

A meeting of the **Rail Issues Committee** is held this day commencing at 4:00 o'clock p.m. in the Walkerville Meeting Room, 3rd floor, City Hall, there being present the following members:

Councillor Hilary Payne, Chair
Councillor Chris Holt
Councillor Irek Kusmierczyk
Councillor Ed Sleiman

Delegations in attendance:

T. J. Auer, Ford City Neighbourhood Renewal, regarding Item 5.3
Karlene Nielsen, Ford City Neighbourhood Renewal, regarding Item 5.3

Also present are the following resource personnel:

Andrea DeJong, Deputy Fire Chief
Josette Eugeni, Manager of Transportation Planning
Barry Horrobin, Director, Planning & Physical Resources, Windsor Police Services
Bruce Montone, Fire Chief
Mark Winterton, City Engineer
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Committee Coordinator calls the meeting to order at 4:00 o'clock p.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. ELECTION OF CHAIRPERSON

The Committee Coordinator calls for nominations from the floor for the position of Chairperson. Councillor Kusmierczyk nominates Councillor Holt and is seconded by Councillor Payne. The Committee Coordinator asks if there are further nominations from the floor for the position of Chairperson. Councillor Holt nominates Councillor Payne and is seconded by Councillor Sleiman. A show of hands results in Councillor Payne as Chair. The Committee Coordinator asks Councillor Payne if he accepts. Councillor Payne accepts.

Moved by Councillor Holt, seconded by Councillor Sleiman,
That Councillor Hilary Payne **BE ELECTED** Chair of the Rail Issues Committee.
Carried.

Councillor Payne assumes the Chair.

3. **DECLARATIONS OF CONFLICT**

None disclosed.

4. **ADOPTION OF THE MINUTES**

Moved by Councillor Kusmierczyk, seconded by Councillor Sleiman,
That the minutes of the Rail Issues Committee of its meeting held March 26,
2014 **BE ADOPTED** as presented.
Carried.

ADDITION TO AGENDA

Moved by Councillor Holt, seconded by Councillor Sleiman,
That Rule 3.3 (c) of the Procedure By-law 98-2011 be waived to add the
following addition to the Agenda:

5.7 *Procedure to Eliminate Whistling at VIA Rail Grade Crossing – Lauzon
Parkway/mile 102.07*

Carried.

5. **BUSINESS ITEMS**

5.1 **“AskRail”**

B. Montone, Fire Chief provides the following relating to the Ask-Rail free mobile
application:

- AskRail gives first responders immediate information about railcars carrying hazardous materials and is an invaluable tool for helping prepare those on the front line should a rail incident occur. Coupled with emergency training and response planning, AskRail augments the flow of information and specifics between freight railroads and emergency first responders in communities along the nation’s 140,000-mile freight rail network.

- The Ask-Fail free mobile application provides immediate access to accurate, near real-time information about rail cars carrying hazardous materials on a train.
- The contents of a rail car can be queried including loaded or empty status, product information numbers, proper shipping name, hazard classes for the classes, railroad name and content information.
- All seven Class 1 Railways are included and complete consistent lookups are available.
- Under Items 6 to 9 of the Protective Direction, Canadian Class 1 Rail Carrier will be required to either publish information on its website or provide designated Emergency Planning Official information that could be disclosed publicly.
- Only 11% of loaded shipments are regulated dangerous goods. The remaining 89% of loaded shipments are non-regulated products.
- A hands-on view of the application will be previewed this Fall 2016.

5.2 Transport Canada – Protective Direction No. 32

B. Montone, Fire Chief provides information relating to changes to rail regulations with Protective Direction No. 32 as follows:

- In July of 2013, an unattended 74 car freight train carrying Bakken formation crude oil, derailed at high speed in the heart of Lac-Mégantic, Quebec, resulting in the fire and explosion of multiple tank cars. Forty-seven people died and more than 30 buildings in the town's centre were destroyed. This was the 4th deadliest rail accident in Canadian history.
- As a result of the accident, Marie-France Dagenais, Director General of the Transport Dangerous Goods Directorate announced changes to rail regulations with Protective Direction No. 32.
- It stated that when any Canadian Class 1 railway company that transports dangerous goods through the municipality, it is required to provide the municipality with yearly aggregate information on the nature and volume of these goods.
- Additionally, Federal Transport Minister, Lisa Raitt announced regulations that will force the industry to take the most dangerous rail cars out of service immediately and give it three years to retire or retrofit other outdated cars known as DOT-111s.
- The City of Windsor did not participate in the program prescribed by Protective Direction No. 32 as it required the execution of a non-disclosure agreement which lacked certainty regarding the circumstances under which information could be disclosed, creating risk.
- On April 28, 2016 Marc Garneau, the current Minister of Transport issued a new Protective Direction under section 32 of *The Transportation of Dangerous Goods Act, 1992* and repealed the previous 2013 Protective Directive No. 32. This New Directive broadens the information to be provided by the rail industry, increases the frequency and includes additional measures to inform the general public.

