

NO: R018

COUNCIL DATE: February 10, 2025

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **February 5, 2025**
FROM: **General Manager, Engineering** FILE: **5405-30**
SUBJECT: **Crescent Beach Railway Fence and Whistle Cessation Engagement Results**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Direct staff to proceed with railway safety fencing in Crescent Beach, as described in this report, up to the approved project budget of \$450,000 (including GST and contingency).

INTENT

The intent of this report is to seek approval from Council regarding the installation of railway safety fencing in Crescent Beach and provide an update on the potential for whistle cessation in Crescent Beach.

BACKGROUND

Since approximately 2008, City staff have been in dialogue with Burlington North Santa Fe (“BNSF”) and Transport Canada in regards to opportunities to discourage or prevent unauthorized public access of the BNSF railway in Crescent Beach, particularly from Bayview Street and both the McBride Avenue and Beecher Street crossings. The City has also been in discussions with BNSF about the potential for whistle cessation at the two road crossings.

In 2020, the City retained an engineering consultant to identify the measures that would discourage unauthorized access, as well as support the potential for whistle cessation. The consultant recommended:

1. Construction of a 1.8m high chain link fence along both sides of the BNSF railway, generally extending from Beecher Street to approximately 250m south of McBride Avenue, as illustrated on the attached Appendix “I”; and
2. A quicker, safer and more visible access route to the beach, particularly near the McBride Avenue crossing and Maple Street.

At the January 15, 2024, Regular Council Meeting, Council considered the recommendations of Corporate Report No. R010; 2024, attached as Appendix “II”, and directed staff to proceed with another round of public consultation regarding the fence due to the impacts it would have on loss of street parking and road use.

DISCUSSION

While management of unauthorized access onto railway lands is the responsibility of the railway agency, the City secured funding from Transport Canada to complete railway safety improvements at road crossings in Crescent Beach, namely the installation of a 1.8m high chain link fence along the railway, as a means to discourage unauthorized access or trespassing.

The installation of fencing along the corridor, as recommended by the engineering consultant, will improve public safety and may also have a co-benefit of achieving whistle cessation if the unauthorized access/trespass is reduced.

Whistle Cessation

When approaching public grade crossings, Federal regulations require that train engine whistles must be sounded within 400m of a grade crossing. As a means of reducing the impact of train nuisance noise on communities along railway corridors, the City has worked with various railway agencies to achieve whistle cessation, as permitted within the applicable regulations.

Members of the Crescent Beach community have communicated with City staff the desire for whistle cessation. Accordingly, the installation of a fence was identified as one of the primary requirements remaining to work towards achieving whistle cessation. All other necessary safety work at the two road crossings is already in place.

Whistle cessation requires the crossing area meet safety requirements and either a Council resolution or ministerial order. Under Section 104 of the Grade Crossing Regulations, a key condition is that “the area must not have repeated incidents of unauthorized access to the line of railway.”

Although Crescent Beach has a history of known unauthorized access/trespass along the railway, and under legislation, railway agencies are not obligated to cease whistling, staff are optimistic that the proposed fence will discourage, or prevent, unauthorized access. At that time, staff would inform BNSF and seek a resolution from Council to cease whistling. That said, until unauthorized access has ceased, staff cannot guarantee whistle cessation.

Proposed Fence Location and Public Impacts

Initially, the City anticipated the fence would be located on BNSF property, close to the railway; however, after multiple years of negotiations, the City and BNSF could not reach an agreement as BNSF was seeking the City to indemnify them and accept all liability in addition to seeking annual lease payments from the City for the fence.

As a result, the location of the fence is proposed to be at the edge of the road allowance, immediately adjacent to BNSF property, along Bayview Street and Maple Street. Renderings of the proposed fencing are attached as Appendix “III”. In portions of Heron Park, there is already an existing 1.2m high chain link fence and dense vegetation, which restricts access to the railway from the west. At the Beecher Street entrance to Crescent Beach, there is an existing gravel area on BNSF property, which the public commonly uses for parking, and the proposed fence location will require this area be closed and not accessible to the public for safety reasons.

Bayview Street ranges from 4.5m to 5.5m wide, slightly narrower than a standard two-lane road width, and residents are utilizing portions of BNSF’s property for parking, likely unauthorized by BNSF. The proposed fence will narrow the travelled width of the road, and as a result, “No Parking” signage will be installed along most of Bayview Street to ensure there is sufficient width for pedestrians to walk and for emergency response vehicles. Staff estimate there will be a reduction of 50 to 60 parking spaces on Bayview Street, most of which are unauthorized spaces on BNSF’s property.

