

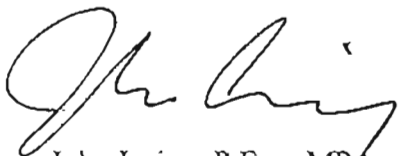


**To:** Public Works and Transportation Committee      **Date:** January 22, 2014  
**From:** John Irving, P.Eng. MPA      **File:** 10-6340-20-  
 Director, Engineering      P.11203/Vol 01  
**Re:** **Canadian National Railway Company Agreements with the City Related to  
 Railway Crossings for City Capital and Other Infrastructure Projects**

**Staff Recommendation**



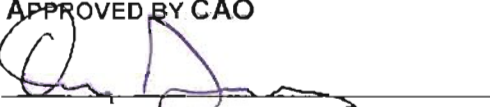
That:

1. the City enter into agreements related to railway crossings (including, without limitation, Crossing Agreements and Right of Entry Agreements) with Canadian National Railway Company from time to time as needed in connection with the construction and maintenance of current and future City capital and other infrastructure projects, and
2. the Chief Administrative Officer and the General Manager, Engineering and Public Works be authorized to sign such agreements on behalf of the City.



John Irving, P.Eng. MPA  
 Director, Engineering  
 (604-276-4140)

Att. 1

REPORT CONCURRENCE		
<b>ROUTED TO:</b>  Law	<b>CONCURRENCE</b>  <input checked="" type="checkbox"/>	<b>CONCURRENCE OF GENERAL MANAGER</b>  
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b>  	<b>APPROVED BY CAO</b>  

## **Staff Report**

### **Origin**

The City maintains a network of approximately 650 km of roadways that serve the travel needs of Richmond's residents and businesses. As this network is upgraded to meet future needs, some of the upgraded roadways may encroach into land controlled by external agencies and require agreements with the relevant authorities.

The purpose of this report is to seek authorization for the Chief Administrative Officer and the General Manager, Engineering and Public Works to execute agreements related to railway crossings (including, without limitation, Crossing Agreements and Right of Entry Agreements) on behalf of the City with Canadian National Railway Company ("CN Rail") from time to time as needed in connection with the construction and maintenance of current and future City capital and other infrastructure projects.

### **Analysis**

The Westminster Highway / Nelson Road widening project is being constructed to improve the traffic flow in the East Richmond area. As part of the project, two rail crossings will need to be upgraded and widened to match the new roadworks. These are located on Nelson Road south of Blundell Road and Westminster Highway east of No.9 Road.

These rail crossings are under the authority of CN Rail. CN requires the City to enter into written agreements prior to approving the upgrades to these crossings. Staff require Council approval to enter into the proposed agreements due to the indemnity and release clauses contained within them as indemnities represent unfunded contingent liability for the City and consequently require express Council authorization.

### **Financial Impact**

The cost of the two identified rail crossings is included in Capital Projects 41263 (Nelson Road Improvements) and 41268 (Westminster Highway Improvements).

If the City is called upon its obligation to indemnify CN Rail for these or any other such agreements, then it is possible there could be costs payable by the City. Such costs cannot be quantified at this time.

## **Conclusion**

Maintaining the City's road network is essential to ensuring the smooth flow of people and goods in Richmond. Periodic upgrades at highly congested areas will be required to reduce delays to traffic. Upgrades to rail crossings will be required in some locations as part of these road upgrades. To complete this work, the City will be required to enter into agreements related to railway crossings (including, without limitation, Crossing Agreements and Right of Entry Agreements) with CN Rail from time to time as needed.

A handwritten signature in black ink, appearing to read 'Milton Chan', is positioned above the typed name and title.

Milton Chan, P.Eng  
Manager, Engineering Design & Construction  
(604-276-4377)

MC:mc