TO: Chair and Members
Public Works Committee
WARD(S) AFFECTED: WARDS 1, 2, 3, 4, 5, 10 and 11

COMMITTEE DATE: September 20, 2010

SUBJECT/REPORT NO:
Litter, Illegal Dumping and Security Issues Affecting Municipal Properties Abutting Railway Lands (PW10084) - (Wards 1, 2, 3, 4, 5, 10 and 11)
(Outstanding Business List Item)

SUBMITTED BY:
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SIGNATURE:

RECOMMENDATION:

(a) That Public Works (Operations & Waste Management) staff, Planning and Economic Development (Municipal Law Enforcement) staff and Canadian National Railway (CN) officials continue to work collaboratively to respond to complaints of littering, dumping and security on and abutting railway properties;

(b) That staff and stakeholders develop a pilot preventative public education program for implementation in the spring of 2011 to prevent litter, illegal dumping and security issues on railway properties and on properties abutting the CN railway mainline, with costs funded from existing Operations & Waste Management Division’s Public Education budget resources;

(c) That the item “Littering, illegal dumping and security issues affecting municipal properties abutting railway Lands” be identified as completed and removed from the Public Works Committee Outstanding Business List;

(d) That staff report back to Committee on the results of the pilot public education program in November 2011.
EXECUTIVE SUMMARY

At its July 7, 2009 meeting, Council approved a motion directing staff to prepare a report for consideration by the Public Works Committee “respecting opportunities to address littering, illegal dumping and security issues affecting municipal properties abutting railway lands.” Further, the directive required staff to consult with Canadian National Railway officials and other stakeholders; include consideration of specific neighbourhood conditions along the CN Railway line between Kenilworth Avenue and Strathearn Avenue; and, develop remediation strategy recommendations for possible implementation city wide or locally as may be required.

Good working relationships between railway authorities and the City are critical to addressing these recurring property management issues. Staff recommends that open communication and collaboration continue between CN Railway and City staff and that each party/property owner agrees to be held accountable for the remediation of dumping and security issues within their jurisdiction.

Staff further recommends the development of a pilot preventative public education program in collaboration with CN Railway and neighbouring property tenants along the entire CN railway mainline. With specific focus on the area to the south of the railway tracks between Kenilworth Avenue and Strathearn Avenue, the pilot program will be developed by a stakeholder task force that will explore similar initiatives in other jurisdictions and recommend strategies, tactics and evaluation mechanisms for the remediation and prevention of litter, illegal dumping and security affecting properties abutting railway lands in the City of Hamilton. A name for this public education program will be determined by the Task Force.

Alternatives for Consideration - See Page 6

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial:

Education and awareness tactics that may include neighbourhood mail drops, signage, task force meeting expenses, advertisements, promotional materials and supplies are estimated to require a budget of $10,000 for the pilot public education program which will be funded from the existing Operations & Waste Management Division’s Public Education Department ID 512830. Opportunities for sponsors and funding will be explored to offset the pilot program costs.

Staffing:

Community Outreach staff from Operations & Waste Management and Municipal Law Enforcement (MLE) will facilitate the program though a stakeholder task force. The pilot program will be integrated into 2010 and 2011 work plans.

Legal:

Not applicable. The collaboration and cooperation of CN Railways is not legally binding.
HISTORICAL BACKGROUND

At its July 7, 2009 meeting, Committee of the Whole endorsed the following motion:

(a) That staff be directed to prepare a report for consideration of the Public Works Committee respecting opportunities to address littering, illegal dumping, and security issues affecting municipal properties abutting Railway Lands.

(b) That in developing the report, staff shall:

(i) consult with CN staff and internal stakeholders, and have regard for applicable policies, regulations, standards and studies, and

(ii) include consideration of specific neighbourhood conditions along the CN Rail line between Kenilworth Avenue and Strathearn Avenue and

(iii) develop remediation strategy recommendations for possible implementation city wide or locally as may be required.

Municipal Law Enforcement staff advise that the City has chosen to work with CN rather than issue orders. Municipal Law Enforcement staff, Public Works staff and CN officials all report littering, illegal dumping and security issues on railway lands, and properties abutting railway lands are longstanding concerns that require considerable resources every year to remediate. Ward Councillors’ staff identify these issues as on-going concerns and estimate 12 to 15 complaints a year per Ward are received through their offices on issues related to railway lands.

Consultation with Keep America Beautiful (KAB) affiliates on best practices in this area confirms that railroad litter and illegal dumping is a widespread aesthetic, safety and health concern across North America.

Where illegal dumping occurs on municipal property, Public Works staff will act on complaints received via Municipal Law Enforcement and remove accessible material. Remediation of illegal dumping sites is costly and directs resources away from priority areas and approved program and service levels.

In July 2010, staff conducted site visits at several public properties along the CN Railway line to the north and south of the tracks between Wellington Street North and Kenilworth Avenue North. Observations confirmed illegal dumping activity most prevalent in the area south of the tracks between Kenilworth Avenue and Strathearn Avenue (see Map showing pilot program area attached as Appendix “A” to Report PW10084). The most significant illegal dumping was evident in or on the lands to the north of the assumed alleyways between Division Street and Strathearn Avenue. Security breaches were evident at various locations where pedestrians cross the railway tracks. Of particular note were two areas of broken chain link fence behind the Centre on Barton (former Centre Mall) with trails on CN property that meet up with municipally owned open space on the north side of the tracks.
Previous efforts to engage neighbourhood volunteers in railway land clean-ups with the assistance of the City and railway officials has occurred in Wards 1 and 3. The participation of railway authorities has been to have railway police personnel attend to stop or slow railway traffic in the clean-up area, and to scan and remove dangerous materials from the area before volunteers start their clean-up activity. Volunteer clean-up efforts normally require the municipality to supply safety and clean-up equipment, waste hauling trucks/bins and personnel and to waive tipping fees at municipal waste handling sites.

Public Works’ Operations & Waste Management Division coordinates several “Adopt-a” programs to engage citizen volunteers and local business sponsors in litter control and beautification of municipal properties such as parks and roads and across neighbourhoods. A program focused on volunteer clean-ups of alleyways is currently being piloted in a limited number of locations across the City.

The clean-up of illegal dump sites is an expensive undertaking, particularly on or along railway lands where officials must stop or slow railway traffic to safely remove materials. To minimize impacts on timely goods movement, these railway lands clean-ups are generally scheduled on weekends or holidays which negatively affects municipal resources.

**POLICY IMPLICATIONS**

The recommendation provided in this report will fulfil the priorities established in the Public Works Business Plan within “Communities” as it as it reflects our desire to “be a leader in the “greening” and stewardship of the city” as well as “establish mutually beneficial charters with external customers”.

**RELEVANT CONSULTATION**

Staff has consulted with CN Railway officials, Municipal Law Enforcement, Councillors’ staff and Operations & Waste Management staff. In addition, on-line research has been undertaken and consultation with Keep America Beautiful affiliates on best practices related to litter and illegal dumping along railway lands across the United States.

Initial conversations with CN officials indicate their support of a collaborative public education program focused on the prevention of litter, illegal dumping and security issues along their railway lands.

Railway property owners (CN, Canadian Pacific (CP), industrial spur lines) have very strict safety and security policies and protocols that all contractors must adhere to when working on railway properties. Safety requirements must be met to protect the contractors, workers, railway traffic and property. The Public Works Operations & Waste Management Division has policies and protocols for volunteers engaged in similar clean-up and beautification activities on municipal properties.
All property owners and tenants within the boundaries of the City of Hamilton are required to maintain their properties at or beyond the minimum standards set by the Property Standards By-law No. 03-117 and Yard Maintenance By-law No. 10-118.

The City of Hamilton’s Municipal Law Enforcement staff indicate that when they receive a complaint regarding garbage and debris on CN property, the complaint is logged and tracked using the Hansen system. CN is contacted to notify them of the complaint. Municipal Law Enforcement monitors the action taken on the complaint and work with CN to ensure it is cleaned up in a timely manner. Although some CN property is not within the jurisdiction of municipal By-laws, CN has been cooperative. Municipal Law Enforcement staff are supportive of a collaborative public education program focused on the prevention of litter, illegal dumping and security issues on properties abutting railway lands.

Although historical and comparable data is not available, several of the Councillors’ staff estimate 12 to 15 complaints a year per Ward are received through their offices related to litter and illegal dumping issues along railway lands.

Consultation with Keep America Beautiful (KAB) affiliates across the United States indicates that litter and illegal dumping on and abutting railway lines is of concern and is a problem in most large urban centres. KAB affiliates generally act as liaisons with the railway companies and help mobilize community volunteers to assist with clean-ups. In the US, the greatest barriers to volunteer clean-up events is lack of cooperation from the responsible railway company and strict safety and security policies and procedures for working on or along railway lines. Recent consultation with local railway companies (CN and CP) indicate their interest in a cooperative and collaborative solution.

The Clean City Liaison Committee will be asked to participate in the development and review of the pilot program through its membership on the Task Force.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

The recommendation to develop a pilot preventative public education program to affect positive behaviours and prevent litter, illegal dumping and security issues on properties abutting railway lands is based on the Keep America Beautiful Five-Step Attitude Change Process:

- Get the Facts
- Involve the People
- Plan Systematically
- Focus on Results
- Provide Positive Reinforcement

This process is a culmination of best practices from 50 years of experience and almost 600 affiliates across the United States, Canada and other countries.
Community engagement has proven a successful strategy for the remediation and prevention of litter, graffiti and illegal dumping and for the beautification of neighbourhoods through the Operations & Waste Management Division’s “Adopt-a” programs and Team Up to Clean Up initiatives across the City. The volunteer labour through these programs represents a value of more than $500,000 a year to the City.

