

Clause 8 in Report No. 10 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 28, 2018.

8

Whistle Cessation on Stouffville GO Corridor  
in the City of Markham

Committee of the Whole recommends adoption of the following recommendations contained in the report dated May 28, 2018 from the Commissioner of Transportation Services:

1. Council authorize implementation of whistle cessation at six at-grade road/rail crossings on the Stouffville GO Corridor, intersecting Regional roads in the City of Markham, as listed in Table 1, in accordance with the Region's Anti-Whistling Warrant Criteria Policy.
2. The Regional Clerk circulate this report to the Clerk of the City of Markham, Transport Canada, Metrolinx and York Regional Police.

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Report dated May 28, 2018 from the Commissioner of Transportation Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize implementation of whistle cessation at six at-grade road/rail crossings on the Stouffville GO Corridor, intersecting Regional roads in the City of Markham, as listed in Table 1, in accordance with the Region's Anti-Whistling Warrant Criteria Policy.
2. The Regional Clerk circulate this report to the Clerk of the City of Markham, Transport Canada, Metrolinx and York Regional Police.

2. Purpose

This report seeks a Council resolution to allow for the City of Markham's 24-hour whistle cessation at six at-grade Regional road/rail crossings on the Stouffville GO Corridor, as required by Transport Canada.

### 3. Background

Council endorsed an anti-whistling policy in 2008

In [June 2008](#), Council adopted the Anti-Whistling Warrant Criteria Policy (Attachment 1). The policy outlines criteria for local municipalities to follow when requesting support to implement whistle cessation at rail crossings intersecting Regional roads.

Transport Canada has established regulatory requirements for municipalities to implement whistle cessation at crossings

Train whistling is an important tool to alert motorists, cyclists and pedestrians a train is approaching a crossing. The Canadian Rail Operating Rules require all trains to whistle whenever they approach a crossing. In some cases, these whistles can be bothersome to residents living nearby. Municipalities may wish to implement whistle cessation to provide local residents relief from the noise.

A municipality wishing to implement whistle cessation must fulfill section 23.1 of the *Railway Safety Act* and section 104 of the Grade Crossings Regulations, which came into effect on November 27, 2014, and Appendix D of the Grade Crossing Standards. Below is Transport Canada's eight-step procedure consistent with the regulatory requirements for eliminating whistling at crossings:

- Interest from residents for whistling cessation is expressed
- Municipality consults with railway company
- Municipality issues notifications and public notices of its intention to implement whistle cessation
- Municipality and railway company assess crossings against prescribed requirements in the Grade Crossings Regulations and Grade Crossing Standards
- Municipality and railway company agree that each crossing meets prescribed requirements of the Grade Crossings Regulations and Grade Crossing Standards
- Municipality passes a resolution declaring that it agrees that whistles should not be used in that area, thereby prohibiting train whistling
- Railway company notifies Transport Canada and informs the municipality within 30 days that it has arranged to have whistling ceased at the crossing(s)

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- Municipality and railway company share responsibility for monitoring and maintaining the conditions that support the cessation of train whistling at the crossing(s)

This eight-step procedure applies to the Region and the City of Markham to promote collaboration with the railway companies to ensure at-grade rail crossings remain safe.

City of Markham is implementing whistle cessation on the Stouffville GO Corridor to address noise concerns

As part of the phased implementation of Regional Express Rail, Metrolinx is introducing earlier morning and later evening trains and more mid-day trains on the Stouffville GO Corridor. The number of weekly trains will double from 85 to 170 trains on the Stouffville GO Corridor. Mandatory whistling at crossings is impacting residents and, with more trains, this will increase.

Local residents who live near the Stouffville GO Corridor have advocated for whistle cessation for many years. City of Markham Council supports implementation of whistle cessation at crossings on the Stouffville GO Corridor to address noise concerns raised by local residents. City of Markham Council has directed City staff to approach the Region and express its intention to implement 24-hour whistle cessation at 13 urban crossings, including the six crossings on Regional roads listed in Table 1. A map showing the locations of the six crossings with Regional roads is included as Attachment 2.

**Table 1**  
**At-Grade Rail Crossings on Regional Roads for Whistling Cessation**

At-Grade Rail Crossings	Mileage
Major Mackenzie Drive approximately 490 metres east of Highway 48	44.96
16 <sup>th</sup> Avenue approximately 170 metres east of Main Street Markham	46.31
McCowan Road approximately 820 metres north of Highway 7	48.38
Kennedy Road (North) approximately 530 metres north of Highway 7	49.42
Highway 7 approximately 320 metres west of Main Street Unionville	50.13
Kennedy Road (South) approximately 720 metres north of Steeles Avenue	52.40

#### 4. Analysis and Implications

Transport Canada requires a resolution declaring train whistles should not be used at prescribed crossings

In accordance with the Railway Safety Act, section 23.1, and the Grade Crossings Regulations, section 104, the municipality must pass a resolution declaring that it agrees that whistles should not be used at the at-grade rail crossings, thereby prohibiting train whistling.

