

6. Re: Train Whistles

Council received a complaint on November 8, 1971, regarding the nuisance caused by trains using whistles while travelling through the Municipality.

The following proposals which were contemplated to eliminate this practice, were advanced by Council and consideration of the subject was deferred until the additional information being sought by Council was received:

1. That stop signs be reinstalled on all streets where they cross railway lines.

Council, of course, has the authority to install stop signs on streets at every railroad crossing if it is deemed advisable.

2. That train engines be equipped with flashing lights, to be activated when approaching a crossing, so that the train can be seen by motorists; thus eliminating the need to sound the whistle.

Council has no power to direct that train engines be equipped with flashing lights or any other equipment. The Canadian Transport Commission is the Authority in Canada to deal with inter-provincial or international rail lines.

3. That grade separations be provided at the more heavily used crossings so that vehicular traffic would in no way be impeded by trains.

There is provision in both the Federal and Provincial Railway Acts for grade separations but they are not provided without some cost to the Municipality.

4. That some of the streets be cul-de-saced at the railway lines.

The design of local streets so as to cul-de-sac some of them is always possible but without an overall study of the traffic patterns it would not be possible to advise how many could be treated in this fashion and what the cost would be.

5. That a resolution be prepared for the U.B.C.M. and the Canadian Federation of Mayors and Municipalities aimed at requiring railways to accept more responsibility for the resolution of grade crossing problems, in urban areas.

Without knowing exactly what Council is considering in this respect, it is not possible to comment specifically.

6. That the Board of Transport Commissioners be asked to establish a policy which would allow the operators of trains to exercise more discretion in the use of whistles and horns at grade crossings.

Since there is already provision for grade separations, there is little likelihood that any railway authority would leave it to the discretion of the Engineer whether or not to blow a whistle or sound a horn at a level crossing.

6. Re: Train Whistles (cont'd)

A comment was made about the fact that Edmonton had controlled the sounding of whistles at crossings and the staff was directed to investigate this matter. There is provision in both the Federal and Provincial Railway Acts for any municipality by bylaw to prohibit the sounding of a whistle or the ringing of a bell by trains at crossings within the municipality. In each case the bylaw must be approved by the appropriate Federal or Provincial authority which is dependent on the rail line involved. If the municipality passes such a bylaw, then the Company is relieved from liability and no doubt in the case of accident, the municipality would be sued instead. The City of Edmonton has done this at certain level crossings in the City.

Commenting on jurisdiction generally, the Municipal Solicitor is of the opinion that B.C. Hydro Railway Lines are mainly under Provincial jurisdiction. However, B.C. Hydro does lease and operate from the C.P.R. a line known as the Vancouver and Lulu Island Railway. This line traverses the Big Bend Area and may be subject to Federal jurisdiction. B. C. Hydro also operates a line in the Fraser Valley which we believe has a connection at Sumas. It may be that this line is also under Federal jurisdiction.

It should also be noted that the proposed anti-noise bylaw can not override Provincial or Federal legislation and therefore it will have no impact on this problem.

RECOMMENDATION:

THAT we enquire of Edmonton the standards they used in selecting the crossings at which trains were prohibited from sounding their whistles; and
THAT a copy of this report item be forwarded to Mr. B. Vogt, #212 - 6380 Silver Avenue, Burnaby 1, B. C.