

**From:** Ashkan Matlabi <[Ashkan.Matlabi@cn.ca](mailto:Ashkan.Matlabi@cn.ca)> **On Behalf Of** Proximity

**Sent:** October 18, 2021 10:44 PM

**To:** Enrico De Cecco <[edececco@tecumseh.ca](mailto:edececco@tecumseh.ca)>

**Subject:** 2021-10-18\_CN\_RES\_North Talbot Road/8th Concession Road intersection\_Notice of Public Meeting - Town of Tecumseh

Hello Enrico,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Branch Line. CN has concerns of developing/densifying residential uses abutting our railway right-of-way. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
3. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
4. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
5. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or

claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

6. The storm water management facility must be designed to control the storm water runoff to pre-development conditions and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
7. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
8. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
9. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a detailed site plan, a N&V study and a storm water management report taking into consideration the CN development guidelines.

Thank you and do not hesitate to contact me with any questions.

Best regards

**Ashkan Matlabi**, Urb. OUQ. MBA

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