

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 7, Report No. 38, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 15, 2016.

7 **RAILWAY CROSSING ASSESSMENT STUDY**
CITY WIDE

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the City Manager and the Director of Transportation Services, Parks and Forestry Operations, dated November 1, 2016, be approved; and**
- 2) That staff be directed to meet with representatives of CP Rail and the Fire Chief to discuss opportunities to reduce noise and mitigate train waiting times in the middle of road crossings.**

Recommendation

The City Manager and the Director of Transportation Services, Parks and Forestry Operations recommend:

1. That this report be received for information.

Contribution to Sustainability

This report contributes to the goals and objectives within Green Directions Vaughan, the City's Community Sustainability and Environmental Master Plan, specifically:

Goal 3: To ensure that Vaughan is a city that is easy to get around with a low environmental impact.

Economic Impact

The capital cost to carry out a safety assessment at railway crossings has been identified through the capital project EN-1990-14 "Railway Crossing Safety Assessment – City Wide". All costs associated with the safety assessment study at railway crossings to meet the Railway Safety Act and anti-whistling can be accommodated from this capital project.

Communications Plan

Staff will work with the City's Corporate Communications department to develop a proactive public engagement strategy designed to communicate project information to the residents and gain public feedback.

Staff will communicate the outcome of this report to the Region of York.

Purpose

The purpose of this report is to address Council's direction to:

- report back on the findings of the investigation report of the Ottawa train incident, released in December 2015 by the Transportation Safety Board (TSB) as relate to Train Whistle Cessation; and

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- report back on train whistle cessation at the CP rail line crossing on Major Mackenzie Drive between Huntington Road and Highway 27, as outlined on September 7, 2016 Committee of the Whole, shown in Attachment 1.

Background - Analysis and Options

Residents have expressed concerns over the years about train whistling at various railway crossings in the City of Vaughan.

Train whistling is an important way to keep drivers, cyclists and pedestrians safe. In some cases, these whistles can create disruptions to residents living nearby. Residents have expressed concerns regarding the noise impacts from train whistling at various railway crossings throughout the City starting in 1994. A list of events for anti-whistling can be found in Attachment 2.

Three (3) railway lines are currently operating in the City of Vaughan. A location map is shown in Attachment 3.

1. The CPR line has six (6) at grade crossing locations of City roads: Kipling Avenue, Huntington Road (2 crossings), Kirby Road, Cold Creek Road and Albion Vaughan Road. Four (4) other at-grade road crossings exist on Regional roads.
2. The Barrie GO Transit line has four (4) at-grade rail crossings of City roads: Rivermede Road, McNaughton Road East, Kirby Road, and King Vaughan Road. Three (3) other at-grade road crossings exist on Regional roads.
3. The CNR lines have grade separations at all of the rail crossings.

In September 2013, Council received a deputation by Dan Tersigni regarding train whistling at the CPR crossings at Cold Creek Road, Kirby Road, and Huntington Road, as outlined in Attachment 4.

In September 2016, Council brought forward a motion regarding the concerns residents in Block 61 had on train whistling at the CP Rail crossing on Major Mackenzie Drive between Huntington Road and Highway 27.

A review completed by Transportation Canada of the City of Ottawa's rail incident of September 2013 revealed that the crash was caused by a tree obstruction, a distracted driver, and speed too fast for the conditions.

An investigation by Transport Canada was initiated into a rail accident that occurred on September 18, 2013, at an at-grade crossing in the City of Ottawa, where train whistling had been eliminated. City of Vaughan staff was to report back to Council on the findings of the investigation as it may result in changes to rules pertaining to train whistles at grade crossings.

The incident involved a Via Rail train colliding with an Ottawa City bus, resulting in six fatalities and a number of injuries. The City's active by-law prohibited whistles and horns between 8pm to 12pm. The crash occurred at 8:45 a.m. The Active Warning Devices (AWD) including lights, bells and gates were functioning during the incident.

The investigation revealed trees obstructing the visibility of the gate and a bus driver operating the bus above the speed limit were major contributing factors to the crash. In addition, the bus driver was distracted by a passenger.

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The City of Ottawa implemented a number of safety measures shortly after the incident.

The City of Ottawa responded to the incident by implementing measures that include tree trimming, a speed limit reduction from 60 km/h to 50 km/h, installation of warning signs - "Railway Crossing Ahead", "Curve Ahead" and "Chevron Alignment", pavement markings - white delineators on the guide rails, and an early warning light to indicate when a train would be arriving.

The finding of the investigation report (December 2015) by the Transportation Safety Board recommended further improvements that include: the need for grade separation, comprehensive guidelines for in-vehicle video monitor display, crashworthiness standards for commercial passenger buses, and grade separation guidance, and installation of data recorders on buses.

A New Process to eliminate train whistling under the Rail Safety Act came into effect in November 2014.

Transport Canada, through the Railway Safety Act (RSA), introduced the Grade Crossing regulations (GCR) in November 2014. The new Regulations are expected to improve crossing safety and reduce the number of collisions, fatalities, injuries and property damage at grade crossings. The regulations imposed new requirements for municipalities to conform to. Municipalities will need to complete:

- data exchange/information sharing with railway companies by November 2016;
- a safety assessment at all at-grade railway crossings, and implement necessary improvements by November 2021.

