

RE: LETTER FROM MR. WALT HARRIS WHICH APPEARED ON THE AGENDA FOR SEPTEMBER 11TH
TRAIN WHISTLE NOISE IN METROTOWN ANTI-WHISTLING BYLAW

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Engineering be adopted.

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TO: MUNICIPAL MANAGER 1989 NOVEMBER 17

FROM: DIRECTOR ENGINEERING

SUBJECT: TRAIN WHISTLE NOISE IN METROTOWN - ANTI-WHISTLING BYLAW

PURPOSE: To report to Council on the implications of bringing down an Anti-Whistling Bylaw for the Southern Railway of B.C. operation in Burnaby.

RECOMMENDATION:

1. THAT this report be sent to Mr. Walt Harris, #2101, 4350 Beresford, Burnaby, B.C., V5H 4K9; and to Mr. Herb Davis, #2106, 4350 Beresford, Burnaby, B.C., V5H 4K9.

REPORT

1.0 INTRODUCTION/SUMMARY

At its meeting of 1989 September 11, Council received a staff report updating our understanding of the train whistle noise issue in Burnaby Metrotown with particular reference to the implications of bringing down an Anti-Whistling Bylaw for the Southern Railway of B.C. operations in Burnaby.

Following discussion of the report, Council adopted the following recommendations:

1. "THAT this report be sent to Mr. Walt Harris, #2101, 4350 Beresford, Burnaby, B.C., V5H 4K9; and to Mr. Herb Davis, #2106, 4350 Beresford, Burnaby, B.C., V5H 4K9.
2. THAT a copy of this report be sent to Mr. F.H. Christensen, P. Eng., Chief Inspecting Engineer, Ministry of Municipal Affairs, Recreation and Culture, Suite 245, 4299 Canada Way, Burnaby, B.C., V5G 1H9, and Mr. G. Stevenson, President, Southern Railway of B.C., 5935 Glover Road, Langley, B.C., V3A 4B5, for review and comment."

The first recommendation was intended to keep the initial complainants to Council abreast of developments. The second recommendation sought the Railway's and Railways' Regulatory Authority's clarification of our understanding of the anti-whistling issue. The response of Southern Railway is attached as Exhibit A while Exhibit B is a copy of the letter from the Chief Inspecting Engineer, Ministry of Municipal Affairs, Recreation and Culture the regulatory agency.

In addition to adopting the staff recommendations, Council also requested that the Municipal Solicitor investigate the legality of the agreement (regarding hours of operation) between B.C. Transit and Southern Railway with regard to the lack of notification granted to third parties affected by the agreement. The Solicitor's review has indicated there is no reason to doubt the validity of the agreement.

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Subsequent to the Council meeting, His Worship, Mayor W.J. Copeland and the Municipal Manager, Mr. E.E. Olson, met with the President of Southern Railway to try to resolve the train whistle problems. The points raised in the letter (Exhibit A) from Southern Railway affirm the gist of the discussion that took place.

Staff also wrote to the City of Vancouver to determine when the whistling problem would be obviated by redevelopment of the lands serviced by the railway in the city. The City's response is attached as Exhibit C.

This report discusses the issues that have been clarified by recent correspondence including the liability concern raised by the railway company.

2.0 ANTI-WHISTLING BYLAW - COST IMPLICATIONS

Both the railway company and regulatory agency have indicated that they would not require gates at each of the level crossings. The railway has also indicated that our previous unit cost estimates for new signal control were marginally high while our cost estimate for gates was much too low (they estimate that the addition of gates to a signal controlled crossing costs about \$85,000 to \$100,000 while we had assumed \$20,000). The regulatory agency is also now quite specific about the extent of the Metrotown anti-whistling block. Accordingly the updated costs of an Anti-Whistling Bylaw are summarized below.

Table 1: Anti-Whistling Bylaw Costs

Block Length	C O S T	
	Capital	Annual Operating
"Metrotown" Patterson to Royal Oak (2 Crossings @ \$75,000/Ea)	\$150,000	\$10,000
Kingsway (Manual Signals, Say, \$50,000)	50,000	2,000
Rest of Burnaby MacPherson to East (5 Crossings @ \$75,000; 2 @ \$100,000)	<u>575,000</u>	<u>35,000</u>
BURNABY TOTAL COST	\$775,000 =====	\$47,000 =====

3.0 THE QUESTION OF LIABILITY

The railway company in their letter (Exhibit A) note that they "... would support an anti-whistling bylaw, however, it must be understood that such a bylaw does place a liability concern on the Municipality."

This issue has been considered by the Municipal Solicitor in consultation with the Director Finance and our insurance broker. They have concluded "that continued use of the train whistle is preferable to the alternative of operating the trains without whistles or crossing gates. Based on cost estimates we have assumed that crossing gates are not an alternative."

4.0 THE FUTURE OF THE RAILWAY

Exhibit C is the City of Vancouver's response to our request for a best estimate of when the Southern Railway operation in the city might end. Their response, perhaps not unexpectedly, is equivocal. In further considering this matter our estimate is that the Southern Rail operation will cease in 5-10 Years. This conclusion is based on the following factors:

1. There are strategic advantages to maximizing (rapid) transit usage. Proximity to a rapid transit station encourages a much higher transit modal share for residential land use than industrial.
2. With higher density residential land values, especially with good rapid transit access, outweighing industrial use values there is a strong economic incentive for conversion.
3. The demand for housing in Vancouver is high. This coupled with the facility with which development projects can be assembled from relatively large industrial parcels further enhances the pressure for early redevelopment.

5.0 DISCUSSION AND CONCLUSIONS

In staff's previous report on this matter (Item 8, Manager's Report No. 56, Council Meeting 1989 September 11) we concluded that "On the basis of our current understanding of this issue staff would not recommend an Anti-Whistling Bylaw". While we have since added to our understanding of this issue we have not discovered anything that would change this conclusion. Indeed the new information further substantiates our concerns. The fact that crossing gates would not be required diminishes the capital/operating cost exposure of the Municipality, but at an added, potentially serious, accident risk. The liability risk could only be mitigated by crossing gates but we now find that the added cost of crossing gates is significantly higher than we had been led to believe.

We still have no firm commitment for the railway operation to cease, however the "activity" relative to the Joyce Station area industrial lands reaffirms our belief that the rail customers, which sustain the rail operation and hence the

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whistling problem, will soon move elsewhere. Given a limited payback period it would be imprudent to commit the Municipality to the costs implied by an Anti-Whistling Bylaw.

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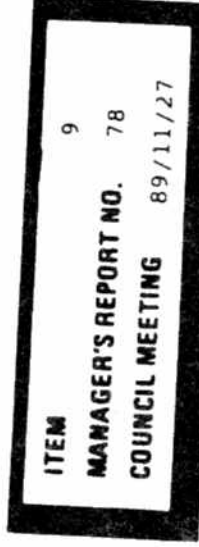
We are sympathetic to the Burnaby residents who find the railway operation intrusive. While an Anti-Whistling Bylaw would appear to address their needs it should be noted that the train driver could still sound the whistle if he deemed it necessary (when for example, he observes vehicles trying to beat the train at the crossing). Also the railway signals themselves sound a loud bell when activated. We believe that the noise problem will in due course be solved as rail related operations cease on the Vancouver section of the Central Park Branch.

It would be appropriate if a copy of this concluding report be sent to the original complainants Messrs. Harris and Davis who have been kept informed of our investigation via previous reports.


DIRECTOR ENGINEERING

PL:je
Attach.

cc: Director Administrative & Community Services
Director Finance
Municipal Solicitor
Traffic Supervisor



SOUTHERN BRITISH COLUMBIA

5935 Glover Road, Langley, B.C. V3A 4B5
Telephone (604) 533-5611 Telex 04-365541
Telecopier (604) 533-1819

J03.06.01
3 October 1989

Mrs. D.R. Comis
Deputy Municipal Clerk
The Corporation of the
District of Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Dear Mrs. Comis,

Please refer to your letter of 15 September 1989 regarding Train Whistle Noise in Metrotown.

We have reviewed the report and our comments are:

1. Hours of train service are based on the "window" available at the Joyce Road Skytrain Station.
2. We would support an anti-whistling bylaw, however, it must be understood that such a bylaw does place a liability concern on the municipality.
3. We do not feel that it would be necessary to install crossing gates at the many involved crossings. The limited number of trains and the slow train speed, along with crossing signals, would appear to provide the necessary protection.
4. Our consultant indicates that present crossing signal costs are approximately \$75,000.00 for a two lane road and \$100,000.00 for a four lane road. Signals with gates are estimated at \$160,000.00 for a two lane road and \$200,000.00 for a four lane road.
5. The costs of the required signals would be the responsibility of Burnaby.

