

## Proximity Progress Report

The *Proximity Progress Report* is an annual publication that reports on the challenges and achievements of the proximity initiative by the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC).

The FCM, representing 1,775 municipal governments, and the RAC, whose 54 member railways transport 75 per cent of surface freight and 68 million commuter and inter-city passengers, signed a new cooperation agreement to improve communications and to develop benchmarks and guidelines for dispute resolution.

### Introduction

The new MOU has no expiry date and contains provisions for regular updating. The status of the MOU got a big boost last year when the

Canadian Transportation Agency incorporated many of its provisions into guidelines on handling public complaints between the two groups.

The CTA was assigned responsibility for that issue by Parliament in 2007. Its Guidelines require complainants to try mediation with the railway involved before the Agency will consider formal

hearings that could lead to orders to a railway to change its operations.

The two organizations plan to do more outreach to municipalities to increase their awareness of proximity issue initiatives which are explained on their website at [www.proximityissues.ca](http://www.proximityissues.ca).

The Agency hasn't received a lot of complaints so far. Most are resolved in mediation with the railway. It has conducted one formal hearing that resulted in the dismissal of a complaint against CP. The Agency said the railway was taking steps to reduce its impact on the local community.

Most complaints so far have come from Ontario and Quebec. About half of them involve

noise from yards. The rest involve the noise and vibration of passing trains, public safety around railway operations and related municipal planning.

The CTA requires a complainant and the railway to try to resolve their differences within 60 days although they can extend the deadline if they wish.

Transport Canada approved changes to rules on whistling at level crossings in 2008 that reduce the length of time a train must sound its horn. Slower moving trains can blow their horns closer to a crossing than faster ones. As well, municipalities can apply to have whistling stopped at crossings that are protected with flashing lights and gates.

The 60-day deadline for mediation keeps disputes from festering. The CTA requirement that municipalities must be informed whenever an individual makes a complaint is beneficial because the issue often affects local governments.

Continuing co-operation is important to reducing conflicts within communities about



J.C. (Cliff) Mackay



Jean Perrault

railway operations. The CTA guidelines emphasize the need to find reasonable solutions to public concerns and the railways' operational requirements. The Agency's guidelines are available on its website at [www.cta-otc.gc.ca](http://www.cta-otc.gc.ca).

The Canadian Association of Municipal Administrators (CAMA), representing city managers and administrators, is part of the initiative's steering committee.

The original Memorandum of Agreement to manage issues that arise when communities and railway operations are close to each other

was signed in May 2003. Since then, three joint committees have been working on the issues to improve municipal planning, develop new techniques for mitigating noise and vibrations, and to enhance public safety around railway operations.

Sharon Hartwell did not run for re-election as Mayor of Telkwa last fall. We thank her for all her hard work and wish her well in the future. She has been replaced as co-chair of the Steering Committee, representing the FCM, by Councillor Merrill Henderson, City of Moncton, N.B.

### **Guidelines Overview**

The Guidelines Committee analyzed the Canadian Transportation Agency draft guidelines for the resolution of complaints concerning railway noise and vibrations. They also summarized their comments, which were shared with both the RAC and FCM for their submissions to the CTA.

The CTA published their Guidelines in October, which included many of the Committee's recommendations and recognized the value of the FCM/RAC Proximity Initiative. The Committee also reviewed the Rail Safety Act recommendations.

Outreach continued to be the Committee's main focus in 2008 with the goal of promoting the implementation of the *Proximity Guidelines and Best Practices* to the following stakeholders:

#### **January 18, 2008**

Co-chair John Dalzell and Cynthia Lulham gave a presentation at the **AQTR (Association Québécoise du transport et des routes)** Conference in Montreal;

#### **March 2008**

Co-chair Mayor Sharon Hartwell gave an update to the **FCM Standing Committee on Infrastructure and Transportation** in Brandon, Manitoba;

#### **May 8, 2008**

Co-chair Mayor Sharon Hartwell gave a presentation to the **North Central Municipal Association, BC** in Prince George, B.C.;

#### **May 2008**

Duncan Campbell gave an update on the RAC/FCM Proximity initiative at the opening of the **Canadian Association of Municipal Administrators** Conference in Quebec City;

#### **May 2008**

At the **Federation of Canadian Municipalities** Conference in Quebec City, a booth was donated by the FCM. John Dalzell, Mike Lowenger, Roger Cameron and Cynthia Lulham

met municipal delegates and distributed copies of the Guidelines Report;

