

Clause 8 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 21, 2017.

8

Agreements with Canadian Pacific Railway for a Road-Rail Grade
Separation on Major Mackenzie Drive
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 11, 2017 from the Commissioner of Transportation Services:

1. Council authorize entering into agreements with Canadian Pacific Railway for the construction and long-term maintenance of the road-rail grade separation on Major Mackenzie Drive (Y.R.25), west of Highway 27 (Y.R.27), in the City of Vaughan, in accordance with the principles outlined in Attachment 1.
2. Council authorize the Commissioner of Transportation Services to execute the agreements on behalf of the Region.

Report dated August 11, 2017 from the Commissioner of Transportation Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize entering into agreements with Canadian Pacific Railway for the construction and long-term maintenance of the road-rail grade separation on Major Mackenzie Drive (Y.R.25), west of Highway 27 (Y.R.27), in the City of Vaughan, in accordance with the principles outlined in Attachment 1.
2. Council authorize the Commissioner of Transportation Services to execute the agreements on behalf of the Region.

2. Purpose

This report seeks Council authorization to enter into agreements with Canadian Pacific Railway (CPR) for the construction and long-term maintenance of a new road-rail grade separation at the existing level crossing of Major Mackenzie Drive, west of Highway 27, as outlined in Attachment 2.

3. Background

The Western Vaughan Individual Environmental Assessment Study recommends widening Major Mackenzie Drive to six lanes for transit/high occupancy vehicles

The Western Vaughan Individual Environmental Assessment was approved in July 2012. The study included a key recommendation to widen Major Mackenzie Drive to six lanes, from Highway 50 to Highway 400, including transit/high occupancy vehicle lanes.

The improvements included in the 2017 10-Year Roads and Transit Capital Construction Program as follows:

- Complete construction of Major Mackenzie Drive between Pine Valley Drive and Highway 400 in 2017
- Begin construction on Major Mackenzie Drive from the CPR tracks (two kilometres west of Highway 27) to Islington Avenue in 2017
- Begin construction on Major Mackenzie Drive from Islington Avenue to Pine Valley Drive in 2018
- Begin construction on Major Mackenzie Drive from Highway 50 to the proposed Highway 427 extension in 2022

The Ministry of Transportation will be completing the construction of Major Mackenzie Drive within the limits of the proposed Highway 427 extension project.

The existing level crossing of Major Mackenzie Drive and the CPR tracks west of Highway 27 will be grade separated

The existing single-track CPR level crossing on Major Mackenzie Drive requires a grade separation due to the expected future increase in vehicle and train traffic. Major Mackenzie Drive will go over the CPR tracks accommodating six travel lanes, multi-use path and sidewalk. The bridge will be constructed to carry the

road over four tracks. The construction of the Major Mackenzie Drive road-rail grade separation is anticipated to commence in 2018.

4. Analysis and Implications

The proposed grade separation will consist of infrastructure shared by CPR and the Region

The grade separation at Major Mackenzie Drive consists of a road overpass with Major Mackenzie Drive going over the train tracks. Major Mackenzie Drive will be constructed to a six-lane configuration, including a multi-use path and sidewalk. Although there is only one track at the crossing today, CPR has requested the bridge opening be large enough to accommodate four tracks. The grade separation will be located in the same location as the existing level crossing. A roadway detour and temporary at-grade crossing of the tracks will be required to keep Major Mackenzie Drive traffic moving while the bridge is under construction. The costs to be shared include any related to the construction of the new bridge, including costs for the road, bridge, property, detour, utility relocation, engineering and contract administration.

Agreements for the construction and long-term maintenance of the grade separation are required to ensure both CPR and the Region's responsibilities are identified

The principles presented in Attachment 1 shall form the basis for developing agreements for cost-sharing and overall governance for the construction and long-term maintenance of the grade separation. The principles are based on industry best-practices and are in line with Canadian Transportation Agency guidelines. The agreements will be executed by the Commissioner of Transportation Services, subject to review and approval by Legal Services as to form and content.

5. Financial Considerations

The cost for the grade separation is included in the capital budget

Regional staff has negotiated with CPR on the cost apportionment for the road-rail grade separation to reach a fair and mutually beneficial agreement. The Canadian Transportation Association's guidelines require parties to pay 100 per cent for additional facilities they are including in the grade-separation. The width

of four additional lanes, bikes lanes, sidewalk and multi-use path is much wider than the three additional train tracks for CPR.

