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To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Subject: FW: [External] 2024-10-09-CN Comments_File: OP.21.012_File: Z.21.019 -5390 Steeles Avenue West-Vaughan
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Attachments: [Notice of PM Z.21.019 OP.21.012.pdf](#)

From: Proximity <proximity@cn.ca>
Sent: Wednesday, October 9, 2024 7:41 PM
To: Clerks@vaughan.ca
Subject: [External] 2024-10-09-CN Comments_File: OP.21.012_File: Z.21.019 -5390 Steeles Avenue West-Vaughan

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Hello,

Thank you for circulating CN on the proposed development project noted in subject. It is noted that the subject site is adjacent to CN's Main Line. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's objective regarding developments in proximity to railway operations is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of the future development's residents and users is not negatively affected. CN, in collaboration with Railway Association of Canada and the Federation of Canadian Municipalities, developed the Guidelines for New Development in Proximity to Railway Operations in order to promote proper planning around railway operations. The Guidelines can be found at <https://www.proximityissues.ca>.

CN requests for the implementation of the following criteria as conditions of an eventual application approval:

- ☐☐☐ Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
- ☐☐☐ The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
- ☐☐☐ The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant.
- ☐☐☐ Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to

ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.

☐☐☐ The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

☐☐☐ The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.

☐☐☐ The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and noise/vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.

☐☐☐ The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

☐☐☐ The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a detailed site plan, a N&V study and a storm water management report taking into consideration FCM/RAC development guidelines.

We request that CN Rail and the proximity@cn.ca email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

In order to ensure the safety of railway operations, CN's operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN's property must be arranged through a work permit.

Thank you



CN Proximity

proximity@cn.ca