



## ADMINISTRATIVE REPORT

Report Date: May 18, 2012  
 Contact: Al Zacharias  
 Contact No.: 604.873.7214  
 RTS No.: 9587  
 VanRIMS No.: 08-2000-21  
 Meeting Date: June 12, 2012

TO: Vancouver City Council

FROM: General Manager of Engineering Services, in Consultation with the Director of Real Estate Services

SUBJECT: Victoria Drive North of Powell Street - Two Licence Agreements with Port Metro Vancouver (for the Stewart Street Vehicle Overpass and Pedestrian Overpass)

### *RECOMMENDATION \**

- A. THAT Council authorize the Director of Real Estate Services in consultation with the General Manager of Engineering Services and the Director of Legal Services to enter into a licence agreement with Port Metro Vancouver ("PMV") over a portion of Victoria Drive north of Powell Street, the same as shown on the plan attached hereto as Appendix "C" (the "Overpass Licence Area"), permitting PMV to install, complete, operate, use and maintain a vehicle overpass (the "Overpass Licence").
- B. THAT Council authorize the Director of Real Estate Services in consultation with the General Manager of Engineering Services and the Director of Legal Services to enter into a licence agreement with PMV for a portion of Victoria Drive north of Powell Street, the same as shown on the plan attached hereto as Appendix "D" (the "Pedestrian Licence Area"), permitting PMV to install, complete, operate, use and maintain a pedestrian overpass (the "Pedestrian Licence").
- C. THAT the term of both licences be for five (5) years with three (3) consecutive renewal options of five (5) years each.
- D. THAT the licence fees be based on the annual charges as prescribed in the Encroachment Bylaw and allocated to the Encroachment Revenue Account.
- E. THAT the General Manager of Engineering Services, and the Director of Legal Services be authorized to execute a railway crossing agreement pursuant to the Canada Transportation Act to permit the pedestrian overpass across the railway within Victoria Drive.

- F. THAT Council authorize the General Manager of Engineering Services to approve minor and inconsequential amendments to the Overpass Licence Area and the Pedestrian Licence Area should the need for minor variations in the areas arise.
- G. THAT the Overpass Licence be subject to the additional terms and conditions noted in Appendix "A" and the Pedestrian Licence be subject to the additional terms and conditions noted in Appendix "B".

#### ***REPORT SUMMARY \****

This report seeks Council authority for the City to enter into two (2) licence agreements with PMV for the use of two (2) portions of City owned Victoria Drive, north of Powell Street, permitting PMV to install, complete, operate, use and maintain a vehicle overpass that crosses Victoria Drive within the Stewart Street alignment, and a pedestrian overpass to cross the Canadian Pacific Railway ("CPR") tracks which run across Victoria Drive.

#### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS \****

There is no Council Policy directly related to this matter.

The Vancouver Charter provides the authority for creating interests over streets and lanes within the City.

On November 2, 2003 (RTS3615) Council authorized the Licence Agreement for the Victoria Drive Access Control System for a term of 20 years (the "Access Control Licence"). The Access Control Licence Area is shown on Appendix "F". The Overpass Licence area and the Pedestrian Licence area will overlap different portions of the Access Control Licence Area.

On July 29, 2009 (RTS8242), Council approved in principle the Powell Street Grade Separation Project to improve goods movement by rail and to improve transit safety along Powell Street as part of the Asia Pacific Gateway Corridor initiative.

#### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS \****

The City Manager and the General Manager of Engineering Services ("GMES") are in agreement with the recommendations.

#### ***REPORT***

##### ***Background/Context \****

Victoria Drive, from Powell Street to Burrard Inlet was dedicated as street circa 1885 and is owned by the City. In 2003 a licence agreement, known as the "Access Control Licence", was granted by the City to PMV (at a nominal rent) for portions of Victoria Drive north of Powell Street in support of PMV initiatives to control port access and increase security measures. The Access Control Licence permitted the installation by PMV of security fencing, barricades, gates, bollards, signage and traffic control which restrict public access beyond the security fence. Since 2003 Victoria Drive north of Powell Street has been closed to vehicles and access by pedestrians is controlled by a

security gate and intercom system. The two proposed licence areas will overlap the Access Control Licence Area but they are for different purposes.

