



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: July 28, 2020

Report Number: PWES-2020-24

Subject: Rail Safety Improvement Program – Infrastructure, Technology and Research Funding (RSIP-ITR) 2021/2022 Intake
VIA Crossing at Lesperance Road (Chatham Mile 99.31)

Recommendations

It is recommended:

That Administration **be authorized** to submit an application to the federal government for funding under the Rail Safety Improvement Program – Infrastructure, Technology and Research Funding (RSIP-ITR), 2021/2022 Intake for the VIA Rail Crossing at Lesperance Road (Chatham Mile 99.31).

And that Administration **be authorized** to complete any business case(s), application(s), and/or to provide all information/documentation as required in order to constitute the application to RSIP-ITR 2021/2022 Intake;

And further that the Treasurer **be authorized** to sign any required documents necessary to complete the application to RSIP-ITR 2021/2022 Intake;

And furthermore that the Mayor and Clerk **be authorized** to sign any documents/agreements (if required) for the application to RSIP-ITR 2021/2022 Intake, in a form satisfactory to the Town's Solicitor, financial content satisfactory to the Town's Treasurer and technical content satisfactory to the Town's Engineer.

Executive Summary

In light of Transport Canada's 2014 Grade Crossing Regulations and Grade Crossing Standards, VIA Rail Canada conducted inspections on all of their grade crossings within their

network. There are two rail crossings in the Town of Tecumseh – Lesperance Road north of Tecumseh Road (Mile: 99.31), and Tecumseh Road just west of Lacasse Blvd (Mile: 99.13).

VIA Rail Canada's inspection identified minor improvements that were required such as faded road paint, and consideration for additional safety features. The major item that came from the inspection was the crossing inspection at Mile 99.31 (Lesperance Road), where it was determined that the gradient for the road approach exceeds the maximum gradient of 2% within 8 m of the nearest rail and 5% for 10 m beyond.

In July 2019 the Town applied to the RSIP-ITR 2020/2021 Intake for improvements required at the Lesperance Road/VIA Rail Crossing. The Town was recently made aware we were unsuccessful with our application, but was informed that the deadline for the 2021/2022 Intake was August 1, 2020. Payments under the RSIP-ITR Program are either made in the form of a Grant (80%, max \$0.5M) or a Contribution (80%, max \$10M).

The Lesperance Road/VIA Rail Improvement project was included as part of the 2020 PWES Capital Works Plan, with funds allocated for detailed design. Works have not yet commenced as we were awaiting the results of our application under the 2020/2021 Intake. With the opportunity to apply for funding under the 2021/2022 Intake, Administration recommends postponing the commencement of detailed design until we have heard from Transport Canada as to the status of our (new) application, as expenses incurred prior to receiving the grant or contribution would be deemed ineligible.

Background

Transport Canada's Rail Safety Improvement Program (RSIP) provides grant and contribution funding to improve rail safety and reduce injuries and fatalities related to rail transportation. The program funds:

- Safety improvements to existing rail lines;
- Technology, research and studies;
- Closure of grade crossings;
- Initiatives to raise awareness about rail safety issues across Canada.

Projects submitted by municipalities are eligible for up to 80% federal funding, with a maximum **grant** amount payable being \$500,000 and a maximum **contribution** amount payable being \$10M.

The full details of the RSIP-ITR 2021/2022 Intake are contained within Attachment No.1 to this report.

VIA Rail Canada – 2015 Site Inspections

On November 28, 2014, Transport Canada established new Regulations on grade crossings that stated that a railway company must assure the conformity of grade crossings within seven

years of the new regulations coming into force. VIA Rail Canada initiated an immediate inspection of all grade crossings over its entire network.

Article 12 of the new Regulation also stipulates that the road authority must provide the railway company, in writing, certain information regarding each grade crossing under its authority within two years (by 2016).

VIA Rail Canada inspected all grade crossings over its entire network and identified two rail crossings in the Town of Tecumseh – Lesperance Road north of Tecumseh Road (Mile: 99.31), and Tecumseh Road just west of Lacasse Blvd (Mile: 99.13).

Dillon Consulting was retained by the Town to assist with the required documentation and design parameters required by the railway as outlined in their initial letter. The Town undertook the work and Dillon Consulting replied to VIA Rail Canada on March 10, 2016 with our initial response of immediately requested information. A teleconference was held with representatives from the Town, Dillon Consulting and VIA Rail Canada on March 15, 2016 in which it was confirmed that the Town was currently proceeding with the planning and design of the Tecumseh Road Community Improvement Plan (CIP) streetscape improvements.

A second submission with all required information was provided to VIA Rail Canada on April 28, 2016. In this letter, the Town outlined the Tecumseh Road CIP streetscape in which work was likely to include improvements to one of the identified crossings.

The Manager of Roads & Fleet provided VIA Rail Canada with the requested information, including but not limited to the following:

- The precise location of the grade crossing (name of the road and GPS coordinates);
- The number of traffic lanes that cross the crossing surface;
- The average annual daily traffic;
- The road crossing design speed;
- The width of each traffic lane;
- The Stopping Sight Distance; and
- The average gradient of the road approach.

