

2001 AUGUST 16

TO: CITY MANAGER
FROM: DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES
SUBJECT: AGREEMENT TO CREATE A PUBLIC RAIL CROSSING AT BARNET MARINE PARK
PURPOSE: To request Council to authorize the execution of an agreement between the City of Burnaby and Canadian Pacific Rail (CPR) to permit an unrestricted public at-grade crossing at Mile 120.0 in Barnet Marine Park.

RECOMMENDATION:

1. THAT approval be given for the execution of an agreement between the City of Burnaby and Canadian Pacific Rail (CPR) to permit an unrestricted public at-grade crossing at Mile 120.0 in Barnet Marine Park.

REPORT

At its meeting of 2001 August 15, the Parks, Recreation and Culture Commission received the above noted report and adopted the recommendation contained therein.



Kate Friars
DIRECTOR PARKS, RECREATION
AND CULTURAL SERVICES

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Attachment
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- cc. Risk Manager
Director Engineering
City Solicitor
Director Planning and Building

SUBJECT: AGREEMENT TO CREATE A PUBLIC RAIL CROSSING AT BARNET MARINE PARK

RECOMMENDATION:

1. THAT Council be requested to authorize the execution of an agreement between the City of Burnaby and Canadian Pacific Rail (CPR) to permit an unrestricted public at-grade crossing at Mile 120.0 in Barnet Marine Park.

REPORT

BACKGROUND

Improved public access to the waterfront is a longstanding goal of the Parks, Recreation and Cultural Services Department and the City of Burnaby. The city has been continuously working towards improved public access to Burrard Inlet where few opportunities for the public to enjoy the inlet exist. Part of the challenge along Burrard Inlet has been the barrier of the CPR railway tracks.

The current park activities focus on the foreshore, particularly the areas between Thluck-Way-Tun Creek, just west of the Texaco building and Simon Creek, just east of the beach washroom building. One of the key challenges facing the development of Barnet Marine Park is providing safe and convenient pedestrian and vehicular access from parking lots on the south side of the railway tracks to the foreshore. Existing access to the site takes place either by the central pedestrian overpass or the vehicular crossing near Simon Creek. Although the current private crossing agreement with CPR restricts pedestrian and vehicular access, there are no barriers to pedestrians and some park users routinely use this crossing as a means to access the foreshore.

Through the process of developing a master plan for Barnet Marine Park, it became clear that providing a safe and convenient public crossing at the foot of Texaco Drive would be a key component of the plan. An approved crossing would provide a sanctioned safe crossing of the tracks to support current use and encourage future development of the central activity area.

A key concept of the Barnet Marine Park Master Plan is the development of a central activity zone in the area around the existing Texaco Building. The building may be enhanced to become a marine boating facility for paddling or sail boat storage, with the potential for rental facilities, food outlet, and historic, environmental and boating interpretation. Surrounding complementary attractions may include a fishing pier, boat launch, nautical theme playground, and promenade with seating nodes that link the foreshore walkway.

The shoreline edge will be upgraded with a combination of edge treatments including improved beach and water connections. Natural beach and tidal pools will be enhanced with riparian plantings and intertidal features such as boulders and concrete slabs placed to promote rockweed growth. This combination of natural and designed features within the central area will serve to attract park users for both casual and event-related activities within the park.

As alternative uses of the Texaco building are determined, activities on this part of the site will continue to grow. The crossing approval allows for both pedestrian and limited vehicular access to the park area north of the tracks to take place in a controlled and safe manner.

CPR APPROVAL

CPR has approved, in principle, an unrestricted at-grade crossing at Mile 120.0 which would replace the existing restricted use "Texaco" crossing. A draft Grade Crossing Agreement has been prepared by Canadian Pacific Railway Company for the City of Burnaby's review. The Grade Crossing Agreement includes the following conditions:

- That the City of Burnaby carry comprehensive liability insurance to cover two million dollars.
- That the city fulfill its obligations under the Railway Safety Act.
- That the city obtain all approvals, including environmental and DFO approvals.
- The city is responsible for the cost of construction of the crossing approaches, and the protection and relocation of utilities.
- The city construct and maintain the asphalt crossing surface with rubber flange-ways.
- The city install and maintain the crossing warning system.
- That the city inform CPR of any major special events with thirty days notice, and provide additional traffic control measures if necessary.
- Either party can widen, relocate or upgrade the crossing with a written agreement between them.
- CPR may transfer this agreement to another railway, in the event of a transfer of the rail line, without the city's permission. The City may transfer its agreement to another authority, without the consent of CPR.
- The agreement will be in effect until the railway chooses to discontinue its rail operations, the city closes the crossing or the parties have mutually consented to terminate the agreement.

The City Solicitor has reviewed the public crossing agreement and commented that overall it seems quite fair. It was asked that staff review the City's obligations under the Railway Safety Act, review the rates, the 30 day notice requirement for special events and insurance requirements.

The Engineering Department has provided a quote for upgrading Texaco Drive for the barrier gate at Texaco Drive to the south side of the railway tracks, estimated at \$100,000. These works for the roadway include a bike and pedestrian trail, asphalt curbs and medians, pipe barriers and guide rails as well as road markings and signs. The city is awaiting a quote from CPR for constructing the grade crossing with respect to the surface, signal and railway signage. It is recommended that the city undertake these works, which will tentatively be funded from the 2003 Annual Budget.

INSURANCE REQUIREMENTS

CPR has included insurance requirements in the agreement, requiring:

- Comprehensive general liability insurance up to \$2,000,000.
- The inclusion of a clause to insure the clean-up of pollutants as a result of a collision or overturning of any vehicle.
- Non-owned automobile liability coverage.
- Automobile liability and property damage insurance with an inclusive limit of \$2,000,000 to cover any city vehicles.
- Environmental impairment insurance to the limit of \$2,000,000.

The Risk Manager has reviewed the insurance requirements and advises that the city has the general liability and auto insurance, but does not carry the environmental impairment insurance. Since the crossing is public as opposed to private industrial, the Risk Manger commented that CPR should deem this requirement not applicable.

SCHEDULE FOR IMPLEMENTATION

Barnet Marine Park is currently in the planning process, and future development is not expected to occur in the immediate future. The installation of the public railway crossing is under consideration and a priority for implementation upon completion of the plan. Implementation is tentatively scheduled in 2003.

CONCLUSION

CPR's agreement in principal to a public railway crossing at Mile 120.0, Texaco Drive, achieves access to the Barnet Marine Park's key core area and implementation of the core area concept. It is a significant milestone in Council's goal of providing public access to the waterfront.

With Commission and Council's approval, the draft agreement will be finalized and implemented.

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cc: Risk Manager
Director Engineering
City Solicitor
Director Planning and Building

