



DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
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April 23, 2015

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2015-30**

TO: Committee of the Whole

SUBJECT: Metrolinx/GO Transit Rail Corridor - Newmarket
File No.: T03 T.40.8.2

ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2015-30, dated April 23, 2015 regarding Metrolinx/GO Transit Rail Corridor - Newmarket be received and the following recommendations be adopted:

- 1. THAT Metrolinx and York Region be forwarded a copy of this report and Town Council extract;**
- 2. AND THAT Metrolinx be requested to attend Committee of the Whole to provide a presentation regarding their planned rail enhancements within Newmarket including an estimated schedule for the works within Town.**

BACKGROUND

At its regular meeting of September 29, 2014, Town Council adopted the following motion:

‘THAT a staff report reviewing GO Train operations including east-west road connections, grade separations, speed within the downtown core, frequency of whistles at the train intersections located at Water Street, Timothy Street and Davis Drive and the implementation of a regulated Signaled Pedestrian Crossing at Water Street, Doug Duncan Drive and Fairy Lake be referred to the 2015 budget deliberations.’

The implementation of a regulated signaled pedestrian crossing at Water Street, Doug Duncan Drive and Fairy Lake has been dealt with under a separate report to the Committee of the Whole of March 23, 2015 (Development and Infrastructure Services Report - Engineering Services 2015-20 dated March 5, 2015 regarding Water Street Crossing – Update). The balance of the motion is being dealt with herein.

In addition to the above, at its regular meeting of January 19, 2015, Town Council adopted the following recommendation (under New Business from the January 12, 2015 Committee of the Whole):

‘That staff prepare an Information Report reviewing the implications of all-day GO Transit service from a municipal perspective and that the report address parking issues, specifically at the Tannery Mall and what can be done to expedite the process in the community, including the coordination with other municipalities’.

Although the latter Council request focusses more on future service and station enhancements near the Newmarket GO Station, and further information will be provided to Council in this regard, both requests are considered in this report.

The future rail service enhancements are controlled entirely by Metrolinx and GO Transit, and so it is premature for the Town to know exactly whether, where and when they may choose to locate grade separations and what impact this will have on our east-west road connections. It is prudent, however, at this point to request attendance by Metrolinx staff at an upcoming Town Committee of the Whole meeting to learn more about their commitment and timing for rail enhancements serving Newmarket, and to convey input and rationale for desired amendments to these plans. Staff will also be participating in meetings and technical reviews of Metrolinx’ plans alongside staff from the Region of York and in coordination with other local municipalities in a collaborative way.

COMMENTS

The Metrolinx – GO Transit rail system is an essential public transit service for the Town. The future transportation systems of the Town will rely greatly upon the enhancement of this rail system. Not only does this rail service intersect with the future vivaNext rapidway on Davis Drive, but it also factors into the Town’s intensification plans for the areas outlined by Newmarket’s new Urban Centres Secondary Plan. Furthermore, plans for the recently announced Regional Express Rail (RER) program by the provincial government includes the enhancement of service on the Barrie GO line which will bring off-peak two-way hourly service to Newmarket during daytime, weeknight and weekend periods, as well as 30-minute peak-direction peak period service.

There are currently five (5) east-west road connections that cross the existing rail system through Newmarket. These belong either to York Region or to the Town of Newmarket. From North to South, they are:

- Davis Drive (York Region)
- Queen Street (Town of Newmarket)
- Timothy Street (Town of Newmarket)
- Water Street (Town of Newmarket)
- Mulock Drive (York Region)

If grade separations at Davis Drive, Water Street and Mulock Drive were to be implemented, it would allow for uninterrupted road traffic flow and the transit Rapidway would not be frequently stopped by rail traffic, especially if all-day rail service is provided. Prior to the vivaNext project, Davis Drive had an average daily traffic volume of approximately 25,000 vehicles per day. Mulock Drive exceeded this amount by having an average of 35,000 vehicles per day. Water Street counts are at about 8,000 vehicles per day, with frequent events and attractions resulting in considerable pedestrian traffic in the area. Queen Street is already grade separated with the rail tracks.

Based on these measurements, it is obvious that rail operations are impacting east-west vehicle and pedestrian traffic flow at those intersections even today. In the future, with the expected increase in rail service as a result of RER, roadway flows would be impacted on a more frequent basis.