The Canadian Rail Operating Rules (CROR) provides a set of rules for railways in Canada pursuant to the Railway Safety Act. The CROR has a provision for the elimination of train whistle, which is an eight (8) step process - "Procedure for eliminating whistling at public grade crossings", that consistent with the requirements of the Railway Safety Act of the new GCR.

With the RSA, the City will need to conform to the new requirements as set out in the Act, this includes completing the safety assessment. To address anti-whistling, the following eight (8) step process for the elimination of train whistle will need to be followed.

1. Interest for whistling cessation is expressed;
2. Municipality consults with railway company;
3. Municipality issues notifications and public notice;
4. Municipality and railway assess the crossing(s) against the prescribed requirements in the Grade Crossing Regulations and Grade Crossing Standards;
5. Municipality and railway agree that the crossing(s) meets the prescribed requirements of the Grade Crossings Regulations and Standards. Municipality and railway can also request a final decision from Transport Canada which is optional;
6. Municipality passes a resolution declaring that it agrees that whistles should not be used in that area, thereby prohibiting train whistling;
7. Railway company notifies Transport Canada and informs the municipality within 30 days that it has arranged to have whistling ceased at the crossing(s); and
8. Municipality and railway share the responsibility for monitoring and maintaining the conditions that support the cessation of train whistling at the crossing(s).

York Region and other municipalities in the Region, including Vaughan, are undertaking a Railway Crossing Assessment study to meet the Rail Safety Act requirements.

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York Region is undertaking a Railway Crossing Assessment study to meet requirements in the RSA. Staff is participating in a joint study with York Region as it aligns with City objectives in addressing requirements to conform to the RSA. Town of Aurora, Town of East Gwillimbury, City of Markham, Town of Richmond Hill, and Town of Whitchurch-Stouffville are also participating in the joint study.

City of Markham's experience in addressing whistle cessation on Stouffville GO Line led to the upgrade of 13 crossings to eliminate whistle cessation.

To date, the City of Markham is the only municipality in the Region of York that have completed a safety assessment using the eight-step process as outlined in requirements stipulated in the GCR to eliminate 13 crossings at the Uxbridge Train Line. The study identified conditions that require mitigation for elimination of train whistling, cost estimates, risk management and legal liability. The assessment included funding principles based on the type of upgrades. The preliminary cost estimate is about \$5.4 million to upgrade 13 urban crossings. The cost estimate is a combination of: upgrades for new regulations and upgrades for anti-whistling and does not include any costs related to property communication/education plan and trespassing mitigation strategies. The cost sharing arrangement with the City, Metrolinx and York Region has yet to be confirmed. Other issues considered include potential insurance premium increase and operating costs. The City of Markham is preparing for the detailed design of crossing upgrades.

Staff recommend deferring consideration of any train whistle cessation requests until the York Region Rail Safety Assessment study and an assessment of the anti-whistling requirements have been completed

With the RSA, the City will need to conform to the new requirements as set out in the Act. This includes completing a safety assessment at all at-grade railway crossings. To address whistle cessation on the CP rail line, a safety assessment audit for anti-whistling consistent with the eight (8) steps process in the "procedure for eliminating whistling at public grade crossings" needs to be initiated. York Region is undertaking a Railway crossing assessment study. The City is collaborating with the Region in a joint study to complete the assessment. The study is anticipated to be completed in July 2018.

Information from the safety assessment will be an input to the anti-whistling safety audit process. At the completion of the safety assessment, staff will have a good understanding of the conditions of the crossings, safety improvements, and cost estimates to upgrade the crossings to meet standards under the RSA. The process for anti-whistling can be initiated once sufficient information is available from the Rail Safety Assessment study. Staff recommend deferring consideration of any requests for train whistle cessation until the safety assessments are completed. A public engagement strategy will be developed as part of the study process for residents to provide feedback into the anti-whistling assessment.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

In consideration of the strategic priorities related to the Term of Council Service Excellence Strategy Map (2014-2018), this report is consistent with the term of council priorities:

- invest, renew and manage infrastructure and assets; and
- continue to ensure the safety and well-being of citizens.

Regional Implications

The Region and the City is partnering to undertake a rail safety assessment study for crossings on Regional and City roads.

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Conclusion

Staff is collaborating with York Region in a joint study to complete a safety assessment to meet requirements under the Rail Safety Act. The safety assessment for eliminating train whistling will need to be completed by following the eight (8) step process – “Procedure for eliminating whistling at public grade crossings”. Staff recommend reporting back to Council once the Rail Safety assessments are completed. The safety audit for the anti-whistling can be initiated once sufficient information is available from the Rail Safety Assessment study. A public engagement strategy will be developed as part of the study process to communicate the study process to the residents.

Attachments

1. Extract from Council Meeting Minutes of September 20, 2016 (Item 30, Report No.31 of the Committee of the Whole).
2. List of Events related to Whistle Cessation in City of Vaughan
3. Location Map - Rail Crossings in City of Vaughan.
4. Extract from Council Meeting Minutes of September 17, 2013 (Item 30, Report No. 35 of the Committee of the Whole).

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)