February 6, 2014

City of Hamilton City Hall
Attention: Rose Caterini, City Clerk
71 Main St. W., 1st Floor
Hamilton, Ontario,
Canada L8P 4Y5

Dear Ms Caterini:

SUBJECT: Rail line safety and awareness review

The Council of the Corporation of the City of Burlington, at its meeting held on Monday January 27, 2014 approved the following recommendation:

Direct the City Clerk to forward a copy of the Development and Infrastructure Division report DID-1-14 to Jane McKenna, MPP-Burlington; Mike Wallace, MP – Burlington; Lisa Raitt, MP – Halton; the City of Hamilton; Halton Region; Town of Oakville; Town of Milton and the Town of Halton Hills. (DID-1-14)

If you have any questions with reference to the above, please contact Cindy Mercanti, General Manager’s Office at 905-335-7600 ext. 7873.

Yours truly,

Gina van den Burg
Committee Clerk

cc: Cindy Mercanti, Assistant to General Manager
TO: Development and Infrastructure Committee  
FROM: Development and Infrastructure  
SUBJECT: Rail line safety and awareness review  

Report Number: DID-1-14  
Wards Affected: All  
File Numbers: 775-01  
Date to Committee: January 13, 2014  
Date to Council: January 27, 2014

Recommendation:
Direct the City Clerk to forward a copy of the Development and Infrastructure Division report DID-1-14 to Jane McKenna, MPP- Burlington; Mike Wallace, MP – Burlington; Lisa Raitt, MP – Halton; the City of Hamilton; Halton Region; Town of Oakville; Town of Milton; and the Town of Halton Hills.

Purpose:
Respond to a staff direction.

Executive Summary:
As per Council’s direction, the City of Burlington, in collaboration with identified stakeholders, implemented a rail line safety and awareness review. The objectives were to establish a sustainable and meaningful information exchange process with identified stakeholders as well as a sustainable and effective process to identify (and where appropriate implement) strategies that can assist in the prevention of rail line fatalities.

The review resulted in the identification of a number of short-term mitigation strategies and long-term opportunities. Although the focus has been the implementation of short-term strategies, long-term opportunities will continue to be explored and assessed as part of the annual review process.
Background:
On April 29th, 2013 (SD-18-13), Council directed staff to consult with appropriate stakeholders and research rail safety; specifically with regards to the following areas of focus;

Direct the Director of Transportation Services to consult the Minister of State (Transport) and request that:

• The Railway Association of Canada and Transport Canada investigate the issues of safety and access to rail lines throughout Burlington

• Report publicly the investigation and its findings; and

Direct the Director of Transportation Services to consult with GO Transit and Metrolinx on participating in the investigation through the Ministry of Transportation; and

Direct the Director of Transportation Services to consult Police Services, Health and Public Works Departments in the Region of Halton to participate in the investigation; and

Direct the General Manager of Development and Infrastructure to involve City of Burlington staff to assist with the above; and

Direct the Director of Roads and Parks Maintenance to review publicly held lands that abut railway properties and take the appropriate corrective action; and

Direct the City Clerk to notify the Region of Halton and its lower-tier municipalities (Town of Oakville, Town of Milton, Town of Halton Hills) of the staff direction; and

Direct the City Clerk to notify Jane McKenna, MPP - Burlington, Mike Wallace, MP - Burlington and Lisa Raitt, MP - Halton of the staff direction. (SD-18-13, Councillor Meed Ward and Mayor Goldring).

From April to May 2013, Roads and Parks Maintenance (RPM) staff reviewed publicly held (City) lands that abut rail line properties and have taken the appropriate action to address required fencing repairs. This process has been incorporated into the Department’s standard operating practice.

In May 2013, Planning and Building staff reconfirmed that, for those properties that abut a rail line, a site plan is circulated to the appropriate railway agency for comment regarding fencing, crash walls, drainage, etc.. These details are then included on the approved site plan and a development agreement is registered on the title of the subject property to ensure that all features shown on the approved site plans are installed and built.
In July 2013, the City Clerk notified Jane McKenna, MPP- Burlington, Mike Wallace, MP - Burlington and Lisa Raitt, MP – Halton, the Region of Halton and its lower-tier municipalities (Town of Oakville, Town of Milton, Town of Halton Hills) of the staff direction.