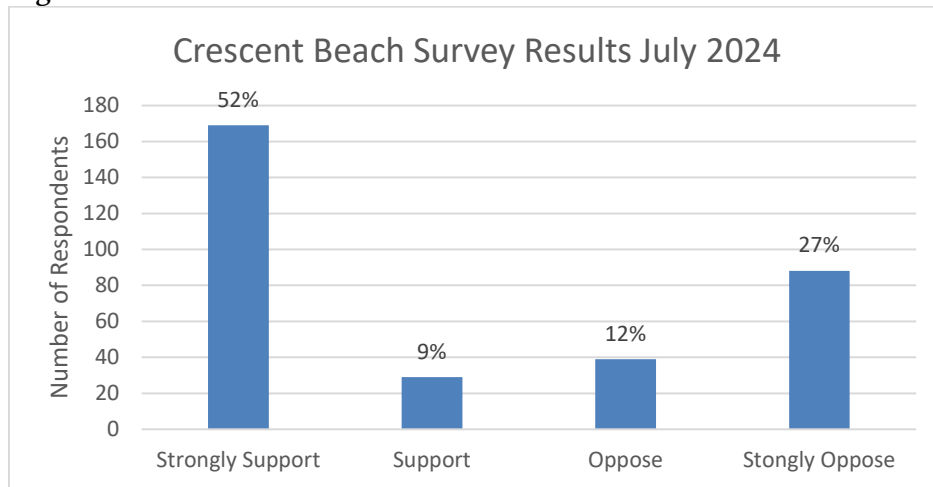
Maple Street is a half-road, ranging in width from 3.0m to 4.5m, with some residents parking along BNSF’s property. There are also a few residential fences and landscaping encroaching into the road allowance edge, which will need to be removed to accommodate the proposed fence and emergency vehicle access. Staff estimate there will be a reduction of 7 to 15 parking spaces on Maple Street.

Public Consultation Results

The first round of public engagement was conducted in 2023 and resulted in 156 survey responses, a response rate of 31%, and the feedback from the community was divided. Of those that responded, 45% were supportive of the proposed fence, understanding the impacts on street use, and 55% were opposed.

Following direction from Council, a subsequent round of public consultation was undertaken in May/June 2024 covering the same area previously consulted. A total of 560 addresses were invited to respond to a new survey, which contained additional information and renderings of the fence project. Each resident was given an address-specific QR code to complete the survey, and staff “door knocked” on over 200 homes in the immediate area that had not responded to the survey within the first week. Eventually, 329 surveys were completed representing a response rate of 59%; a significant increase over the previous engagement. Support for the project is now 61% and opposition is 39%, as shown in Figure 1.

Figure 1



Funding

In 2022, Transport Canada, through the Rail Safety Improvement Program, has approved funding of \$324,480 towards the initial project estimate of \$406,000 (excluding GST and contingency). Staff have confirmed with Transport Canada that if the project does not proceed, the Federal funding cannot be utilized for another project.

Due to the change in fence alignment, inflation, minor road works, and the necessity to remove encroachments, the updated project cost is estimated to be in the range of \$600,000 to \$750,000. Costs in excess of the original project budget are unfunded in the proposed 2025 Transportation budget.

If directed by Council to proceed with the fencing, staff recommend focusing the \$406,000 budget (plus GST and contingency) on fence installation near the road crossings and along Bayview Street, as these are the critical locations where the railway is readily accessible and known trespass is occurring. Other segments, such as near Heron Park and portions of Maple Street, have significant vegetation and shorter fences which already provide a safety barrier and deter access to the railway. With this approach, staff anticipate that the desired railway safety improvements would be realized and there would still likely be an opportunity to achieve whistle cessation.

