



BOARD REPORT

TO: Chair and Directors

File No: 8650 04

SUBJECT: Electoral Area E: Solsqua Road CPR Railway Crossing train whistle cessation

DESCRIPTION: Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated September 18, 2018.
Mile 40.10, Solsqua Road

RECOMMENDATION #1: THAT: the Board support train whistle cessation at the Solsqua Road (Mile 40.10) crossing, this 20th day of September, 2018.

RECOMMENDATION #2: THAT: the Board direct staff to continue to work with Canadian Pacific Railway staff to obtain any necessary approvals for train whistle cessation at the Solsqua Road (Mile 40.10) crossing, this 20th day of September, 2018.

SHORT SUMMARY:

Staff have received a number of complaints from residents in the area of the newly activated Canadian Pacific Railway (CPR) Solsqua Road crossing regarding the train whistle nuisance. Based on information received from Transport Canada, there is a lengthy process to end the train whistling; however, in consultation with CPR staff, there is an opportunity to provide some timely relief from the train whistling while the formal approval process is being completed by passing a Board resolution in support of the train whistle cessation at the Solsqua Road crossing.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

According to the Canadian Pacific Railway (CPR) website¹, trains are required to whistle at all public crossing where vehicles and pedestrians cross the tracks, unless there is a federally approved whistle prohibition in place. To apply for a "Quiet Zone" for a specific community, the Board must pass a resolution agreeing that train whistles are prohibited at that specific crossing. According to Section 23.1 of the Railway Safety Act, prior to passing a resolution prohibiting train whistles in the specified area, there is a notification and consultation process. In consultation with CPR staff, if the Board passes a resolution in support of stopping train whistles at the Solsqua Road crossing, CPR may be able to provide some relief to the area residents by possibly halting the train whistles while the CSR and CPR staff continue to obtain Transport Canada approval.

In 2005, the CSR received a petition from residents of Elson Road and surrounding areas in Electoral Area C regarding train whistle cessation located at Elson Road crossing (near Sorrento).

In 2006, the Board adopted the 'Elson Road Railway Crossing Anti-whistling Service Bylaw No. 5459' to "establish a service area within Electoral Area C for the purpose of providing funding for 1) an initial

¹ www.cpr.ca/en/community/living-near-the-railway

safety assessment at Elson Road Railway Crossing to determine the eligibility for the prohibition of the train whistle at that crossing; and 2) 50% of the annual cost of liability insurance that must be carried by CP Rail at crossings where there will be no train whistle."

Also in 2006, the CSRD Board authorized access to the Rural Feasibility Study Fund in an amount not to exceed \$5,000, and Opus Hamilton Consultants Ltd. was hired to conduct a safety assessment at the Elson Road crossing. The final safety assessment was completed in 2007 and sent to Transport Canada for their review and approval of the train whistle cessation at the Elson Road crossing.

In May 2009, the CSRD entered into an agreement with CPR regarding the train whistle cessation and liability insurance and the train whistling at Elson Road crossing stopped after June 11, 2009.

POLICY:

Railway Safety Act (R.S.C., 1985, c. 32 (4th Supp.))

Audible Warnings

Use of whistles

23.1 (1) No person shall use the whistle on any railway equipment in an area within a municipality if

- (a) the area meets the requirements prescribed for the purposes of this section; and
- (b) the government of the municipality by resolution declares that it agrees that such whistles should not be used in that area and has, before passing the resolution,
 - (i) consulted the railway company that operates the relevant line of railway,
 - (ii) notified each relevant association or organization, and
 - (iii) given public notice of its intention to pass the resolution.

Ministerial decision

(2) The Minister may decide whether the area meets the prescribed requirements and the Minister's decision is final.

Exceptions

(3) Despite subsection (1), the whistle may be used if

- (a) there is an emergency;
- (b) any rules in force under section 19 or 20 or any regulations require its use; or
- (c) a railway safety inspector orders its use under section 31.

Email from Transport Canada staff regarding process (Excerpt)

The process for municipalities to request whistling cessation at a public grade crossing is:

1. The municipality assesses whether or not whistling cessation at a public grade crossing meets the requirements of the Grade Crossings Regulations and the Grade Crossing Standards.

