

ITEM 5

MANAGER'S REPORT NO. 9

COUNCIL MEETING Feb. 4/74

5. Re: Train Whistles

Attached are two reports on train whistles that Council received on January 10 and July 4, 1972.

The Engineer on July 23, 1973 advised Council that "The matter of train whistles at crossings and the attendant question of possible alternative means of signalization at rail crossings is currently the subject of an investigation by the Traffic Division of the Engineering Department. We have been in correspondence with the Department of Commercial Transport, Province of B.C., who are responsible for governing the Act covering provincially chartered rail lines. The requirements which we must meet to make an application to the Minister are quite extensive and require a considerable amount of input from the Department in putting together our applications, and for these reasons, it is not expected we will be able to make the applications for at least another 3 months. As soon as we have obtained the requested information, it is our intention to advise the Council as to our findings and to provide a recommendation as to making appropriate applications to the Minister of Commercial Transport.

This is in the way of a progress report and is for the information of Council."

Following is a further report from the Engineer on this matter.

RECOMMENDATION:

THAT the Clerk's office advise all persons who have corresponded with Council on this matter of the status as noted in the Engineer's report.

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TO: MUNICIPAL MANAGER

January 28, 1974

FROM: MUNICIPAL ENGINEER

RE: TRAIN WHISTLES

The following is an interim report on the subject of banning train whistles in Burnaby by means of an anti-whistling by-law.

The matter of banning train whistles is not as simple as was first anticipated. The Provincial Department of Transportation and Communications require three copies of each crossing of any rail line that would come under their jurisdiction (railways operated wholly within the Province of B. C.). In Burnaby, this would cover the old Central Park line and B. C. Hydro train operations in the Big Bend area.

Anticipating that Council is desirous of enacting an anti-whistling by-law that will cover the whole of the Municipality, we would then be required to go through a similar procedure with the Federal Department of Transport in dealing with those Railways that come under Federal jurisdiction (all inter-provincial railways, i.e. CPR, CNR, Burlington Northern).

The information required from us before we can even approach the Provincial or Federal authorities would be three copies of a plan for each road crossing of a rail line. These plans must show accurately to scale the number of rails, pavement widths, existing traffic control devices, volume of daily traffic on both the rail line and the road system.

In the case of the Central Park line in particular, the train operation involves a substantial amount of shunting of box cars into sidings. Railway regulations require a certain amount of bell ringing and whistle blowing as a means of signaling to switch men. This could present a problem.

To date we have completed most of the field work required to produce the necessary plans and have about half of the plans prepared.

We have been informed that the City of North Vancouver have passed an anti-whistling by-law. We would advise that our information is that the by-law only covers the CNR and involves only one crossing that is already completely signalized. It does not cover the BCR who have trains operating in that City.

In view of the amount of work still required on this subject, we cannot see a completion date much before the end of March, 1974.

This is for the information of Council.


MUNICIPAL ENGINEER

ITEM 5
MANAGER'S REPORT NO. 9
COUNCIL MEETING Feb. 4/74

ITEM 6
MANAGER'S REPORT NO. 1
COUNCIL MEETING Jan. 10/72

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.

ITEM 5
MANAGER'S REPORT NO. 9
COUNCIL MEETING Feb. 4/74

ITEM 6
MANAGER'S REPORT NO. 1
COUNCIL MEETING Jan. 10/72

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.

ITEM 5
MANAGER'S REPORT NO. 9
COUNCIL MEETING Feb. 4/74

ITEM 6
MANAGER'S REPORT NO. 44
COUNCIL MEETING July 4/72

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.

ITEM 5
MANAGER'S REPORT NO. 9
COUNCIL MEETING Feb. 4/74

ITEM 6
MANAGER'S REPORT NO. 44
COUNCIL MEETING July 4/72

6. Re: Train Whistles (continued)

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

ITEM 5
MANAGER'S REPORT NO. 9
COUNCIL MEETING Feb. 4/74

ITEM 6
MANAGER'S REPORT NO. 44
COUNCIL MEETING July 4/72

6. Re: Train Whistles (continued)

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.