

Summary

Public Consultation: What We Heard

Land Use Study: Development in Proximity to Rail
Operations

City of Toronto

Prepared for City of Toronto
by IBI Group
with Stantec
January 30, 2018

CLIENT:	City of Toronto
PROJECT NAME:	Land Use Study: Development in Proximity to Rail Operations
REPORT TITLE:	Public Consultation: What We Heard
IBI REFERENCE:	105734
VERSION:	
DIGITAL MASTER:	J:\105734_RailProximit5.0 Design (Work) Phase\6_Phase2 Consultation\PIC #1 Comments\TTM_Summary of Public Meeting Comments_2017-12-07.docx\2018-01-30\MP
ORIGINATOR:	Patrick Garel
REVIEWER:	Margaret Parkhill
AUTHORIZATION:	
CIRCULATION LIST:	
HISTORY:	

1 Introduction

As part of the Land Use Study: Development in Proximity to Rail Operations, the City of Toronto (the City) issued the Phase 1 Report for public review, and held public meetings to present the findings of the report. The meetings also offered an opportunity for the public to comment on the study and provide feedback on the findings, as well as mitigation options to be considered as part of Phase 2 of the Study.

Notices for the meetings were posted in Metroland's community newspapers as well as the Toronto edition of Novae Res Urbis approximately 2 weeks prior to the first meeting. In addition, to Councillor e-blasts, approximately 450 notices were mailed out to the resident and ratepayer groups as well as other interested parties.

The City also setup a website (<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/guidelines-for-development-close-to-rail-corridors-yards/>), where the Phase 1 report and appendices, public meeting dates, presentation materials, and an online survey for submission of comments were available.

After the public events, on December 4, 2017, a project update email was sent to everyone who signed up for the mailing list, with a request to provide all comments by December 15, 2017.

2 Meetings Held

The City held five meetings over the course of November 2017, at public venues across Toronto. Meetings were held from 7 p.m. to 9 p.m. and included:

- Mapping from Phase 1 showing proposed typologies for rail corridors within the city limits;
- A presentation on the findings of the Phase 1 Report and the mitigations being considered as part of Phase 2 of the study;
- A opportunity for members of the public to ask questions about the study to staff on hand for the meetings; and,
- A comment form for attendees to review and fill in with their thoughts two questions as well as general comments on the study.

At each meeting attendees were asked to sign in, with an option to receive project updates by adding themselves to the project mailing list. A summary of the meetings held and number of attendees is provided in the table below:

Date	Location	Attendees
November 6, 2017	Metro Hall, Rm. 308/309	15
November 8, 2017	Etobicoke Civic Centre, Council Chambers	12
November 16, 2017	North York Civic Centre, Council Chambers	6
November 21, 2017	Scarborough Civic Centre, Council Chambers	13
November 30, 2017	Metro Hall, Rm. 308/309	13

3 What We Heard

During the public meetings attendees were offered an opportunity to ask questions, and make comments. There were also questions posed by the project team regarding the study which attendees had an opportunity to discuss during the meeting and submit responses to/comments on at the end of the meeting or afterward. Submissions after the meeting could be submitted via mail, email, or an online survey on the project website.

Several questions and comments were made during the five meetings, and 21 people submitted written responses to the two questions and/or general comments. A summary of the discussions and the comments received including copies of the physical and online survey forms submitted can be found in Attachment 1.

The two questions posed by the project team were:

1. What types of land use controls should be in place for future development to reduce the potential risks associated with development in proximity to rail operations? Should land use controls be different for different rail corridor types?
2. What other issues should be considered in the guidelines for development in proximity to rail infrastructure? (These could include issues such as: built form, building set-backs, types of uses, arrangement of uses within a building, measures designed to address noise, vibration, light, etc.)

3.1 Key Themes

Based on the discussions at the public meetings and the forms received there were several key themes identified. The following items are based on a qualitative assessment of all comments and discussion. Some of the themes represent opposing opinions.

