

Env. Lett.

Town of Richmond Hill

P.O. Box 300
225 East Beaver Creek Road
Richmond Hill, Ontario
Canada L4C 4Y5
905-771-8800
www.richmondhill.ca

May 28, 2008

Ms. Sheila Birrell, Town Clerk
Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Birrell,

Re: Region of York Proposed Anti-Whistling Policy for Trains at Road/Rail Crossings – (SREPW.08.051)


I am writing to advise that the Council of the Town of Richmond Hill, at its meeting on May 26, 2008, approved the following recommendations:

- a) That all costs for implementing an anti-whistling by-law affecting Regional Road/Rail Crossings remain the responsibility of the Region of York and not be passed on to the local municipality;
- b) That a copy of this resolution be forwarded to the Region of York and all of the Region's local municipalities.

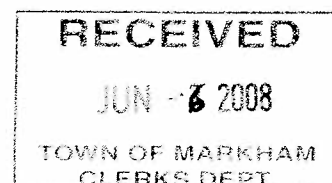
In accordance with Council's directive, I am forwarding to your attention a copy of Council's recommendations and a copy of the staff report titled "Region of York Proposed Anti-Whistling Policy for Trains at Road/Rail Crossings – SREPW.08.051" which was prepared by Marcel Lanteigne, Manager of Transportation Traffic and Site Plans.

If you have any questions or require further information regarding the recommendations, please contact Mr. Lanteigne at 905-771-8800, extension 2456.

Sincerely,


Donna L. McLarty
Town Clerk

Copy to: Marcel Lanteigne, Manager of Transportation Traffic and Site Plans





GRIDLOCK TASK FORCE

May 7, 2008

SREPW.08.051

Engineering & Public Works Department
Transportation, Environmental & Development Engineering

SUBJECT: Region of York Proposed Anti-Whistling Policy for Trains at Road/Rail Crossings

PURPOSE:

To respond to a Region of York proposed Anti-Whistling Policy (see Exhibit 1).

RECOMMENDATION(S):

- a) That all costs for implementing an anti-whistling by-law affecting Regional Road/Rail crossings remain the responsibility of the Region of York and not be passed on to the local municipality.
- b) That a copy of the resolution be forwarded to the Region and all of the Region's local municipalities.

Contact: Marcel Lanteigne, Ext. 2456

Submitted by:

Italo Brutto, P. Eng.
Commissioner of Engineering & Public Works

Approved by:

M. Joan Anderton
Chief Administrative Officer

BACKGROUND:

The Region of York has received a request from Aurora residents requesting that an anti-whistling by-law be enacted to prohibit train operators from using their whistle when approaching at-grade crossings. Regional staff have advised the residents that they do not support anti-whistling since it is a safety issue. Alternatives to the whistle such as automated horn system are also not supported as they are not approved by Transport Canada.

The Town of Richmond Hill has had an anti-whistling by-law since 1987 and involves both Regional and Town roads. However, Regional Council did not endorse this by-law and as such, Regional staff have advised that the by-law is not valid for Regional roads.

Based on the analysis and research done by Regional staff on anti-whistling and supporting by-laws, a proposal is being put forward to Regional Council recommending that, since the anti-

whistling requests would come from “municipal residents” as opposed to “York Region residents”, all costs associated with preliminary work and implementation will have to be covered by the corresponding municipality. These costs would include:

- A safety audit completed by a specialized safety consultant;
- The safety audit approved by Transport Canada;
- The installation of pedestrian gates if there are pedestrians in the area;
- An education program for area residents and users.
- The whistling prohibition be implemented only between the hours of 10:00 pm to 6:00 am.

The cost to install pedestrian gates is estimated at between \$60,000 and \$100,000 per location. Federal grants provide up to 80% of the funding for the installation of railway safety devices. A safety audit and education program will cost between \$10,000 and \$15,000 per location.

Regardless of any anti-whistling by-law, the train operator still has discretionary use of the whistle. Any local by-laws are superseded by the rail authority’s policies and the Railway Act.

It is staff’s position that each municipality including the Region should be responsible for all the cost’s associated with any anti-whistling requests made to each governing municipality by the residents onto which the rail line traverses. Adopting this approach would make the Region responsible for the crossings on Regional Roads including Elgin Mills Road, 19th Avenue and Leslie Street. Whereas the Town would be responsible for the crossings on Town Roads including Weldrick Road, Centre Street, Crosby Avenue and Bethesda Road.

FINANCIAL/STAFFING/OTHER IMPLICATIONS:

The recommendation of this report, if adopted by the Region of York, does not have any financial impact on the Town of Richmond Hill.

RELATIONSHIP TO THE STRATEGIC PLAN:

The recommendation of this staff report demonstrates responsible municipal management.

CONCLUSION:

Staff concludes that, since this policy is being developed to address complaints raised by York Region residents regarding Regional road crossings of railways, all associated costs should be the Region’s responsibility.

Attachment – Exhibit 1

ML/pm

York Region

STATUS

Council Approved

Y

N

CAO Approved:

Y

N

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

APPROVAL INFORMATION**Council Minutes:**

Clause No.:

of Report No.:

Of the:

Date:

OR

CAO Approval Date:

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 only between the hours of 10:00 p.m. and 6:00 a.m.

CONTACT:

Director, Operations, Roads Branch, Transportation Services Department