According to industry guidelines, grade separations are considered when the cross-product index (i.e., the daily traffic volume multiplied by the number of daily trains) exceeds 200,000. Both the Davis Drive and Mulock Drive crossings meet this cross-product index now, and with all-day service, Water Street will very likely be meeting the index threshold as well. Timothy Street would probably not have sufficient traffic volume to meet the index threshold, but they will have to be addressed in some fashion to respond to the additional rail safety exposure and their proximity to adjacent crossings. If grade separations are implemented, train whistling will of course no longer be an issue due to the train operator not having to sound the horn.

As for the speed of trains going through the downtown core, there is currently a maximum limit of 80 km/h for passenger trains and 64km/h for freight trains. The legislated requirement for trains approaching a level crossing is to sound the whistle at 400 metres (the "quarter-mile" post) from each intersection. With the Timothy Street and Water Street crossings being located about 140 metres apart, the trains would have to whistle for the further street prior to crossing the first street, so residents and travelers would hear a double whistle on those combined crossings. Staff could explore whether slowing down the trains might result in less frequent whistling; however, in order to do so a consultant would have to be hired at a significant cost to conduct a safety audit, inspect the current sightlines and negotiate with Metrolinx/GO Transit to determine whether they would be open to slowing down the trains in the context of their service commitments on the Barrie GO line. This expenditure may prove to be a throw-away cost if Metrolinx/GO does not approve of slowing down the trains, or if grade separations are implemented at a future date. It must also be emphasized that, regardless of what improvements or speed adjustments are made, the train conductor has the ultimate uncontested right to sound the horn if he/she so determines necessary to ensure safety at the crossing.

While there are plans for GO Transit rail service enhancements in the Town, there are still several outstanding issues/concerns that need to be discussed with Metrolinx. To this date, it has not been possible to obtain a direct response to these concerns, and with the recent provincial commitment to the RER program, it is an opportune time to recommend that Metrolinx be invited to address Council directly regarding its future plans for Newmarket. A presentation by Metrolinx would be expected to address the following points:

1. Regional Express Rail (RER). The recent announcement by the Province has indicated that 15-minute two-way service on the Barrie GO line would be extended north to Aurora, and all-day hourly two-way service or better would be extended to Barrie, including through Newmarket. Electrification of the line is also being planned. It would be advantageous for the Town to learn about the business case for this extension and the process for considering amendments based on sound rationale, as well as when it will be implemented and how it will affect our road crossings.
2. Newmarket GO Station Area Mobility Hub Study. Metrolinx, in cooperation with the Town, will be undertaking a study regarding the Tannery and surrounding lands. This study would determine the future layout and design of the station, including new access points and recommended station and platform layouts, as well as intensification options to support redevelopment within the Urban Centres and Corridors. This is contemplated in the Town's Secondary Plan OPA #10.
3. Railway Safety Act Upgrades at Level Crossings. The Railway Safety Act and the associated Grade Crossing Regulations and Standards are under the governance of Transport Canada. Their purpose is to improve the safety of Canada's rail system, including where it intersects roads and pedestrian crossings. Essentially, when crossings are assessed for improvements, information is to be shared between the rail authority and the road authority within two years. By 2021, all grade crossings must conform to the safety regulations and standards. Bell/light/gate systems have been established at the crossings at both Timothy Street and Water Street (as well as Davis Drive and Mulock Drive, which are under York Region's jurisdiction). It is expected that improvements would not be required because of the existing gates/bells at these crossings. However, if rail enhancements are made, such as the Metrolinx RER, then access points too close to the crossings (like Doug Duncan Drive) may have to be closed off or their location shifted to improve sight lines and to minimize delays due to vehicle turning movements. Similarly, steeper grade approaches like Water Street may require lowering to improve stopping distances and to prevent vehicles from sliding onto the railway. It is anticipated that such improvements are not required unless rail enhancements are made.
4. Grade Separations. There has been some indication of potential grade separations along Metrolinx RER rail lines as a result of more frequent service. This will be an important consideration for the Town of Newmarket, given that future rail enhancements will increase the number of trains moving through the Town and will block traffic more frequently at Mulock Drive, Davis Drive, Water Street and Timothy Street.
5. Rail Noise / Train Whistling. The Town has been dealing with train whistling and rail noise for many years. In addition, there is a great deal of controversy that exists between adjacent residents and railways regarding train whistle bans. In the Town of Newmarket, although there is an old by-law dating back to 1943 that bans train whistles during night hours, the Town has recently been advised that this by-law cannot legally be enforced and is no longer binding. The recent information report dated January 8, 2015, entitled "2015-10 ES - By-law 837 – "A Bylaw to Prohibit the Sounding of Engine Whistles in the Town of

