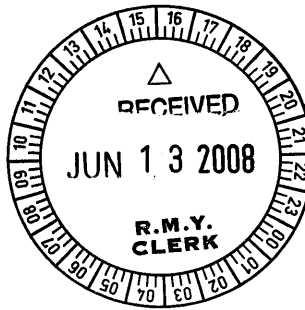




June 11, 2008



REGION OF YORK
CLERK'S OFFICE
FILE No. - *POK*

Mr. Denis Kelly
Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

RE: TRAIN ANTI-WHISTLING UPDATE (5.13)

Dear Mr. Kelly:

This will confirm that at the meeting of Council held on June 10, 2008, Clause 1 of Report No. 30, was approved as follows:

"That the presentation provided by Mr. A. Brown, Director of Engineering and Mr. J. Lustig, Director of Financial and Client Services regarding Train Anti-Whistling Update, be received; and,

That the Region of York be requested to partner with the Town of Markham to install all appropriate safety measures, including pedestrian gates, at all level train crossings within the urban boundary of Markham regardless of local anti-whistling policies; and,

Whereas residents of the Town of Markham and Region of York are desirous of a better quality of life and have been requesting the cessation of train whistling at road crossings for over 5 years; and,

Whereas Anti-Whistling by-laws and the cessation of whistling has been implemented at some road/train crossings in the Region of York and Greater Toronto Area (GTA);

Now therefore be it resolved that Council endorse the implementation of anti-whistling by-laws within the urban boundary of the Town of Markham, with priority given to the thirteen level train crossing on the Uxbridge Line; and,

.....2/

That the Region of York be requested to amend its June 11, 2008 Anti-Whistling Policy for trains at road/rail crossings to:

- Permit anti-whistling at Regional road crossings on a 24 hour per day basis;
- Fund all costs associated with the implementation of anti-whistling at Regional road/train crossings;
- Be responsible for any added risk and liability at Regional road/train crossings; and,

That the Region of York be requested to expedite the implementation of train anti-whistling by-laws at Regional crossings; and,

That the City of Toronto be requested to implement an anti-whistling by-law for the Steeles Avenue/Uxbridge Line crossing.”

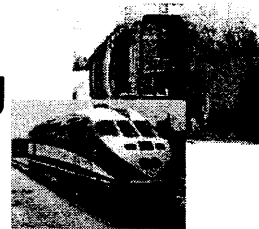
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kim Kitteringham', with a long horizontal line extending to the right.

Kim Kitteringham
Deputy Clerk

Encl.

Train Anti-Whistling Update



Tuesday June 10, 2008
Development Services Committee

Engineering and Finance Departments



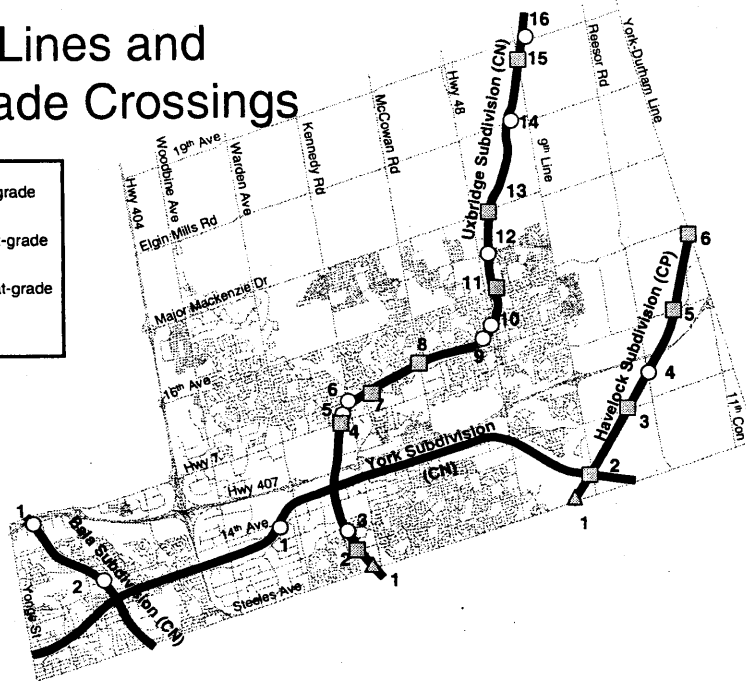
Purpose

- Confirm Status of Train Lines in Markham
- Resident Concerns
- Train Anti-whistle Facts
- Region's Draft Train Anti-whistle Policy and Staff comments
- Risk Management Considerations
- Next Steps



