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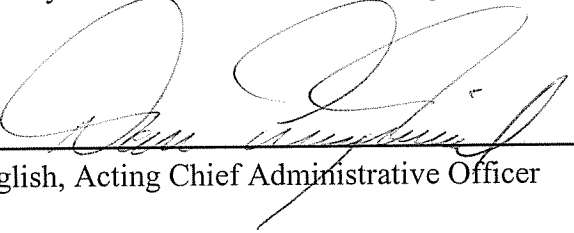


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**April 22, 2003**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Acting Chief Administrative Officer

**DATE:** April 15, 2003

**SUBJECT:** Railway Crossing Gates - Princess Margaret Boulevard

**ORIGIN**

Canadian National Railway Company.

**RECOMMENDATION**

It is recommended that Regional Council authorize the Mayor and Municipal Clerk to sign the attached agreement with CN to fund \$16,250.00 or 12.5 % of the \$130,000 cost of upgrading the CN rail crossing on Princess Margaret Boulevard with funding authorized from Account No. CTR00905 as per the budget implications of this report.

## **BACKGROUND**

Rail crossing warning devices are installed by the Canadian National Railway Company (CN) subject to cost sharing from the Road Authority and Transport Canada. CN uses national criteria to determine the types of warning devices that should be used at each crossing location. Based on their review and discussions with Public Works and Transportation staff of the Halifax Regional Municipality, CN Rail and the Canadian Transportation Commission have raised safety concerns at the Princess Margaret Boulevard crossing.

## **DISCUSSION**

It has been determined that the installation of short arm gates is required to supplement the existing warning signals. The total cost of this project is estimated to be \$130,000.

## **BUDGET IMPLICATIONS**

Funds in the amount of \$16,250.00 are available in the 2003/2004 approved Capital Budget in Capital Account No. CTR00905, Intersection Improvement Program. The budget availability has been approved by Financial Services.

Budget Summary:

<b>Account No. CTR00905, Intersection Improvement Program</b>	
Cumulative Unspent Budget	\$156,144
Less: Princess Margaret Boulevard Cost Sharing	<u>\$ 16,250</u>
	\$139,894

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## **ALTERNATIVES**

There are no recommended alternatives.

## **ATTACHMENTS**

CN Agreement.

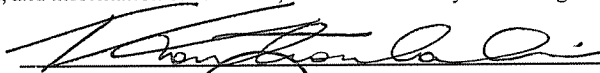
**Railway Crossing Gates -  
Princess Margaret Boulevard  
Council Report**

- 3 -

**April 22, 2003**

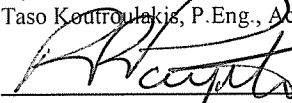
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:



Taso Koutroulakis, P.Eng., Acting Manager, Traffic & Transportation Services, 490-4816.

Report Approved by:



Rick Paynter, P.Eng., Director, Public Works & Transportation

STANDARD FUNDED CROSSING WARNING SYSTEM MODIFICATION AGREEMENT

THIS AGREEMENT effective as of the \_\_\_\_\_ day of \_\_\_\_\_, TWO THOUSAND AND \_\_\_\_\_.

BETWEEN:

CANADIAN NATIONAL RAILWAY COMPANY  
(hereinafter called the "Railway")

- and -

HALIFAX REGIONAL MUNICIPALITY  
P.O. Box 1749  
Halifax, N.S., B3J 3A5

(hereinafter called the "Road Authority")

WHEREAS Order No. 81669 of the Board of Transport Commissioners for Canada, dated June 24<sup>th</sup>, 1953, ordered the Canadian National Railways, to install a grade crossing warning system consisting of flashing light signals and bell, at the grade crossing of the highway, at mileage 10.33, on the Dartmouth Subdivision, in the city of Dartmouth, in the province of Nova Scotia.

WHEREAS Order No. R-26551 of the Canadian Transport Commission, dated March 17<sup>th</sup>, 1978, ordered the City of Dartmouth, to pay for maintenance of the grade crossing warning system at the grade crossing of Iroquois Avenue, at mileage 10.33, on the Dartmouth Subdivision, in the city of Dartmouth, in the province of Nova Scotia.

AND WHEREAS the parties have agreed on the requirement for a modification to the existing crossing warning system, that modification consisting of the installation of automatic gates (hereinafter the "crossing warning system"), at the grade crossing of Princess Margaret Boulevard, at mileage 10.33, on the Dartmouth Subdivision, in the Halifax Regional Municipality (formerly the City of Dartmouth), in the province of Nova Scotia.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT, in consideration of the mutual covenants and agreements herein and subject to the terms and conditions set out in this agreement, the parties agree as follows:

1. The Railway, as party proposing to undertake the work, will file an application pursuant to section 12(1)(a) of the *Railway Safety Act, R.S.C. 1985, c.32, 4th supplement* ("the Act"), for a grant for 80% in respect of the cost of this proposed railway work as defined in the Act.
2. Upon confirmation from the Minister that funding has been authorized, the Railway will carry out the proposed railway work.
3. 12.5% of the actual cost of the crossing warning system modification, based on detailed estimate no. DT-10.33-SK, dated June 4<sup>th</sup>, 2002, and attached hereto, shall be paid by the Road Authority.