York Region should fulfill Transport Canada's requirements since the at-grade rail crossings intersect Regional roads. Council approval is required to allow for the City of Markham's implementation of whistle cessation at six at-grade Regional road/rail crossings on the Stouffville GO Corridor, once the required safety improvements are completed. The safety improvements include road and sidewalk improvements, pedestrian gates, grading and warning signs. This will otherwise satisfy Metrolinx's obligation of sounding a whistle at each crossing.

The Region will enter into a Memorandum of Understanding with City of Markham and Metrolinx to implement whistle cessation for at-grade rail crossings and an indemnity agreement with Metrolinx

The Region has worked with City of Markham and Metrolinx to develop a Memorandum of Understanding prescribing each party's respective rights, obligations and responsibilities to implement whistle cessation at crossings. This Memorandum of Understanding sets out all pertinent technical details for the design and construction of safety upgrades and costs. It also provides for ongoing maintenance and inspection of the crossings.

City of Markham and the Region will each be required to execute an agreement with Metrolinx to provide for liability, insurance and indemnification related to whistle cessation at the Regional crossings. These obligations are consistent with the Anti-Whistling Warrant Criteria Policy.

City of Markham is responsible for fulfilling York Region's Anti-Whistling Warrant Criteria Policy and Transport Canada's Railway Safety Act to implement whistling cessation on Regional roads

City of Markham has been closely working with relevant associations, such as York Region, Metrolinx and Transport Canada, to comply with the Region's Anti-Whistling Warrant Criteria Policy, and to fulfill section 23.1 of the Railway Safety Act, at crossings intersecting Regional roads. City of Markham has publicly communicated its intentions to implement whistle cessation on the Stouffville GO

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Corridor on the City's webpage and through media coverage. City of Markham has started construction and all infrastructure upgrades at Regional crossings are expected to be completed by August 2018. City of Markham will also carry out a public education program for the affected areas prior to implementation of whistle cessation.

### 5. Financial Considerations

The required crossing improvements to support implementation of whistle cessation on the Stouffville GO Corridor are to be shared between the Region and City of Markham. In accordance with the Anti-Whistling Warrant Criteria Policy, the Region is responsible for the cost of improvements required to implement whistle cessation, including flashers, pedestrian gates, warning signs and pavement markings on Regional roads intersecting crossings. The City of Markham has requested the Region budget \$2.87 million for the cost of implementing crossing upgrades. This funding is included in the Transportation Services Capital Budget.

### 6. Local Municipal Impact

The Region is supporting City of Markham's implementation of whistle cessation on the Stouffville GO Corridor. There is no impact to other municipalities.

### 7. Conclusion

City of Markham has complied with the Region's Anti-Whistling Warrant Criteria Policy to implement whistling cessation at Regional at-grade rail crossings. To satisfy Transport Canada regulatory requirements and standards, staff is seeking a Council resolution to allow for the City of Markham's 24-hour whistle cessation at six at-grade Regional road/rail crossings on the Stouffville GO Corridor.

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For more information on this report, please contact Joseph Petrunaro, Director,  
Roads and Traffic Operations, at 1-877-464-9675 ext. 75220.

The Senior Management Group has reviewed this report.

May 28, 2018

Attachments (2)

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Accessible formats or communication supports are available upon request



STATUS	Final
Council Approved	Y
CAO Approved:	Y

<b>TITLE:</b> Anti-Whistling Warrant Criteria	<b>NO.:</b> 1146244 <b>Original Approval Date:</b> June 19, 2008 <b>Policy Last Updated:</b> August 25, 2009 <b>Posted on Intranet:</b> April 14, 2010
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### **POLICY STATEMENT:**

This policy provides a set of criteria when local municipalities request York Region support for a local municipal anti-whistling by-law at railway crossings of Regional roads.

### **APPLICATION:**

The criteria provide a consistent approach to deal with requests from area municipalities for the implementation of anti-whistling within York Region.

### **PURPOSE:**

The purpose of this policy is to provide a set of criteria for area municipalities to follow when requesting support of an anti-whistling by-law at locations on Regional roads.

### **DESCRIPTION:**

This policy contains criteria for implementing anti-whistling on Regional roads that intersect railway lines.

The Region will be responsible for the cost of flashers and gates for the Regional road crossing and the cost of pedestrian gates, if required.

### **Criteria**

1. Local municipalities must make a formal request to the Region for support of an anti-whistling by-law for each individual location where a railway crosses a Regional road at-grade.
2. An anti-whistling by-law could be considered if the following are completed at the cost of the local municipality:
  - a. A safety audit is completed by a specialized safety consultant.
  - b. The safety audit is approved by Transport Canada.
  - c. An education program is developed for the affected area.

3. The whistling prohibition be implemented during night-time hours typically between the hours of 10:00 p.m. and 6:00 a.m. The Region will entertain anti-whistling by-laws from the local municipalities with different hours of restrictions as they come forward.
4. The Region will be responsible for risk and liability at train crossings on Regional roads.
5. If there are pedestrians in the area of the crossing, pedestrian gates will be installed with costs borne by the Region.

