



**STAFF REPORT
ACTION REQUIRED**

Whistling Prohibition Regulation – Beare Road and the Canadian Pacific Railway Belleville Subdivision

| | |
|--------------------------|---|
| Date: | June 1, 2011 |
| To: | Scarborough Community Council |
| From: | Director, Transportation Services, Scarborough District |
| Wards: | Ward 42 – Scarborough Rouge River |
| Reference Number: | P:\2011\Cluster B\TRA\Scarborough\sc1179 D11-4199360 Beare CPR Whistling Prohibition |

SUMMARY

This report responds to a request from the public to prohibit train whistling at the level crossing of Beare Road and the Canadian Pacific Railway at Mileage 192.48 Belleville Subdivision.

Council's approval of the by-law amending Toronto Municipal Code Chapter 591 – Noise will require the Canadian Pacific Railway to instruct train crews to cease and desist from using train whistling at this crossing except when there is an emergency.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council pass a resolution to prohibit the whistling of any railway equipment at the level crossing of Beare Road and the Canadian Pacific Railway at Mileage 192.48 Belleville Subdivision.
2. City Council authorize staff to enter into any necessary agreements with the Canadian Pacific Railway, including indemnification relating to the whistling prohibition regulation, in content satisfactory to the General Manager of Transportation Services and in a form satisfactory to the City Solicitor.
3. City Council enact an amendment to Toronto Municipal Code Chapter 591 – Noise, as identified in Appendix 1 of this report, subject to the execution of the agreement(s) in Recommendation 2 and the approval of the necessary mitigating measures at the level crossing by Transport Canada.

4. City Council authorize the introduction of any necessary bills required to give effect to these recommendations.

Financial Impact

The financial impact of making the necessary changes to the level crossing to enable whistling cessation is approximately \$2000.00, funding for which is available in the Transportation Division 2011 Operating Budget within Cost Centres TP0397 & TP0398.

DECISION HISTORY

At its meeting of September 24 and 25, 2008, Toronto City Council authorised staff to arrange for a Railway Whistling Cessation Study at four level crossings of the Canadian Pacific Railway (CPR) in the northeast area of Scarborough. This involved hiring a professional consultant with expertise in railway engineering.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.SC18.16>

At its meeting of August 25, 26 and 27, 2010, Toronto City Council received the results of this study for information. The report indicated that the only location for which whistling cessation would be feasible in the short term would be the level crossing of the CPR at Beare Road, subject to minor adjustments to warning signs and pavement markings by the City and railway signal plant adjustments by the CPR.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.SC37.18>

BACKGROUND INFORMATION

Through a public Request for Proposal (RFP) process in late 2009, AECOM Canada Limited was retained in March 2010 to conduct the necessary Whistling Cessation Study. The Consultant was tasked with determining if whistling could cease at any or all of the four level crossings, and identifying mitigating measures that would allow for whistling cessation rules to be enacted. The Consultant delivered the final report in June 2010.

COMMENTS

The study identified that whistling cessation is feasible at this level crossing, subject to mitigation of the following safety deficiencies:

Beare Road at CPR Belleville Subdivision (Mile 192.48)

- City of Toronto - Relocation of a warning sign on the north approach
- City of Toronto - Providing minimum 10 metres of spacing between warning sign and “X” pavement markings
- CPR – Signal mast foundations greater than 100 millimetres being mitigated

City forces are undertaking the minor changes to the signs and markings. Staff have also requested the CPR to mitigate those issues under the railway’s jurisdiction.

The notice required under Section 23.1 of the Railway Safety Act has been given since:

- the Canadian Pacific Railway has been consulted about the intent to pass this resolution (including the mitigating measure that it is responsible for),
- the relevant associations and organizations have been notified, and
- public notice has been given via the city's internet web site and the June 10th, 2011 edition of the Scarborough Mirror.

Even with a whistling prohibition resolution passed by City Council, the process will still require the identified improvements to be completed and to pass inspection by Transport Canada, and for the necessary agreement(s) to be executed with the Canadian Pacific Railway. With this completed, City Council can enact the whistling prohibition regulation and the railway can implement a whistling cessation rule for this level crossing for its locomotive engineers.

Upon final approval by Transport Canada and the implementation of whistling cessation rules by the CPR, the amendment to Toronto Municipal Code Chapter 591 will prohibit train whistling relating to the Beare Road level crossing and require the Canadian Pacific Railway to order train crews to cease and desist such whistling, except when there is an emergency.

CONTACT

Marko A. Oinonen, P.Eng.
Manager, Traffic Operations, Scarborough District
Tel: 416-396-7148
Fax: 416-396-5681
E-Mail: moinone@toronto.ca

SIGNATURE

Peter Noehammer, P. Eng.
Director, Transportation Services, Scarborough District

MAO:ca

ATTACHMENTS

1. Appendix 1 – By-law Amendment (enact)
2. Location Plan – Proposed Whistling Prohibition – Bear Road and the Canadian Pacific Railway Mileage 192.48 Belleville Subdivision

Appendix 1

"Noise"
Regulation to be Enacted

1. Chapter 591, Noise, of The City of Toronto Municipal Code is amended by inserting the following in the table in § 591-13:

| No. | Railway | Subdivision, Branch or other Trackage | Mileage | Street Name |
|------------|----------------|--|----------------|--|
| E. | CP | Belleville Subdivision | 192.48 | Beare Road, south of Plug Hat Road. |