The City is collaborating with PMV, Translink, and Transport Canada under the Asia Pacific Gateway and Corridor ("Gateway") initiative to improve goods movement by rail and transportation safety. Although these proposed works are not a component of the Gateway initiative they are part of PMV plans to improve transportation and safety.

PMV wishes to construct the Stewart Street vehicle overpass (crossing Victoria Drive), related at grade improvements, and a north-south pedestrian overpass (crossing the railway tracks) all within City owned Victoria Drive as shown on Appendix C, Appendix D and Appendix E (the "PMV Works"). Both structures are primarily behind port security and intended for PMV use. PMV will pay all costs associated with the PMV Works.

The Stewart Street vehicle overpass will improve vehicle movement within the PMV campus and reduce vehicle "stacking" which sometimes results in traffic backups onto City streets. The Stewart Street vehicle overpass follows the Stewart Street alignment, it's approximately 850 metres long, up to 12 metres above grade, and it extends from just east of Clark Drive to just east of Victoria Drive. The above grade clearance at Victoria Drive is approximately 5.1 metres. Construction on the Stewart Street vehicle overpass is intended to commence this summer.

The pedestrian overpass will improve railway crossing safety, improve emergency pedestrian ingress and egress and eliminate the need to keep trains clear of the at-grade pedestrian crossing. The design of the overpass includes elevators on each side to promote barrier free and bicycle access. The at grade improvements related to both overpasses include a public seating area, paving stones, and a bicycle rack. Construction on the pedestrian overpass is intended to commence some time in 2013.

Victoria Drive contains utility infrastructure including a City owned large diameter combined sewer outfall, a regional (GVS&DD) sewer interceptor, and other City and outside utility infrastructure that may conflict with the PMV Works. Neither licence will be granted to PMV until appropriate arrangements to address utility impacts are made to the satisfaction of the GMES and all affected utility agencies.

The pedestrian overpass will cross over the railway tracks owned by CPR. Prior to the City granting the Pedestrian Licence, PMV must make arrangements pursuant to the Canada Transportation Act for the pedestrian overpass across the railway. The arrangements will involve the CPR, the Canadian Transportation Agency, PMV, and the City and are to be on terms and conditions satisfactory to the GMES and the Director of Legal Services (DLS).

This report recommends two separate licence agreements to accommodate the proposed construction schedules, timing for utility arrangements and timing required for arrangements to be made for the pedestrian overpass crossing agreement. PMV supports this approach.

As per Recommendation D the licence agreements will be subject to annual charges as prescribed by the Encroachment Bylaw. Since the Encroachment Bylaw does not prescribe annual charges for "sidewalk surfaces" or "uses of street or lane, not yet

opened by the City for access purposes" but does prescribe annual charges for "bridges", "stairways", and "footings", the areas of the Overpass Structure and the Pedestrian Structure (as shown on Appendix C and Appendix D respectively) will be subject to annual charges under the Bylaw.

### *Strategic Analysis \**

Victoria Drive is one of only two dedicated street access corridors that connect the City to Burrard Inlet but it has been effectively closed to the public north of the railway since the access control system was installed in 2003. There are essential City and outside utilities located in Victoria Drive but the final design and construction of the PMV Works must respect existing utilities. Utility and emergency services access to the licence areas will be maintained.

The installation of the PMV works will improve movement of goods and people within the PMV campus and reduce traffic backups onto adjacent City streets.

These two licences will provide adequate tenure for the PMV Works, indemnification for the City, and adequate certainty for PMV to advance this project.