The Major Mackenzie Drive grade separation is currently estimated to cost \$28 million, which includes construction costs, property, utility relocation, detour, engineering and supervision costs. Based on the Canadian Transportation Association's guidelines for cost apportionment, CPR has agreed to contribute \$4.0 million towards the capital cost, with York Region contributing the balance, an estimated \$24 million, as summarized in Table 1.

Table 1
Road-Rail Grade Separation Funding Sources

Funding Source	Amount (millions)
York Region	\$24
CPR	\$4
Total	\$28

The cost for the project is included in the 10-year capital budget and funded from 90 per cent development charges and 10 per cent tax levy.

6. Local Municipal Impact

The future grade separation of the CPR tracks at Major Mackenzie Drive will benefit residents of Vaughan and the rest of York Region

The significant capacity increase as a result of widening Major Mackenzie Drive will improve traffic flow and allow the City of Vaughan and the Region to accommodate growth to 2041. In addition, the Ministry of Transportation of Ontario will be extending Highway 427 to Major Mackenzie Drive by 2021, intensifying the travel demands on Major Mackenzie Drive and in the area.

The City of Vaughan has been, and will continue to be, actively involved in the implementation of improvements to Major Mackenzie Drive, including the grade separation. Residents and businesses in the area will benefit from the improvements planned for Major Mackenzie Drive.

7. Conclusion

Agreements for the construction and long-term maintenance of the road-rail grade separation are required to identify CPR and Region's responsibilities and governance.

Council authorization will allow staff to enter into agreements with CPR for the construction and long-term maintenance of the Major Mackenzie Drive road-rail grade separation and finalize arrangements for tender and construction.

For more information on this report, please contact Salim Alibhai, Director, Capital Planning and Delivery at 1-877-464-9675 ext. 75229.

The Senior Management Group has reviewed this report.

August 11, 2017

Attachments (2)

7842104

Accessible formats or communication supports are available upon request

Construction and Long-Term Maintenance Principles of Agreement

Objective

To develop an agreement for the Major Mackenzie Drive and Canadian Pacific Railway (CPR) grade separation to establish CPR and the Region's (Parties) respective roles, responsibilities, cost apportionment principles, mutual expectations, governance and accountability mechanisms.

Scope of Work

The grade separation shall include:

- Any work associated with the construction of a new roadway bridge to carry six lanes of traffic, a sidewalk and multi-use path over four tracks along the railway corridor
- Any work necessary to ensure the grade separation meets applicable laws and standards in effect in the Province of Ontario
- Any work necessary to create vertical and lateral clearances as per current standards for grade separations in the Province of Ontario
- Any work necessary to relocate any utility infrastructure
- Any work necessary to maintain road, pedestrian and rail traffic during construction and protect the natural environment
- Any property required

Cost Apportionment

Unless otherwise agreed between the Parties, the grade separation project shall be cost-shared as follows:

- CPR shall pay \$4 million of the eligible cost of the overhead bridge, estimated to be \$28 million
- The Region shall pay the balance of the eligible cost of the overhead bridge

- CPR and the Region shall each pay 100% of their ineligible cost
- The grade separation shall not include any work and corresponding cost that would otherwise be incurred by CPR or the Region if the grade separation did not exist
- The installation of a comparable road detour to maintain two lanes of road traffic during construction on Major Mackenzie Drive shall be an eligible cost of the project
- CPR shall provide flagging for the project at a discounted rate

Ownership and Maintenance

Ownership, maintenance and repair of the grade separation components shall be allocated as follows:

- The Region shall own and be responsible, at its sole cost and expense, for all maintenance and repairs of the rail bridge sub-structure and super-structure, including the foundation, abutments, wingwalls and retaining walls. The Region shall own and be responsible, at its sole cost and expense, for all maintenance and repairs of the roadway, including the road approaches and road surface
- Canadian Pacific Railway shall own and be responsible, at its sole cost and expense, for all maintenance and repairs of the railway approaches, track structure, railway drainage and communication facilities
- City of Vaughan infrastructure such as illumination, sidewalk and multi-use path, within the limits of the project will be owned and maintained as per current ownership and maintenance agreements between the Region and the City of Vaughan

Construction

Each Party shall be provided the opportunity to comment and approve all designs related to the grade separation at the 30%, 60%, 90% and 100% stages.

The final designs shall be approved by both Parties.

The Region shall be responsible for the management of the delivery of the grade separation, including procurement of services, regulatory approvals/permits, utility coordination and construction.

Both Parties shall be provided the opportunity to access the construction of all works related to the grade separation.

