

ITEM	7
MANAGER'S REPORT NO.	56
COUNCIL MEETING	1978 08 14

RE: LETTER FROM MRS. J. FOOTE WHICH APPEARED ON THE AGENDA FOR THE  
1978 JULY 31 MEETING OF COUNCIL (ITEM 5g)  
NOISE CAUSED BY TRAIN WHISTLES IN THE VICINITY OF 4692 VICTORY STREET

Appearing on the last agenda was a letter from Mrs. J. Foote regarding train whistles near Victory Street. Following is a report from the Municipal Engineer and the Chief Public Health Inspector on this matter.

Mrs. Foote's letter also contained a reference to daytime traffic near Imperial and Kingsway, and more specifically, speeding infractions which are apparent to her in this area. The Officer-in-Charge of the Burnaby R.C.M.P. advises that his department has no indication of motorists flagrantly disobeying speed restrictions at this location; however, he has directed the Traffic Enforcement Unit to review the situation and initiate corrective measures as may be required.

With respect to train whistles along the Central Park line, the excessive cost of installing and maintaining mechanized equipment would appear to preclude this form of remedial action as a viable alternative, and unless Council gives direction to the contrary, it will not be pursued by staff. As noted in the report, mechanized controls even if installed would have a minimum impact during the carrying out of certain operations such as shunting.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mrs. J. Foote.

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FROM: MUNICIPAL ENGINEER

SUBJECT: NOISE CAUSED BY TRAIN WHISTLES IN VICINITY OF  
4692 VICTORY STREET.

The subject of train whistles is one that crops up from time to time and has been the subject of numerous reports to Council. In all our previous reports we have advised that the railways operate under the authority of the Railway Act. In the case of trains operating along the Central Park line they do so under the rules of the Provincial Railway Act.

Section 192 (1) of the Act states:

"(1) When any train is approaching a highway crossing at rail-level, the engine-whistle shall be sounded at least twenty seconds before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway."

Should a municipality wish to enact a by-law to prohibit trains from sounding their whistle then they could take advantage of Section 192 (2) and 192 (3) which states:

"(2) Where a by-law of an urban municipality prohibits such sounding of the whistle or ringing of the bell in respect of any such crossing or crossings within the limits of the municipality, the by-law shall, if approved by the Minister by certificate under his hand and seal of office, relieve the company and its employees to the extent of the prohibition, from the duty imposed by this section.

(3) Where application has been made to the Minister under subsection (2) for the approval of the prohibition of whistling or ringing of the bell as required under subsection (1), the cost of additional protective safety measures at such crossing or crossings deemed necessary by the Ministry for the protection and safety of the public shall be borne by the applicant."

(cont'd)

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Approval of a municipal by-law under Section 192 of the Railway Act can eliminate the use of the whistle and bell as a warning at road crossings, but we were advised by the Minister of Transport and Communications it does not eliminate their use as a signalling device for train operations, i.e. shunting. As a good portion of this particular train operation involves shunting, the effect of an anti-whistle by-law would be minimal.

In reference to Section 192 (3) we would advise that the cost of adequate protection for such a by-law was checked out with the Ministry in 1974 and was estimated at approximately \$425,000.00 with yearly maintenance of \$25,000.00. The cost for these same controls today would be approximately 40% higher, or \$600,000.00 for installation and \$35,000.00 per year for maintenance.

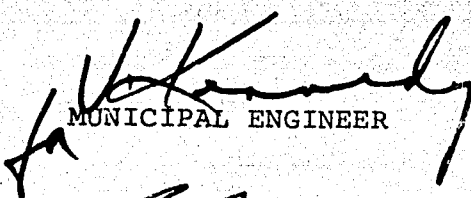
In view of the high costs with no guarantee of elimination of train whistles, the Engineering Department is unable to recommend an anti-whistle by-law along the Central Park rail line.

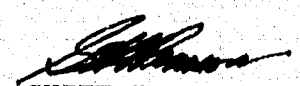
In response to the suggestion that a Noise By-law be used to control the train whistles, we would advise that local municipal by-laws cannot be enforced against railway or aircraft which are controlled by either Federal or Provincial legislation.

The complaint related to speeding is common to all areas of Burnaby and can be controlled by enforcement of existing traffic laws.

RECOMMENDATION:

1. THAT a copy of the above report be sent to Mrs. J. Foote.

  
MUNICIPAL ENGINEER

  
CHIEF PUBLIC HEALTH INSPECTOR

HB/cc

c.c. ( ) Traffic Supervisor  
( ) R.C.M.P.