

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

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Jacques Dubé, Chief Administrative Officer

**DATE:** January 11, 2018

**SUBJECT:** Train Whistle – Oakfield Park Road, Fall River

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## **ORIGIN**

Item 14.5.1 of the September 31, 2017 meeting of Halifax Regional Council:

MOVED by Councillor Streach, seconded by Councillor Hendsbee THAT Halifax Regional Council request a staff report with recommendations to Regional Council on the feasibility of initiating the process to facilitate the elimination of train whistles at the intersection between Oakfield Park Road and the private driveway located at crossing mile 26.23 Bedford Sub 121.

MOTION PUT AND PASSED UNANIMOUSLY.

## **LEGISLATIVE AUTHORITY**

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

- 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,
    - o (i) consulted the railway company that operates the relevant line of railway,
    - o (ii) notified each relevant association or organization, and
    - o (iii) given public notice of its intention to pass the resolution

Grade Crossing Regulations, SOR/2014-275

- 104** For the purposes of section 23.1 of the Railway Safety Act, the following requirements are prescribed:
- (a) the area must be located
    - o (i) within a railway right-of-way, on each side of a public grade crossing, and within 0.4 km from the outer edge of the crossing surface, as shown in Figure D-1 of the Grade Crossings Standards, and
    - o (ii) within the road approach;

- (b) the area must have a public grade crossing that has the applicable protection referred to in sections 105 to 107;
- (c) the area must not have repeated incidents of unauthorized access to the line of railway; and
- (d) the area must not require whistling for a grade crossing located outside the area.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council direct staff to take no further action at this time.

### **BACKGROUND**

Train whistles are safety devices that alert other trains, motorists and pedestrians to the presence of an approaching train. They also warn trespassers away from the rail right-of-way.

Train engineers follow a detailed set of instructions in the Canadian Rail Operating Rules that stipulates an engine whistle must be sounded at the approach of all public at-grade crossings and is imposed for public safety. The whistle provides a positive indication that a train is approaching and is as important to the crossing safety as any automatic protection system that consists of flashing lights, bells and gates. These rules were developed jointly by the railroads and their unions, and approved by Transport Canada. Trains also whistle due to operational requirements associated with their rail lines not related to crossings.

### **DISCUSSION**

Upon investigation with CN it was determined there currently is no instruction to whistle at the private crossing located at mile 26.23. However, there is a whistle post for westbound trains near this private crossing that is in place because of operational concerns brought forward by Transport Canada. There is a curve in the track which limits sight lines leading into a siding track which is a short stretch of railway track connected to a main line, used for storing rolling stock or to enable trains to pass on the same line.

HRM is not able to initiate a process to facilitate the elimination of this train whistle under section 23.1 of the *Railway Safety Act*, as the area in question is not associated with a railway crossing. However, based on discussions with CN they are currently reviewing the possibility of removing or relocating the whistle post with representatives of Transport Canada. Staff will advise Regional Council of the results of that review once known.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendations in this Report.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

### **COMMUNITY ENGAGEMENT**

There was no need for community engagement as this report is in response to questions raised by the public.

**ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

**ALTERNATIVES**

There are no recommended alternatives at this time as the whistle post relates to operational concerns unrelated to the private crossing.

**ATTACHMENTS**

None.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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