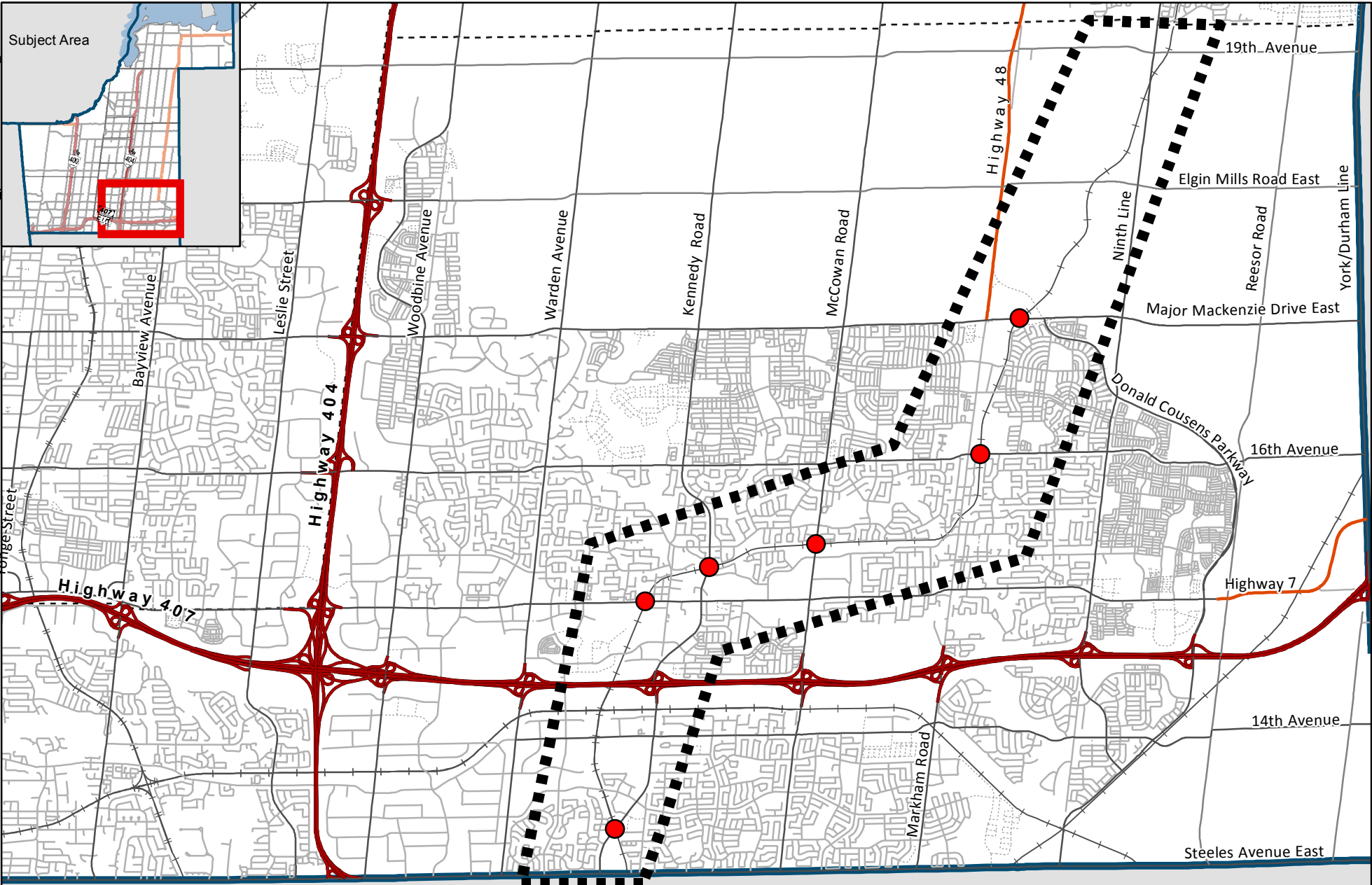
**CONTACT:**

Director, Operations, Roads Branch, Transportation Services Department

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<b>APPROVAL INFORMATION</b>		
<b>CAO Approval Date: August 25, 2009</b>		
<b>Committee:</b> Transportation and Works	<b>Clause No.</b> 14	<b>Report No.</b> 6
<b>Council Approval:</b> Minute No.	<b>Page</b>	<b>Date:</b> June 19, 2008

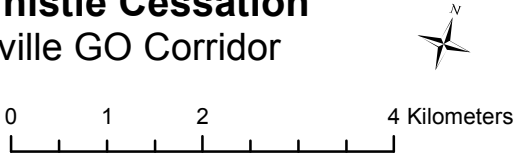
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**At-Grade Rail Crossings Intersecting Regional Roads  
in City of Markham for Whistle Cessation**  
Whistle Cessation on Stouffville GO Corridor  
in the City of Markham  
June 7, 2018

**yorkmaps** **York Region**  
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- Legend**
- At-Grade Rail Crossings Intersecting Regional Roads for Whistle Cessation
  - Study Area
  - Stouffville GO Corridor