In July 2013, a cross-functional staff team (Planning and Building, RPM, Transportation and Fire) was established to implement a rail line safety and awareness review; specifically, to connect with various stakeholders to learn more about the services and strategies that are available to help in the prevention of rail line fatalities. The City also explored strategies to enhance the information exchange amongst identified stakeholders.

In August 2013, a legal review was completed and provided context with regards to roles, responsibilities and obligations (Confidential Appendix A). In addition, as part of staff’s due diligence, the Railway Association of Canada was contacted and applicable information was shared.

In September 2013, a communication protocol was established between the City and identified rail operators.

On October 5th, 2013, GO Transit attended and promoted rail line safety and awareness at Burlington’s Fire Prevention Week Open House.

On October 16th, 2013, the City facilitated its first rail line safety and awareness stakeholder meeting. Collectively, the group identified a number of mitigation strategies that could positively enhance rail line safety and awareness within Burlington.

From October to December 2013, a number of short-term mitigation strategies were either implemented and/or scheduled for implementation.

On October 31st, 2013, the Mayor and staff participated in the Association of Municipalities of Ontario (AMO) Railway Safety Task Force meeting, in which the group discussed rail safety issues and potential areas of investigation. Burlington staff shared their research with the Task Force.
On November 20th, 2013, a new federal rail safety directive was issued requiring railway operators to provide dangerous goods information to municipalities.

On December 9th, 2013, the City facilitated a follow-up stakeholder meeting to review the short-term mitigation strategies and discuss the timing for implementation. Long-term opportunities were also identified, and although some fall outside of the City's scope of responsibility, the City, where applicable, assisted with coordinating the initial discussion with identified stakeholders.

Discussion:
The City's rail line safety and awareness review was predicated on gathering information from identified stakeholders in order to understand current trends, establish the scope of the review as well as identify the various services offered in the area of rail safety and awareness.

Support was solicited from the following stakeholders; CN, GO Transit, CP, VIA Rail, Public Health (North Halton Mental Health Clinic), Canadian Mental Health Association, COAST, ROCK, Halton Suicide Prevention Coalition (HSPC), Halton Police, Region of Halton Public Works, Transport Canada and Transportation Safety Board. The School Boards were contacted, under the leadership of GO Transit and CN via Operation Lifesaver.

Burlington Rail Line Data
Data was collected from multiple sources as a means to confirm consistency. No inconsistencies were identified, and as such; the data provided by the Transportation Safety Board was used as the baseline for the analysis.
The data provided for federally regulated reportable rail accidents and incidents indicate that from 2009-2013 there have been six (6) reportable trespassing accidents and incidents, of which, five (5) have resulted in fatalities and one (1) resulted in a serious injury. Trespassing activity accounted for over half of all federally regulated reportable accidents and incidents in Burlington.

Incorporating information collected via the communication protocol, rail operators, Halton Police, Transport Canada and the Transportation Safety Board, an analysis was done to identify areas that require further investigation.

Scope
Although all aspects of rail line safety are important, given the analysis, the scope of the rail line safety and awareness review was defined as follows:

<table>
<thead>
<tr>
<th>In Scope</th>
<th>Out of Scope</th>
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<tr>
<td>• Rail lines within the Burlington boundary</td>
<td>• Implementation of larger rail safety initiatives (i.e. provincial or federal)</td>
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<tr>
<td>• Pedestrian incidents will be the focus</td>
<td>• Implementation of strategies that the City has little control over and that are outside of the current service delivery model</td>
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<tr>
<td>• Understanding the role &amp; obligation of each organization</td>
<td>• Securing financial assistance for identified strategies</td>
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<tr>
<td>• Connection to larger rail safety initiatives (i.e. provincial or federal)</td>
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<tr>
<td>• Implementation of strategies that the City has control over and that are part of the current service delivery model</td>
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Staff will, however, continue to actively monitor and support the efforts of AMO’s Railway Safety Task Force.

Objectives
The objectives for the rail line safety and awareness review are as follows:

- Establish a sustainable and meaningful information exchange with identified stakeholders; and,
- In collaboration with identified stakeholders, establish a sustainable and effective process to identify (and where appropriate implement) strategies that can assist in the prevention of rail line fatalities.

Approach
Throughout the review process, the stakeholder group adopted a focused approach, with the primary objective being the identification of implementable short-term mitigation
strategies that could be realized within 12 months. Upon the successful implementation of the short-term strategies, identified long-term opportunities will be reviewed.