Initials: CN 

RA \_\_\_\_\_

4. 7.5% of the actual cost of the crossing warning system modification, based on detailed estimate no. DT-10.33-SK, dated June 4<sup>th</sup>, 2002, and attached hereto, shall be paid by the Railway.
  5. The cost of maintaining the crossing warning system shall be paid entirely by the Road Authority.
  6. The Railway shall prepare all accounts for work performed by the Railway using rates as stipulated in the latest "Schedule A" Directives as issued by the Canadian Transportation Agency. In the event that the Canadian Transportation Agency should discontinue publishing same, the accounts shall be prepared in accordance with standard rates adopted by the railway industry in Canada, or in their absence, in accordance with standard rates adopted by the Railway. If there should be no standard rates in effect for work done by the Railway, the accounts shall be based on actual costs plus allowances for the Railway's overhead.
  7. If at any time during the continuance of this agreement the parties agree on the requirement for modification to the crossing warning system, the terms associated with the modifications will be agreed to by the parties by means of a written agreement between them.
  8. This agreement shall be governed by and construed in accordance with the laws of the Province of Nova Scotia and all applicable federal laws and regulations.
  9. This agreement is not assignable without the prior written consent of both parties which consent will not be unreasonably withheld. Notwithstanding the above, in the event of the transfer of its line for continued operations, the Railway will have the right to assign this agreement to any subsequent owner.
- 
10. This agreement shall become effective on the date appearing on page 1 of this agreement and shall continue until either the Railway discontinues its operations at this location, or the Road Authority closes the Highway at this location, or the Minister notifies the parties that funding in the full amount specified in clause 1 will not be provided, or upon the written consent of both parties.
  11. Upon termination of the agreement the Railway shall be responsible for dismantling the crossing warning system at the Railway's cost.
  12. Any dispute relating to the wording and interpretation of the clauses in this agreement will be resolved in accordance with the arbitration act of the province in which the crossing warning system is located.
  13. Upon execution, the Railway may file this agreement with the Canadian Transportation Agency.
  14. Subject to clause 13, this Agreement is confidential and the Agreement or any of its terms and conditions shall not be disclosed to any third party, person or association except and to the extent as may be required by law or upon the prior written consent of all parties hereto.

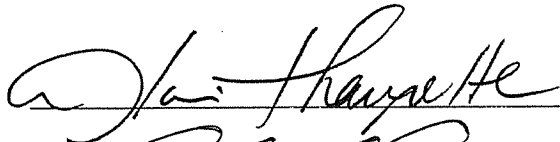
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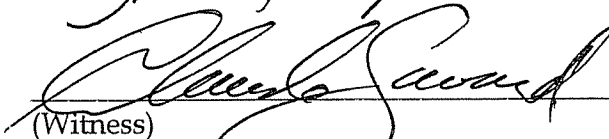
15. The preamble to this agreement forms an integral part of the agreement.

IN WITNESS WHEREOF, the parties have caused the agreement to be executed by their respective representatives hereunto duly authorized, as of the date first above written.

CANADIAN NATIONAL RAILWAY COMPANY



SENIOR GENERAL MANAGER  
(Title)

  
(Witness)

PUBLIC WORKS OFFICER  
(Title)

18 FEBRUARY 2003  
(Date)

HALIFAX REGIONAL MUNICIPALITY

\_\_\_\_\_

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

Initials: CN 

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Page 3 of 3



## DETAILED COST ESTIMATE

ESTIMATE No: DT-10.33-SK  
MILE: 010.33  
LOCATION: Princess Margaret Boulevard

DATED: 04-Jun-02  
SUBDIVISION: DARTMOUTH  
PROVINCE: N.S.