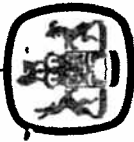
Please do not hesitate to contact me if further discussion or information is required.

EXHIBIT A

Yours truly,

G.I. Stevenson
President

GIS/jj



Province of
British Columbia

Ministry of
Municipal Affairs,
Recreation and Culture

Engineering and Inspection
Branch
Suite 245
4299 Canada Way
Burnaby, British Columbia
V5G 1H9
Telephone: (604) 660-5960

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October 5, 1989

File: S.R.B.C.
Anti-Whistling
Bylaw

The Corporation of the District of Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Attention: Mrs. D.R. Comis
Deputy Municipal Clerk

Dear Mrs. Comis:

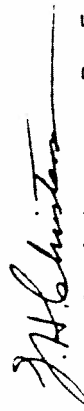
Re: Proposed Anti-Whistling Bylaw

In response to your letter of September 15, 1989, I have reviewed your report and would like to make the following comments:

- 1) As the trains of the Southern Railway are already required to stop prior to entering the Kingsway Ave. level crossing, we are prepared to review the acceptability of a manually-operated signal system without gates for this crossing. I believe you will find that a substantial reduction from your estimate of \$170,000 may be possible.
- 2) Due to the speed of trains we do not believe gates would be required at the other crossings.
- 3) As Southern Railway confines its normal train operation to between the hours of 2 A.M. and 5 A.M., I believe an anti-whistling bylaw should refer to only those hours, then, if Southern Railway, for whatever reasons, is required to operate outside those hours, the motoring public and Skytrain patrons would be afforded the normal safety warning of train whistling.
- 4) The Ministry believes that any anti-whistling bylaw should, at a minimum, incorporate the area from Royal Oak Ave. to Patterson Ave. In order to achieve this minimum area, signals would be required at Nelson Ave., and either signals or road closure at Wilson Ave., and then if Kingsway was to be included, the Municipality would be free of whistling from west of MacPherson to the western boundary of Burnaby.

If you have any further questions, or require additional information, please contact Mr. A. Richmond, of my staff, who would be pleased to assist you.

Yours truly,


F.H. Christensen, P. Eng.
Chief Inspecting Engineer

/dgp

c.c. G. Harkness
Assistant Deputy Minister

G. Stevenson, President
Southern Railway of British Columbia

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EXHIBIT B

FROM CITY OF VANCOUVER-PLANNING DEPARTMENT



City of Vancouver

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PLANNING DEPARTMENT

453 West 12th Ave., Vancouver,
British Columbia, Canada V5Y 1V4,
TEL: (604) 873-7344 FAX: (604) 873-7050
I. H. FLETCHER, Director

1989 11 14

Mr. P. Liivamagi, Traffic Supervisor
The Corporation of the District of
Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Dear Mr. Liivamagi:

RE: Southern Railway of B.C. - Central Park Branch
Future of Rail Operations in Vancouver

Thank you for your letter of October 25, 1989 to Mr. Fletcher, inquiring about when rail-related uses in the Joyce Station Area would likely cease. Mr. Fletcher has passed your letter to me for reply.

The Joyce Station Area Plan, approved by City Council in 1987, outlines the policies for the rail-served industrial lands (sites S and T) located in the Joyce Station Area.

The plan policy for site S, bounded by Euclid Avenue to the south and Vanness Avenue to the north, is to "encourage the development of multiple-unit housing and appropriate community services and recreational spaces". The plan policy for site T, bounded by the ALRT guideway to the north and by Euclid Avenue to the south, is to keep "the scale and type of any industrial development on site T... in keeping with existing development and compatible with nearby residential uses." I have appended the relevant sections of the plan for your information.

Subsequent to the adoption of the Joyce Station Area Plan, the issue of affordable housing in Vancouver has taken on major proportions. One initiative by Council is the establishment of the Vancouver Land Corporation (V.L.C.) which has a mandate to create housing on specified City lands, including a portion of Site S. The speed with which the Site S housing policy will be implemented and the Site T policy will be reviewed regarding housing will be a function of the work of the V.L.C., the interest from existing industrial areas in relocating, the intent of City Council and the rezoning process itself. We should know more within a year, but it could be several years, if ever, before the whole area is transformed as you envisage.

If I can be of further assistance, please call me at 873-7679.

Yours truly,

Suzanne James

S. James
Planner

SJ/ss/11
JAM:GOS

EXHIBIT C

