



STAFF REPORT ACTION REQUIRED

Sheppard East LRT – New Grade Separation Agreement

Date:	June 4, 2010
To:	Government Management Committee
From:	Chief Corporate Officer
Wards	39 – Scarborough-Agincourt and 41 – Scarborough-Rouge River
Reference Number:	P:\2010\Internal Services\RE\Gm10050re (AFS – 12297)

SUMMARY

The Transit City Sheppard East Light Rail Transit Line (LRT) consists of a dedicated track system in the centre of Sheppard Avenue East between the Don Mills Subways Station and Meadowvale Avenue. A prerequisite of the LRT is to construct a grade separation for the rail corridor at the Agincourt GO Station which is located west of Midland Avenue.

In October 2008 City Council granted authority to acquire the property requirements needed to construct the grade separation and the LRT between West Highland Creek and Midland Avenue. Metrolinx is the owner of the rail corridor property, known as the Uxbridge Subdivision, and the Canadian National Railway Company (“CN”) is the federally regulated railway company operating the rail corridor. Negotiations with Metrolinx, CN and Toronto Transit Commission (“TTC”) has resulted in TTC agreeing to carry out the work in accordance with CN requirements respecting safe railway operations and TTC and Metrolinx agreeing to sharing portions of the cost.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority for the City to enter into a Grade Separation Agreement with Metrolinx, CN and the TTC to provide for the construction of a grade separation on Sheppard Avenue East at the Agincourt GO Station at the cost of the TTC and Metrolinx, and, following the expiry of the two year warranty period following completion of such construction to the satisfaction of the

Executive Director of Technical Services, to provide for the maintenance of the grade separation, including the retaining walls, road surfaces, stairwells, sidewalks, drainage and lighting, at the City's cost, on terms and conditions as may be satisfactory to the Chief Corporate Officer and the General Manager of Transportation Services, and in a form satisfactory to the City Solicitor.

2. The appropriate City Officials be authorized to take the necessary actions to give effect thereto, including the execution of the agreements and future budget submissions.

Financial Impact

The total cost to the grade separation, including the detour road, is \$39,660,300.00, plus HST. TTC's portion of this total cost is \$34,536,403.00, plus HST, and the Metrolinx's portion is \$5,123,897.00, plus HST. TTC funding is available in its 2010-2014 Approved Capital Budget and Plan, Transit City - Sheppard East LRT (Account CTT135).

Following completion of construction, the costs to maintain the grade separation retaining walls, sidewalks, drainage, lighting and road surface shall be included in Transportation Services annual budget submissions.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On October 29 and 30, 2008, City Council adopted the recommendations of Report GM18.13, whereby staff were authorized to negotiate to acquire, or initiate expropriation proceedings, with respect to properties required for constructing a grade separation at the Agincourt GO Station, and for the widening of Sheppard Avenue East.

COMMENTS

Negotiations between the City, TTC, CN and Metrolinx have reached a consensus on the terms for the construction, maintenance and cost sharing under which the grade separation work is to be completed. The TTC shall construct the grade separation and Metrolinx will share in all direct and indirect costs for its design and construction, including those costs associated with a temporary railway by-pass and any railway traffic diversion, the Sheppard Avenue detour road, retaining walls, road surfaces, stairwells, sidewalks, drainage and lighting.

The cost of maintaining the grade separation during the two year warranty period shall be paid by the TTC. Following the warranty period, the maintenance of the retaining walls, road surfaces, stairwells, sidewalks, drainage and lighting shall be carried out by the City at its expense and the maintenance of the grade separation sub-structure and super-structure shall be carried out by Metrolinx at its expense.

The agreement is required in order to commence construction of the grade separation in the rail corridor on Sheppard Avenue East at the Agincourt GO Station. A delay in this construction start will delay the construction and operation of the Sheppard East LRT.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix A - Site Map