

6. Re: Train Whistles  
(Item 6, Report No. 1, January 10, 1972)

Following a discussion of two complaints regarding train whistles (from Mrs. K. Pilcher, 6832 Stride Avenue and Mr. B. Vogt, #212 - 6380 Silver Avenue), Council on January 10, 1972, directed the Municipal Clerk to obtain from Edmonton the standards that are used in that city to select crossings at which trains are prohibited from sounding whistles.

Mr. A. Konye, Solicitor for the City of Edmonton, replied to the Clerk's enquiry and advises that:

"It appears that the initial bylaw No. 1157 was passed some 21 odd years ago. Since then the bylaw was amended three times to include or exclude other lines from the application of the bylaw. Perusal of the file would not specifically indicate the thinking of the Council and our administrators as they were, therefore we had to examine the differences between the crossings exempted from the effect of the bylaw and those to which the bylaw applies. We have been assisted by one of the members of the Engineering Department who have for some time been associated with construction and maintenance of level crossings and assisted the writer during the consolidation of our various amendments in 1968.

Basically the bylaw applies to level crossings which are surrounded by residential properties, although there are ample exemptions from this general rule. Also crossings which are protected by mechanical gates and flashing red lights affixed thereto are prevalent in these areas. A third consideration which appears to us is the fact that if a level crossing has no mechanical gate protection and a bylaw applies, then at least there is a flashing red light or stop sign, coupled with a very slow moving train unit and involves mostly a spur line.

Needless to say the three major types of protection appearing in the City at railway level crossings, e.g. mechanical gate and flashing red light, flashing red light alone, or a stop sign, coupled with railway crossing sign, are not exclusive to any of the types of level crossings within the limits of the City.

To give you an example of the application of our bylaw, we examined the level crossings involving one of the main lines known as C.N. main loop to downtown. We noted that each and every one of them has a gate and red flashing light type of protective device thereon. The bylaw also applies to level crossings located in a warehouse area located immediately adjacent to downtown and the said loop. The spur tracks in the area are used by extremely slow moving units. It is our understanding that bells have been heard to be used by the engine operators. There are, of course, no protecting gates, flashing lights or stop signs in this area, except railway crossing signs.

Reading your Manager's Report No. 1 to the Council Meeting for the 10th of January, 1972, we noted that he has mentioned the aspect of legal liability which may be incurred by the municipality due to the passage of bylaw, such as the City of Edmonton's.

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There have been accidents between trains and motor vehicles at level crossings within the City of Edmonton since the passage of our bylaw in 1951, undoubtedly some of them may have been at crossings to which our bylaw applied, however we have not as yet been involved in any lawsuit as a result of our bylaw. We feel that the various protective devices prescribed by the Railway Transport Committee of the Canadian Transport Commission, coupled with their careful scrutiny in case of each and every level crossing in relation to the speed of train units traveling in the vicinity, all but eliminates the possible liability of the City arising out of such accident. "

The Municipal Engineer conducted a preliminary investigation involving the use of train whistles at level crossings and reports as follows:

"The existing traffic control along the B.C. Hydro Central Park line has been checked and we find that in every crossing of a road the railway has erected at least one crossbuck. They have also erected crossbucks at every spur crossing of a Municipal road.

The Municipality is responsible for the erection of any stop signs or advance warning signs if such are felt warranted.

At the present time, the Nelson Avenue crossing and the Stride Avenue crossing are protected by stop signs. The Nelson Avenue stop signs are a requirement laid down by the Minister of Railways under the Railway Act and were to replace an old wig-wag signal device. The Stride Avenue stop signs were felt necessary because of a serious view obstruction at the crossing.

In checking the advance signing for main line crossings, we found that in many cases there were either no signs or just one approach was covered. In some cases we can only cover one approach, such as the Dow Avenue crossing and the Telford Avenue crossing because of the nature of development on the opposite approach. Those crossings with inadequate signing will be brought up to standard as soon as possible. "

In the case of industrial spurs, we feel that the present crossbuck signing is adequate and that there should be no need to install advance signing."

The Engineer is attempting to obtain Federal Regulations that explain the conditions under which whistle warnings may be exempted at railroad crossings. When such information has been received, a comprehensive report concerning this matter will be prepared for Council.

It should be noted that citizens who cite the City of North Vancouver as a lower mainland area that has an anti-whistle bylaw are misinformed. Mr. T. J. Scott, North Vancouver Engineer, advises that a bylaw has been drafted but not passed, and that his department is conferring with the

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Canadian Transport Commission concerning the identification of crossings that require whistles and what precautionary measures must be taken in order to prohibit whistles.

This Interim Report is for the information of Council.

RECOMMENDATION:

THAT a copy of this report be forwarded to Mrs. Pilcher and Mr. Vogt.