Clarke Stephens, P.Eng.
Railway Works Engineer
Rail Safety
Ontario Region

Office - 416-973-9822

**THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY ENGINEER- Operations**

**MISSION STATEMENT:**

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."

LiveLink REPORT #: 17672	Report Date: April 9, 2015 (4042-04/24/15:eb)
Author's Name: Andrew Dowie	Date to Council: May 4, 2015
Author's Phone: 519 255-6247 ext. 6018	Classification #:
Author's E-mail: adowie@city.windsor.on.ca	

To: Mayor and Members of City Council

Subject: Intersection of Jefferson Boulevard and South National Street

1. RECOMMENDATION: City Wide: _____ Ward(s): 6, 8

That Council APPROVE the allocation of \$100,000 as a pre-commitment to the 2016 Capital Budget to complete initial engineering and construction of grade improvements at the VIA Rail crossing with Jefferson Boulevard, with construction subject to the granting of matching funds from the Transport Canada Grade Crossing Improvement Program (GCIP).

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

This report was prepared in part to further address recent Council questions of the past five years, and to provide a follow-up regarding Administration's internal investigation with respect to the frequently expressed concern that safety deficiencies may exist at this intersection.

- CQ15-2010 had asked *"That Administration report back as to whether a stop light or some other traffic safety measure can be incorporated at the intersection of Jefferson and South National Street and if this area is being viewed as a concern."*
- CQ23-2011 had asked that *"Administration assess the 3-way intersection at Jefferson Blvd. and South National in order to develop recommendations to address the hazards associated with left and right turns from South National on to Jefferson Blvd. given the obstructed sight lines on north-bound Jefferson attributable to the railway crossing."*
- CQ56-2011 *"Asks for a report from Administration outlining steps we could take to address the safety issues at the Jefferson South National railway crossing."*

These questions were previously answered by Administration at the June 18, 2012 Council Meeting. In response, Council authorized M263-2012 which specified that "[...] Administration *BE DIRECTED to request Transport Canada to undertake a Grade Crossing Safety Assessment.*" VIA Rail Canada Inc. agreed to help finance this study for 50% of the total cost. The study was completed in early 2013, with the City of Windsor funding the remaining 50% from Council's existing program for local Environmental Assessments.

The Grade Crossing Safety Assessment determined that the geometric configuration of the Jefferson/South National intersection poses a safety concern with respect to the proximity of the railway. The following physical improvements were recommended for the railway crossing proper:

- Levelling of grades to acceptable standards in both directions
- Adjusting of the crossing sign height to ensure an acceptable gap between the signage and light units.
- Improving pavement markers for compliance with RTD-10, including positioning of "X" and delineation of a walk path.
- Narrowing of the sidewalk or restriction of turning movements to or from South National Street for larger vehicles.
- Installing LED lamps to increase visual impact.
- Delineating sidewalks over the crossing.

Transport Canada grant funding can be made available for these crossing improvements, subject to approval of the federal Minister of Transport. Funding would be shared on a 50% basis with the City of Windsor and potentially VIA Rail Canada Inc. The accompanying recommendation to this report recommends proceeding with upgrading the crossing to current standards in principle funded as a first charge to the 2016 Capital Budget. **The application deadline is August of every calendar year, therefore the next cycle will complete in August 2015.**

Transport Canada has also advised that an unspecified level of funding may be available for signal interconnection work should the City of Windsor decide to establish traffic signals at this location.

The 2013 Road Safety Report ranks the Jefferson & South National intersection as #11 for the most collisions at unsignalized intersections (based on total number of collisions), with 17 collisions in 5 years. The 5-year (2009 through 2013) collision rate was 0.62 collisions per million vehicles entering at Jefferson & South National. For comparison purposes, the Pillette & South National intersection recorded 0.47 collisions per million vehicles entering.

3. DISCUSSION:

The intersection has been an area of concern for members of council for some time. Local accident data has identified that most collisions are rear end impacts. Drivers have the tendency at this location to travel too closely to the vehicles in front of them, creating a conflict point when drivers reduce their speed to navigate the grade.

The previously commissioned Grade Safety Assessment detailed that approach grades to the railway are deficient versus best practices. The separation distance between the intersection and the crossing is also deficient versus best practices. Flashing lights, bell and gates have been installed to mitigate these shortcomings. An existing overhead flashing yellow light for Jefferson traffic and flashing red light for South National traffic is also present.

However, the present day geometrics of the grade increase the risk of vehicles becoming trapped on the railway crossing as a result of an accident at the intersection of South National and Jefferson.

It should be noted that the Grade Assessment commissioned in conjunction with VIA Rail Canada Inc. dealt specifically with the functions of the grade crossing and not for the intersection of Jefferson Boulevard with South National Street proper.