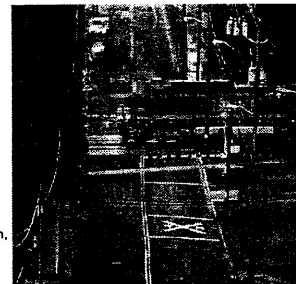
Train Lines and At-Grade Crossings

- Town at-grade Crossing
- Region at-grade crossing
- △ Toronto at-grade crossing



Train Lines: Bala, Havelock, York

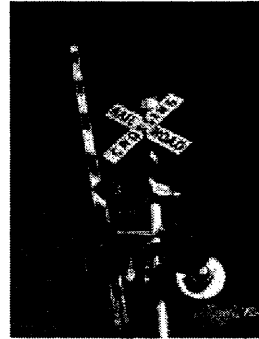
- **Bala – CN Rail / GO Transit**
 - Two At-grade crossings
 - Langstaff Road East
 - Green Lane
 - Train Anti-Whistle By-law 2244 approved in 1966 (compliance rate unknown)
 - Freight trains
 - approximately 40 trains per day during weekdays
 - approximately 20 trains per day during weekends
 - GO Transit – 5 morning and 5 afternoon trains per day during weekdays
 - Via 2 trains per day
- **Havelock – CP Rail**
 - Six At-grade crossings
 - Steeles Avenue East
 - 9th Line
 - 14th Avenue
 - Reesor Road
 - Highway 7
 - York-Durham Line
 - No Train Anti-Whistle by-law
 - Freight trains – 2 trains per day
 - GO – currently undertaking feasibility study to provide service to east Markham, Pickering, Whitby and ultimately to Peterborough.
- **York – CN Rail**
 - One at-grade crossings
 - 14th Avenue (west of Warden Avenue)
 - No Train Anti-whistle by-law
 - Freight train
 - Approximately 40 to 57 trains per day
 - GO Transit – N/A



MARKHAM 4

Train Lines: Uxbridge

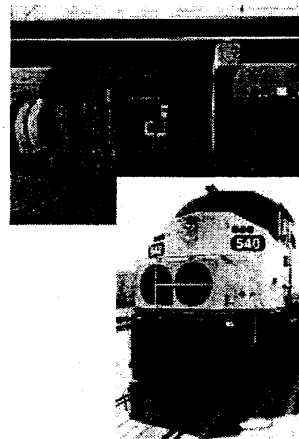
- Uxbridge – GO Transit only
- 1986 - Train Anti-whistle By-law 46-86 at:
 - Hwy 7
 - Eureka Street
 - Kennedy Road
- 1987 - Letter by Canadian Transport Committee to Town not approving By-law 46-86
- 16 at-grade crossings
 - Eight Town Crossings
 - 12th Avenue
 - Elgin Mills Road
 - Bur Oak Avenue
 - Main Street Markham
 - Snider Drive
 - Main Street Unionville
 - Eureka Street
 - Denison Street
 - Seven Regional Crossings
 - 9th Line
 - Major Mackenzie Drive
 - 16th Avenue
 - McCowan Road
 - Kennedy Road (north of Austin Drive)
 - Highway 7
 - Kennedy Road (south of Denison Street)
 - One Toronto Crossing
 - Steeles Avenue East