Remediation efforts alone are expensive programs. The City spends more than $2.5 million a year on litter remediation programs across all Roads and Parks section operational activities. This figure includes several thousand dollars spent on illegal dumping clean-ups at a minimum cost of $350 to clean up a contained illegal dump site.

The cost of staff's recommendation is $10,000, expensed to existing Operations & Waste Management operating budget lines.

Through the engagement of a stakeholder Task Force, the pilot preventative public education program’s design and implementation would focus on strategies and tactics that engage property owners to take greater responsibility for improving our neighbourhood environments. Baseline Hansen data, illegal dumping complaints and Community Index data (a Keep America Beautiful tool used by the Clean City Liaison Committee) will be compared with post-education program data to measure success.

The Task Force will be encouraged to explore opportunities to integrate the pilot preventative public education program into current litter prevention and remediation and prevention programs and volunteer initiatives managed or coordinated by City staff and/or the Clean City Liaison Committee. A public education program to prevent litter and illegal dumping on properties abutting railway lands will complement the vision of the Clean City Strategy and will contribute to Hamilton’s Clean & Green by 2015 initiative. Recommendations from the Task Force can be used to guide decisions on a sustained program, an expanded program or other alternatives.

**ALTERNATIVES FOR CONSIDERATION:**

Alternatives for consideration include the following:

1. **Reactive Management** - Collaboration between the City and CN Railway officials would continue under this option with each property owner responsible for resolving complaints related to litter, dumping or security on the respective properties. Enhanced educational, preventive or community engagement strategies would not be included in this option.

   Advantages of this option include a continued commitment from the respective property owners to clean up and maintain their properties. There would be no additional cost of public education tactics. Disadvantages include lost opportunities to affect behavioural change or prevent incidents and continued, if not escalating, cost to taxpayers of remediation on municipal lands.

2. **Awareness Campaign** - Collaboration between the City and CN Railway officials would continue under this option with each property owner responsible for resolving
complaints related to litter, dumping or security on the respective properties. In addition, tactics to raise awareness of dumping and litter issues and fines would be included. Tactics could include signage along alleyways, at the foot of streets terminating at the railway lands and on municipal property abutting railway lands. A communication piece would be sent to neighbouring property owners/tenants and free media (Public Service Announcements, Media Releases, etc.).

The advantage of this option would include opportunities to highlight the costs to the City and taxpayers of illegal dumping and litter along railway lines and the cooperation of CN Railway and other railway properties. Disadvantages include lack of a mechanism to assess the impact of the campaign on the reduction of incidents and the change in behaviours or attitudes. The cost of this option is estimated in excess of $36,000 plus continued remediation costs.

3. **Pilot Preventative Public Education Program** - Another option is the development of a pilot preventative public education program to affect positive behaviours and prevent litter, illegal dumping and security issues on properties abutting railway lands. The pilot program would be planned and recommended by a Task Force of stakeholders following the Keep America Beautiful Five-Step Attitude Change Process.

Community engagement has proven a successful strategy for the remediation and prevention of litter, graffiti and illegal dumping and for the beautification of neighbourhoods through several volunteer based initiatives across the City.

The cost of staff’s recommendation is $10,000.

**Conclusion**

Option 3 is preferred. Staff recommends the implementation of a stakeholder task force to develop a pilot public education program to affect positive behaviours and prevent litter, illegal dumping and security issues on properties abutting railway lands. Behavioural change has greater success with broad stakeholder involvement in program development, implementation and review.

**CORPORATE STRATEGIC PLAN**


**Skilled, Innovative & Respectful Organization**

- More innovation, greater teamwork, better client focus

The collaboration between Public Works, Municipal Law Enforcement and Canadian National Railway on a public awareness strategy is an innovative model of teamwork.
Financial Sustainability

- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

The recommendation should result in moving from costly remediation activity to the less resource intensive preventative model of managing litter, illegal dumping and security along railway lines.

Growing Our Economy

- An improved customer service

Working in collaboration with railway companies adds value to partnerships that help grow our City’s economy.

Environmental Stewardship

- Reduce the impact of Hamilton’s industrial, commercial Private and Public operations on the environment

The overall goal in the reduction of litter and illegal dumping along railway lands will help reduce negative impacts on terrestrial ecology.

Healthy Community

- An engaged Citizenry

The recommended collaborative approach to developing a preventative strategy engages all stakeholders and property owners.

APPENDICES / SCHEDULES

Appendix “A” - Map showing pilot program area
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork