



**STAFF REPORT  
ACTION REQUIRED**

**Agreements with Railway Companies  
Fort York Pedestrian and Cycle Bridge  
Contract No. 10FS-34S**

<b>Date:</b>	August 3, 2010
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	Executive Director, Technical Services
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	P:\2010\Cluster B\Tec\PW10031

**SUMMARY**

---

The purpose of this report is to recommend that authority be granted to negotiate and execute agreements with rail companies affected by the construction of the Fort York Pedestrian and Cycle Bridge.

An expedited completion of the required agreements is necessary to facilitate the construction of the Fort York pedestrian/cycle bridge in time for the War of 1812 Bicentennial Celebration in 2012.

**RECOMMENDATIONS**

---

**The Executive Director of Technical Services recommends that:**

1. authority be granted to negotiate and enter into agreements, including rail crossing agreements, with property owners and/or affected railway companies, as required to permit the construction, maintenance and use of the Fort York Pedestrian and Cycle Bridge, Contract 10FS-34S, on terms acceptable to the Executive Director of Technical Services and the Acting Director of Waterfront Secretariat, and in a form acceptable to the City Solicitor, and that the Executive Director of Technical Services be authorized to execute any required agreements on behalf of the City.
2. authority be granted to the City Solicitor, in the event that acceptable crossing agreements cannot be negotiated, to undertake an application to the Canadian Transportation Agency under the Canadian Transportation Act, to obtain

permission from the Agency for the construction, use and future maintenance of the Fort York Pedestrian and Cycle Bridge.

## **Financial Impact**

There are no financial impacts associated with the negotiation of any agreement with rail companies affected by the construction of the Fort York Pedestrian and Cycle Bridge.

Fort York Pedestrian and Cycle Bridge project is managed directly by the City in consultation with Waterfront Toronto. The total funding of \$17.440 million for the Fort York Pedestrian Bridge was included in a staff report entitled "Toronto Waterfront Revitalization Initiative Five-Year Business Plan/Ten Year Forecast (2008-2017)" adopted by Council in 2008. This funding includes \$440,000.00 for the completion of the Fort York Environmental Assessment and \$17.0 million for the detailed design and construction of the Fort York Pedestrian and Cycle Bridge. The funding of \$17.440 million also includes \$10,000 estimated by the consultant representing GO Transit to prepare a crossing agreement with the City.

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

## **DECISION HISTORY**

At its meeting on October 29 and 30, 2008 , Council approved the construction of the Fort York Pedestrian and Cycling Bridge, in accordance with the staff report entitled "Toronto Waterfront Revitalization Initiative Five-Year Business Plan/Ten Year Forecast (2008-2017)"

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-10-29-cc25-dd.pdf>

EX 24.5

## **ISSUE BACKGROUND**

The City is preparing tender documents for the construction of the Fort York Pedestrian and Cycle Bridge, Contract 10FS-34S, in accordance with the recommendations of the Environmental Study Report, "Fort York Pedestrian and Cycle Bridge, Class Environmental Assessment, Environmental Study Report, December, 2009", prepared by Stantec Consulting Ltd.

[http://www.toronto.ca/involved/projects/ftyork\\_bridge/pdf/esr/esr\\_report.pdf](http://www.toronto.ca/involved/projects/ftyork_bridge/pdf/esr/esr_report.pdf)

The Fort York Pedestrian and Cycle Bridge will extend from Wellington Street, east of Strachan Avenue to Fort York over the rail corridors owned and operated by GO Transit, CN and affiliated rail companies.

In order to proceed with construction of the new bridge, the City may be required to enter into one or more agreements, including rail crossing agreements, by rail companies and/or owners of railway properties.

## **COMMENTS**

Agreements will be initiated by the owner(s) of the railway properties. The agreements will specify the conditions under which the City can construct and use the bridge, and will likely include terms dealing with such matters as access to properties for construction, obtaining required permits and regulatory approvals, manner of construction, protection of railway operations, insurance and indemnities, and ongoing maintenance responsibilities.

An expedited completion of the required agreements is necessary to facilitate the construction of the Fort York pedestrian/cycle bridge in time for the War of 1812 Bicentennial Celebration in June 2012.

## **CONTACT**

John Bryson, P. Eng.  
Manager, Structures and Expressways  
Technical Services  
Tel. No. (416) 392-9183  
e-mail: [jbryson@toronto.ca](mailto:jbryson@toronto.ca)

## **SIGNATURE**

---

Peter M. Crockett, P. Eng.  
Executive Director  
Technical Services