Support for land use controls in proximity to rail

There were several comments in support of establishing and enforcing specific land use controls for developments adjacent to rail corridors:

- Several comments were received indicating that residential uses should have a higher standard for mitigation, while others suggested that residential uses should be prohibited within close proximity to rail.
- Most of those who were in support of these controls agreed with varying the mitigation measured based on rail corridor characteristics.
- However, others suggested that the mitigation measures should be fixed for all types, given that track usage and traffic can be changed at any time by rail operators (e.g. Type D Secondary could become a main line in future).

Support for increased noise and vibration mitigation

Noise and vibration concerns were frequently raised by attendees. Several comments were made around ensuring measures are based on real world noise levels and/or future noise levels, and enhancing mitigation measures.

- Accounting for reflection and refraction of noise on existing developments as part of the study for proposed developments was suggested.
- Shunting activities on spurs were noted to generate significant noise and as such mitigation measures should be similar to main lines, despite lower volumes and speeds on spurs.

Support for a City policy with “teeth”

There were several comments that indicated that the outcome of this study should be a firmly enforceable policy or regulation, something more than a set of guidelines. Some expressed concern that without a firm policy or regulation in place by the city, developers would take their cases to the Ontario Municipal Board in an attempt to bypass these requirements in favour of lower standards based on precedent.

Support for provincial / federal regulations

While it was expressed and understood that the City does not have any jurisdiction over rail corridors and operations, several attendees urged the City to work with Federal and Provincial Regulators regarding rail operations.

- Attendees expressed support for federal or provincial regulations for rail operators around noise and vibration and safety.
- A particular concern was noted around planned increases in rail service and the process for rail companies to implement noise and vibration mitigation measures.

Debate around setbacks for rail corridors

Several participants commented that the standard setbacks recommended in the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Developments in Proximity to Railway Operations (FCM/RAC Guidelines) are too onerous and impractical for a city as developed as Toronto:

- Some felt that the City should focus on achieving a safety standard for deflection walls and noise and vibration barriers, rather than a fixed setback.
- Others expressed concerns with setbacks taking up too large a portion of land, limiting development and devaluing property.
- A suggestion was also made for potential occupants to be made aware of the proximity to the rail corridor and associated risks, and being allowed to choose to live in these properties.

Debate around setbacks for rail yards

There were varying opinions on the setbacks required for rail yards.

- Some felt that the 300m setback found in the FCM/RAC Guidelines should be applied, while others felt this was too large.
- Several attendees noted that developments have occurred along the Union Station Rail Corridor (which is a proposed Type F Yard) within 300m of the property line.
- There were also comments suggesting that yards be separated into two groups: passenger and freight.

Other Comments

A range of other comments were received, including:

- Mitigation for light pollution and odours

- Consider other forms of rail, including subways (in particular where at or above grade), light rail and streetcar corridors
- Built form should only be considered through Urban Design Guidelines
- Consider enhanced mitigation measures around interlockings/switches
- Improve safety around surface crossings for pedestrians of all abilities
- Make stronger requirements for development to provide adequate pedestrian crossings of rail corridors to reduce trespassing
- Consider changes in noise levels as rail corridors shift from diesel to electric
- Develop tools for addressing the potential impacts of changing rail operations on existing neighbourhoods
- Additions to existing buildings should trigger mitigation requirements
- All reviews should be conducted by one entity, which will stamp or approve design
- Consider requiring developers to submit emergency management plans

4 Conclusions

The comments received through public consultation indicate that:

- The public is generally in support of the City taking action to enhance and enforce more standardized mitigation measures for new developments through land use controls. These controls and mitigation measures should account for risk management as well as noise and vibration.
- Given the advanced state of development in the city, there should be some flexibility provided through the inclusion of a process similar to the FCM/RAC Guidelines' Development Viability Assessment. Through consultation with the City and appropriate railway owner, the Development Viability Assessment process would offer the opportunity to consider alternative mitigation measures, supported by appropriate studies and engineered design.
- Consideration should be given to:

- Combining Type B: Regional Express Rail (Passenger) and Type C: Commuter Rail (Passenger), given that commuter rail service frequency on these corridors could be increased at some point in the future;
- Combining Type D: Secondary Freight with Type A: Principle Through Freight, given that secondary freight lines operations can change over time. This would be consistent with the planned changes to the FCM/RAC Guidelines, where Main Line and Branch Line typologies are combined; and,
- Making the Union Station Rail Corridor its own typology, given that it functions differently than a typical yard.

