



BOARD REPORT

TO: Chair and Directors **File No:** BL 5852, 2022

SUBJECT: Electoral Area E: Taft Road Railway Crossing Anti-Whistling Service Bylaw No. 5852, 2022

DESCRIPTION: Report from Phaedra Turner, Team Leader, OM Administrative Services dated July 11, 2022. Taft Road Railway Crossing Anti-Whistling Service Establishment

RECOMMENDATION: THAT: Taft Road Railway Crossing Anti-Whistling Service Establishment Bylaw No. 5852, 2022 be read a first, second, and third time this 21st day of July, 2022.

SHORT SUMMARY:

The owners of the Crazy Creek Resort in Electoral Area E have requested that the CSR D assist in the process to stop the train from utilizing its whistle at Mile 24.35 (Taft Road) railway crossing, which is immediately adjacent to the resort properties. The purpose of this bylaw is to formally establish the service area and cost recovery methods for the property owners within the proposed service area to pay for the required liability insurance and administrative cost of stopping the train whistle requirement at this crossing.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input checked="" type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

The property owners of the CCR Resort Ltd. (Crazy Creek Resort) approached the CSR D in 2020 to determine if the train whistle could be stopped at the railway crossing that dissects the resort properties. The required safety infrastructure at the crossing was not in place to simply apply to Canadian Pacific Railway (CP Rail) to stop the train whistle. The Board approved the utilization of feasibility funds for a study to be conducted to determine what upgrades would be required at the crossing. The feasibility study was conducted and completed in December 2021, which identified two options for safety upgrades to the crossing, with costs ranging between \$434,000 and \$666,000.

In early 2022, CP Rail decided to undertake the crossing upgrades on its own, and the resort owners were informed. The upgrades are nearly complete, therefore there is no need for borrowing of funds to complete the capital upgrades to the crossing by the property owners within the proposed service area. The CSR D is now able to apply to CP Rail to have the train whistles stopped and requisition funds from the property owners to pay for the annual liability insurance and administrative costs to provide that service. The cost of the feasibility study will be billed directly to the property owners for reimbursement, prior to the proposed bylaw being adopted by the Board.

In order to establish a service area, an assent process is required. Staff used the petition process in accordance with the Local Government Act as there are only five properties within the proposed service area boundary. Crazy Creek Resort owns all five properties and submitted the petition on June 30, 2022.

The bylaw defines the service, establishes the service area and sets out the method for recovery of the annual costs associated with the train whistle cessation service.

The CSRD has two other service areas established for train whistle cessation, one at Solsqua Road in Electoral Area E, and the other at Elson Road in Electoral Area C.

POLICY:

The Local Government Act outlines the requirements to establish a service area.

FINANCIAL:

In accordance with the Local Government Act, all costs of the service, including administration costs, must be borne by that service.

The expected adoption date of this bylaw is September, 2022. Upon adoption, the information will be submitted to BC Assessment by the October 1 deadline to allow for taxes to be requisitioned in 2023. It is expected the service will commence on December 31, 2022, subject to CP Rail approval of the application.

The cost of the feasibility study will be billed directly to the property owners for reimbursement, prior to the proposed bylaw being adopted by the Board.

IMPLEMENTATION:

A new service area establishment bylaw requires approval from the Inspector of Municipalities. If the Board approves three readings of the bylaw, staff will send the bylaw to the Province for approval. If approved, staff will bring the bylaw back to the Board for final reading and adoption.

COMMUNICATIONS:

It is estimated that approval from the Province for the bylaw will take between six to eight weeks. Upon approval, the bylaw will be brought back for adoption no later than the September 2022 Board meeting.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2022-07-21_Board_OM_Taft_Road_Railway_Crossing_Anti-Whistling_Service_Establishment.docx
Attachments:	- Certificate of Sufficiency for Taft Road Anti-whistling.pdf
Final Approval Date:	Jul 12, 2022

This report and all of its attachments were approved and signed as outlined below:



Darcy Mooney



Sheena Haines



Jennifer Sham



Jodi Pierce