CONCLUSION

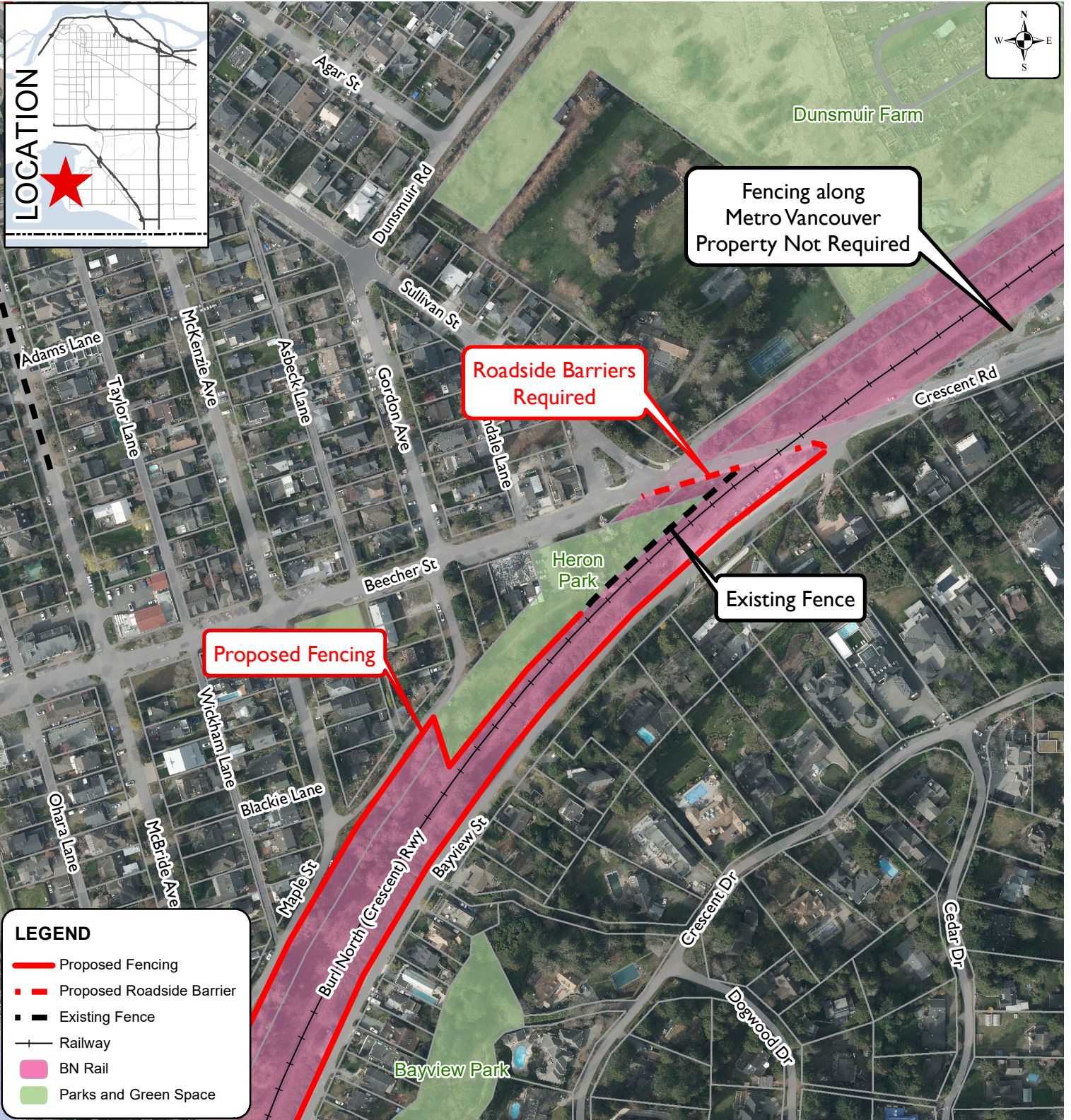
Community sentiment is at 61% of support for the installation of fencing to deter trespassing and provide overall railway safety, at the loss of on-street and unauthorized parking as well as some concerns from the community over aesthetics of the chain link fence. The City has Federal funding to invest towards fencing at critical unauthorized access locations and the proposed fencing will move the City one step closer to achieving whistle cessation once unauthorized access is mitigated.