Further study of the following topics is recommended:

- Enhancement of the requirements for the study of light pollution and odour impacts from rail on new developments, with more standardized mitigations;
- Inclusion of other forms of rail, such as subways (in particular where at or above grade), light rail and streetcar corridors, as part of an expansion of this study;
- Review of pedestrian safety around surface rail crossings, including people of all abilities, and potential areas where requirements could be enhanced; and,
- Review of the impacts of major changes to rail operations on the existing neighbourhoods that they pass through, and development of appropriate tools to address potential impacts.

Attachment 1 – Summary of Discussions at Public Meetings and Comments Received

Summary of Comments Received

The responses to the questions posed and general comments were reviewed and grouped based on similarities, as summarized in the tables below (Note: some commenters had more than one comment for each question). Copies of all comment forms received are also included.

Comment	# of Comments
Question 1:	
Land use controls should be use and differentiated based on the “Type” of corridors, accounting for safety issues and noise and vibration.	9
Setbacks should be minimized (emphasis on deflection walls for safety and barrier wall to minimize noise and vibration)	4
Land use controls should be further differentiated and established on an individual site basis.	3
Setbacks for rail yards should be 300m (not 30m)	1
Setback for rail yards (300m) seems excessive	1
Mitigations should be broken down by land use, and be greater for residential uses	1
Land uses adjacent to rail corridors should only be for industrial uses	1

Comment	# of Comments
Question 2:	
Measures to address noise and vibration	10
Measures to address potential derailment and collisions	4
Land uses (industrial/commercial vs residential)	2
Measures to address hazardous goods	1
Measures to address light	1
All measures listed in question	1
Residential density	1
Built form should only be addressed by Urban Design Guidelines, not these guidelines	1
Guidelines should be based on achieving a wall impenetrable to a glancing blow, and noise/vibration requirements as part of site plan agreement	1
Include provision for access to rail corridor for emergency situations (i.e. derailment)	1

Comment	# of Comments
Other Comments:	
Ensure nearby emergency departments are prepared and able to tend to incidents, have evacuation plans for residents	2
Improve safety around at-grade pedestrian crossings (e.g. accessible crossing signs and crosswalks) and account for future conditions	2
Consider using half-roof structure along corridor to mitigate noise	1
Municipalities should have uniformity in their standards	1
Traffic data is outdated	1
Rail companies should lower tracks for grade separations along corridors, instead of individual property owners having to address issues	1
Railway companies should be more involved with process and in attendance at meetings	1
Study should have been completed earlier (i.e. before Judson Street near to Willowbrook Yard was rezoned)	1
Happy with meeting/study	2
Study should consider electrification of corridors and resulting reduction in noise	1
Zoning along north side of Sheppard Avenue from Kennedy Road to Markham Road should be altered to mixed use	1
Eliminate use of bells for all rail	1
Residential routes should be treated as branch lines	1
Conduct environmental assessment to review impacts of noise, vibration and radiation on humans	1
Cost for reviewing noise and vibration should not be the responsibility of the government	1
Seek safety improvements through advancement of technology	1
City should gain some control over railways, possibly through environmental controls or reduction of speed through densely populated areas	2

Notes from Discussions at Public Meetings

During the five Public Meetings several questions and comments were made. The following is a summary of these discussions.