Administration considered several options to determine how to improve this intersection. To achieve a cost-effective safety improvement at this location, restriction to right-in, right-out movements was best suited to reduce the frequency and severity of accidents at this location. Collision movements at the intersection are principally represented by left turning vehicles from both northbound Jefferson and eastbound South National. These movements are most susceptible to serious accidents because of the length of time required of turns in a condition of poor visibility.

However, the right-in, right-out option would require the relocation of the westbound Ottawa 4 Transit Route from Ford Boulevard and Tecumseh Road East to Jefferson Boulevard. This change would eliminate stops on westbound Tecumseh Road East. In addition, the failing level of service already in place on southbound Pillette at Tecumseh would be worsened by this closure, and the Wyandotte/Jefferson intersection will experience a reduced level of service.

Between 2003 and 2005 there were 12 accidents at this location. 8 of the 12 accidents at this location involved turning movements. However, the 2004 calendar year featured half of this overall total and all but 2 of the turning accidents during the overall decade of data considered.

Between 2007 and 2009 there were 7 accidents at this location. None of these accidents were found to be the result of unsafe turns, but rather from rear-end collisions initiated by vehicles following too closely.

Between 2010 and 2012 an additional 8 accidents occurred at this location. Three resulted in injury. One was the result of an unsafe turn, with the remainder the result of rear-end collisions. The noted injuries were not sustained from the accidents involving turning vehicles.

A previous report to Council (LiveLink 15956) describes the expected impacts of adding a signalized intersection. A Traffic Signal Warrant analysis was performed for the intersection and demonstrated that signals would not be warranted. Best practices caution against installing signals at unwarranted intersections as they would further aggravate the rear-end collisions, increase travel delays and result in cut-through traffic in residential routes. The proximity of the intersection to the railway crossing requires an interconnection with the railway signals.

As noted earlier, Transport Canada has indicated that given the conditions of the crossing, they are amenable to contributing to a portion of the costs of signal interconnection. The introduction of signalization was considered. Interconnection costs between intersection signals and railway crossings have variable, site-specific costs and have recently ranged from \$200,000 to \$900,000. Therefore the cost of developing an interconnected signal may reach \$1,000,000. There is no mechanism at this time to determine what a prospective federal contribution may be.

The 2008 Community-Based Strategic Rail Study contemplates the abandonment of this rail corridor. Implementation of this study is subject to the determination of the affected railways to pursue rationalization and is beyond the control of Council.

Constructing grade improvements to updated standards is recommended, to take advantage of the known federal subsidy and improve the sightlines of the intersection. Sufficient ductwork and preparatory work to accommodate future signalization and signal pre-emption would also be recommended for installation.

With the type of collision most frequently occurring here, the grade improvements alone may be sufficient to reduce the number and severity of collisions at this intersection. Further restricting of access would be revisited should these upgrades be determined to have minimal effect on accident rates.

The cost to upgrade this grade crossing is expected to be approximately \$200,000 inclusive of engineering, surveying, drafting and construction. It is expected that Transport Canada would contribute \$100,000 towards this cost.

Discussions have been initiated with VIA Rail regarding a possible contribution of funds to this program. Should VIA agree to a financial contribution, the present-day municipal share of costs can be reduced.

4. RISK ANALYSIS:

The completed Grade Crossing Assessment identified the previously noted deficiencies with respect to best design practices.

Proceeding with this improvement would serve to mitigate this risk for known design deficiencies at this crossing of the railway with Pillette Road. Grade improvements are warranted and are expected to be effective in further avoiding prospectively dangerous collisions.

1. **Resource Risk:** Capital resources would need to be invested in order to complete this work. Conversely, the improvements to the grade crossing can be expected to free up emergency personnel and administration due to the avoidance of calls. Should Council not support the recommendation, the next opportunity to secure funds may be in 2017. The rebate available in Grade Crossing Improvement Program has been reduced from 80% to 50% in recent years, and therefore risk exists that this funding program may not continue to be delivered long-term. **In order to fund the \$100,000 from the 2016 capital budget, previously approved in principle projects identified in the City Engineer's division will need to be revisited.**
2. **Cross Corporate Impact Risk:** An improved crossing grade simplifies ongoing maintenance and better protects all staff that may travel through this intersection.
3. **Community Impact Risk:** Abutting properties will require the reconfiguration of municipal access points, including driveways and utilities. The construction phase proper will also be disruptive to area residents, **with all north-south traffic redirected to Pillette Road given lack of area railway crossings.** Improving the crossing grades can be expected to reduce the risk of collision at this location given that sightlines will improve.

4. **Financial Risk:** The anticipated cost to upgrade the crossing would be approximately \$200,000. It has not been identified as an infrastructure priority up to this point and funds must be rededicated from other planned improvements. With Transport Canada indicating the recommendation of 50% funding, this impact may be lessened.