Scott Neuman, P.Eng.
General Manager, Engineering

SN/cc

Appendix "I" – Map of BNSF Alignment
Appendix "II" – Corporate Report No. R010; 2024
Appendix "III" – Renderings of Proposed Fencing

AERIAL PHOTOGRAPH OF SITE APPENDIX "I"



Produced by GIS Section: 03-Feb-2025, P205803

Date of Aerial Photograph: 2023

Scale: 1:3,000 0 30 M



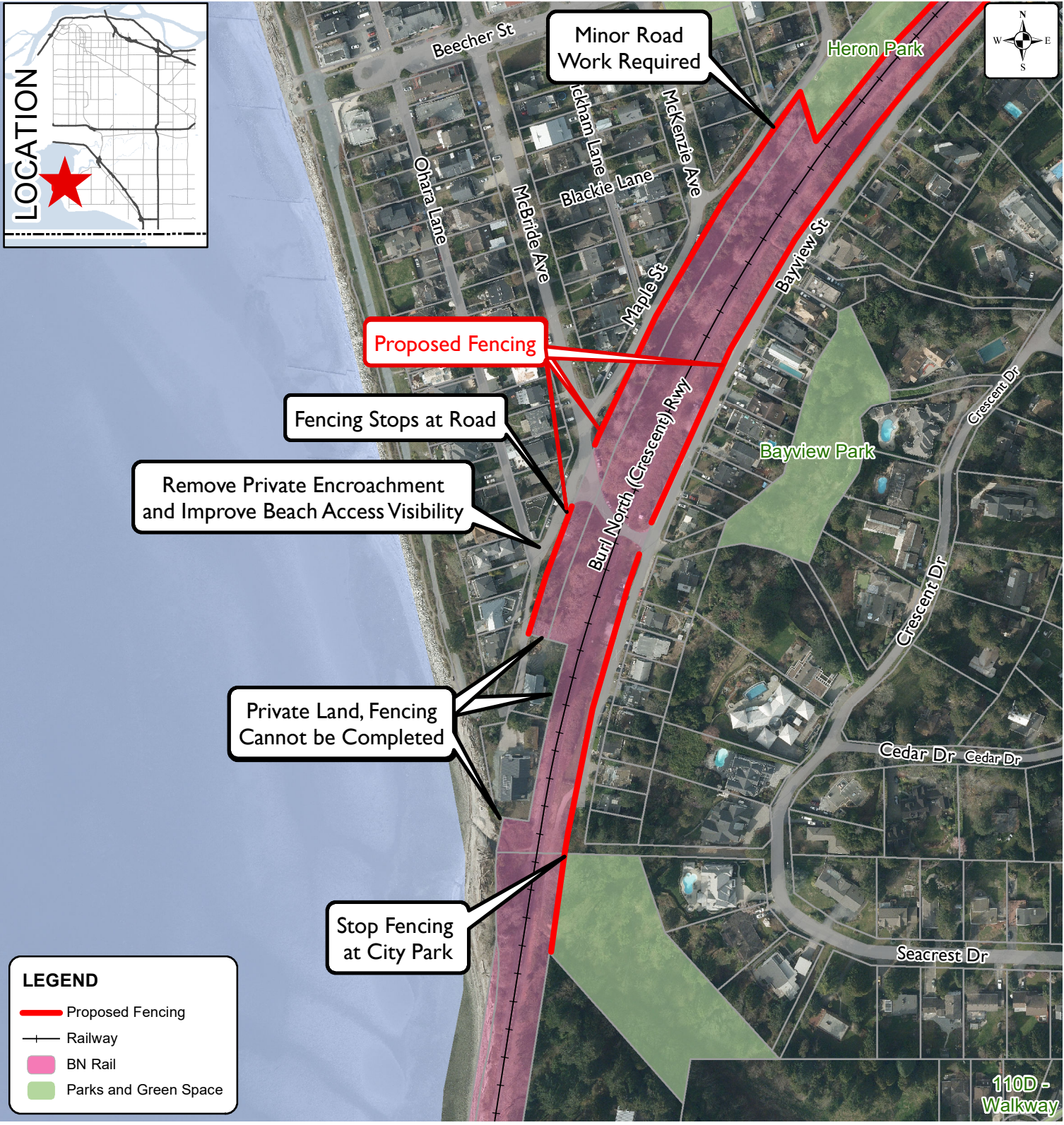
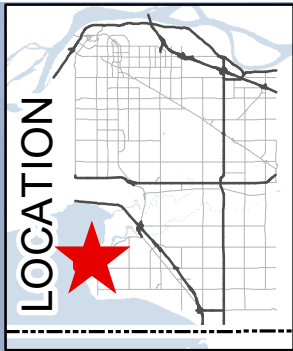
Crescent Beach Proposed Fencing (North)

ENGINEERING
DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

Source: G:\MAPPING\GIS\Maps\CorporateReps\Transp\JX_CrescentBeachFencing_API_V2_North.mxd