### *Implications/Related Issues/Risk (if applicable)*

#### *Financial \**

The Director of Real Estate Services has determined that due to the lack of comparables for a market rate for the proposed licence area given the current and future use by PMV, and given that the above-grade overpass structures are encroachments over City-owned street that are permanent in nature, it is appropriate for the licence fees to be based on the annual fees established (from time to time) for encroachments under the Encroachment Bylaw which as of January, 2012 are set at \$170.03 plus \$4.54 for every square foot exceeding 150 square feet, as applied to the above-grade overpass structures. A calculation based on the areas of the proposed above-grade overpass structures shown on preliminary drawings yields annual charges of approximately \$10,435 for the Overpass Licence and approximately \$9,263 for the Pedestrian Licence. The annual licence fee will be allocated to the Encroachment Revenue Account (Business Area 9200, Cost Centre 91050, Account 418300).

### *CONCLUSION \**

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, RECOMMENDS approval of the Recommendations contained in this report.

\* \* \* \* \*

**Overpass Licence  
Terms and Conditions**

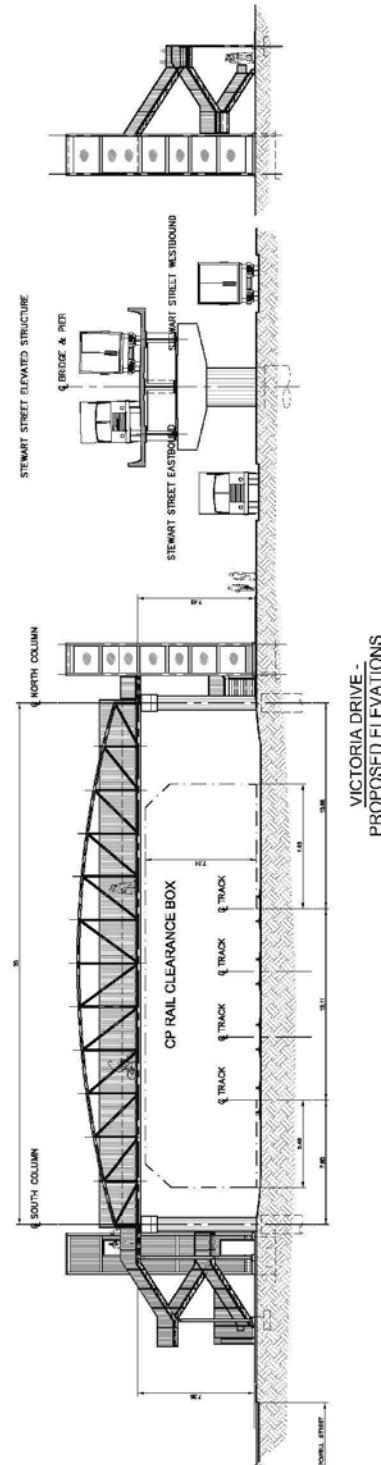
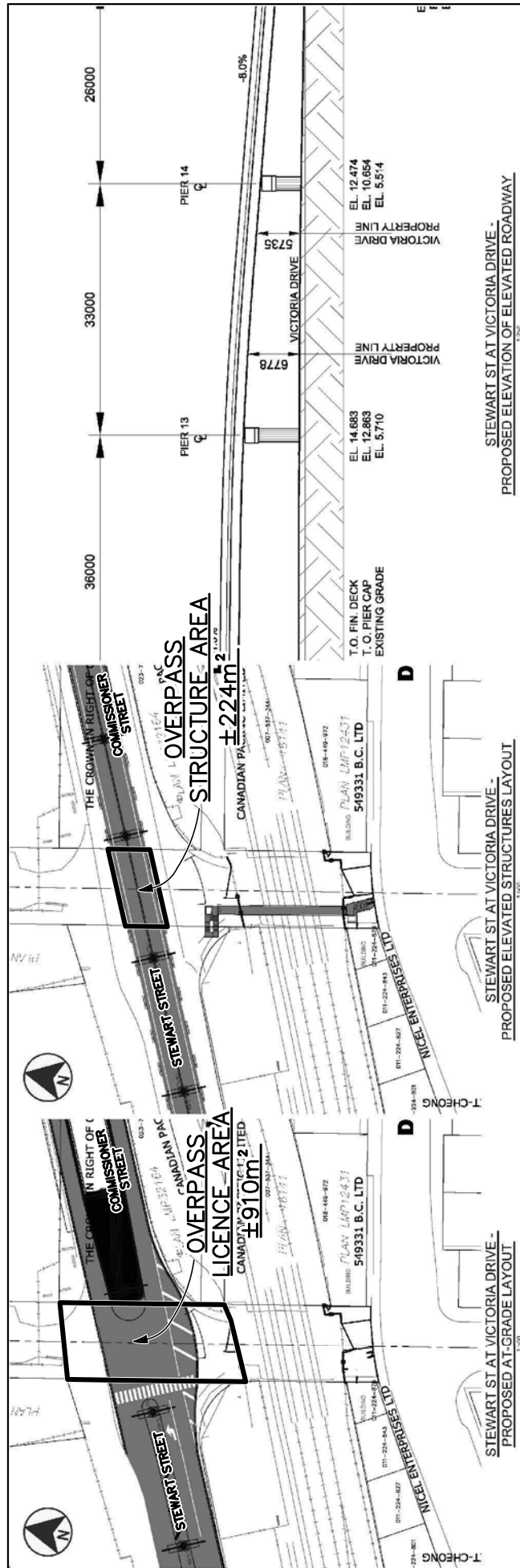
1. The Overpass Licence to be subject to a six-month cancellation clause with cancellation only to occur upon a resolution of Council.
2. The Overpass Licence Area is to be used only for the purposes of installing, completing, operating, using, and maintaining the PMV Works as proposed herein within Overpass Licence Area.
3. The PMV Works are to be completed in accordance with the design and working plans and specifications approved by the GMES (the "Approved Plans and Specifications").