- The new Protective Direction No. 36 also includes a non-disclosure requirement, but spells out specific parties with whom information may be shared, alleviating a significant concern on the part of the City. It also resolves concerns expressed by the Office of the City Solicitor about certain aspects of the previous non-disclosure agreements; specifically, the acceptance by the City of injunctive relief in the event of a disclosure that the railway feels is unacceptable:

Moved by Councillor Sleiman, seconded by Councillor Holt,
That the Fire Chief as the Designated Emergency Planning Official, **BE AUTHORIZED** to execute the required agreements with all affected rail carriers regarding the transportation of dangerous goods with respect to Protective Direction No. 36, which agreement shall be satisfactory in legal content to the City Solicitor.

Carried.

5.3 Crime Prevention Through Environmental Design (CPTED) Assessment – Concerns Regarding Lands Abutting Railway Property

T. J. Auer, and Karlene Nielsen, Ford City Neighbourhood Renewal are present to speak to this matter. The PowerPoint presentation entitled “Drouillard Road & Wyandotte Street East Rail Crossing – Pedestrian Access and Safety Issues” is **attached** as Appendix “A”. The following comments relating to the presentation are as follows:

- Photographs in the presentation depict railway safety challenges, clear signs of use with no signage to deter trespassing, significant overgrowth of brush, and illegal dumping.
- A campsite was viewed which had been in the same location for an extended period of time.
- Areas of concern noted in Olde Riverside, i.e. crimes have occurred to property owners living adjacent to railway tracks. Perpetrators break into homes and escape running down the tracks.
- Canadian Pacific police have very limited staff to patrol the tracks. There is a need for a more vigilant monitoring control process.

Key points in the “Recommended Action Plan” outlined in the CPTED Assessment are as follows:

- Establish a core working committee that represents the key stakeholders in this matter. This committee should be convened as soon as possible and shall meet as often as necessary to collaboratively establish any specific action to be taken that may include the follows:
- Widespread clearing of all vegetation that is not required for maintaining an appropriate degree of visual screening and noise attenuation to open sight lines.
- Re-establishment of all damaged control fencing.

- Replacement of all necessary warning signage.
- A stepped up enforcement strategy by Railway Police in partnership with Windsor Police Services to maintain adequate security within the two subject areas.
- Development of an annual or semi-annual maintenance plan to ensure the physical conditions do not regress back to a state where the problems will be easily re-established.
- Work with VIA Rail in considering a capital improvement plan to consider other capital reinvestment to improve safety such as lighting – improved lighting on other rail lines within Windsor have had a positive impact.

B. Horrobin advises the areas of greatest concern in the city are Ford City and Olde Riverside.

Councillor Payne suggests the CPTED “Recommended Action Plan” be referred to the City Engineer for a report to City Council. He requests matters relating to Ford City and Olde Riverside also be included in the report.

M. Winterton states a report outlining the implications noted in the Recommended Action Plan will be referred to the budget deliberations. The report entitled “Crime Prevention Through Environmental Design (CPTED) Assessment – Concerns Regarding Lands Abutting Railway Property” will be appended to his report.

In response to a question asked by Councillor Holt regarding the CN tracks near South National in Ford City, M. Winterton indicates the cost of an at grade crossing (would not include signaling) is approximately \$150,000 to \$200,000. He notes a discussion could be initiated with CN regarding this matter.

Councillor Sleiman questions the nature of the relationship with the Rail Issues Committee and the “core working committee” as identified in the CPTED Action Plan. M. Winterton responds the core working committee will report to the Rail Issues Committee.

Moved by Councillor Sleiman, seconded by Councillor Holt,

That Administration **BE DIRECTED** to provide a report to City Council outlining the implications noted in the “Crime Prevention Through Environmental Design (CPTED) Assessment – Recommended Action Plan” including areas of concern in Ford City and Olde Riverside, and further, that the CPTED Assessment – Concerns Regarding Lands Abutting Railway Property prepared by the Director of Planning & Physical Resources, Windsor Police Services **BE APPENDED** to this report.

Carried.

5.4 Update on the Progress with the New Grade Crossing Regulations (February 2015), Next Steps and Anticipated Timelines

J. Eugeni provides the following as it relates to the New Grade Crossing Regulations:

- One of the requirements of the *Grade Crossing Regulations* is for road authorities and railway companies to share safety-related information with each other by November 28, 2016. Road authorities and railway companies will have five years to upgrade their crossings to satisfy specific sections of the regulatory requirements based on the information shared.
- Transport Canada has developed forms that may be used by the railway company or the road authority when sharing information.
- Any new construction must meet the new regulations in their entirety.
- This exercise will provide information that will identify which grade crossings require modifications by November 28, 2021.

Moved by Councillor Kusmierczyk, seconded by Councillor Holt,
That the verbal update by the Manager of Transportation Planning regarding the progress relating to the Transport Canada New Grade Crossing Regulations **BE RECEIVED.**

Carried.

