

**BRUCE COUNTY RAIL CORRIDOR
FENCING SUB-COMMITTEE POLICY
CORRIDOR CROSSING**

February 10, 2005

The Bruce County Highways Committee has jurisdiction over the former CNR rail corridor from Huron County through Mildmay, Walkerton, Paisley to Port Elgin and then south-westerly to the BNPD. There are a number of situations where adjacent landowners own property on both sides of the corridor and wish to have access across the corridor.

The County is prepared to consider approving crossings if they are undertaken in a safe manner and do not create a major obstruction to the use of the corridor. The landowner must own the adjacent property on both sides of the corridor and must be prepared to enter into the agreement referred to in this policy.

The issue of crossing the corridor by adjacent landowners is divided into the following sub-categories:

a) Adjacent landowner crossing directly over the corridor:

In this application, adjacent landowners would have land on either side of the corridor and would require access directly across the corridor. The County would support this type of crossing with an appropriate agreement.

b) Landowner request to travel down the corridor to adjacent lands:

Generally, the adjacent landowner would have road access to each of the properties and travel down the corridor for non-recreational use would not be allowed since it represents a considerable hazard to corridor use.

c) Special permission:

There may be applications where landowners wish to have access along the corridor for other infrequent activities, for which the County may wish to provide permission to access property along the corridor. The County may support this type of access on a case-by-case basis with an appropriate agreement.

d) Adjacent landowner may wish access to the trail from adjacent lands:

An adjacent landowner may wish to enter the trail to have trail use. The landowner is responsible to install and maintain the access point and would enter an appropriate agreement.

AGREEMENT:

The County requires an agreement with the owner of the adjacent lands, which would include a site plan, a hold harmless clause, liability insurance, etc.

The Agreement would include the following issues:

- ? Vehicular traffic crossing the corridor will use their road lights to be visible.
- ? Vehicular traffic will proceed with caution and will either stop at the edge of the rail bed or, if on a steep grade with a heavy load, will proceed across the rail corridor at not more than 5 mph.
- ? There should be a review of visibility of all access points and it may be an obligation of the landowner to remove brush to provide and maintain visibility.
- ? If there is a fence along the corridor and a gate is necessary, it will be the responsibility of the landowner to supply, install and maintain the gate.
- ? The maintenance of the access point will be the responsibility of the adjacent landowner. The County will establish the maintenance standard.
- ? There will be a maximum of one access point per individual adjacent property.
- ? The agreement would expire upon the sale of the property or after ten years, whichever occurs first.

PROCESS:

Following the opening of a section of corridor to trail use the County will review all existing access locations and determine if they conform to this policy. If an access conforms, then the County shall prepare an agreement for the landowner to consider. If the County and landowner agree on the contents, both parties shall sign the agreement. If the County and landowner do not agree, then the County may request that the access be abandoned.