4. PMV to provide an as-built survey plan prepared and certified by a B.C. Land Surveyor, such as-built survey plan to be satisfactory to the GMES. On completion, such survey plan will be attached to the Overpass Licence and will further be attached as an addendum to the Access Control Licence.
5. PMV to maintain the Overpass Licence Area, including responsibility for drainage, in a manner satisfactory to the GMES.
6. The City, the Greater Vancouver Sewerage and Drainage District, all utility agencies, and all emergency service vehicles to have the right of entry, without notice, to the Overpass Licence Area at any time.
7. Upon expiry or termination of the Overpass Licence PMV is to be responsible for the restoration of the Overpass Licence Area, at no cost to the City, to the satisfaction of the GMES.
8. PMV to assume full responsibility for liabilities, loss, damages from their occupancy or use of the Overpass Licence Area and to carry comprehensive general liability insurance to the satisfaction of the Director of Risk Management.
9. PMV must provide written confirmation from all impacted outside utility companies (including, but not limited to BC Hydro, Telus, Shaw, Bell Canada, MTS Allstream, Greater Vancouver Sewerage and Drainage District, and Metro Vancouver) that arrangements have been made to accommodate their services and that they have no objection to the installation of the PMV Works to the satisfaction of the GMES.
10. PMV must provide a detailed plan to address all conflicts with City utilities to the satisfaction of the GMES.
11. PMV to be responsible for all costs associated with the PMV Works including any costs associated with street and utility modifications.
12. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto.
13. The Overpass Licence to contain such other terms and conditions satisfactory to the GMES, the DLS, and the Director of Real Estate Services.

