



Hamilton

CITY OF HAMILTON

**PUBLIC WORKS DEPARTMENT
Engineering Services Division**

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: April 8, 2013	
SUBJECT/REPORT NO: Canadian National Railroad (CNR) - Infrastructure Exchange Agreement for Bay Street, John Street and Centennial Parkway (PW13030) - (City Wide)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Gary Moore (905) 546-2424, Extension 2382
SIGNATURE:	

RECOMMENDATION

That the General Manager of Public Works be authorized, with the assistance of Legal Services and Risk Management, to negotiate and execute an Agreement with Canadian National Railway (CNR) with regard to the exchange of maintenance responsibilities for the Bay Street, John Street overpasses and the Centennial Parkway underpass following their respective reconstructions.

EXECUTIVE SUMMARY

Currently the Canadian National Railway has maintenance responsibility, including replacement, of the bridges carrying Bay Street and John Street in the City of Hamilton over mile 39.11 of the CNR Oakville subdivision tracks and mile 43.51 of the CNR Grimsby subdivision tracks respectively. The City of Hamilton has maintenance responsibility, including replacement, for the bridge carrying the CNR tracks at mile 38.04 of the CNR Grimsby subdivision over Centennial Parkway.

The City is currently in the design stages for the replacement of the Centennial Parkway underpass. CNR is currently planning to tender the replacement of the Bay Street bridge and planning for the replacement of the John Street bridge.

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Staff of both parties are in agreement that the road authority should be responsible for road carrying bridges and the rail authority should be responsible for rail carrying bridges and therefore are also in agreement that following the reconstruction of each structure, that the responsibility for maintenance on a go forward basis should be exchanged. That is CNR will assume the responsibility for the Centennial Parkway underpass and the City of Hamilton will assume the Bay and John Street structures.

Alternatives for Consideration - See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

CNR currently has maintenance and replacement responsibility for the bridge structures carrying Bay Street and John Street in the City of Hamilton over mile 39.11 of the CNR Oakville subdivision tracks and mile 43.51 of the CNR Grimsby subdivision tracks respectively. CNR was required to build these structures as a condition of their approval to build the station on James Street North.

The City of Hamilton owns and has maintenance and hence replacement responsibilities for the Centennial Parkway underpass, carrying the CNR rail lines over the road. This bridge came to the City as part of the downloading of former Highway 20 to the City by the Province. The Province required the construction of the structure to provide a grade-separate crossing of the rail lines in the early 1930's as a traffic safety initiative.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and Risk Management have reviewed the agreement with regard to content and form. Road Operations have also been consulted and are in agreement.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The City of Hamilton is planning to replace the existing Centennial Parkway underpass to address structural deficiencies; geometric road deficiencies and pedestrian amenity deficiencies. The new Centennial structure will also be widened to accommodate a

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future expanded all day GO train service. CN is the agent for GO in terms of owning and operating the track. As this will be single structure, being built with shared cost, the new structure would as a result be owned by both the City and CNR. The ownership would not be evenly split but on a percentage basis of original responsibility and new widening. This is not a preferable arrangement.

CNR which currently owns and maintains the bridge structures carrying Bay Street and John Street is planning the replacement of both of these structures in the next three years.

It is not desirable to be either responsible for the maintenance of a bridge that you are not operationally responsible for or operationally responsible for bridge that you cannot control the maintenance of. Both CNR and the City of Hamilton would benefit from the trading of these structures. Staff from both parties is in agreement, the exchange of "ownership" for the structures is preferable. Therefore it is recommended that an exchange of responsibilities be undertaken. That is the "road" bridges would come to the City and the "rail" bridge would go to CNR.

The value of the road bridges is between \$2-3M each and the value of the City's portion of the rail bridge is approximately \$6-7M. Therefore although the City is exchanging the responsibility/ownership of one rail bridge for two road bridges, the total replacement value is less and they fit with the mandate of the City with regard to Road maintenance and operations and transportation. The replacement cycle for all structures is roughly equivalent in that the design criteria is for 75 years and they will all be reconstructed within the next two to three years.

This is a win/win for both the City and CNR.

ALTERNATIVES FOR CONSIDERATION

The alternative is to keep responsibility for the Centennial underpass structure. The new wider bridge would be partially owned by CNR and partially by the City. Maintenance responsibilities would be shared, as would any operational liabilities. This alternative would require extensive complicated agreements and may result in unwanted litigation should any accidents or unanticipated maintenance be incurred.

ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

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Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.4 Enhance opportunities for administrative and operational efficiencies.

This initiative will result in a net reduction in long term maintenance and capital liability in terms of road and bridge infrastructure. It will bring control of Road related infrastructure back under the control of the City of Hamilton while divesting the City of rail carrying infrastructure and the related operational liabilities.

APPENDICES / SCHEDULES

None