

# The Regional Municipality of York

Committee of the Whole  
Transportation Services  
April 8, 2021

Report of the Commissioner of Transportation Services

## **Agreement with Canadian National Railway for Rail Grade Separation Rutherford Road at the MacMillan Rail Yard City of Vaughan**

### **1. Recommendation**

Council authorize entering into an agreement with Canadian National Railway for the construction and long-term maintenance of the road-rail grade separation (bridge) on Rutherford Road (Y.R. 73) at the MacMillan Rail Yard, west of Rotational Drive, in the City of Vaughan, in accordance with the principles outlined in Attachment 1.

### **2. Summary**

This report seeks Council authorization to enter into an agreement with Canadian National Railway (CNR) for the construction and long-term maintenance of the widened bridge on Rutherford Road, west of Rotational Drive. A location map is included as Attachment 2.

Key Points:

- An agreement for the construction and long-term maintenance of the widened bridge is required to identify CNR and York Region responsibilities and jurisdiction
- The widening of this bridge will accommodate the widening of Rutherford Road to six lanes, as recommended in the Rutherford/Carrville Road Class Environmental Assessment
- Staff are currently finalizing a mutually beneficial agreement with CNR for the cost apportionment of the bridge (Attachment 1).

### **3. Background**

#### **Rutherford Road is currently grade-separated at the Canadian National Railway MacMillan Rail Yard tracks with road over rail**

The existing bridge on Rutherford Road carrying four lanes of vehicular traffic over two railway tracks was constructed in 1960. Both the substructure and superstructure of the

bridge are in good overall condition; however, the deck and girders will need to be replaced to suit the new roadway geometrics and constructability of the widened bridge. In accordance with the existing crossing agreement between CNR and the Region executed in 1993, the Region is responsible for the long-term maintenance of the existing bridge. CN maintains its track structure, railway approaches and railway drainage beneath the substructure of the bridge.

### **A Class Environmental Assessment Study recommended widening Rutherford/Carrville Road from Jane Street to Yonge Street to six lanes for transit/high occupancy vehicles**

The Rutherford/Carrville Road Class Environmental Assessment was approved in December 2016. The study included the recommendation to widen Rutherford/Carrville Road, from Jane Street to Yonge Street, to six lanes including transit/high occupancy vehicle lanes and the widening of the grade separated structure crossing over the CNR tracks at the MacMillan Rail Yard west of Rotational Drive.

Widening Rutherford Road, from Jane Street to Westburne Drive/Barrhill Road and widening the existing structure crossing over the CNR tracks are included in the 2021 10-Year Roads and Transit Capital Construction Program, with construction anticipated to begin in summer 2021. The tender package for construction is complete and is prepared for release in April 2021. Staff will ensure the agreement with CNR is in place prior to award of the construction contract. It is anticipated construction will start in July 2021.

Widening of Rutherford Road from Westburne Drive/Barrhill Road to Peter Rupert Avenue/Confederation Parkway and construction of a new road under rail (underpass) grade separated crossing of the Barrie GO Line began in 2019, and widening of Rutherford Road from Peter Rupert Avenue/Confederation Parkway to Bathurst Street is planned for construction starting in 2022.

## **4. Analysis**

### **The grade separation consists of infrastructure shared by Canadian National Railway and the Region**

The existing bridge over the CNR tracks at the MacMillan Yard will be widened to accommodate six lanes with space for a combined sidewalk/off-street cycle facility, centre median and streetscaping.

All four existing lanes of traffic on Rutherford Road would generally be maintained during the widening of Rutherford Road, with minimal disruptions due to temporary lane restrictions. Some short-term road closures will be required to accommodate the widening and reconstruction of the existing bridge.

## **An agreement for the construction and long-term maintenance of the widened grade separation is required to ensure the responsibilities of both Canadian National Railway and the Region are identified**

The principles presented in Attachment 1 shall form the basis for developing an agreement for cost-sharing and overall governance for the construction and long-term maintenance of the bridge. The principles are based on industry best-practices and are in line with Canadian Transportation Agency guidelines and the existing crossing agreement between CNR and the Region.

Pending approval of the agreement by CNR and the Region, the anticipated project delivery schedule is as follows;

- Issue tender for construction spring 2021
- Start of construction summer 2021
- Utility relocation ongoing; anticipated to be complete fall 2021
- Construction end (total performance) summer 2023
- Warranty end and project closeout summer 2026

## **5. Financial**

### **The cost for the grade separation is included in the capital budget**

Staff has negotiated the cost apportionment for the bridge with CNR to reach a fair and mutually beneficial agreement.

The total project cost for the reconstruction and widening of Rutherford Road from Jane Street to Westburne Drive/Barrhill Road is currently budgeted at \$47.3 million, which includes construction, property, utility relocation, reconstruction of the bridge over the CNR tracks, engineering and contract administration costs. The Region will be responsible for 100% of the reconstruction costs related to the existing bridge and 85% of the cost of the new widened portion of the bridge. CNR will be responsible for 15% of the cost of the new widened portion of the bridge. The construction cost of the bridge work is estimated to be \$7.33 million and CNR would contribute an estimated \$581,000, with the Region contributing the balance, an estimated \$6.75 million, as summarized in Table 1.

**Table 1**  
**Road-Rail Grade Separation (Bridge) Funding Sources**

Funding Source	Existing Structure (100% Region) (\$M)	Widened Portion (85% Region/15% CNR) (\$M)	Total Contribution (\$M)
York Region	\$3.45	\$3.30	\$6.75
CNR	-	\$0.58	\$0.58
<b>Total</b>	<b>\$3.45</b>	<b>\$3.88</b>	<b>\$7.33</b>

Final contribution value from CNR will be based on their share of the actual completed cost. York Region will be responsible for the cost of all future rehabilitation and long-term maintenance of the roadway and widened bridge.

The cost for the project is included in the 10-Year Capital Budget and is funded from 90% development charges and 10% tax levy.

## 6. Local Impact

### **Widening of the existing grade-separated structure over the Canadian National Railway tracks on Rutherford Road will benefit residents of Vaughan and the rest of York Region**

Widening of this bridge will accommodate the widening of Rutherford Road to six lanes, as recommended in the Rutherford/Carrville Road Class Environmental Assessment. This will benefit residents of Vaughan and the Region by improving flow of traffic through increased transportation options on this busy east-west transportation corridor. Access to key north-south roads, Regional and Provincial transit links and the Provincial highway network will also be improved. Further, this project will support residential and commercial growth in the area. The City of Vaughan has been, and will continue to be, actively involved in the implementation of improvements to Rutherford Road.

## 7. Conclusion

This report seeks Council authorization to enter into an agreement with CNR for the construction and long-term maintenance of the Rutherford Road bridge at the MacMillan Rail Yard, west of Rotational Drive, in the City of Vaughan, and to finalize arrangements for tender and construction.

---

For more information on this report, please contact Salim Alibhai, Director, Capital Planning and Delivery at 1-877-464-9675 ext. 75229. Accessible formats or communication supports are available upon request.

Recommended by:



**Paul Jankowski**  
Commissioner of Transportation Services

Approved for Submission:



**Bruce Macgregor**  
Chief Administrative Officer

March 19, 2021  
Attachments (2)  
10719785