**Pedestrian Licence  
Terms and Conditions**

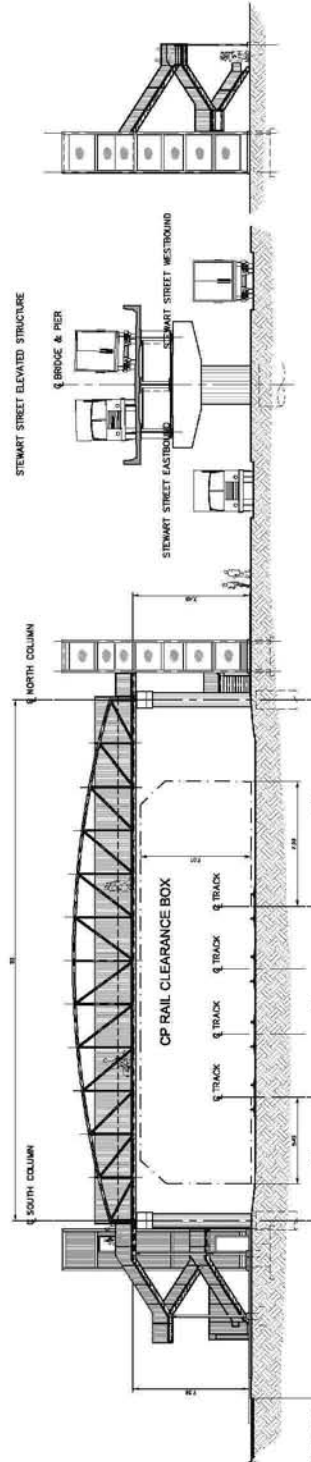
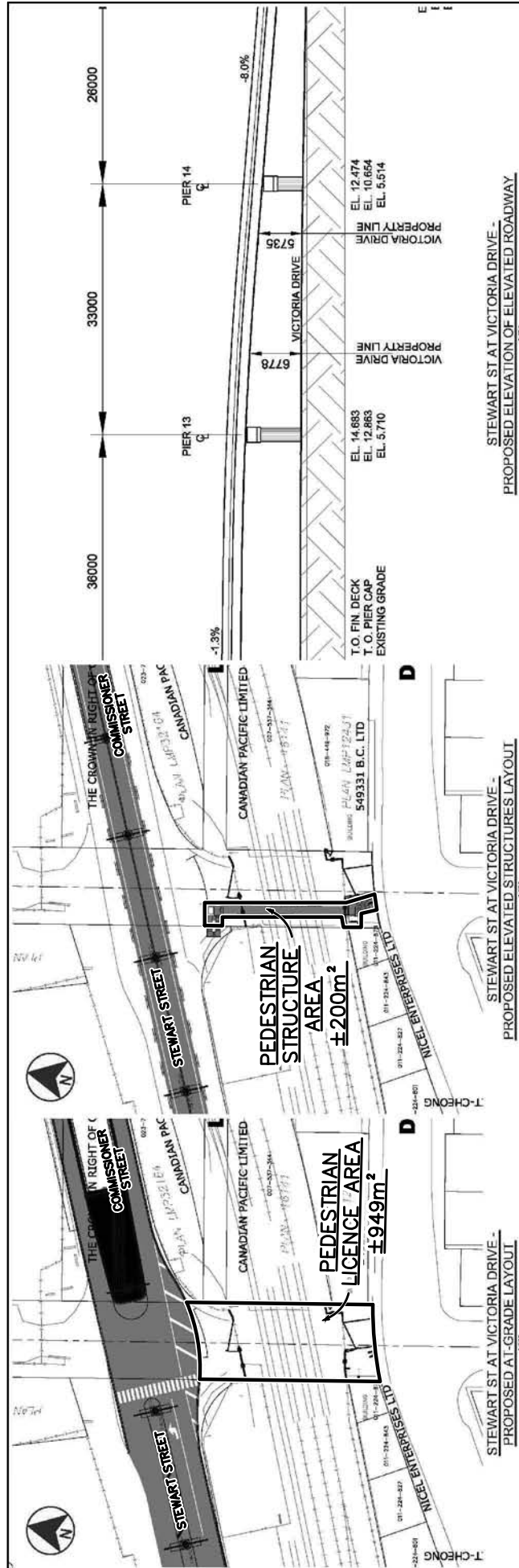
1. The Pedestrian Licence to be subject to a six-month cancellation clause with cancellation only to occur upon a resolution of Council.
2. The Pedestrian Licence Area is to be used only for the purposes of installing, completing, operating, using, and maintaining the PMV Works as proposed herein within Pedestrian Licence Area.
3. The PMV Works are to be completed in accordance with the design and working plans and specifications approved by the GMES (the "Approved Plans and Specifications"). The Approved Plans and Specification, and the Pedestrian Licence are to provide for rights of access, to the satisfaction of the GMES, to ensure emergency ingress and egress, including fire escape routes, building maintenance and deliveries to the owners and occupiers of abutting lands.
4. PMV to provide an as-built survey plan prepared and certified by a B.C. Land Surveyor, such as-built survey plan to be satisfactory to the GMES. On completion, such survey plan will be attached to the Pedestrian Licence and will further be attached as an addendum to the Access Control Licence.
5. PMV to maintain the Pedestrian Licence Area, including responsibility for drainage, in a manner satisfactory to the GMES.
6. The City, the Greater Vancouver Sewerage and Drainage District, all utility agencies, and all emergency service vehicles to have the right of entry, without notice, to the Pedestrian Licence Area at any time.
7. Upon expiry or termination of the Pedestrian Licence PMV is to be responsible for the restoration of the Pedestrian Licence Area, at no cost to the City, to the satisfaction of the GMES.
8. PMV to assume full responsibility for liabilities, loss, damages from their occupancy or use of the Pedestrian Licence Area and to carry comprehensive general liability insurance to the satisfaction of the Director of Risk Management.
9. PMV must provide written confirmation from all impacted outside utility companies (including, but not limited to BC Hydro, Telus, Shaw, Bell Canada, MTS Allstream, Greater Vancouver Sewerage and Drainage District, and Metro Vancouver) that arrangements have been made to accommodate their services and that they have no objection to the installation of the PMV Works to the satisfaction of the GMES.
10. PMV must provide a detailed plan to address all conflicts with City utilities to the satisfaction of the GMES.
11. PMV must make arrangements for a railway crossing agreement for the pedestrian overpass across the railway pursuant to the Canada Transportation Act and involving