MARKHAM 5

Train Line: Uxbridge

- No overnight train operations
- No freight train operations
- Day-time GO train operations in Markham
 - Five morning southbound trains
 - 5:35 am to 8:34 am
 - Five afternoon northbound trains
 - 4:47 pm to 7:18 pm
- Future service
 - December 13, 2007, Government of Ontario announced funding for lay-by tracks to allow all day two-way service scheduled for late 2009/2010
 - Expected increase in trips is pending outcome of GO Transit feasibility study



MARKHAM 6

Residents Concerns

- Unnecessary use of train horn predominantly through Unionville and Markham areas along the Uxbridge Line
- Request for 24/7 train anti-whistling



Train Whistling – Facts

- Through the Canadian Rail Operating Rules, locomotive engineers are required to:
 - sound the train whistle at approximately 400 meters (quarter mile) in advanced of every public crossing
 - Continue to sound train whistle until crossing is fully completed
- Under an anti-whistling by-law, locomotive engineers can continue to use the train whistle at their discretion



Train Anti-whistling in Ontario

- There are at least 25 municipalities in Ontario that have anti-whistling by-laws in place. Local municipalities with anti-whistling on double tracks are listed below (*reference Transport Canada*):

MUNICIPALITY	CROSSING LOCATION	MAX # TRAINS PER DAY	# VEHICLES PER DAY
Markham	Green Lane	20 to 40	8,000
	Langstaff Rd	20 to 40	2,000
Richmond Hill	Centre St	19	4,240
Brampton	Goreway Dr	36	11,820
	Torbram Rd	36	22,000
	Mill St North	46	3,650
Oakville	Kerr St	82	2,000
	4th Line Rd	83	7,150
	Burk oak Dr	82	4,700
Brockville	Oxford Avenue	30	1200
	Bertholomew Street	30	1000
	Ormond Street	32	4900
	Park Street	32	3800
	Perth Street	36	7900
Burlington	Appleby Line	67	9,724

- Uxbridge Line, within Whichurch-Stouffville, has 2 train anti-whistling crossings: (1) Millard Street (2) 10th Line
- Crossings were warranted as safety devices were installed and there exists low vehicular volume
- Main Street (Stouffville) did not warrant for train anti-whistling as there are high pedestrian and motorist volume



Region's Draft Anti-whistle Policy

- York will accept anti-whistling on regional crossings subject to:

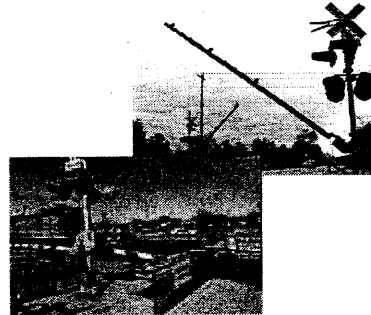
ITEM	TOWN STATUS
1. Safety audit completed by specialized consultant	Completed for Uxbridge Line in Feb.2005 Audit to be updated at a cost of approx. \$30,000 to \$45,000
2. Safety audit to be approved by Transport Canada	Updated audit to be submitted
3. Installation of pedestrian gates at pedestrians crossings	9 out of 16 required at a cost of approximately \$900,000
4. Educational program implemented in affected area	To be undertaken at a cost of approximately \$20,000
5. Train anti-whistling period between 10:00 pm to 6:00 am	No overnight trains on Uxbridge Line, therefore overnight anti-whistling does not address resident issues
6. All costs on both Regional and Town roads responsibility of the local municipality	Staff recommend Region fund costs at their crossings
7. Automated Horn System not be considered at this time	Request Region to pursue future use

- June 11, 2008: The Region staff will be reporting back on the draft Train Anti-whistle Policy to the Region's Transportation and Works Committee.