5.5 Jefferson/South National Grade Crossing Improvement Program Application and Construction

The Grade Crossing Improvement Program (GCIP), funded under section 12 of the *Railway Safety Act* provides a contribution of up to 50 percent of the cost of a crossing improvement project. The maximum contribution to a recipient for a single project is limited to \$550,000. J. Eugeni reports the City of Windsor is a successful proponent and will receive funding for work to be completed by March 2017.

Moved by Councillor Holt, seconded by Councillor Sleiman,
That the verbal update by the Manager of Transportation Planning regarding the successful application by the City of Windsor for funding under the Grade Crossing Improvement Program (GCIP) **BE RECEIVED.**

Carried.

5.6 2017 Grade Crossing Improvement Plan Application

J. Eugeni indicates an application for funding in 2017 from the GCIP for the McDougall Grade Crossing will be completed in 2016. M. Winterton states as the foregoing work is already funded any additional funding would be a dividend.

Moved by Councillor Holt, seconded by Councillor Sleiman,
That the verbal update by the Manager of Transportation Planning regarding the 2017 McDougall Grade Crossing Improvement Plan Application **BE RECEIVED.**

Carried.

5.7 Procedure to Eliminate Whistling at VIA Rail Grade Crossing – Lauzon Parkway/mile 102.07

The procedure to eliminate whistling at public grade crossing as prescribed by Transport Canada is as follows:

1. Interest for whistling cessation is expressed.
2. Municipality consults with the railway company.
3. Municipality issues notifications and public notice.
4. Municipality and railway assess the crossing(s) against the prescribed requirements in the *Grade Crossing Regulations* and Grade Crossing Standards.
5. Municipality and railway agree that the crossing(s) meets the prescribed requirements of the *Grade Crossing Regulations* and Standards.
6. Municipality passes a resolution declaring that it agrees that whistles should not be used in that area, thereby prohibiting train whistling.
7. Railway company notifies Transport Canada and informs the municipality within 30 days that it has arranged to have whistling ceased at the crossing(s).
8. Municipality and railway share the responsibility for monitoring and maintaining the conditions that support the cessation of train whistling at the crossing(s).

Note: The steps in the procedure do not have to follow any exact order.

J. Eugeni advises that VIA Rail already has anti-whistling in place at the two adjacent at-grade rail crossings and this would be consistent with those existing practices to benefit the neighbourhood.

Moved by Councillor Holt, seconded by Councillor Sleiman,
That the Rail Issues Committee **ENDORSES** anti-whistling at the VIA Rail Grade Crossing – Lauzon Parkway/mile 102.07, and further that Administration **BE REQUESTED** to proceed with the whistling cessation procedure outlined by Transport Canada.

Carried.

6. NEW BUSINESS

Councillor Holt states there is an issue with mosquitoes along Memorial Drive in front of the CPR tracks. As the lands belong to the rail company, he is requesting permission be obtained for the Windsor Essex County Health Unit to undertake spring larviciding for this area.

Moved by Councillor Holt, seconded by Councillor Sleiman,

That Administration **BE DIRECTED** to enter into discussion with the CPR Rail Company to allow the Windsor Essex County Health Unit to undertake spring larviciding on railway lands on Memorial Drive.

Carried.

7. **DATE OF NEXT MEETING**

The next meeting will be held at the call of the Chair.

8. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 5:18 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR



AGENDA
Rail Issues Committee
Tuesday, July 26, 2016
4:00 o'clock p.m.
Walkerville Meeting Room, 3rd floor, City Hall

1. CALL TO ORDER

2. ELECTION OF CHAIRPERSON

3. DECLARATIONS OF CONFLICT

4. ADOPTION OF THE MINUTES

Adoption of the minutes of the meeting held March 26, 2014 (**attached**)

5. BUSINESS ITEMS

5.1 "AskRail"

Bruce Montone, Fire Chief to provide information regarding the new mobile application provided to first responders to assist in identifying rail car contents.

5.2 Transport Canada – Protective Direction No. 32.

Update by Fire Chief regarding the rail industry and the signing of a disclosure document. The report of the Fire Chief dated July 6, 2016 entitled "Transport Canada – Protective Direction No. 32 is **attached**."

5.3 Crime Prevention Through Environmental Design (CPTED) Assessment – Concerns Regarding Lands Abutting Railway Property

The document entitled "Crime Prevention Through Environmental Design (CPTED) Assessment – Concerns Regarding Lands Abutting Railway Property" – **attached**.

5.4 Update on the Progress with the new Grade Crossing Regulations (February 2015), Next Steps and Anticipated Timelines
Verbal update.

5.5 Jefferson/South National Grade Crossing Improvement Program Application and Construction
Verbal update.

5.6 2017 Grade Crossing Improvement Plan Application
Verbal update.

6. NEW BUSINESS

7. DATE OF NEXT MEETING

To be determined.

8. ADJOURNMENT