



Staff Report
Application # O – 37610
Applicant: British Columbia Railway Company (BCRC)

DATE RECEIVED: August 13, 2007

DATE PREPARED: January 16, 2009

TO: Chair and Commissioners – South Coast Panel

FROM: Tony Pellett, Regional Planner

PROPOSAL:

BCRC proposed

- to acquire additional right-of-way for railway purposes in keeping with the Federal/Provincial Gateway Objectives to secure land for future Port and Rail initiatives, such as the planned Terminal 2 (T2) berth expansion at Deltaport, and
- to acquire a 50 foot right-of-way to provide road access to BCRC rail operations between Highway 17 and 64th Street, as current access will be cut off with construction of the South Fraser Perimeter Road (SFPR).

This application was made pursuant to Part 4 Section 6 of BC Regulation 171/ 2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*). The first part was decided March 12, 2008 but the second part was deferred for consideration at the same time as the SFPR. Now that the SFPR decision has been released, it is time to consider the BCRC application second part.

BACKGROUND INFORMATION:

The remaining part of the application deals with an operational problem which will arise if the South Fraser Perimeter Road (SFPR) is constructed as proposed. It is necessary for a railway to transport crews to and from trains, notably where a train is being transferred from yard operations to long distance operations as must happen in this particular location. Usually motor vehicles (including taxis) are driven within the rail right-of-way alongside the tracks, but it has not proved practicable for the overpass linking the SFPR to Highway 17 at Deltaport Way to be designed so as to leave room for a road within the rail right-of-way.

The application as submitted therefore proposed to dedicate from land owned by Ducks Unlimited a new road allowance of approximately 15 m (50 feet) width occupying 1.1 ha adjacent to the rail line west of 64 Street.

By letter of 09 January 2009, BC Rail has addressed the question of whether the full 15 m right-of-way is required for the full length of the property under application or whether it would be possible to have the road loop around the SFPR structure and then return to the existing rail right-of-way. In part the letter states, "BCRC has struggled with the decision to reduce the area as we have only seen conceptual designs for the encroachment of the shared ditch on the north side of BCRC r/w with the SFPR and the pier locations of the overpass within our existing r/w. We are therefore prepared to reduce the requirement subject to being able to return to the ALC for the remainder if major changes are initiated by the SFPR that might impact our operation."

Another part of the same letter of 09 January 2009 addresses BCRC's commitment to initiate or participate in a overall benefit to agriculture through the construction of a much-needed overpass to allow farm traffic to cross Highway 17 south of Deltaport Way. BCRC chaired a 10 December 2008 meeting to update Delta Farmers' Institute on the Deltaport Overpasses and the proposed area road networks, including a 28 Avenue overpass fo Highway 17. The letter states, "We are pleased to inform the ALC that an AIP [agreement in principle] for funding has been reached for the design and funding of the 28 Avenue Overpass with the Ministry of Transportation and Infrastructure acting as the delivering agency."

The letter attaches conceptual plans showing the revision and concludes, "BCRC, with the AIP for funding in place for the 28 Avenue overpass and the reduction in land requirements, requests that the ALC approve BCRC's application to proceed with acquiring the revised 50' right-of-way for road access to the rail line east of Highway 17 as submitted in Application #O-37610."

Local Government:

The Corporation of Delta

Legal Description of Property:

PID: 024-612-197

Lot 2, District Lot 113 and 176, New Westminster District, Plan LMP43298

Location of Property:

2989 64 Street

Present use of the Property:

Timothy hay and other grasses

Agricultural Capability:

Data Source: Agricultural Capability Map # 92 G/3a

The property is identified as having Prime ratings with salinity and wetness limitations.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council objected to Commission consideration of the application without a full analysis of the impacts to agriculture, identification of mitigation measures, and provision of compensation for the loss of ALR lands, and recommended that the applicant be required to address specific engineering concerns, namely that the service road south of the railway should be shared with agricultural vehicles in order for farmers to gain access to the adjacent land parcels and reduce impacts of rail operations.

STAFF COMMENTS:

The SFPR application includes an overpass of the new road and the existing rail line at 64 Street, thus making it difficult for agricultural vehicles to use the proposed rail service road to access any farm property other than the subject property. All other concerns expressed by Delta and the Commission appear to have been addressed in full by the 09 January 2009 letter and attachments.

ATTACHMENTS:

1. SFPR Figure 28-57B-Plan (showing revised extent of proposed service road r/w and also showing 28 Avenue overpass — note effect on Application #O-38657)
2. SFPR Figure S37, showing area deleted from application
3. Preliminary draft design of SFPR overpass pier locations as related to new road needs

END OF REPORT

Signature

Date