Metro Hall – November 6, 2017

General Comments:

- Concerns of property owners about taking up their land
 - Need better communication with Rail Operators and Federal regulators
 - Focus should be on safety of rail operations being improved
- Type of land use should be a factor
- City should better preserve employment lands
- More focus on rail operators
 - Prevent noise and vibration
- More focus on developers
 - Developers must attenuate noise and vibrations
- There should be some focus on interlocking zones in this study (switches)
- Suggest separating the yards by type of operation passenger vs freight.

Etobicoke Civic Centre – November 8, 2017

General Comments:

- Need actual policy with teeth and not just guidelines
- Need to consider a hybrid typology for certain yards where mainlines pass through (i.e.: Willowbrook Yard)
- Consider separating the yards by type of operation passenger yards vs freight yards.

- Consider the use of 'green infrastructure ' in terms of addressing noise, vibration and air quality
- Noise refraction (noise bouncing off new tall buildings and being reflected into an existing neighbourhood – an issue that has also been raised along Dupont Street and at the meeting on Nov 6) needs to be considered in any noise study – may need to consider retrofitting of existing buildings to reduce the effect.
- Strict density and height limits should be placed on new buildings proposed on lands adjacent to rail corridors that contain residential uses to reduce the risk to life and property
- Only industrial uses should be permitted on lands adjacent to rail corridors.
- City should enforce a 300 m setback from yards.
- City should complete a risk assessment with liability identified
- Look at the requirements for noise and vibration from TTC
- Consider EMF from electrification of rail lines
- Spur lines have shunting activity which generate similar noise to yard activities (but sporadic) – this should be considered for mitigation measures

North York Civic Centre – November 16, 2017

General Comments:

- Should Don Branch be changed to Type C, given future plans for line?
- Should yards be separated into 2 groups: Passenger and freight?
 - Setbacks around the Union Station Rail Corridor are nowhere close to 300m, should Union Station Rail Corridor be a separate type
- Environmental controls by the City should be used to manage Federal Regulations for Rail
- Assessments should be done on a site by site basis based on the type of use

- The City should ensure emergency departments that serve areas in proximity to rail are trained to respond to rail incidents and have an evacuation plan, which is available to the public.
 - Added to City's Emergency Plan by Office of Emergency Management

Scarborough Civic Centre – November 21, 2017

Question 1:

- Add matrix to mitigations to breakdown by typology and land use

Question 2:

- Address smoke from explosions/fires
- Place emphasis on choice:
 - Allow development close to rail corridor, but build a clause into agreement that potential residents must be made aware of the proximity
 - Allows people to live near to rail corridor if they choose to

General Comments:

- For developers that are required to put mitigation measures in place, there may be challenges if existing adjacent properties were not required to do the same
 - E.g. for berms, deflection walls and noise barriers a return may be needed at the edge of the property
 - This should have standardized designs for developers to follow.
- Can City push shunting activities to Yards only? Noise from these activities on spurs are significant (similar to noise level at yards, but sporadic)
- City should require elimination/replacement of all at grade crossings as part of development applications

Metro Hall – November 30, 2017

Question 1:

- Different types of operations should be considered on the assessments – diesel vs electric

- When noise assessments are done, it should be based on field work, not just models
- Should reflect land parcel / type of use
 - If smaller parcel, must take into consideration the development restrictions imposed by separation
- Quality assessment of noise / vibration
- Development driven studies – not of existing neighbourhoods
- Need to develop tools to respond to changes in rail operations to protect neighbourhoods

Question 2:

- Regardless of what gets built, it must be safe
- Uses change over time, therefore it needs to be safe/no noise
- Reconsider legislation that controls speed/type of rail
- Create a fund to finance the assessment of changing rail line operation impact for existing neighbourhoods
- For additions to buildings require a C of A with rail safety study
- Transition of lines to higher order line
 - Maintain same separation regardless of use because it may change

General Comments:

- Teeth of peer review? Look at Transport Canada
- “Clearance” for liability
- (AECOM) Peer Reviewer stamps drawings / solutions