If Council supports the recommendation & the project is approved for 2016 Transport Canada Funds & Council does not provide funding in the 2016 Budget, there is no assurance that approval would be granted in subsequent years. Similarly, there is no assurance that this project will be approved for funding from Transport Canada in 2015 and therefore Administration would renew its efforts to secure funding in 2016 should the recommendation be adopted.

5. FINANCIAL MATTERS:

Should these recommendations be adopted, Council can expect that the financial cost of the project would be approximately \$150,000 to \$200,000 to construct, inclusive of engineering, surveying and drafting.

The City's share can be expected to be \$75,000 to \$100,000. Administration recommends a pre-commitment of these funds to the 2016 Capital Budget, as dependent matching Federal funds would not be available until that timeframe. If the application is granted by Transport Canada, previously approved in principle projects identified in the City Engineer's division will need to be revisited to fund the City's share.

Submissions for funding must be made prior to August 2015, otherwise the application request would be considered by Transport Canada in August 2016.

6. CONSULTATIONS:

Transport Canada and VIA Rail staff were consulted with respect to the authoring of this report.

7. CONCLUSION:

Administration recommends that Council approve the planning for grade improvements at the VIA Rail crossing with Jefferson Avenue in 2016 to support a cost-sharing application to Transport Canada this year. If the application is granted by Transport Canada, previously approved in principle 2016 projects identified in the City Engineer's division will need to be revisited to fund the City's share.

Andrew Dowie
Policy Analyst

Mark Winterton
City Engineer and Corporate Leader
Environmental Protection and Transportation

Onorio Colucci
Chief Financial Officer & City
Treasurer/Corporate Leader Finance and
Technology

Helga Reidel
Chief Administrative Officer

AD

APPENDICES:**DEPARTMENTS/OTHERS CONSULTED:****Name:****Phone #: 519 ext.****NOTIFICATION :**

Name	Address	Email Address	Telephone	FAX
Li-Lian Lui, Regional Railway Works Engineer, Transport Canada	4900 Yonge Street North York, Ontario M2N 6A5	li-lian.lui@tc.gc.ca	(647) 328-5753	(416) 973- 9907
Derek Tardif, Infrastructure Engineer, VIA Rail Canada	3 Place Ville-Marie, Suite 500, Montreal, Quebec, H3B 2C9	Derek_tardif@viarail.ca	(514) 871-6720	



THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY ENGINEER – Operations

Mark Winterton, P. Eng.,
Acting Executive Director of Operations
1266 McDougall Street
Windsor, Ontario, N8X 3M7
(519) 255-6248 Fax (519) 973-5476
mwinterton@city.windsor.on.ca

May 6, 2014

E-mailed To: rallsafety@tc.gc.ca

Operations Management Branch
Railway Safety Directorate
Department of Transport, 14th Floor
427 Laurier Avenue West
Ottawa, Ontario
K1A 0N5

Attention: Minister of Transport

Re: *Canada Gazette, Part I, February 8th, 2014 – Proposed Grade Crossings Regulations*

The City of Windsor wishes to make the following representations to the Minister of Transport concerning the proposed regulations within the allowed comment period:

- We request clarification in the legislation as to the apportionment of road/approach costs to an urban public crossing as the proposed wording states that the municipality is responsible for such costs. There are instances where the railway is junior in title and therefore should be responsible for such costs;
- We request clarification in the legislation on the impact to existing Board Orders and cost formulas including possible impacts sight line clearances that may not be included in board orders;
- We request that funding be made available to municipalities to affect any upgrades required as a result of the proposed regulations;
- We request that the 5 year window to upgrade grade crossings currently in use be extended to distribute the financial impact to municipalities over a longer time period and to provide an adequate timeframe to execute works given the number of crossings contained within municipalities; and

Continued

City of Windsor • 350 City Hall Square West • Windsor, ON • N9A 6S1
www.city.windsor.on.ca

- We request clarification in the legislation on the responsibility of ensuring buildings and structures do not obstruct sightlines and the removal of trees and brush over land in the vicinity of grade crossings and maintaining these sightlines when this land is privately owned.

The City of Windsor supports the proposed Grade Crossings Regulations as outlined in the *Canada Gazette*, Part I, on February 8th, 2014 as they will increase safety at grade crossings.

Sincerely,



M. Winterton, P. Eng.
Acting Executive Director of Operations

MW:rs
E:\CanadaGazette-Part1-Feb8-2014-ProposedGradeCrossingsReg-1el



**THE CORPORATION OF THE CITY OF WINDSOR
PUBLIC WORKS - OPERATIONS**

RECEIVED MAY 22 2015

Mark Winterton, P. Eng.
City Engineer
1266 McDougall Street
Windsor, Ontario, N8X 3M7
(519) 255-6248 Fax (519) 973-5476
mwinterton@city.windsor.on.ca

April 29, 2015

Transport Canada
427 Laurier Avenue West
Ottawa, Ontario
K1R 7Y2

Attention: Ms. Theresa M. Barclay, Chief, Regulatory Development

RE: *Proposed Amendments to the Railway Safety Administrative Monetary Penalties Regulations*

Dear Ms. Barclay:

Thank you for the opportunity to provide feedback on the referenced subject. Please accept my apology in not providing a response within the requested deadline.

On May 6, 2014, the City of Windsor provided the attached feedback to the Minister of Transport for the Proposed Grade Crossing Regulations. Regrettably, no response was provided and based on a review of the Grade Crossing Regulations, February 16, 2015; the following concerns remain outstanding:

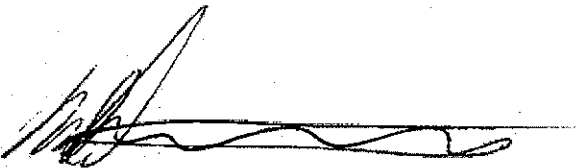
- *We request clarification in the legislation on the impact to existing Board Orders and cost formulas including possible impacts sight line clearances that may not be included in board orders;*
- *We request that funding be made available to municipalities to affect any upgrades required as a result of the proposed regulations;*
- *We request clarification in the legislation on the responsibility of ensuring buildings and structures do not obstruct sightlines and the removal of trees and brush overland in the vicinity of grade crossings and maintaining these sightlines when this land is privately owned.*

Continued

Road Authorities are now being advised that failing to comply with the Grade Crossing Regulation, amongst other regulations, can result in significant monetary penalties. If our obligations as a road authority are unclear, we are unable to comment on the impact that the imposition of the proposed amendments to the *Railway Safety Administrative Monetary Penalties Regulations* may have. Moreover, without the associated funding, the expectation and associated penalties for not meeting the 7-year timeline to upgrade grade crossings currently in use are completely unreasonable.

The City of Windsor continues to support the increased safety at grade crossings outlined in the new regulations however is adamantly imploring assistance from Transport Canada regarding the provision of the funding mechanisms required to fulfill our obligations in the timelines provided.

Yours truly,



 Mark Winterton, P.Eng.
City Engineer

JSW:jbm Attachment
Traffic2015/TransportCanada-RegulatoryDevelopment-RailwaySafetyAdminMonetaryPenalties-let
cc: Senior Manager, Traffic Operations, Parking Enforcement and Transportation Planning
Manager, Contracts, Field Services and Maintenance
Manager of Transportation Planning
Technical Support Manager
Manager of Risk & Insurance



Transport Transports
Canada Canada

Enterprise Building
427 Laurier Avenue West
14th Floor
Ottawa, Ontario
K1A 0N5

Your file Votre référence
Our file Notre référence
RDIMS # 10719308

June 2, 2015

Mark Winterton, P. Eng.
City Engineer
The Corporation of the City of Windsor
Public Works - Operations
1266 McDougall Street
Windsor, Ontario
N8X 3M7

Dear Mr. Winterton:

Thank you for submitting comments on the proposed amendments to the *Railway Safety Administrative Monetary Penalties Regulations*. Transport Canada has reviewed your feedback received on May 22, 2015, in which you reiterate concerns regarding the *Grade Crossings Regulations*.

Transport Canada has developed Frequently Asked Questions (FAQs) to help stakeholders understand and implement new and amended regulations. These FAQs can be found on the Rail Safety web site at <http://www.tc.gc.ca/eng/railsafety/railsafety-faq-969.html>.

Further clarification of the *Grade Crossings Regulations* is also available in the following online guidance materials:

- Grade Crossings Regulations At-a-Glance, at http://www.tc.gc.ca/media/documents/railsafety/GradeCrossings_FACT_SHEET_EN_8x11.pdf
- Grade Crossings Standards, at <http://www.tc.gc.ca/eng/railsafety/grade-crossings-standards.htm>
- Grade Crossing Roles (including the role of road authorities), at <https://www.tc.gc.ca/eng/railsafety/railsafety-333.htm>

Finally, Transport Canada has a Grade Crossing Improvement Program (GCIP), which provides funding for crossing improvement projects. Information regarding this program can be found at <http://www.tc.gc.ca/eng/railsafety/publications-46.htm>.

Transport Canada appreciates your comments, and your support of increased safety at grade crossings.

If you have specific questions regarding the *Grade Crossings Regulations*, please contact Jay Rieger at jay.rieger@tc.gc.ca.

If you have any questions regarding the amendments to the *Railway Safety Administrative Monetary Penalties Regulations*, please do not hesitate to contact me at erin.maynard@tc.gc.ca.

Regards,



Erin Maynard
Acting Chief, Regulatory Development
Rail Safety