



Corporate Report

Report from Transportation & Environmental Services, Operations

Date of Report: January 21, 2013

Date of Meeting: February 4, 2013

Report Number: TES-036-2013

File: 10.13.99

Subject: Notice of Intention to Pass By-law, Elimination of Whistling at Grade Crossings (Vansickle Road, First Street Louth, Third Street Louth)

Recommendation

That Council authorize the passage of a by-law to eliminate train whistling at the CN rail crossings of Vansickle Road, First Street Louth, and Third Street Louth; and

That the City Solicitor be directed to prepare the necessary by-law; and further

That the Office of the City Clerk be directed to make the necessary notifications.
FORTHWITH

Background

At their meeting of December 7, 2009, Council approved a request from the Niagara Health System seeking the elimination of train whistling at the CN rail crossings of Vansickle Road, First Street Louth and Third Street Louth. With the new hospital in west St. Catharines scheduled to open March 24, 2013, staff are working with CN Rail and Transport Canada to achieve the desired anti-whistling zone.

Report

Engine whistling at all public rail crossings in Canada is a requirement under the Canadian Rail Operating Rules (CROR). Simply put, all rail operators must sound their whistles when approaching an at-grade rail crossing, regardless of the protective crossing measures in place, unless specific instruction to not whistle has been given by the railway company (in this case, CN) and is supported by Transport Canada. As outlined in *Guideline No. 1: Procedure & Conditions for Eliminating Whistling at Public Crossings* issued by Transport Canada, municipalities seeking relief from whistling at public crossings must contact the pertinent railway company directly and discuss the matter. At the same time, the municipality must also notify the general public and all relevant organizations of its intention to pass a resolution forbidding the use of whistles in the area. The responsible authorities, which are the municipality and the railway company, shall jointly conduct a detailed safety assessment of the grade crossings. If the responsible authorities are in agreement, and the crossings meet the requirements of the Guideline, the municipality must

pass a motion prohibiting whistling. Once this is complete, the railway company can issue the instruction to stop whistling.

With respect to the three subject crossings, the City and CN Rail have completed the detailed safety assessments and are in the process of implementing the remedial measures identified in the report. These measures include minor adjustments to warning signs and pavement markings as well as brush and tree trimming to increase visibility at the crossings. The required adjustments to warning signs and pavement markings have been completed while the tree trimming and brush removal is expect to be complete by late February.

In order to move forward in this regard, the City is required to provide “public notice” of its intent to pass a By-Law to eliminate train whistling at the respective crossings as well as notify the relevant organizations identified by Transport Canada. This report serves as the public’s notification of Council’s intent to pass a By-law to eliminate whistling at the CN rail crossings of Vansickle Road, First Street Louth and Third Street Louth. The By-law will be presented for Council’s approval on February 25, 2013.

Financial Implications

The cost to implement the remedial measures identified in the safety assessment is estimated at \$17,000. Approximately \$15,000 is associated with tree trimming and brush removal while \$2,000 is for the placement and relocation of warning signs and pavement markings. As part of the December 7, 2009 approval, Council directed that the costs of any remedial measures required to achieve anti-whistling be the responsibility of the Niagara Health System (NHS). Based on the results of the safety review, staff believe that only the costs associated with the tree trimming and brush removal should be NHS costs. The costs associated with the placement and relocation of warning signs and pavement markings is traditional City work and should be done regardless of the anti-whistling request. These costs will be funded through the Annual Operating Budget (Traffic safety Devices and Regulatory Markings). The NHS has agreed to fund their share of the remedial measures.

Conclusion

In response to Council’s direction to seek the elimination of train whistling at the CN rail crossings of Vansickle Road, First Street Louth and Third Street Louth, staff have undertaken the necessary safety assessments and are in the process of implementing the remedial measures. In order to move forward in this regard, the City must provide “public notice” of its intent to pass a By-Law to eliminate train whistling at the respective crossings as well as notify the relevant organizations identified by Transport Canada. This report serves as the public’s notification of Council’s intent to pass said By-law. The By-law will be presented for Council’s approval on February 25, 2013

Notification

It is in order that the following be so notified:

1. Transport Canada - Rail Safety, Rail Safety Branch, 427 Laurier Street West, Ottawa, Ontario, K1A 0N5
2. Transport Canada, Regional Director, Surface, 4900 Yonge Street, 3rd Floor, Toronto, Ontario, M2N 6A5
3. Mr. B. McDonagh, National Representative, CAW, 326-12th Street, 12th Floor, New Westminster, B.C., V3M 4H6
4. Mr. Rob Smith, National Legislative Director, Teamsters Rail Conference Canada, 130 Albert Street, Suite 1710, Ottawa, Ontario, K1P 5G4
5. Mr. Brehl, President, Teamsters Rail Conference Canada (MWED), 2775 Lancaster Road, Suite 1, Ottawa, Ontario, K1B 4V8
6. Mr. K. Depuck, National Advisor, Teamsters Rail Conference Canada (MWED), 2775 Lancaster Road, Suite 1, Ottawa, Ontario, K1B 4V8
7. Mr. Michael Orr, Engineer Junior, Canadian National Railway, 1 Administration Road, Concord, Ontario, L4K 1B9
8. Ms. Gloria Kain, Chief Planning & Development Officer, Niagara Health System, 155 Ontario Street, St. Catharines, ON, L2R SK3

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