

ATTACHMENT B



Transportation Services

September 2, 2011

Mr. Alan Brown
Director of Engineering
Engineering Department
Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Brown:

**Re: GO Transit Uxbridge Subdivision
Proposed Train Whistle Cessation
Town of Markham
File No. 3473622**

Thank you for your February 3, 2011 letter (attached) to Paul Jankowski, updating York Region on the status of efforts to implement an Anti-whistling By-law within the Town of Markham.

The purpose of this letter is to reconfirm York Region's support for this initiative in accordance with York Region's Anti-whistling Policy approved by Regional Council on June 19, 2008. We have attached a copy of the June 19, 2008 report as well as the approved policy for your reference.

The Region supports the Town of Markham in its anti-whistling initiative at the six Regional road crossings identified in your letter, subject to the following:

1. The Town of Markham is to rectify all deficiencies noted in the October 31, 2008 safety study conducted by AECOM at its own expense.
2. The Town of Markham is to co-ordinate and obtain all necessary approvals for the design, supply and installation of the required pedestrian gates and other mitigation measures.
3. The Town of Markham is to provide public notice, and notice to relevant associations and organizations and provide proof of same regarding its intention to pass a resolution enacting a By-law pursuant to section 23.1 of the *Railway Safety Act*.
4. The By-law referenced in number 3 above should be enacted, and a certified copy should be provided to The Regional Municipality of York.

September 2, 2011

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Mr. Alan Brown

GO Transit Uxbridge Subdivision

Proposed Train Whistle Cessation, Town of Markham

File No. 3473622

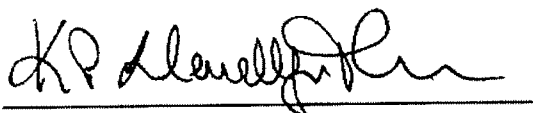
5. The Town of Markham will submit the application to GO Transit and obtain all necessary approvals.
6. The Regional Municipality of York will enter into the required indemnity agreement as directed by Regional Council.
7. The Regional Municipality of York will refund the design, supply and installation cost of the pedestrian gates at Regional road crossings (excluding internal engineering or other fees) to the Town of Markham following implementation of the anti-whistling order.

As per our Council approved policy, the Region will be responsible for the cost of all mitigation measures (including the installation of pedestrian gates) at any Regional road crossing. Our understanding is that the total estimated cost for mitigation measures at York Region crossings along this section of the GO Transit Uxbridge Subdivision is approximately \$1.7M.

The Region is prepared to refund the Town of Markham for these expenses following rail authority approval and implementation of an anti-whistling order on this section of the GO Transit Uxbridge Subdivision identified as M.41.79 to M.52.65. Please provide an estimated timeframe for implementation so that the Region can budget appropriately to ensure that the eligible expenses are refunded to the Town of Markham in a reasonable timeframe.

If you have any questions or concerns with respect to the foregoing, please do not hesitate to contact myself or Steven Kemp, Director, Traffic Management and ITS at 1-877-464-9675 ext. 5226.

Sincerely,



Kathleen Llewellyn-Thomas, P. Eng.
Commissioner of Transportation Services

KLT/SDK/bm

Copy to: Bruce Macgregor, Chief Administrative Officer, York Region
Steven Kemp, Director, Traffic Management and ITS, York Region
Rachel Prudhomme, Manager, Special Projects, Town of Markham
Grant Bailie, Manager, Railway Corridors, GO Transit

Attachments: February 3, 2011 Letter From Alan Brown
York Region Council Report – June 19, 2008

Edocs #3473622