

Kaitlyn Graham

To: Proximity
Subject: RE: 2022-03-09_CN Comments_77 & 89 16th Avenue, Richmond Hill

From: Saadia Jamil <Saadia.Jamil@cn.ca> **On Behalf Of** Proximity
Sent: Wednesday, March 9, 2022 2:05 AM
To: Kaitlyn Graham <kaitlyn.graham@richmondhill.ca>
Subject: 2022-03-09_CN Comments_77 & 89 16th Avenue, Richmond Hill

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Hello,

Thank you for circulating CN on the subject application. The subject site is located in proximity to the CN railway corridor. It should be noted that CN has concerns of developing/densifying residential uses in proximity to our railway right-of-way. This is due to noise, vibration and potential trespass issues that will result. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated.

Please refer to CN's guidelines for the development of sensitive uses in proximity to railways (attached). CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. CN urges the municipality pursue the implementation of the criterion as conditions of an eventual project approval. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit <http://www.proximityissues.ca> for more information.

Be advised that in the event of the proposal moving forward CN anticipates the opportunity to review detailed plans, including:

- Storm water Management report;
- Site Plan outlining the location of the 1.83m chain link fence and safety berm.

CN is currently undertaking a review of the noise and vibration study for the subject site. Furthermore, be advised that in the event of the proposal moving forward, CN will be seeking to enter into an Agreement with the owner, the registration of an environmental easement on title, as well as a warning clause.

Sincerely,

Saadia Jamil

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PRINCIPAL MAIN LINE REQUIREMENTS

- A. Safety setback of habitable 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 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
 - B. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
 - C. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres 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.
 - D. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
 - E. 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."
 - F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 - G. 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 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.
 - H. 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.
 - I. 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.
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