

ITEM 3
MANAGER'S REPORT NO. 33
COUNCIL MEETING May 2/77

Re: UNDATED LETTER FROM MRS. F. A. DeBRUNNER
SUITE 1602, 4300 MAYBERRY STREET
TRAIN WHISTLES

Appearing on the agenda for the May 2, 1977 meeting of Council is a letter from Mrs. F. A. DeBrunner in which reference is made to train whistles in the area adjacent to her residence on Mayberry Street. Following is a report from the Municipal Engineer on this matter.

RECOMMENDATION:

1. THAT Mrs. DeBrunner be sent a copy of this report.

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27 April, 1977.

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL ENGINEER
SUBJECT: UNDATED LETTER FROM MRS. DEBRUNNER OF
4300 MAYBERRY STREET - RECEIVED APRIL 25, 1977.

In our report to the Municipal Manager dated April 6, 1977 in response to a previous letter from Mrs. DeBrunner dated March 24, 1977, we replied to the complaints raised related to the location of the bus stop on Imperial Street and to the adequacy of the street lighting on Patterson Avenue.

Since our previous report we would advise that a relocation of the bus stop from a farside Patterson Avenue location to a nearside Patterson Avenue location has been approved. This will place the bus stop in a more open and visible location and adjacent improved walking facilities.

The street lighting status remains the same as that reported in our April 6, 1977 report.

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In replying to Mrs. DeBrunner's complaint related to train whistles and the Burnaby Noise Bylaw, we would advise that the Burnaby Noise and Sound Abatement Bylaw was approved and became effective on June 1, 1972. While this Bylaw has been very useful in reducing noise levels throughout the Municipality, we are unable to control the noise emitted by trains or by aircraft as they come under Federal or Provincial jurisdiction. Trains that operate along the Central Park Line come under the jurisdiction of the Provincial Department of Transportation and Communication. (P.D.T.C.)

Any Bylaw brought forward to eliminate or reduce the noise of train whistles on this line would require the approval of the P.D.T.C. In preliminary communications with the P.D.T.C. we were advised that any consideration of such a Bylaw would be dependent upon all level crossings being signalized. Such signalization would be at the expense of the applicant. As railway signals cost in the neighbourhood of \$40,000 to \$50,000 per intersection and as we have approximately twenty such intersections on this line the cost to Burnaby could run as high as one million dollars for installation plus the yearly maintenance and power costs.

Before the Municipality considers committing itself to such a high cost there are a number of factors that must be taken into consideration.

1. The rail traffic on the Central Park Line is all freight traffic that is destined for the numerous warehouses adjacent the right-of-way. As such there is considerable shunting and unloading of box cars. The shunting operation in many instances generates as much noise as any train whistle.
2. Under any anti-train whistle restriction we have been advised that if in the opinion of the train Engineer it would be hazardous to not sound a whistle or bell then he is at liberty to disregard the restriction.
3. Under an anti-train whistle Bylaw we have been advised that should an accident occur that in the opinion of the courts could have been avoided by the sounding of a train whistle, then the Municipality must accept any liability claims. This could occur for example if a signal malfunctioned and the train struck a vehicle without having sounded his whistle.

While we are not actively pursuing anti-train whistle legislation on this line at this time, we are keeping in mind this desire and should the line be used for some form of rail rapid transit, then the aforementioned crossings may have to be signalized. If this comes about it may present the opportunity to apply for anti-train whistle legislation.

RECOMMENDATION:

1. THAT Mrs. DeBrunner be sent a copy of this report.

E.E. Olson
MUNICIPAL ENGINEER

HB/cj