VIA Rail Canada provided the results of the crossing inspections to the Town in a letter dated June 27, 2017. In it, they identified minor improvements that were required such as faded road paint, and consideration for additional safety features.

The major item that came from the inspection was that, at the crossing inspection at Mile 99.31 (Lesperance Road), VIA Rail Canada determined that the gradient for the road approach exceeds the maximum gradient of 2% within 8 m of the nearest rail and 5% for 10 m beyond. The Town, as the local road authority, was therefore required to regrade the approach prior to 2021. Failure to do so may lead Transport Canada to impose measures to address the required improvements.

VIA Rail Canada – November 2019 Letter

The Town received a letter from VIA Rail Canada on November 13, 2019, which outlined Transport Canada’s 2014 Grade Crossing Regulations (Regulations), and the new safety requirements as detailed in the Grade Crossing Standards (Standards). Both Railway and Road Authorities have until November 2021 to comply with these new Regulations and Standards.

Section 61 of the Regulations does not make it mandatory for Section 6.3 of the Standards to be met by the November 2021 deadline for public crossings that were existing the day on which the Regulations came into force. However, should the Town undertake any improvements to the gradient at this location, the grade crossing approaches would have to be brought into compliance with Section 6.3 of the Standards.

VIA Rail Canada fully supports the Town’s application that we wish to submit to RSIP-ITR which addresses the approach gradient deficiencies at the Mile 99.31 grade crossing (Lesperance Road).

Town of Tecumseh, RSIP-ITR 2020/2021 Intake

At the July 23, 2019 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-232/18) of Report No. PWES-2019-03 on the RSIP-ITR that authorized Administration to proceed with submitting an application under the 2020/2021 Intake.

On June 30, 2020 the Town was made aware that we were unsuccessful with our application under the RSIP-ITR 2020/2021 Intake. However, we were also made aware that the deadline for applications for the 2021/2022 Intake is August 1, 2020.

Comments

Tecumseh Road CIP – Streetscape Plan and Design

At the December 8, 2015 Regular Meeting of Council, Council approved the recommendations (Motion RCM-419/15) of PWES Report No. 63/15 titled “2016-2020 Public Works & Environmental Services Capital Works Plan” that authorized Administration to proceed with the 2016 capital works projects including the Tecumseh Road CIP Streetscape Plan & Final Design.

The project was divided into a multi-phase project due to the complexity of the works and associated costs. The limits of Phase 1 consist of Tecumseh Road (St. Anne Street to VIA Rail) and Lesperance Road (St. Denis Street to Arbour Street), and the proposed works consisted of road reconstruction, streetscape features, and sanitary and watermain replacements.

The proposed road design included provisions to re-grade Lesperance Road north of VIA Rail to ensure the works addressed the gradient deficiencies identified by VIA Rail Canada as part of their 2015 inspections of the grade crossing.

With the potential grant funding opportunity with the RSIP-ITR 2020/2021 Intake, the Lesperance Road/VIA Rail Improvement project was included as part of the 2020-2024 Public Works & Environmental Services (PWES) 5-Year Capital Works Plan. Funding for detailed design was allocated in 2020, with construction tentatively scheduled for 2021. As the Town was still awaiting a response on the status of our application under the 2020/2021 Intake, works have not yet commenced on this project to date.

With the opportunity to apply for funding under the 2021/2022 Intake, Administration recommends postponing the commencement of detailed design until we have heard from Transport Canada as to the status of our (new) application, as expenses incurred prior to receiving the grant or contribution would be deemed ineligible.

Consultations

Financial Services

Dillon Consulting Limited

Financial Implications

As discussed in the previous section, the Lesperance Road/VIA Rail Improvement project was approved as part of the 2020-2024 PWES 5-Year Capital Works Plan. The total project costs were estimated at \$1,534,700. Funding was allocated in 2020 for the detailed design and consisted of:

- \$155,000 from the Road Lifecycle Reserve; and
- \$31,000 from the Storm Sewer Lifecycle Reserve

Through consultation with Transport Canada they have suggested that the Town's application may be eligible under the contribution branch of the program. However, once the application is received that information will be used to determine whether we are eligible for a grant or a contribution. In general payments will be made in the form of a contribution with the exception of small-scale or low-risk projects which may be paid as grants.

Should the application for funding be successful, the following financial implications may arise if the application is approved under either a **grant** or **contribution**:

Item	Grant Program (80%, Max \$0.5M)	Contribution Program (80%, Max \$10M)
Total project costs	\$1,534,700	\$1,534,700
Eligible project costs (road component)	\$1,284,000	\$1,284,000
Requested federal funding	\$500,000	\$1,027,200
Amount to be funded by Town	\$1,034,700	\$507,500
Road Lifecycle Reserve	\$784,000	\$256,800
Storm Sewer Lifecycle Reserve	\$250,700	\$250,700

Link to Strategic Priorities

Applicable **2019-22 Strategic Priorities**

- Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
- Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
- Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
- Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
- Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website Social Media News Release Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Zora Visekruna, MBA
Deputy Treasurer & Tax Collector

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

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RSIP-ITR 2021/2022 Intake Applicant's Guide