Coupled with the above activity, an annual stakeholder review process has been established. The stakeholder group will reconvene annually to review the outcomes of previous mitigation strategies as well as identify the need for additional short-term mitigation strategies and/or long-term opportunities. In 2014, an invitation will be extended to the Catholic and Public Boards.

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**Strategy/Process**

**2013-2014 Short-Term Mitigation Strategies**
As a result of the support and commitment from the various stakeholders, the following short-term mitigation strategies have been identified and implemented:

**Communication Protocol**
- City staff to share information with rail operators regarding reoccurring fence damage and/or evidence of predominant footpaths along City-owned properties that abut the rail line.
- Rail operators to share information with Roads and Parks Maintenance (RPM) staff regarding fence damage along City-owned properties.

**Rail Operator "High Rail" Reviews**
- Information exchange with regards to identified outcomes.
- City staff participation, where appropriate.

**City-Fencing Improvements**
- The Roads and Parks Maintenance (RPM) Department has scheduled fence upgrades at 5 identified locations where there have been multiple fence repairs. At each location, a high grade chain fence masked with a galvanized mesh product will be installed.
- Locations identified include:
  - 60' of fence in the S/W corner of Leighland Pk.
  - 20' of fence under the South side of the Drury Lane pedestrian bridge.
  - 20' of fence under the North side of the Drury Lane pedestrian bridge.
  - 130' of fence in the S/E corner of Millcroft Pk.
  - 160' of fence from the Plains Rd. overpass Westerly towards Brant St.
Rail Line Safety and Awareness in Schools (Under the leadership of GO Transit & CN)

- At the time of this report, eleven (11) Public Schools have included rail line safety as part of their safety awareness program for the 2013/14 school year.
- Similarly, at the time of this report, seven (7) Catholic Schools have included rail line safety as part of their safety awareness program for the 2013/14 school year.

General Safety and Awareness

- Operation Lifesaver participation at identified City events.

Rail Line Safety and Preparedness Training

- Burlington Fire Department has reviewed and assessed its risks, equipment and training needs and, in collaboration with identified rail operators, has developed a targeted and detailed training program.

Site-Specific Strategies:

- In reviewing the analysis, three (3) locations were identified along with associated short-term mitigation strategies; specifically,
  1 & 2) Cumberland and Woodview
    - GO Transit to install high density mesh panel fencing along the north and south side of the tracks at both locations.
    - Canadian Mental Health Association to install COAST crisis signage at both locations.
  3) Grays Lane
    - City installed directional signage on Brant and Plains Road directing pedestrians to the staircase.
    - City installed a "No Exit" sign on the east side of Grays Lane.

Long-Term Opportunities

The identified stakeholder will monitor and/or review the applicable long-term opportunity and provide the stakeholder group with an update during the annual meeting:

- Monitor the potential introduction of a national crisis number (a Canadian Association of Suicide Prevention (CASP) initiative).
- Monitor, and where applicable support, mental health issue awareness.
- Extend stakeholder membership to the School Boards and identified municipalities.
Financial Matters:

All costs (fence repairs, signage, etc.) to implement short-term strategies by the City were accommodated within the approved 2013 operating and capital budgets of the Roads and Parks Maintenance and Transportation Departments. Any long-term non-routine maintenance items will be identified in separate reports and during the annual budget submission process, when appropriate.

Public Engagement Matters:

Public Awareness of Rail Line Safety:
- Consultation with Denise Davy
- Public awareness (i.e. Fire Prevention Week, etc.)
- Participation in AMO's Railway Safety Task Force
- Information sharing with identified municipalities

Conclusion:

The City of Burlington, in collaboration with identified stakeholders, implemented a rail line safety and awareness review. The review objectives were to establish a sustainable and meaningful information exchange process with identified stakeholders as well as a sustainable and effective process to identify (and where appropriate implement) strategies that can assist in the prevention of rail line fatalities.

The outcomes of the rail line safety and awareness review have been predicated on the support and commitment demonstrated by the various stakeholder organizations.

Respectfully submitted,

Cindy Mercanti, General Manager's Office
335-7600, ext. 7873

Appendices:
- Confidential Appendix

Notifications:
Name: | Mailing or E-mail Address:
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Approved by:
- Jeff Fielding, City Manager
- Mike Spicer, Director of Transit

Reviewed by:
- Nancy Shea Nicol, Director of Legal Services & City
- Bruce Zvaniga, Director of Transportation Services