



**STAFF REPORT
ACTION REQUIRED**

Railway Whistling Cessation Study – Morningside Heights Area

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| Date: | August 12, 2008 |
| To: | Scarborough Community Council |
| From: | Director, Transportation Services, Scarborough District |
| Wards: | Ward 42 – Scarborough - Rouge River |
| Reference Number: | P:\2008\Cluster B\TRA\Scarborough\sc08067 D08-2836040 (D07-0825) Morningside Heights Whistling Cessation |

SUMMARY

This staff report is about a matter for which the Community Council does not have delegated authority from City Council to make a final decision.

Recent residential development in the Morningside Heights community has raised noise issues relating to the use of train whistles (horns) by the Canadian Pacific Railway at level crossings in the area. Federal guidelines require that various safety issues be studied prior to train whistling being prohibited at specific level crossings.

It is recommended that a whistling cessation study be commenced with appropriate Notice being given to the public and relevant organisations as per the applicable Federal legislation and guidelines.

RECOMMENDATIONS

Transportation Services, Scarborough District, recommends that Scarborough Community Council recommend to City Council to:

1. Authorise staff to arrange a railway whistling cessation study for the level crossings of the Canadian Pacific Railway at Tapscott Road, Neilson Road, Reesor Road and Beare Road in the City of Toronto, with Council’s ultimate intention to pass a resolution forbidding the use of train whistles at these level crossings where feasible; and
2. Authorise staff to give the necessary Public Notice of this study in a Community Newspaper and on the Internet, and to also give notice of the study to the relevant organisations.

Financial Impact

The financial cost of the study and the Public Notice is approximately \$10,000.00, the funding for which is available in the Transportation Services 2008 Operating Budget, within Cost Centre TP0295.

ISSUE BACKGROUND

Further to a request from Councillor Raymond Cho, Transportation Services staff has been determining the feasibility of banning train whistling related to the Canadian Pacific Railway in the Morningside Heights Community.

The railway has crossed through this area for over a century while the residential development has only occurred in the last few years. However, railway whistling rules are still in effect at level crossings in the area and are causing noise concerns with nearby residents.

Being regulated by the Federal government, there are federal legislation and guidelines that prescribe the process for studying and implementing anti-whistling by-laws at level crossings. These relate to the existence of adequate safety warning devices including signs, lights, bells and gates, but can also include the need for anti-trespassing fences and other mitigation measures. A review of the collision history at these crossings is also required.

COMMENTS

A preliminary review has revealed that anti-whistling by-laws could be feasible at the following four level crossings:

1. Tapscott Road, north of Finch Avenue East (Havelock Subdivision Mileage 178.90)
2. Neilson Road, south of Morningside Avenue (Belleville/Havelock Cross connection Subdivision Mileage 0.61)
3. Reesor Road, north of Old Finch Avenue (Belleville Subdivision Mileage 193.54)
4. Beare Road, south of Plug Hat Road (Belleville Subdivision Mileage 192.48)

There is currently a train whistling prohibition by-law in effect for the crossing of the Canadian Pacific Railway at Pickering Town Line that was passed by the City of Pickering.

Other level crossings of the Canadian Pacific Railway at Passmore Avenue and Steeles Avenue East cannot have train whistling prohibitions enacted as they do not have railway gates. However, there is no significant rail traffic at this time on the Havelock Subdivision that crosses these roads.

There are also grade crossings of the Canadian National Railway York Subdivision north and west of the Toronto Zoo that are in rural areas with no significant residential development. Train whistling should continue at two level crossings at Sewells Road and Reesor Road for public safety due to the rural nature of these crossings. There is also a grade crossing of the York Subdivision at a private road well within the Beare Road landfill site, which is under the jurisdiction of the Solid Waste Management Services Division.

Federal Process

Federal legislation and guidelines dictate a process whereby municipalities must contact the railway directly to discuss the matter. Staff have been in contact with the relevant staff at the Canadian Pacific Railway.

Municipalities must also notify the general public and all relevant organisations of its intention to pass a resolution forbidding the use of whistles in the area, subject to a safety study. This report seeks the authority to issue such notice through an advertisement in a Community Newspaper and to commence the process for the study. It is planned for the Notice to be made in the autumn to provide maximum community exposure. The Notice will also be posted on the City of Toronto internet web site.

The study itself will involve following Council's Request for Proposal (RFP) process to contract with an outside transportation engineering consultant to conduct the necessary safety studies of the four level crossings. This RFP process can take five to seven months with the study itself taking another six months after that.

Once the consultant conclusions are available, the railway and Transport Canada will be consulted for approval and agreement with any recommendations for whistling cessation, subject to any conditions of approval. A by-law can then be passed to prohibit train whistling at applicable locations by amending the Toronto Municipal Code Chapter 591 - Noise.

Once the noise regulation is enacted, the Railway can then implement rules prohibiting the use of train whistles by train operators at the relevant level crossings.

It should be noted that this process may take up to 18 months from commencement to conclusion due to the complexities in both the technical issues and the jurisdictions of the parties involved in the consultation.

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SIGNATURE

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ATTACHMENTS

1. Location Plan (Morningside Heights Railway Whistling Cessation Study Locations)