

SUBJECT: Whistle Cessation on Stouffville GO Line – June 2017 Progress Update (Wards 3, 4, 5 & 8)

PREPARED BY: Brian Lee, Director of Engineering, ext. 7507

RECOMMENDATION

- 1) That the report dated June 26, 2017 entitled “Whistle Cessation on Stouffville GO Line – June 2017 Progress Update (Wards 3, 4, 5 & 8)” be received;
- 2) And that the Mayor and Clerk be authorized to enter into agreements and/or memoranda of understanding with Metrolinx and York Region for construction of crossing safety features and implementation of whistle cessation at 13 crossings on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the Chief Administrative Officer;
- 3) And that the Mayor and Clerk be authorized to enter into At-Grade Crossing Modification Agreements, Crossing Agreements or similar agreements (as required) with Metrolinx for modification of the existing crossings to incorporate new crossing safety features and to implement whistle cessation at 13 crossings on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the Chief Administrative Officer;
- 4) And that the Mayor and Clerk be authorized to enter into the Metrolinx Liability/ Insurance/Indemnity Agreement or similar agreement (as required), which requires the road authorities to obtain insurance and assume full responsibility/liability for any claims, damages, etc., resulting from incidents that arise from or would not have arisen but for whistle cessation, in a form satisfactory to the City Solicitor and the Chief Administrative Officer (CAO);
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND

At the Council meeting of February 16, 2016, Council authorized the Mayor and Clerk to enter into agreements or memorandum of understanding (MOU) with Metrolinx and York Region for a funding partnership for detailed design of the crossing safety upgrades at 13 crossings on the Stouffville GO Line. At that time, it was premature for Staff to seek Council’s authorization to enter into agreements or MOU with Metrolinx and York Region for construction of the crossing safety features.

DISCUSSION

1. Agreements or MOU for the Construction of Crossing Safety Features (with Metrolinx and York Region)

As reported in the March 2017 Staff update, detailed design assignment for the 13 crossings is progressing according to schedule. Staff anticipates the first of three tender packages to be released in Q3 2017. Prior to the award of the first tender, it is necessary to obtain commitments from Metrolinx and York Region on certain obligations, including financial responsibilities or in-kind service). A MOU has been prepared by the Legal Department (with instruction from the Engineering Department) and is under review by Metrolinx and York Region. Therefore, Staff is now seeking Council's authorization for the Mayor and Clerk to enter into an agreement or MOU with Metrolinx and York Region for the construction of crossing safety features to implement whistle cessation at 13 crossings on the Stouffville GO Line, once the terms have been finalized by the parties, and are in a form satisfactory to the City Solicitor and CAO.

2. At-Grade Crossing Modification Agreements (with Metrolinx)

As the 13 grade crossings will be modified to accommodate whistle cessation, there will be new arrangements and responsibilities for the ownership, operations & maintenance of these new or modified safety features. Metrolinx requires the road authorities to enter into new crossing agreements or modify existing crossing agreements to reflect the safety upgrades. Therefore, Staff is seeking Council's authorization for the Mayor and Clerk to enter into At-Grade Crossing Modification Agreements, Crossing Agreements or similar agreements (as required) with Metrolinx for the crossings that are within Markham's jurisdiction, in a form satisfactory to the City Solicitor and CAO. These agreements will need to be executed prior to the start of construction of the safety upgrades. York Region will also need to enter into these agreements for road crossings under the Region's jurisdiction. These At-Grade Crossing Agreements / Crossing Agreements are under the jurisdiction of the City's Operations Department.

3. Metrolinx Liability/Insurance/Indemnity Agreement (between Metrolinx and Markham/Region)

As indicated in the September 2015 and May 2016 Staff reports, all road jurisdictions requesting whistle cessation on Metrolinx corridors are required (by Metrolinx) to enter into the Metrolinx Liability/Insurance/Indemnity Agreement or similar agreement, as required. Similar agreements were entered into previously by other jurisdictions, e.g. the City of Barrie, the Town of Whitchurch-Stouffville. As indicated in the May 2016 staff report, the Liability/Insurance/Indemnity Agreement requires the road authorities to obtain insurance and assume full responsibility/liability for any claims, damages, etc., resulting from incidents that arise from or would not have arisen but for the whistle cessation. This agreement needs to be executed prior to Metrolinx notifying Transport Canada that it has arranged to have whistling ceased at these crossings. Therefore, Staff is now seeking Council's authorization for the Mayor and Clerk to enter into the Metrolinx

Liability/ Insurance/Indemnity Agreement or similar agreement (as required), in a form satisfactory to the City Solicitor and CAO.

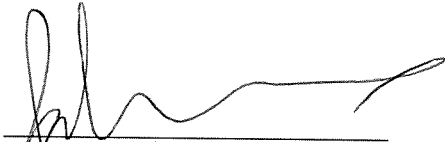
FINANCIAL CONSIDERATIONS:

There are no direct financial implications with the recommendations of this report.

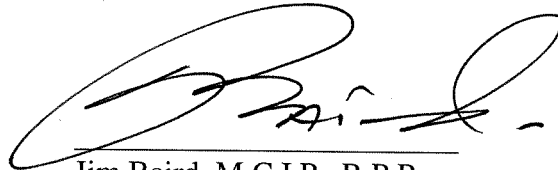
BUSINESS UNITS CONSULTED AND AFFECTED:

This report was reviewed by the Finance (Risk Management), Operations and Legal Departments and their comments have been incorporated into this report.

RECOMMENDED BY:



Brian Lee, P.Eng.
Director of Engineering



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services