
CITY OF KELOWNA

MEMORANDUM

Date: February 18, 2009
File No.: 8330-20 Rails with Trails (Regional Services)
To: City Manager
From: Director, Regional Services
Subject: Resolutions to Support Rails with Trails Projects

RECOMMENDATION:

THAT Council receive, for information the report of the Director, Regional Services dated February 18, 2009.;

AND THAT Council request the support of the Southern Interior Local Government Association (SILGA) and the Union of British Columbia Municipalities (UBCM) to petition the Federation of Canadian Municipalities (FCM) to pass the following resolutions at its 2009 Annual General Meeting in Whistler, BC:

BE IT RESOLVED that the provincial and federal governments be asked to support joint-use agreements with railway companies for Rails-with-Trails corridors;

AND BE IT FURTHER RESOLVED THAT the federal government be asked to undertake legislative amendments to the *Canadian Transportation Act* to recognize the need for parallel corridors to be provided within rail rights of way and authorize provincial and local governments to apply to the Canadian Transportation Agency, in absence of agreement with a railway company, for authority to place trails within rail rights of way.

BACKGROUND:

The City of Kelowna opened the first phase of its Rails-with-Trails project in 2008. The Rails-with-Trails is a multi-use non-motorized pathway along the CN right of way in Kelowna. Phase 1 is the section generally between Gordon Dr and Spall Rd.

The Rails-with-Trails project has been in the planning stages since a feasibility study was completed in early 2001. The proposal was for the City to build a multi-use pathway along the rail right of way through the City. In 2004, the City retained a rail safety consultant to further satisfy the rail safety concerns of the proposed trail. Although both CN Railway and Kelowna Pacific Railway were consulted during these studies, it took until the end of 2006 to reach agreement with them for the joint use of their corridor for the trail.

The City is now working in partnership with the provincial Ministry of Transportation and Infrastructure to implement the second phase of the trail, between Sexsmith Rd and UBC Okanagan. Our two agencies have committed up to \$4.2 million to the construction of the trail. However, the approval of

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the rail companies to a joint use agreement to allow the pathway to be constructed is still an uncertainty

The City is aware of other municipalities that are also looking to develop a multi-use pathway along railway corridors. Both the District of Lake Country and the City of Vernon have expressed this interest. It's believed that there could be other municipalities that have a similar desire but have reached a barrier in dealing with the rail companies.

The full resolution with supporting statements is attached to this report.

INTERNAL CIRCULATION TO:

- Director, Real Estate and Building Services
- City Solicitor
- City Clerk


LEGAL/STATUTORY AUTHORITY:

The City Solicitor provided advice with respect to the legal authority being sought and suggested wording for the resolutions.

Considerations that were not applicable to this report:

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS
EXISTING POLICY
FINANCIAL/BUDGETARY CONSIDERATIONS
PERSONNEL IMPLICATIONS
TECHNICAL REQUIREMENTS
EXTERNAL AGENCY/PUBLIC COMMENTS
COMMUNICATIONS CONSIDERATIONS
ALTERNATE RECOMMENDATION

Submitted by:



Ron Westlake, P. Eng.
Director of Regional Services



Approved for Inclusion:

Jim Paterson, GM Community Sustainability Division

Attach: Joint Use Agreements for Railway Corridors

Joint Use Agreements for Railway Corridors Multi-use Pathways for Green Transportation

WHEREAS railway dedication or rights of way in urban areas provide excellent opportunities to develop multi-use pathways or trails for alternate, active and 'green' transportation;

AND WHEREAS feasibility studies have shown that these multi-use pathways can be developed safely so as not to cause significant conflicts with the routine operation of the rail system;

AND WHEREAS the development of off-road multi-use pathways for non-motorized vehicles is in the interest of all levels of governments to reduce motor vehicle use, improve the health of Canadian citizens and reduce emissions from transportation which contribute to climate change.;

AND WHEREAS these multi-use pathways on active rail corridors are referred to as **Rails-with-Trails** corridors;

THEREFORE BE IT RESOLVED that the provincial and federal governments be asked to support joint-use agreements with railway companies for **Rails-with-Trails** corridors;

AND BE IT FURTHER RESOLVED THAT the federal government be asked to undertake legislative amendments to the Canadian Transportation Act to recognize the need for parallel corridors to be provided within rail rights of way and authorize provincial and local governments to apply to the Canadian Transportation Agency, in absence of agreement with a railway company, for authority to place trails within rail rights of way.