the CPR, the Canadian Transportation Agency, PMV, and the City to the satisfaction of the GMES and the DLS.

12. PMV to be responsible for all costs associated with the PMV Works including any costs associated with street and utility modifications.
13. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto.
14. The Pedestrian Licence to contain such other terms and conditions satisfactory to the GMES, the DLS, and the Director of Real Estate Services.

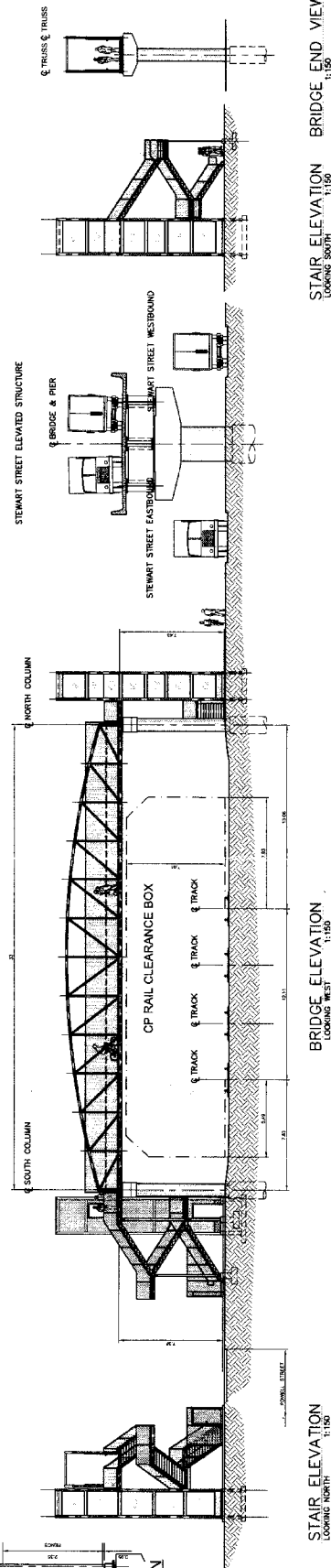
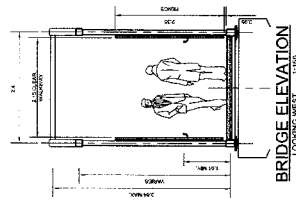
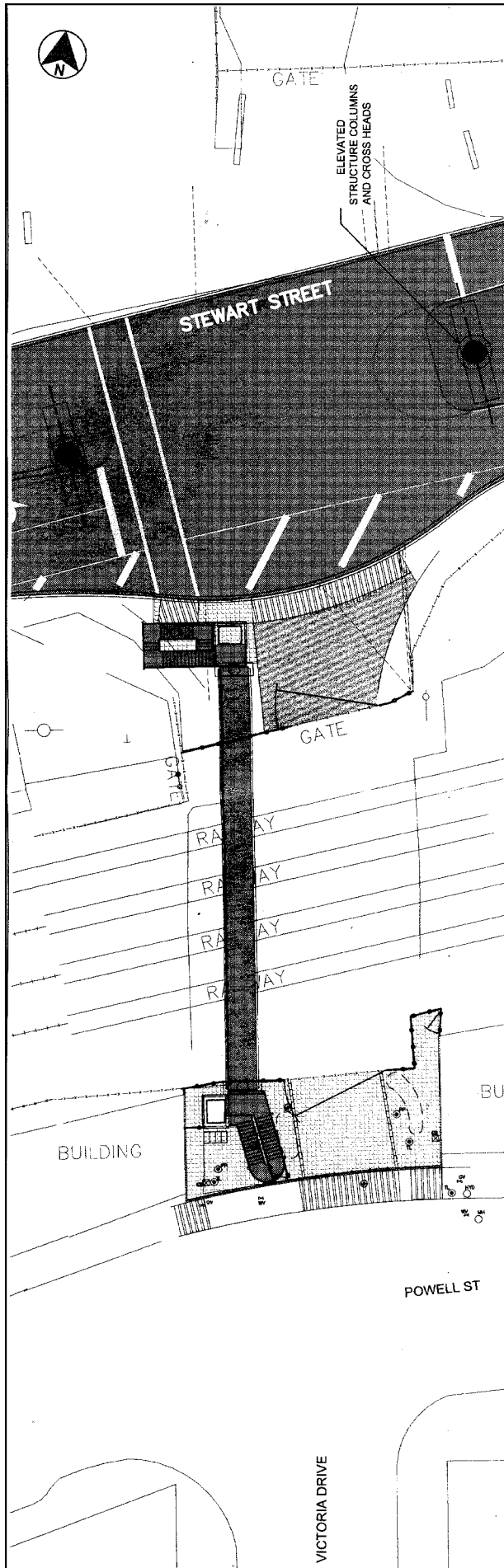
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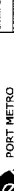


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## APPENDIX "E"

### (AT GRADE IMPROVEMENTS)



No.	REFERENCE		<p>THIS DOCUMENT IS THE PROPERTY OF AECOM. IT IS TO BE USED ONLY FOR THE PROJECT AND PURPOSES SPECIFIED IN THE ORDER. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF AECOM. AECOM AND AECOM LOGO ARE TRADEMARKS OF AECOM. ALL RIGHTS ARE RESERVED. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM AECOM.</p>	No.	Date	REVISION	Dr'n Ch'd	 <b>PORT METRO</b> <b>vancouver</b>	SECTIONS BY AM DESIGNED BY PDS APPROVED PDS DATE 2012/02/09 SCALE 1:150 FILE NAME 21-352	<b>SOUTH SHORE CORRIDOR PROJECT</b> <b>VICTORIA DRIVE</b> <b>PEDESTRIAN OVERPASS</b> <b>PLAN AND SECTION</b>	SK 20120209 - 003 D 1 of 1

APPENDIX "F"  
(ACCESS CONTROL LICENCE AREA)

