

**City of Ottawa comments on the Railway Safety Act Review 2017-18 Consultation**  
**Guidance Document Appendix A: Topics to be Explored**

1.1: The roles, responsibilities and authorities for rail safety are not clear with regard to short line railways licenced by the Province of Ontario. In addition, there are apparently no provincial rail safety regulations or standards for Ontario short line railways. Are these railways subject to RSA regulations, for example, the Grade Crossings Regulations, or are they exempt? If Ontario short line railways are exempt, are public road authorities that cross these short line railways also exempt from meeting their obligations stipulated in the GCR? If Ontario short line railways are subject to RSA regulations and standards, the City of Ottawa confirms not all of these railways are fulfilling their roles and responsibilities under the Act.

2.4: The Ontario Ministry of Labour Occupational Health and Safety Act requires employers to train workers exposed to traffic hazards and to develop traffic protection plans for workers exposed to such traffic hazards. Railway employees and Transport Canada staff that are exposed to road traffic hazards can benefit from traffic safety training.

4.2.1: Canada needs to establish a tool such as a justification warrant or, at minimum, guidelines to aid road and rail authorities with the decision making process when considering grade separating existing grade crossings. Developing such a tool will help ensure required infrastructure investments will accommodate future train and traffic volume growth at public grade crossings and enhance public safety. Use of the GCR Information Sharing Data would be instrumental in the development of any such tool.

4.2.2: Infrastructure funding and programs will be essential to fund safety driven infrastructure projects especially grade separation projects.

4.3.2: Red Light Camera (RLC) technology is used in many countries across the world to improve driver stop compliance and improve safety at protected public grade crossings. However, RLCs are currently not used at protected public grade crossings in Canada. The Government of Canada could support the adoption of RLC technology at public grade crossings by approving their use.

5.1.1: See item 1.1 comments.

5.2.1 No, there is not sufficient dialogue. With growing municipalities and increased train volumes, there is an urgent need to collaborate, coordinate and communicate in a new, efficient, and effective way to address safety issues, for both railway companies and municipalities alike. There needs to be a centralized communication hub between railway companies and municipalities, much like steering committees or working groups, that communicate regularly on safety issues to ensure safe travel in and around grade crossings and rail corridors in general.

5.2.2: There are existing barriers to collaboration between railways and municipalities that include:

- Limited resources, both financial and human. In particular, rail authority processes for securing railway flagging protection services typically leads to excessive delay to planned municipal works and activities. The delays can range anywhere from 10 to 90 days depending on the railway. Railways need to hire additional railway flagging protection and administrative staff to accommodate the increased demand for railway flagging protection services which municipalities require to complete planned works and activities on schedule;
- Minimal communication by rail companies in general when planning for additional rail traffic, rail construction or road construction. Railway planning seems to be carried out in a vacuum until the project is implemented;
- Lack of advanced coordination by rail companies with municipalities to collaborate on rail and road projects. Lack of a spirit of cooperation by rail companies results in delays and higher project costs which can further impact safety when road/rail projects are delayed.

These barriers can be addressed if there is full buy-in from railway companies to significantly improve collaboration and coordination with municipalities. Failing this may require legislation for railways to do so.

5.2.4: The “Guidelines for New Development in Proximity to Railway Operations” remains a useful tool. They are intended to be applied primarily to new residential development, but may also be useful for all other types of development. They recommend that municipalities should establish minimum setback requirements through a zoning by-law amendment. However, as a baseline, the policy and regulation of rail transportation and transit, their corridors and surrounding land uses should be expanded to acknowledge and address that:

- Freight rail uses and their implications on the above are different than those of transit rail. The RSA and any referencing guidelines must not treat them in the same manner in terms of policy direction and regulatory requirements and standards;
- RSA and any referencing guidelines should explicitly acknowledge there is a difference between freight rail and transit rail, particularly municipal transit rail such as Light Rail Transit systems, which do not carry dangerous or hazardous materials, are lighter and narrower and typically, although not necessarily, operate at much lower speeds;
- Where a municipality identifies in an Official Plan the change in use of a rail line from freight to transit, the setbacks and safety considerations applicable to that

rail line must shift accordingly in order to allow the development and evolution of a supportive urban environment that will be supportive of the rail transit line;

- Provinces and Municipalities should continue to have the authority to determine policies and regulations regarding regional and municipal transit as they relate to land use policies, for example, through a combination of Official Plan and Zoning By-laws and Class Environmental Assessments;
- Ontario municipalities are governed and subject to requirements of the Province of Ontario through the 2014 Provincial Policy Statement (PPS). The PPS details several requirements for planning authorities with regard to defined transportation and infrastructure corridors including:
  - Municipalities must plan for and protect corridors and rights-of-way for infrastructure, including transportation and transit to meet current and projected needs;
  - Municipalities must protect from development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified;
  - The PPS encourages the preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics.
- The PPS also details several requirements for planning authorities with respect to land use planning. These require municipalities to ensure the orderly and efficient development and disposition of land. For example:
  - Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including...existing planning infrastructure... to accommodate projected needs (1.1.3.3);
  - New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).