### PROJECT DESCRIPTION:

Estimate cost to Add gates and bell  
Princess Margaret Boulevard

Signals Materials		\$40,000
Insulated Joints		\$1,000
<b>TOTAL MATERIAL</b>		<b>\$41,000</b>
Handling charges 45.0% on	\$41,000	\$18,450

### LABOUR & EQUIPMENT

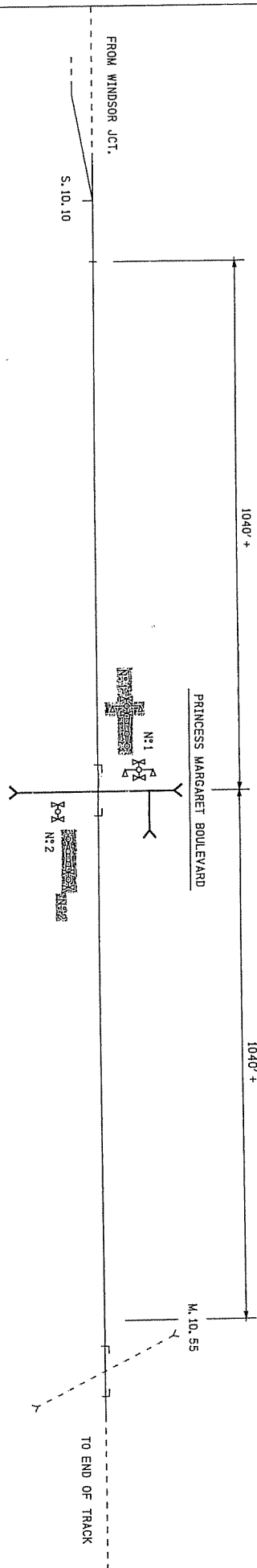
Labour, S & C		\$15,000
Supervision labour		\$0
Quality control		\$0
Labour, M/W		\$2,000
Engineering		\$2,000
Vacation Allowance 20.0% on	\$19,000	\$3,800
Supervision and Overheads 80.9% on	\$22,800	\$18,445
Living Allowance		\$6,750
Transportation CN		\$5,250
Equipment Rental & Transportation - Outside		\$2,000
Est. Cost of Power Service		\$0
Outside contractors		\$3,500
Contract engineering		\$1,000
Contingencies 10% on	\$118,195	\$11,820

**TOTAL ESTIMATED COST** **\$130,000**

ANNUAL COST OF MAINTENANCE AND OPERATION WILL BE IN ACCORDANCE  
WITH C.T.A. SCHEDULE "A" DIRECTIVES.  
PARTIES SUBJECT TO G.S.T. WILL HAVE 7% G.S.T. APPLIED TO THEIR COSTS.  
ESTIMATE IS BASED ON WORK DURING FROST-FREE GROUND CONDITIONS.  
ESTIMATE IS SUBJECT TO REVISION AFTER JUNE 4, 2003  
ESTIMATE COVERS INSTALLATION OF WARNING DEVICES ONLY. CROSSING  
PLANKS, MUD RAILS, ETC ARE NOT INCLUDED.

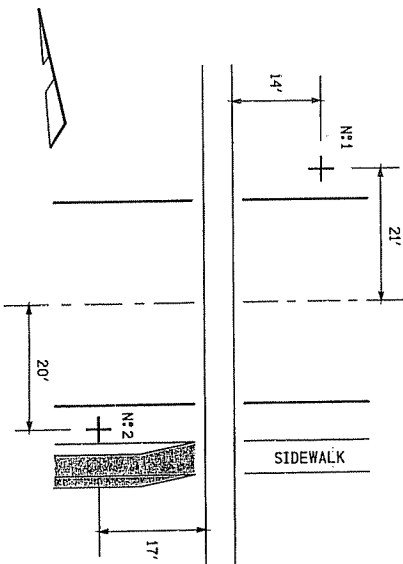
Estimate done by: **Michel Deschamps**  
East Division, Engineering  
Montreal, Quebec  
04-Jun-02

B. I. C. ORDER No. 81669, 24 JUNE 1953.  
R. I. C. ORDER No. R-38480, 11 SEPTEMBER 1985.

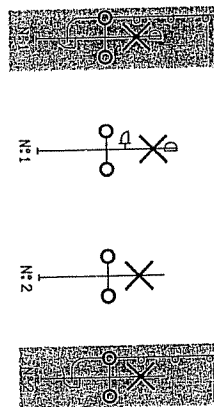


LOCATION PLAN  
TRACK SCALE: 1 INCH = 200 FEET

- NOTES -
- 1- DESIGN SPEED 22 M. P. H.
  - 2- CLEARANCE DISTANCE 35 FEET MAXIMUM.
  - 3- CONSTANT WARNING CONTROL. APPROACH LENGTH PROVIDES FOR A 5 SECOND REACTION TIME IN THE CONSTANT WARNING EQUIPMENT.



DETAIL OF CROSSING  
1 INCH=20 FEET



DETAIL OF WARNING DEVICES

<b>PROPOSED</b>	
DES. No. E0041	
YELLOW-OUT	
<b>AS INSTALLED</b>	
DATE	BY

REVISION DATE	REGION	SUB.
ATLANTIC	DARTMOUTH	
WILE 10. 33		
WARNING DEVICES.		
PRINCESS MARGARET BOULEVARD		
ESTIMATE		
DARTMOUTH, N. S.		
MONTREAL, QUE	D1-10. 33-SK	
22 MAY 2002		

**CN**