AERIAL PHOTOGRAPH OF SITE APPENDIX "I"



Minor Road Work Required

Proposed Fencing

Fencing Stops at Road

Remove Private Encroachment and Improve Beach Access Visibility

Private Land, Fencing Cannot be Completed

Stop Fencing at City Park

LEGEND

- Proposed Fencing
- +— Railway
- BN Rail
- Parks and Green Space

Produced by GIS Section: 03-Feb-2025, P205803

Date of Aerial Photograph: 2023

Scale: 1:3,000 0 30 M

110D - Walkway



Crescent Beach Proposed Fencing (South)

ENGINEERING DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

CORPORATE REPORTNO: *R010*COUNCIL DATE: *January 15, 2024*

REGULAR COUNCILTO: **Mayor & Council**DATE: **January 11, 2024**FROM: **General Manager, Engineering**FILE: **5405-30**SUBJECT: **Whistle Cessation in Crescent Beach**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Direct staff to proceed with further consultation with the community and report back to Council.

INTENT

The intent of this report is to seek direction from Council to proceed with another round of public consultation for the construction of a fence in Crescent Beach, required for whistle cessation.

BACKGROUND

At the July 10, 2023, Regular Council meeting, Council considered the recommendations of Corporate Report No. R119; 2023, attached as Appendix "I", which proposed that staff not proceed with the fence construction and whistle cessation in Crescent Beach at this time. Council referred this report back to staff requesting that staff also review traffic and parking issues in Crescent Beach prior to Council's consideration of this matter.

At the December 18, 2023 Regular Council meeting, Council approved Corporate Report No. R223; 2023 attached as Appendix "II" which recommended actions to help alleviate parking issues in the Crescent Beach neighbourhood. With the measures in that report soon to be implemented, it is now appropriate for staff to revisit opportunities for whistle cessation in the neighbourhood.

DISCUSSION

Since approximately 2008, City staff have worked with Burlington Northern Sante Fe ("BNSF") on opportunities to achieve whistle cessation. To eliminate train whistling at the public grade railway crossings at McBride Avenue and Beecher Street, BNSF proposed the construction of a 1.8m high chain link fence to physically obstruct and deter pedestrians from trespassing onto the railway line.

Fencing was initially proposed to be located within BNSF property, close to the railway; however, after five years of negotiations, the City could not accept BNSF's requirements for annual lease payments, indemnity, and liability. A secondary alternative for the fence location was identified to be on Bayview Street, in City road allowance, wherein an agreement with BNSF would not be required; however, this location would result in a loss of on-street parking along Bayview Street.

Due to the impact on Bayview Street, the City consulted with the Crescent Beach community in Summer 2023. The City received 156 survey responses, representing a response rate of 31%. While 57% of the respondents supported whistle cessation, only 45% were in support of a fence being installed on Bayview Street. While some residents see the potential benefits in noise reduction, the majority of respondents opposed the fence along Bayview Street, primarily due to: the loss of on-street parking; the aesthetics of a chain link fence; and their opinion the fence may not improve safety and trespassing.

There are a few challenges to completing this project including divided community sentiment, archaeological uncertainties, and the Government of Canada Railway Safety Improvement Program cost-sharing deadline of March 31, 2024.

The estimated cost of the fencing project is \$405,000, for which the City received \$324,480 in funding from the Federal Rail Safety Improvement Program which expires on March 31, 2024. Crescent Beach is located on the traditional territory of the Semiahmoo First Nation ("SFN") and an archaeological permit and potential soil investigations would likely be required to construct the fence. Staff have inquired if the funding can be reallocated to other railway safety improvements in the City. Transport Canada has confirmed that the current cost-share amount cannot be reallocated but the deadline could be extended.

It is recommended that staff undertake a final round of public engagement with the community to better understand priorities and inform the community of the limited opportunities for whistle cessation, and report back to Council.

CONCLUSION

In alignment with Corporate Report No. R119; 2023, and recognizing the potential challenges associated with constructing the fence amidst a divided community, it is recommended that staff complete a final round of engagement and report back to Council.



Scott Neuman, P.Eng.
General Manager, Engineering

RV/GDC/cc

Appendix "I" - Corporate Report No. R119; 2023
Appendix "II" - Corporate Report No. R223; 2023

Note: Appendices available upon request

Renderings of Proposed Fencing