Newmarket at Certain Times”” addresses the reasons why the by-law cannot be enforced. With the future increase in rail traffic, it is likely that the train whistles and rail noise will increase, unless grade separations are constructed. Pursuing a whistle ban requires careful consideration by the Town. Many factors need to be evaluated. For example:

- a. **Capital Investment:** Anti-Whistling requires a very large capital investment. Although Newmarket's rail crossings are currently safe, they would need to be upgraded significantly to accommodate the higher safety requirements associated with a whistle ban.
 - b. **Liability & Risk:** If Anti-Whistling is enacted, all liability for rail accidents at road crossings must be assumed by the Town. An Anti-Whistling by-law involves an “Insurance Liability Waiver” where the railway authority will require the Town to accept full liability for any potential claims (third party and rail authority operations) arising as a result of the implementation of Anti-Whistling. An accident occurring at a crossing involving a vehicle, pedestrian or cyclist has the potential to be a substantial claim, according to our insurer, and they do not recommend adding this liability to our insurance portfolio. The Town's liability would also extend to York Region crossings within Town limits, such as Davis Drive and Mulock Drive. York Region has stated that it will not assume any liability for its crossings if a local municipality implements Anti-Whistling.
 - c. **Approvals:** The final decision to grant Anti-Whistling rests with GO Transit and Transport Canada. Even if all of the capital improvements are completed, the rail authority and Transport Canada may still decide not to grant the Anti-Whistling order. There is no guarantee, and the authorities will not provide pre-approval before the works are done.
 - d. **Train Operator's Discretionary Right to Sound the Whistle:** Anti-Whistling orders are never final. Regardless of the implementation of an Anti-Whistling by-law, the train operator still has the ultimate sole discretion to disregard the order and blow the whistle anyway.
 - e. **Other Municipal Efforts:** Many municipalities who originally sought to ban train whistles have abandoned their efforts due to high costs, safety risks, logistics, municipal liability and due to the fact that the operator may still decide to blow the whistle even if anti-whistling has been implemented.
6. Mulock Drive Rail Facilities. The Town has a policy in its Official Plan (2006) about a potential new station in the industrial area on Mulock Drive. It would be an opportunity to discuss this concept with Metrolinx in the context of the new RER program.
7. Water Street Crossing. Town Council has recently adopted recommendations to proceed with a pedestrian refuge island on Water Street to accommodate pedestrians using the trail system or those trying to cross the road on busy traffic days. The design for the crossing will commence shortly, with the construction to begin in 2016, subject to approvals and budget.

8. Main Street Bridge. The Main Street bridge over the Tannery creek has been identified for rehabilitation in the near future. Bridge rehabilitations are costly and there would be a significant throw-away cost if the bridge would then need to be widened as a result of the recommendations of the Mobility Hub study at the Newmarket GO Station. The bridge project is currently on hold pending Metrolinx's plans and the hub study.

Based on the above, there are issues to discuss and opportunities to explore regarding the approximately six (6) kilometres of rail track through the Town. It is the Town's wish to be able to prepare in a pro-active way for the future rail service expansion so that it may provide an efficient transition and smooth implementation. The rail service expansion could require possible land acquisition, infrastructure improvements, relocations and/or closures that would be easier to implement and more cost effective if planned in advance.

It is recommended that this report be forwarded to Metrolinx for its consideration and that Town Council invite senior Metrolinx staff to make a formal presentation on the above items. This will help the Town plan for future rail service and will also allow the Mayor and Council to ask any additional questions they may have. The main purpose is to initiate a dialogue, seize potential opportunities, and make gradual and well-planned changes towards the ultimate goal of improved rail service for the Town.

PUBLIC CONSULTATION

No public consultation was undertaken for the preparation of this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

HUMAN RESOURCE CONSIDERATIONS

No impact.

IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact.

Capital Budget

No impact, although there could be significant throw-away costs if the Town proceeds with certain capital projects such as the Main Street Bridge Rehabilitation project and then Metrolinx

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