



AMHERST TOWN COUNCIL

RFD# 2018146

Date: November 26, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Jason MacDonald, Deputy Chief Administrative Officer

DATE: November 26, 2018

SUBJECT: Ernclyff Railway Crossing Upgrades

ORIGIN: May 15, 2018 Letter from Canadian National Railways.

LEGISLATIVE AUTHORITY: Municipal Government Act Section 65; The council may expend money required by the municipality for (aa) streets. Railway Safety Act.

RECOMMENDATION: That Council authorize approval of \$52,877 to be allocated in the current (2018/19) Capital Budget for the Town's contribution to the installation of new warning gates at the Ernclyff Street railway crossing and that the Mayor and CAO be authorized to sign the attached Crossing Warning System Modification Agreement.

BACKGROUND: In May of this year staff were made aware that CN and the Town were required to make upgrades to 4 railway crossings within the Town. On June 8, 2018 staff met with CN representatives to provide information to the Town on the changes made by Transport Canada which affect safety regulations at all CN street crossings across Canada. The street crossings impacted include Industrial Park Drive, Chamberlain Street, Victoria Street and Ernclyff Street.

DISCUSSION: Since that meeting CN has made an application to Transport Canada to help fund the cost of the new gates. The application was successful and under the Railway Safety Act the Road Authority (Town) is required to pay 12.5% of the project cost. In this case the project includes the installation of new gates and warning system at a total project cost of \$423,012. The Town's portion would be \$52,877. In order to qualify for the grant, the work has to be complete by March 31, 2019.

FINANCIAL IMPLICATIONS: The current capital budget does not include funding for this project. However, we are proposing to reallocate funds and fund this project within existing capital budgeting funding as follows:

- a) gas tax cannot be used to fund the railway project thus we are proposing to reallocate gas tax. Discussions with DMA have confirmed this is allowable with a motion from council.
- b) the Victoria Street sidewalk project was completed in-house thus the total project cost will be approximately \$35,000 rather than \$100,000 saving \$65,000 in gas tax.



- c) the unused gas tax from the Victoria Street sidewalk will be used to fund the portion of the Robert Angus Drive sidewalk that was to be funded from the Operating Reserve (\$32,220) and the Capital Reserve (\$12,500).
- d) This provides funding of \$44,720 to be used for the Erncliff Street project from Operating and Capital Reserves leaving a balance of gas tax of \$20,280 to be used.
- e) Funding for the Racetrack Road project will be adjusted to use the remainder of the gas tax (\$20,280) and the operating reserve amount will be decreased.
- f) The remainder of the cost (\$8,157) can be taken from the funding for the Racetrack Road project that was coming from the operating reserve (this will decrease because of the gas tax).

This is summarized in the table below:

<u>Project</u>	<u>Current Funding</u>	<u>Proposed Funding</u>	<u>Reallocation Tally of Remaining Funding</u>
Victoria Street Sidewalk	\$100,000 Gas Tax	\$35,000 Gas Tax	\$65,000 Gas Tax
Robert Angus Drive Trail	\$17,780 Gas Tax \$12,500 Capital Reserve \$32,220 Operating Reserve	\$62,500 Gas Tax	\$12,500 Capital Reserve \$32,220 Operating Reserve \$20,280 Gas Tax (65,000–12,500-32,220)
Racetrack Road Pumping Station	\$35,000 Operating Reserve \$15,000 Sewer Operating	\$20,280 Gas Tax \$14,720 Operating Reserve \$15,000 Sewer Operating	\$12,500 Capital Reserve \$52,500 Operating Reserve \$0 Gas Tax
Erncliff Rail Gates	-	\$12,500 Capital Reserve \$40,377 Operating Reserve	\$0 Capital Reserve \$12,123 Operating Reserve \$0 Gas Tax

<u>Funding</u>	<u>Current Capital Budget</u>	<u>Proposed</u>	<u>Difference</u>
Gas Tax	\$117,780	\$117,780	0
Capital Reserve	\$12,500	\$12,500	0
Operating Reserve	\$67,220	\$55,097	\$12,123
	\$197,500	\$185,377	\$12,123

COMMUNITY ENGAGEMENT: No community engagement has been undertaken for this project. The project will be administered by CN. A communications plan (including traffic detours) will be developed prior to construction being undertaken.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to the addition of the new traffic gates and warning system.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications of installing warning gates at this rail way crossing.

ALTERNATIVES:

- (a) Close Erncliff Street. Closing the street on both sides of the rail line will not impact access to private property but it will make snow plowing operations cumbersome. In addition, residents of this area of Town would have to use Copp or Russell Streets to exit this area of Town, causing somewhat of an inconvenience. As there are still two exists, emergency vehicles will still have access at all times.
- (b) Request that the ban on train whistles approaching this crossing be lifted, as allowing the whistle will remove the requirement for the gates.

ATTACHMENTS: None

Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by: