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ANTI-WHISTLING POLICY FOR TRAINS AT ROAD/RAIL CROSSINGS

(Regional Council at its meeting on June 19, 2008 adopted this Clause subject to the following amendments:

1. *The Region will entertain anti-whistling by-laws from the local municipalities with different hours of restrictions than those in the Region's policy as they come forward; and*
2. *The Region will be responsible for risk and liability at train crossings on Regional Roads.*

In considering this clause, Council had before it a letter dated June 11, 2008 from Kim Kitteringham, Deputy Clerk, Town of Markham.)

The Transportation and Works Committee recommends the following:

1. the following deputations be received:
 - a) Mr. Paul Mantella, President, Nashville Area Ratepayers Association;
 - b) Mr. Brian Roman, resident, Unionville, Ontario;
2. the following communications be received:
 - a) Mrs. Michele Kennedy, Town Clerk, Town of Whitchurch-Stouffville, dated April 9, 2008;
 - b) Ms. Donna McLarty, Town Clerk, Town of Richmond Hill, dated May 28, 2008;
3. the Anti-Whistling Warrant Criteria policy be amended to reflect that the Region be responsible for the cost of installing pedestrian gates;
4. the recommendations contained in the following report, May 28, 2008, from the Commissioner of Transportation Services, be adopted subject to the above amendment.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council adopt the attached policy to deal with requests from local municipalities wishing to enact by-laws prohibiting train whistling at railway crossings of Regional roads.
2. The Regional Clerk circulate this report to the Clerk of the local municipalities.

2. PURPOSE

This report recommends adopting a policy on anti-whistling at railway crossings of Regional roads (*see Attachment 1*). The report also provides information on the staff discussions with the local municipalities.

3. BACKGROUND

On February 6, 2008 (*see Attachment 2*), a report proposing an anti-whistling policy was endorsed by the Transportation and Works Committee. On February 21, 2008, Regional Council referred this report back to staff for further discussion with the local municipalities and requested the submission of a subsequent report to the Transportation and Works Committee.

Typically, requests pertaining to anti-whistling come from a resident to the local municipality or to the Region. As these requests are usually a noise issue related to the operation of train whistles, staff refer the request to the local municipality for their review and assessment through their noise by-laws. If required, the local municipality will request assistance from the Region.

Staff are continuing to receive requests for anti-whistling. This report recommends the adoption of a policy on anti-whistling and provides additional information as requested by the Transportation and Works Committee.

4. ANALYSIS AND OPTIONS

DISCUSSIONS WITH LOCAL MUNICIPALITIES

Staff was requested to discuss the implementation of anti-whistling with the local municipalities and report to the Transportation and Works Committee. Staff met with representatives from the local municipalities on April 10, 2008 where a presentation was provided and the implementation of anti-whistling was discussed. The local municipalities are concerned with the requirement that funding and associated costs for the implementation of anti-whistling are solely their responsibility. Other concerns addressed during this meeting were the ability to adjust the hours prohibiting train whistling and the increased risk and liability resulting from implementing anti-whistling.

Several local municipalities have submitted or are in the process of submitting reports to their respective Councils and were requested to provide copies of those reports. Any municipalities not submitting Council reports were requested to submit a letter outlining their position regarding anti-whistling.

4.1 COSTING OF CROSSING SAFETY DEVICES

Costs to install the necessary safety devices to implement anti-whistling at railway crossings vary based on geometrics

Should a crossing location that is being considered for an anti-whistling by-law not have all appropriate safety warning devices in place, the installation of the necessary devices is required. The Federal government provides up to 80% of the funding for the installation of railway safety devices.

Generally, the cost to implement flashing signals and gates, not including pedestrian gates, at a railway crossing, regardless of an urban or rural road environment, are estimated at approximately \$200,000. According to Transport Canada, depending on location, geometrics of the road and railway and specific setup, the cost to install a pedestrian gate at a sidewalk crossing and a mast arm at a vehicle crossing range from \$60,000 to \$100,000 per location. The cost of installing an individual pedestrian gate range from \$60,000 to \$80,000 and are usually only required in urban locations with sidewalks. The cost of a safety audit varies based on location, but is approximately \$3,000.

The total cost to implement anti-whistling at a two-lane rural road railway crossing, where no railway safety devices are in place, is estimated to be approximately \$208,000 and does not include pedestrian gates. The cost to implement flashing signals and gates at a two-lane urban road railway crossing is estimated at approximately \$288,000. These costs are summarized in the following table which reflects the higher end of the scale. As noted in the table, the major difference in cost is based upon the inclusion of pedestrian gates and the difference between a four-lane and two-lane urban road cross section.

Regional Policy proposes to share costs where no safety devices exist or where upgrades to existing devices are required

During meetings, staff of the local municipalities outlined their concerns with the requirement that funding for the implementation of anti-whistling would be solely their responsibility. The discussions were beneficial in clarifying the division in responsibility as proposed by Regional staff. For clarification, in situations where there are no safety devices at a Regional road rail crossing, or where the current safety devices need to be upgraded, the Region would share in these costs. For example, if a crossing has flashing lights and bells only, the Region would pay for its share of installing the crossing gates and other related expenses. It would be the responsibility of the local municipality to pay

for any additional devices required to implement the anti-whistling by-law. In a situation where gates, bells and lights are already in place at a crossing, the Region would not be responsible for any costs related to installing devices to implement the anti-whistling by-law. Table 1 shows a range of costs for different crossing options.

Table 1
Anti-Whistling Implementation Costs on Regional Roads

# Lanes	Environment	Cost Per Location				Total
		Regional	Local Municipality for Anti-Whistling			
		Flasher and Gates	Pedestrian Gates	Safety Audit	Education Program	
2 – lane	Rural	\$200,000	No sidewalk	\$3,000	\$5,000	\$208,000
4 – lane	Rural	\$250,000	No Sidewalk	\$3,000	\$5,000	\$258,000
2 – lane	Urban	\$200,000	\$80,000	\$3,000	\$5,000	\$288,000
4 – lane	Urban	\$250,000	\$80,000	\$3,000	\$5,000	\$338,000

In comparison to the cost of railway devices, other costs, such as the completion of a safety audit and the creation of an education program are minimal.

4.2 TIMES FOR ANTI-WHISTLING PROHIBITIONS

Staff also discussed the proposed time limitations for the anti-whistling prohibition at Regional road crossings. Following the staff consultations, Regional staff have amended the policy proposal to reflect a degree of flexibility regarding the time-of-day limitations. The main intent is to limit train whistling during night time hours when people are sleeping. The time proposal in the policy was based on the GO Train times on the Newmarket line. If other crossings in other local municipalities have different times for GO Train service, the restricted hours can be changed accordingly. The proposed policy has been amended to reflect a more flexible start and stop time for the anti-whistling by-law while maintaining the intent of eliminating the train whistle during night time hours.

4.3 RISK AND LIABILITY

In general, any road authority would potentially become more liable for collisions and increased risk with the implementation of an anti-whistling by-law. Regional staff suggest that the added risk and liability is most appropriately attributed to the municipality implementing the by-law. The rail authorities, such as GO Transit and CN, would both require indemnification agreements from the Region and the proposed policy suggests that the Region would require the same from the local municipality during the process of approving any anti-whistling by-law.

Even if a local municipality enacts an anti-whistling by-law at a location, the train operator still has discretionary use of the train whistle in emergency situations or in response to a safety concern. Any local by-laws are superseded by the rail authority's policies.

5. FINANCIAL IMPLICATIONS

In accordance with this report, any costs related to the implementation of anti-whistling would be the responsibility of the local municipality. Any costs related to installing gates, bells and flashing lights to bring the crossing up to standard will be paid for by the Region. All safety devices at road-rail crossings are eligible for up to 80% funding from the Federal government.

6. LOCAL MUNICIPAL IMPACT

Any costs to implement anti-whistling are the responsibility of the local municipality. Should a crossing location that is being considered for an anti-whistling by-law not have all appropriate safety warning devices in place, the Region would pay for the standard safety devices including gates, bells and flashing lights. The local municipality would have to pay for the installation cost of the necessary devices specifically required for the implementation of an anti-whistling by-law. Federal grants provide up to 80% of the funding for the installation of railway safety devices. The local municipality would also be required to assume the added risk and liability of enacting the anti-whistling by-law.

7. CONCLUSION

This report recommends adopting a policy on anti-whistling at railway crossings of Regional roads and provides information regarding the approximate cost to implement anti-whistling. The policy also reflects a more flexible start and stop time for the anti-whistling by-law with the intent of eliminating train whistling during night time hours.

For more information on this report, contact Paul Jankowski, General Manager, Roads, Roads Branch at extension 5901 in the Transportation Services Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)



STATUS
 Council Approved Y N
 CAO Approved: Y N

TITLE: Anti-Whistling Warrant Criteria	NO.:
	Effective Date:
	Latest Revision Date:

POLICY STATEMENT:

This policy provides a set of criteria when local municipalities request York Region support for a local municipal anti-whistling by-law at railway crossings of Regional roads.

APPLICATION:

The criteria provide a consistent approach to deal with requests from area municipalities for the implementation of anti-whistling within York Region.

PURPOSE:

The purpose of this policy is to provide a set of criteria for area municipalities to follow when requesting support of an anti-whistling by-law at locations on Regional roads.

DESCRIPTION:

This policy contains criteria for implementing anti-whistling on Regional roads that intersect railway lines.

Criteria

1. Local municipalities must make a formal request to the Region for support of an anti-whistling by-law for each individual location where a railway crosses a Regional road at-grade.

<u>APPROVAL INFORMATION</u>	
<u>Council Minutes:</u>	
Clause No.:	of Report No.:
Of the:	Date:
	OR
CAO Approval Date:	

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2. An anti-whistling by-law could be considered if the following conditions are satisfied and all costs are incurred by the local municipality:
- a. A safety audit is completed by a specialized safety consultant.
 - b. The safety audit is approved by Transport Canada.
 - c. If there are pedestrians in the area of the crossing, pedestrian gates must be installed.
 - d. An education program is developed for the affected area.
 - e. The whistling prohibition be implemented during night-time hours typically between the hours of 10:00 p.m. and 6:00 a.m.
 - f. The local municipality requesting the anti-whistling by-law agrees to assume any added risk and liability to the Region as a consequence of executing the anti-whistling by-law and to indemnify the Region for such added risk and liability

CONTACT:

Director, Operations, Roads Branch, Transportation Services Department

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Director, Operations, Roads Branch, Transportation Services Department

