

COMMITTEE OF THE WHOLE JUNE 18, 2001

**TRAIN WHISTLING AT THE LEVEL CROSSINGS
ON RUTHERFORD ROAD, MAJOR MACKENZIE DRIVE
AND NASHVILLE ROAD WEST OF HIGHWAY #27**

Recommendation

The City Clerk recommends that the following resolution be adopted:

WHEREAS there are level crossings, being St. Lawrence and Hudson Railway (CPR) crossings on Rutherford Road, Major Mackenzie Drive and Nashville Road in the City of Vaughan;

AND WHEREAS residents in the vicinity of these crossings have complained regarding disturbances from train whistling at these crossings;

AND WHEREAS the City of Vaughan requested that CPR investigate the appropriateness of eliminating train whistling at all crossings in Vaughan;

AND WHEREAS CPR has advised that it is prepared to take steps to cease train whistling at various crossings in Vaughan upon receipt of a resolution passed by the Council of the City of Vaughan requesting the cessation of train whistling at specified crossings;

NOW THEREFORE be it resolved that the Council of the Corporation of the City of Vaughan requests that CPR eliminate train whistling at the following crossings in the City of Vaughan: Rutherford Road mileage 14.13, Major Mackenzie Drive mileage 15.47 and Nashville Road mileage 16.70, all of which are in the Mactier Subdivision;

AND THEREFORE be it further resolved that the City Clerk be authorized to fund from the City's insurance reserve the City's share of the annual insurance premium per crossing, an amount between \$500.00 and \$650.00 per annum.

Purpose

To respond to requests from residents and a Council directive that train whistling be eliminated at level crossings in the City of Vaughan.

Background - Analysis and Options

At its meeting held on February 14, 2000, Council directed, in response to complaints from residents regarding train whistling at level crossings in the City of Vaughan, that the St. Lawrence and Hudson Railway (CPR) be requested to investigate the appropriateness of eliminating train whistling at level crossings in Vaughan (extract attached). In response to Vaughan's request CPR staff now advise of three crossings in Vaughan, namely Rutherford Road, Major Mackenzie Drive and Nashville Road, that may meet Transport Canada's guidelines for anti-whistling. CPR staff will request Transport Canada to conduct the necessary inspection upon receipt of a resolution passed by Council requesting the elimination of train whistling at these crossings.

Further as reported earlier in the attached report, the City is required to share in the insurance costs to secure the anti-whistling at specified crossings.

Conclusion

Council has directed that CPR investigate anti-whistling at all level crossings in Vaughan in response to complaints from residents. Adoption of the resolution in the Recommendation will facilitate elimination of train whistling at the level crossings specified.

Attachment

Council Extract Item 7, Report No. 12 – February 14, 2000

Report prepared by:

John D. Leach

Respectfully submitted,

John D. Leach
City Clerk

CITY OF VAUGHAN

Item 7, Report No. 12, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 14, 2000.

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TRAIN WHISTLING AT THE LEVEL CROSSING ON RUTHERFORD ROAD, WEST OF HIGHWAY 27

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Solicitor/Litigation, dated February 7, 2000, subject to the phrase "and other alternatives be explored such as flashing lights and barriers" being added to clause 4 of the resolution following the word "crossing":

Recommendation

The Solicitor/Litigation recommends that the following resolution be adopted by Council:

WHEREAS there is a level crossing, being a St. Lawrence and Hudson Railway crossing on Rutherford Road just west of Highway 27 in the City of Vaughan;

AND WHEREAS residents in the vicinity have complained regarding disturbances from train whistling at this crossing;

AND WHEREAS the Council of the Corporation of the City of Vaughan has requested St. Lawrence and Hudson Railway to investigate whether it would be appropriate to eliminate train whistling at all crossings in Vaughan;

NOW THEREFORE the Council of the Corporation of the City of Vaughan hereby requests that St. Lawrence and Hudson Railway be requested to investigate the elimination of train whistling at the crossing at grade located on Rutherford Road just west of Highway 27 in the City of Vaughan, and if appropriate, eliminate train whistling at this crossing.

Background

A few years ago Council directed that staff request CPR and CNR to investigate the termination of train whistling at railway crossings in Vaughan. Letters were sent to the railways requesting action.

We have received complaints from local residents in regard to train whistling at the level crossing on Rutherford Road just west of Highway 27. Staff have ascertained that the railway line is owned and operated by St. Lawrence and Hudson Railway, (CPR), which has advised that in order for it to investigate the matter and determine whether or not the train whistling can stop, the municipality must pass a resolution requesting the termination of whistling at a specific public crossing.

Once that resolution is forwarded on to the Division Operating Officer at St. Lawrence and Hudson Railway, the Division Operating Officer will then examine the crossing and confirm whether it is appropriate to eliminate whistling at this crossing. It will arrange for a Transport Canada safety inspector to inspect the crossing and advise whether or not the proposal meets the Transport Canada guidelines for anti-whistling.

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If it meets the Transport Canada guidelines for anti-whistling and an exemption is made, the municipality will be required to execute an insurance agreement whereby it pays a share of the costs of the annual insurance premium per crossing. In this case, staff have been advised by St. Lawrence and Hudson Railway that the premium would be approximately \$1,000.00 to \$1,300.00 per year. The City's share of the insurance premium would be 50%, or between \$500.00 and \$650.00 per annum.

OF/gg