Estimated Cost to Implement Train Anti-whistling on Uxbridge Line

- Safety Audit Update \$30,000 to \$45,000
- Pedestrian Gates required at nine locations within urban areas of Markham / Unionville Area
 - Pedestrian Gates approximately \$100,000 per location
 - Estimated amount to install pedestrian gates \$900,000
 - Five Region's locations = \$500,000
 - Four Town locations = \$400,000
- Fences requirements \$20,000
- Education Program \$20,000
 - Advertising
 - Mail drop-off
- Total Amount: approximately \$1 Million
 - Region \$500,000
 - Town \$500,000
 - Tax funded
- Approved Budget \$182,145 (account 6501)



Risk Management Considerations

- City of Brockville Incident
- Train Facts
- Additional Considerations
- Town Insurer's (Cowan) Position



Risk Management Considerations

City of Brockville Incident

Before incident

- 24 hr Anti-whistling program in place
- Train crossing: a double track equipped with vehicular gates only with a sidewalk outside the vehicular gates without a pedestrian gate

Incident (July 2005)

- Two grade 7 girls were struck by a train at level crossing between 3 and 4pm
- Two trains approached the crossing in opposite directions
 - The first train passed by the level crossing with the gates down
 - With the gates still down the girls crossed the tracks not aware of the second train coming in the opposite direction



Risk Management Considerations

City of Brockville Incident (Cont'd.)

Immediately after the incident

- CN reinstated their 24-hour whistling program
- Brockville placed crossing guards at the level crossings before and after school

May 2006 (one year after incident)

- Pedestrian gates installed at all level crossings
- CN agreed to halt whistling between 10 pm & 6am with the following requirements:
 - Crossing guards are placed at level crossings during school year
 - Additional evening and overnight police patrols are added at all level crossings
 - Add signage stating whistle-ban in effect between 10pm & 6am
 - If any future incidents or near-miss reports occur the ban will be lifted



Risk Management Considerations

Train Whistling Facts:

Train whistles are a vital safety feature, which protect motorists, pedestrians and train crews from collisions at public crossings. Train whistles alert people that a train is crossing. In some instances, more than one train is about to cross.

- The sole purpose of a train whistle is to alert drivers/pedestrians that an imminent danger is approaching
- A typical locomotive with 100 cars is approximately 6,000 tons
- The weight ratio of an automobile to a train is the similar to a pop can & a car
- Trains require one mile to stop
- Modern trains are much quieter then their predecessors
- Motorists and pedestrians are distracted by different technological devices (cell phones, blackberries, iPods, MP3 Players, etc.) and are not always paying attention to their surroundings. Train whistles can be heard over iPods, MP3 Players

 MARKHAM 15

Risk Management Considerations

Additional Considerations

- Sightlines for pedestrians and locomotive operators with respect to each crossing should be taken into consideration – Is there anything (switching stations, curve in the road or railway) that may impede either parties view
- Surrounding occupancies should be considered – schools, seniors home, subdivisions, heavy pedestrian traffic
- Transport Canada's experience with specific crossings – any previous issues
- Train traffic at each specific crossing – if there are multiple trains how are pedestrians and motorists going to be properly notified
- Pedestrian Traffic – is there appropriate signage and safety measures (safety arm preventing pedestrians from crossing) in place with respect to pedestrian crossings
- Special Considerations – high traffic areas with unique risk factors (schools) - stationing a crossing guard at these higher risk locations before and after school should be considered
- Indemnification agreement between GO/CN and the Town is required. Additional liability will then be transfer from the rail authorities to the Town. Consequently, greater insurance premiums may result if an accident were to occur as a result of an anti-whistle by-law

 MARKHAM 16

Risk Management Considerations

Town Insurer's (Cowan) Position:

"From a risk management perspective, we do not recommend the cessation of rail whistles at rail crossings. According to the Railway Association of Canada, train whistles are vital safety features that protect motorists and pedestrians from collisions at public road and pedestrian rail crossings. We believe, as does the association, that train whistles save lives."



Next Steps

- Council direction is requested regarding proceeding with train anti-whistling
- If Council wishes to proceed with train anti-whistling for Uxbridge Line
 - Region's draft policy needs to be revised at their June 11 Committee meeting
 - Anti-whistling to be 24/7
 - York to fund cost at regional crossings
 - Hold harmless clause
 - Meeting with all stakeholders including Region, CN, GO, Transport Canada and local municipalities to clarify train anti-whistle approval process
 - Update safety audit
 - Staff report to Council in Fall 2008 with safety audit, updated costs and implementation program