#### **May 2008**

John Dalzell and Cynthia Lulham gave a presentation at the **RAC Board Meeting** in Ottawa;

#### **June 2008**

Letters and copies of the Guidelines were mailed to the Chairs and Presidents of the **Provincial Urban Planning Associations** across Canada;

#### **July 2008**

Mayor Sharon Hartwell, Mike Lowenger, Nick Coleman, Adryan Wahl and Cynthia Lulham gave a presentation on the Guidelines Report to the delegates at the **Canadian Institute of Planners** Conference in Winnipeg;

#### **September 2008**

Cynthia Lulham gave a presentation on the Guidelines at the **Operation Lifesaver 20<sup>th</sup>** Annual Conference in Aylmer, QC;

#### **October 2008**

Cynthia Lulham gave a presentation at the **Transport Canada Community Outreach** in Cobourg, Ontario.



The CP Holiday train marked its 10th anniversary in 2008 and has collected \$3.6 million dollars and more than 1.8 million pounds of food over the past decade for local food banks.

### **Dispute Resolution Overview**

The Dispute Resolution Committee worked on developing criteria and benchmarks for the evaluation of the dispute resolution model. The Canadian Transportation Agency's guidelines for the resolution of complaints concerning railway noise and vibration highlights the joint Local Dispute Resolution Framework as a resource available to parties to resolve noise and vibration issues. The Committee has selected representative Community Advisory Panels in western Canada to document their case studies.

### **Communications Overview**

The Communications Committee developed all the printed materials and presentations for the numerous outreach activities. They reviewed and updated the joint FCM/ RAC datastore and website [www.proximityissues.ca](http://www.proximityissues.ca) that provides information and context on proximity complaints and municipal/ railway contacts, and produced a new Good Neighbours CD.

<b>Annual Proximity Website Statistics</b>		
	<b>Hits</b>	<b>Page Views</b>
2008	404,865	201,385
2007	311,479	135,160
2006	241,080	90,712
2005	235,818	76,458
2004 Jun.-Dec.	124,233	36,776

## 2009 Steering Committee Members

### Co-chairs

Coun. Merrill Henderson, *Moncton*  
John Dalzell, *CN Vice-President, Risk Management*

Frank Butzelaar, *Southern Railway of B.C.*  
Tim Stone, *Saddle Hills County*  
Roger Cameron, *Railway Association of Canada*  
Karl Coffen, *VIA Rail Canada*  
Nick Coleman, *CN*  
Ranjan Kelly, *RAC*  
Mike Lowenger, *RAC*  
Cynthia Lulham, *Project Manager, RAC/ FCM*  
Coun. Cliff Soper, *Lacombe County*  
Adryan Wahl, *Edmonton*  
Alan Nixon, *District of North Vancouver*

### Observers

Paul Lacoste, *Canadian Transportation Agency*  
Yanick Turcotte, *Transport Canada*

## Sub-committee Members

### Communications

#### Co-chairs

Coun. Merrill Henderson, *Moncton*  
Roger Cameron, *Railway Association of Canada*

Jim Feeny, *CN*  
Cynthia Lulham, *FCM/ RAC Project Manager*  
Coun. Keith Bobey, *Parkland County*  
Malcolm Andrews, *VIA Rail Canada*  
Ranjan Kelly, *RAC*  
Rick Poznikoff, *CP*

### Dispute Resolution

#### Co-chairs

John Becker, *Pitt Meadows (2008)*  
Rick Poznikoff, *CP*

Karl Coffen, *VIA Rail Canada*  
Coun. Merrill Henderson, *Moncton*  
Mike Lowenger, *RAC*  
Cynthia Lulham, *FCM/ RAC Project Manager*  
Lynda MacLeod, *CN*  
Dale Williams  
*Montreal, Maine and Atlantic Railway (2008)*  
Bob Long, *Langley*  
Alan Nixon, *District of North Vancouver*

### Proximity

#### Co-chairs

Nick Coleman, *CN*  
Adryan Wahl, *Edmonton*

Joe D'Abramo, *Toronto*  
Dan Francey, *GO Transit*  
Cynthia Lulham, *RAC/ FCM Project Manager*  
Talusier LaSalle, *FCM*  
Orest Rojik, *CP*  
Yanick Turcotte, *Transport Canada*  
Evens Lavoie, *Northern Sunrise Co.*  
Tim Stone, *Saddle Hills County (2009)*  
Steve Gallagher, *Cando Rail (2009)*