

## **Rutherford Road Grade Separation Construction and Maintenance**

### **Principles of Agreement**

#### **Objective**

To develop a Grade Separation Agreement (Agreement) between Metrolinx and York Region (Parties) for the Rutherford Road / Barrie GO rail grade separation.

For both Parties, the Agreement will establish respective roles, responsibilities, cost apportionment principles, mutual expectations, governance, and accountability mechanisms.

#### **Background**

Metrolinx has embarked on the GO Expansion program, which includes a grade separation of the Barrie GO rail line and Rutherford Road.

A contract was entered into on December 13, 2018 between Metrolinx and Infrastructure Ontario (as co-sponsors) and EllisDon Infrastructure Transit (EDIT) to design, build and finance the Rutherford Road GO Station Improvements and grade separation.

#### **Scope of Work of the Grade Separation**

The grade separation shall include:

- Any work associated with the construction of six lanes, sidewalks, multi-use path and bike lanes on Rutherford Road between Westburne Drive and Peter Rupert Avenue and a rail bridge to carry three tracks over Rutherford Road
- Any work necessary to ensure the grade separation meets applicable laws and standards in effect in the Province of Ontario
- Any work necessary to create vertical and lateral clearances as per current standards for grade separations in the Province of Ontario
- Any work necessary to relocate any utility infrastructure
- Any work necessary to maintain road, pedestrian and rail traffic during construction and protect the natural environment
- Any work necessary to maintain a comparable road detour route providing four lanes of road traffic during construction on Rutherford Road

- Any property required

### **Cost Apportionment of the Grade Separation**

The cost of the grade separation project shall be allocated as follows:

- The Region shall pay a maximum of \$13.7 million towards the eligible capital costs of the grade separation
- Metrolinx shall pay the remainder of the eligible capital costs of the grade separation

### **Ownership and Maintenance of the Grade Separation**

Ownership, maintenance and repair of the grade separation components shall be allocated as follows:

- Metrolinx shall own and be responsible, at its sole cost and expense, for all maintenance and repairs of the rail bridge sub-structure and super-structure
- The Region shall own and be responsible, at its sole cost and expense, for all maintenance and repairs of the roadway and road underpass structure including the retaining walls, foundations and drainage facilities
- The Region shall enter in to a separate agreement with the City of Vaughan to transfer ownership and maintenance for all multi-use paths, sidewalks and lighting

### **Design and Construction of the Grade Separation**

Metrolinx will design and construct the Grade Separation in accordance and in compliance with the terms of the Project Agreement and provisions of the Grade Separation Agreement.

The Grade Separation Agreement will reference the project specific output specifications pertaining to the Grade Separation and those other parts of the Project Agreement that pertain to the Grade Separation. Metrolinx has provided the Region with a copy of the Project Agreement as well as the Reference Concept Designs.

Each Party shall be provided the opportunity to comment and approve all designs related to the grade separation at the 30%, 60%, 90% and 100% stages.

Metrolinx shall be responsible for the management of the delivery of the grade separation, including procurement of services, regulatory approvals/permits, utility coordination and construction.

Metrolinx shall indemnify the Region, City of Vaughan, their staff and agents against any losses or liabilities related to the project.

Both Parties shall be provided the opportunity to access the construction of all works related to the grade separation.

Substantial completion and acceptance of all works related to infrastructure owned by each Party shall be subject to that Party's approval.

### **Dispute Resolution**

The parties agree to resolve disputes through dispute resolution and escalation protocol/procedures.

### **Public Engagement and Community Liaison**

Metrolinx, in managing the project, will be responsible for all community liaison relationship efforts.

A Communication Steering Committee has been created to establish communication protocols for public engagement and communication with elected officials (provincial, regional and local levels of government), public and media. The Region, as a stakeholder and funder of a portion of the infrastructure, will sit as a member of the Communication Steering Committee, however all community engagement resides with Metrolinx as the deliverer of the project.

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