

**Train Whistle Cessation 2018****Report Purpose**

To provide Council with a report on the Train Whistle Cessation Resolution at CN Rail Crossings for Range Road 220 and Range Road 223.

**Recommendation**

THAT the cessation of railway whistling at the crossings at CN Mile 251.43 - Range Road 223 and CN Mile 247.45 – Range Road 220 be approved.

**Council History**

September 5, 2017 - Council approved that the capital project for whistle cessation at CN Rail Crossings for Range Road 231, Range Road 223, and Range Road 220, as outlined in the report titled Train Whistle Cessation, be included in the 2018 budget for Council's consideration.

July 11, 2017 – Train Whistle Cessation Update was referred to the September 5, 2017 Council meeting for debate and discussion.

March 8, 2016 – Priorities Committee was provided with a summary of the Highway 824 at-grade rail crossing train whistle cessation process and information as to the review of future actions.

January 19, 2016 – Council approved that the cessation of railway whistling at the at-grade crossing at CN Mile 250.25 - Highway 824 be approved.

December 11, 2012 - Council approved the 2013 Capital Budget which included the 2013 Ardrossan Train Whistle Cessation project.

July 17, 2012 – Council approved Municipal Policy SER-013-004: Train Whistle Cessation.

January 11, 2011 – Council directed administration to bring back criteria for, and establish a policy to, minimize train whistles in Strathcona County.

**Strategic Plan Priority Areas**

**Economy:** n/a

**Governance:** Cooperative partnership with community, and business

**Social:** Helping, caring and safe community

**Culture:** n/a

**Environment:** n/a

**Other Impacts**

**Policy:** SER-013-004 Train Whistle Cessation, SER-009-017 Traffic Control Devices

**Legislative/Legal:** Transport Canada – *Railway Safety Act* (Section 23.1) provides that the government of a municipality may, by resolution, declare that it agrees that a train whistle within the municipality should not be used. The municipal government is required to 1) consult the railway company that operates the relevant line of railway, 2) notify each relevant association or organization, and 3) give public notice of its intention to pass the resolution.

**Interdepartmental:** Planning and Development Services, Transportation and Agriculture Services, and Legislative and Legal Services.

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## Summary

Since the implementation of train whistle cessation at the Highway 824 CN Rail crossing, in Ardrossan, many residents have contacted the County and raised concerns of train whistle noise at crossings near their homes. Administration has reviewed three additional railway crossings for the possibility of implementing whistle cessation according to the order of priority presented in the March 2016 Priority Committee meeting.

- Range Road 231 at CN MILE 255.97
- Range Road 223 at CN MILE 251.43
- Range Road 220 at CN MILE 247.45

Railway crossings located on Range Road 220 and on Range Road 223 are ready for the implementation of whistle cessation. Range Road 231 is pending additional work from CN Rail and scheduled to be ready during fall of 2018.

The train whistle cessation process follows the federally-controlled *Railway Safety Act*, where a municipality, as the road authority, is able to request the cessation of train whistles at an at-grade rail crossing. Transport Canada defines the standards for the required safety measures and specifies procedures consistent with the *Railway Safety Act* and grade crossing regulations. Strathcona County developed Policy SER-013-004 Train Whistle Cessation; the policy outlines the required steps to achieve whistle cessation within Strathcona County. The policy defines a benefitting area with a minimum of 50 households as being able to request and pursue train whistle cessation. Under the existing policy, all three proposed crossings qualify for whistle cessation.

Each crossing is unique and evaluated independently to ensure the required safety measures are in place and in compliance with Transport Canada's whistle cessation standards. Evaluations required an engineering review and assessment to define the scope of work that may or may not be required to implement whistle cessation. The outcome of the safety assessments includes safety upgrades that were required to be fulfilled prior to the approved implementation of whistle cessation. The required safety measures including adjusting the gate arm decent time, completed by CN Rail. Other safety improvements such as warning signs and pavement markings are also completed by administration. The proposed crossings have been inspected by staff of both Strathcona County and CN Rail. The County and CN Rail mutually agree that the railway crossings meet the prescribed requirements of the *Grade Crossing Regulations and Standards*.

The next step towards the whistle cessation on those crossings is the passing of Council resolution. Once the resolution is passed, CN Rail will be informed through official letter. CN Rail will notify the headquarters of Transport Canada's Rail Safety Directorate of the effective date of whistling cessation at the crossings, and provide copy of its special instructions. CN Rail must also notify the County in writing of the whistle cessation no later than 30 days after the day whistling is ceased. The train conductor retains the overruling authority to sound the whistle in the event of an imminent safety concern at his/her sole discretion even after whistle cessation is implemented. Residents may complain to the County if they observe that railway conductors are still blowing whistles on those crossings on a regular basis. The County and CN Rail are jointly responsible for monitoring and maintaining the conditions that support the cessation of train whistles.

**Communication Plan**

As per the *Railway Safety Act* and in accordance with the advertising requirements in the *Municipal Government Act*, notice of the proposed resolution was provided in the newspaper. Benefiting area residents will be contacted via direct mail out, and the train whistle cessation will also be advertised on the County website.

**Enclosure**

- 1 Train Whistle Cessation Location Map