Dispute Resolution

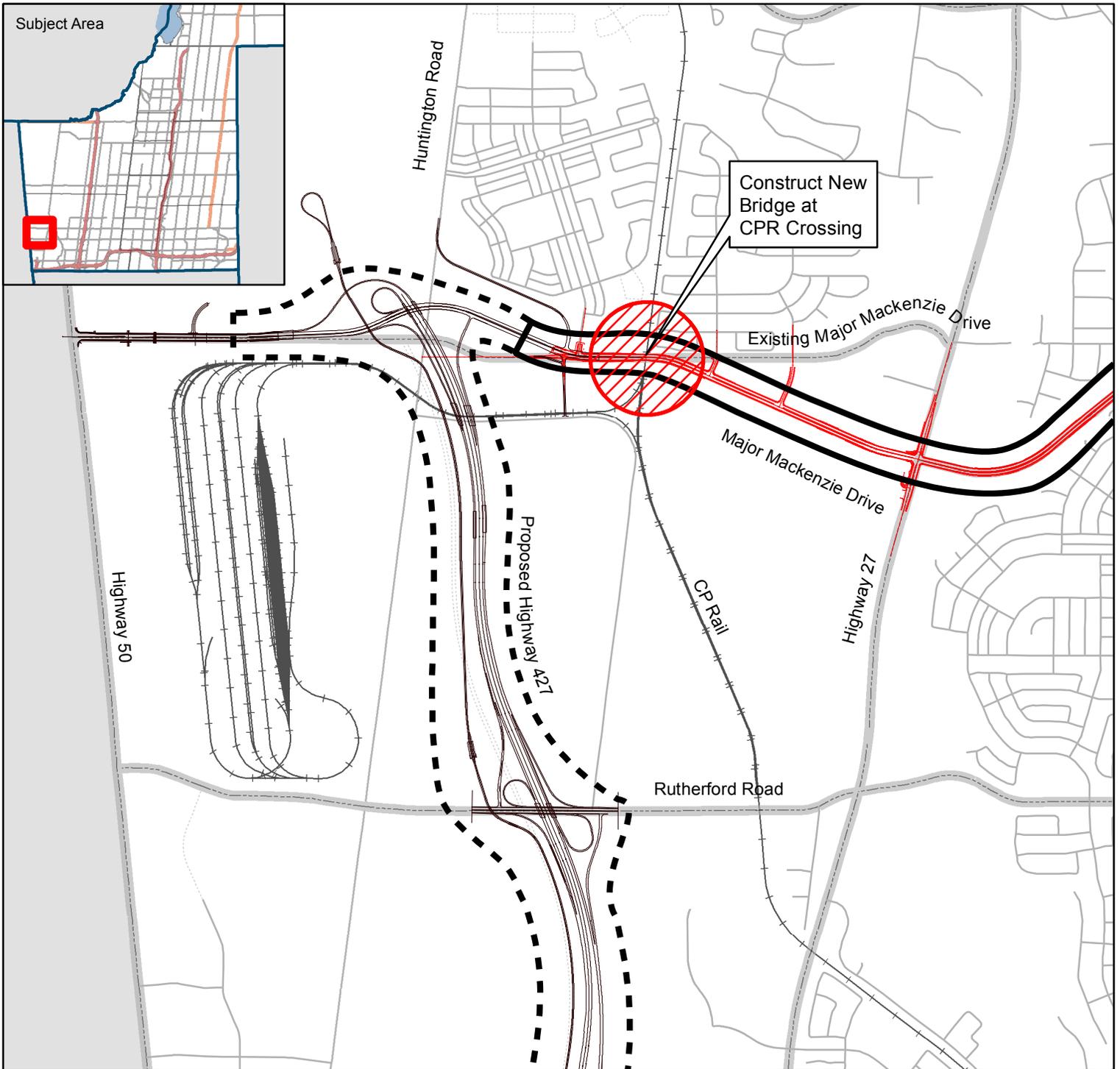
The Parties agree to resolve disputes through dispute resolution and escalation protocol/procedures.

Public Engagement and Communication

The Region will establish communication protocols for public engagement and communication with elected officials (provincial, regional and local levels of government), public and media.

The Region, in managing the project, will lead all public engagement and communications.

7687504



Location Map

Agreement with Canadian Pacific Railway for a Road-Rail Grade Separation on Major Mackenzie Drive
 City of Vaughan
 September 7, 2017



Produced by:
 The Regional Municipality of York
 Capital Planning and Delivery, Transportation Services
 July 2017

Data: © Queen's Printer for Ontario 2003-2017

Imagery:
 See York.ca for disclaimer information.

Legend

- Regional Road
- Railway
- Minor Road
- Proposed 6-Lane Road
- Proposed Highway 427
- CPR Crossing

