

HALIFAX

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Item No. 14.1.4
Halifax Regional Council
January 10, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: December 13, 2016

SUBJECT: Train Whistle – Shearwater Autoport Area

ORIGIN

Item 14.7.2 of the September 20, 2016 meeting of Halifax Regional Council:

MOVED by Councillor Mason, seconded by Councillor Walker THAT Halifax Regional Council request a recommendation Staff Report to come back to Council on the feasibility of initiating the process to facilitate the elimination of train whistles at any or all of the four (4) locations from Shearwater to, and including, the Autoport.

MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Under Halifax Regional Municipality Charter ss.318(2) and 322, the Municipality is a road authority for purposes of the Railway Safety Act R.S.C., 1985, c.32 (4th Supp.) s. 23.1, which permits the prohibition of using a train whistle on any railway equipment in an area within a municipality, with certain exceptions, on the decision of the Minister of Transport.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct the Mayor, on behalf of Regional Council, to write a letter to DND staff at CFB Shearwater requesting that DND undertake a safety audit of the railway grade crossings on CFB Shearwater property in order to determine, and undertake, any modifications required at those crossings to facilitate the cessation of whistling operation; and
2. Dependent upon the response from DND, direct staff to determine requirements to cease whistling operations at the railway grade crossings on Hines Road and Howard Avenue and initiate the process of coordination among HRM, DND and the railway operator to enable whistle cessation at the identified locations.

BACKGROUND

Train whistles are safety devices that alert motorists and pedestrians to the presence of an approaching train. They also warn trespassers away from the rail right-of-way.

Train engineers follow a detailed set of instructions in the Canadian Rail Operating Rules that stipulates an engine whistle must be sounded at the approach of all public at-grade crossings and is imposed for public safety. The whistle provides a positive indication that a train is approaching and is as important to the crossing safety as any automatic protection system that consists of flashing lights, bells and gates. These rules were developed jointly by the railroads and their unions, and approved by Transport Canada. All trains must sound their whistle one quarter mile (approximately 400 metres) before all public crossings, regardless of the type of crossing warning system in place. The whistle must be sounded while approaching the crossing and until the train has fully occupied the crossing.

DISCUSSION

Standard procedure to facilitate the elimination of a train whistle consists of four basic steps:

1. Conduct a professional engineer's safety study of the crossing and determine what changes to the crossing infrastructure are required to ensure safety without the use of the whistle;
2. Install the infrastructure alterations required to ensure safety without the use of whistle;
3. Notify the public and any "relevant associations or organizations" that cessation of the whistle is being considered; and
4. Adopt a local government resolution expressing the intent to eliminate the use of the whistle.

Within the Shearwater/Autoport area there are currently five public crossings that under normal circumstances require trains to whistle. HRM is the road authority for two of these crossings (Hines Road and Howard Avenue) and the Department of National Defense (DND) is the road authority for the other three crossings (Corsair Drive, Labrador Avenue, and Bonaventure Street). Swordfish Drive is considered a private crossing due to its restricted access. Trains are not required to whistle at this private crossing which is also owned by DND.

It should be noted that the railway crossing under DND jurisdiction at Bonaventure Street is only 120 metres from the crossing on Hines Road and 540 metres from Howard Avenue. Also, all crossings identified fall within approximately 1.3 km of each other. Given the requirement for trains to sound the whistle within approximately 400 metres of a crossing and to continue to sound the whistle until the train fully occupies the crossing, there would be minimal benefit in the municipality pursuing whistle cessation unless DND is agreeable to do the same.

The operation of trains and rail crossings in Canada are governed by the Rail Safety Act (RSA). The Act refers to a series of regulations, including the Grade Crossings Regulations (GCR) which was recently passed into law. This new regulation now imposes significant responsibilities on road authorities and railway operators as it relates to public railway grade crossings.

The revised regulations are intended to improve safety by providing comprehensive and enforceable safety standards, clarifying roles and responsibilities, and ensuring key safety information is shared between railway operators and road authorities.

HRM has already collected/assembled roadway data from all of our crossings and this information was shared with the railway operator as required under the Grade Crossing Regulations. All at-grade crossings must be in compliance with the Act, Regulations and Standards by November 2021. This means all road authorities must evaluate the data, review site conditions and build a capital plan for required upgrades. The plan must be developed in conjunction with the railway operator wherever there are common issues.

HRM will be seeking the assistance of an engineering consultant to assist with conducting the necessary safety studies for each public railway crossing required under the Grade Crossing Regulations and developing a capital plan to undertake any necessary upgrades by the regulated deadline. The requirement of a safety study for the purpose of eliminating whistles at Hines Road and Howard Avenue could be added to the scope of work already required for these crossings in order to determine what upgrades would be required beyond the standard Grade Crossing Regulations. This additional work would only be carried out if the municipality receives a response from DND that they will carry out a whistle cessation study at their crossings.

FINANCIAL IMPLICATIONS

Financial implications resulting from the requirements to cease whistling operations at the railway crossings under HRM jurisdiction would be identified as part of the overall safety studies mandated by Transport Canada through the Grade Crossing Regulations and would be included in future capital budget programs.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

COMMUNITY ENGAGEMENT

There was no need for community engagement as this report is in response to questions raised by the public.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

There are no recommended alternatives at this time.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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