The Grade Crossings Regulations allow for whistling cessation based on the safety design of the grade crossing.

Appendix D of the Grade Crossing Standards state the requirements for warning systems at public crossings that must be met before whistling can be stopped. The requirements vary based on railway

speed design, vehicle and pedestrian use, and the number of railway tracks going through the crossing. The requirements may include flashing lights, bells and gates.

2. The municipality or road authority must consult with the railway company, notify each relevant association or organization, and give public notice of its intention to pass a resolution for a whistling cessation.

3. Once the municipality and railway company agree on whistling cessation, the municipality can pass a resolution to stop train whistling at the public grade crossing.

Under the Railway Safety Act, it becomes illegal to use a train whistle at the approach of a grade crossing when a municipality declares, by resolution, that it agrees whistles shall no longer be used at a crossing, and that the crossing meets the requirements of the Grade Crossings Regulations. However, the Act allows train whistling in cases of emergency and in other limited circumstances.

4. Transport Canada can make a final decision if the municipality and the railway company do not agree that the crossing meets the requirements for warning systems at a public crossing without train whistling.

Transport Canada encourages railway companies and road authorities to work together to ensure a grade crossing meets the requirements of the Regulations and has completed all steps for whistling cessation.

Transport Canada can order a railway to reinstate whistling at a public crossing after a resolution is passed if the railway company or the municipality fails to maintain the conditions supporting the cessation of train whistling.

See "TC_email_2018-09-07_Redacted.pdf" attached.

FINANCIAL:

There will be costs associated with establishing a service area and obtaining a safety assessment from an engineering firm. Staff will request access to feasibility study funds, outline the expected costs, and estimate the anticipated annual servicing costs to taxpayers in a future Board report.

KEY ISSUES/CONCEPTS:

According to the CPR website, "any time is train time" which means the trains operate 24 hours a day, 7 days a week. The train whistle rule applies to any crossing that does not have a federally approved whistle prohibition, even the crossings that have lights, bells, and crossing gates. At this particular crossing, residents living adjacent to the crossing will not only hear the train whistles, but the bells at the crossing gates.

The residents in the Solsqua Road crossing area have requested that the CSRD explore the process to stop train whistling. According to satellite imagery, it appears the crossing is from Solsqua Road to an

unconstructed road (McKreacher Road) and a road under construction (Jessop Road). See "Map_865004.pdf" attached.

CSRD staff have been in contact with CPR staff and are working together to obtain approvals; however, the first step is obtaining Board support. CPR staff provided the CSRD with a design plan and a PowerPoint. See "Solsqua_Road_Crossing.pdf" and "Solsqua_Road_Crossing_Designs.pdf" attached.

SUMMARY:

Staff are requesting that the Board support the train whistle cessation at the Solsqua Road crossing and further support staff working with CPR staff to obtain approvals from Transport Canada.

IMPLEMENTATION:

If the Board passes the resolution to support the train whistle cessation at the Solsqua Road crossing, staff will send the resolution to CPR and continue to work with CPR staff to formally stop the train whistles at the subject crossing.

COMMUNICATIONS:

Staff will respond to the residents who contacted the CSRD regarding the train whistle nuisance.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Railway Safety Act
2. Elson Road Railway Crossing Anti-whistling Service Bylaw No. 5459

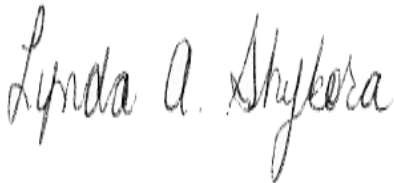
Report Approval Details

Document Title:	2018-09-20_Board_CA_865004.docx
Attachments:	- TC_email_2018-09-07_Redacted.pdf - Maps_865004.pdf - Solsqua_Road_Crossing_Designs.pdf - Solsqua_Road_Crossing.pdf
Final Approval Date:	Sep 19, 2018

This report and all of its attachments were approved and signed as outlined below:



Jodi Pierce - Sep 19, 2018 - 8:14 AM



Lynda Shykora - Sep 19, 2018 - 11:05 AM



Charles Hamilton - Sep 19, 2018 - 11:12 AM