Agenda - Executive Policy Committee – June 10, 2009

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 9, 2009

Item No. 8 Sounding of Engine Whistles - Callsbeck Avenue Crossing of Mile 122.51 Canadian Pacific Railway Keewatin Subdivision
eFile ER-1

STANDINDG COMMITTEE RECOMMENDATION:

On June 9, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the necessary agreement between the City of Winnipeg and Canadian Pacific Railway be duly executed to prohibit the sounding of engine whistles at the Callsbeck Avenue Crossing of Mile 122.51 Canadian Pacific Railway Keewatin Subdivision.

2. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law in accordance with the foregoing, for submission directly to Council.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Agenda - Executive Policy Committee – June 10, 2009

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 9, 2009

DECISION MAKING HISTORY:

STANDINDG COMMITTEE RECOMMENDATION:

On June 9, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: The Sounding of Engine Whistles at Callsbeck Avenue Crossing of Mile 122.51 Canadian Pacific Railway Keewatin Subdivision in the City of Winnipeg

Critical Path: Standing Policy Committee on Infrastructure Renewal and Public Works

AUTHORIZATION

Author	Department Head	CFO	CAO
C.J. Desjardine, M.Sc., P.Eng. Community Traffic Engineer	B.W. Sacher, P. Eng. Director of Public Works	M Ruta	A Robinson, Deputy CAO

RECOMMENDATIONS

a) That the necessary agreement between the City of Winnipeg and Canadian Pacific Railway be duly executed to prohibit the sounding of engine whistles at the Callsbeck Avenue Crossing of Mile 122.51 Canadian Pacific Railway Keewatin Subdivision.
b) That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary
By-law in accordance with the foregoing, for submission directly to Council.
c) That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

IMPLICATIONS OF THE RECOMMENDATIONS

- The residents near the vicinity of the railway crossing will be provided relief of the train engine whistling
- Involves a multi-year contract between the City of Winnipeg and Canadian Pacific Railway

HISTORY

The City of Winnipeg, Public Works Department has received requests from residents to prohibit train whistling at the above noted crossing. In 2003, an automatic warning system consisting of flashing lights, bell, and crossing gates were installed at Mile 122.51 Keewatin Subdivision/Callsbeck Avenue crossing. Prior to these improvements, the crossing did not meet the requirements to prohibit whistling at this crossing.

Train engine whistle requirements are controlled through the Canadian Rail Operating Rules (CROR). Rule 14(L)(ii) requires whistling for public crossings at grade "except within limits as may be prescribed in special instructions" by the railway. Transport Canada's *"Procedures and Conditions For Eliminating Whistling at Public Crossings"* provides a guideline for obtaining

cessation of whistling agreements under CROR Rule 14(L)(ii). Schedule A to this guideline indicates that motor vehicle crossings with two sets of tracks must be equipped with a warning system consisting of flashing lights, bell, and gates to be considered for cessation of train whistling under Rule 14(L)(ii).
The Public Works Department is recommending that the City of Winnipeg take the necessary steps to eliminate train engine whistling at the Callsbeck Avenue crossing of the Canadian Pacific Railway Keewatin Subdivision (Mile 122.51).

As part of the process for eliminating train whistling at a crossing, Transport Canada's "*Procedure and Conditions For Eliminating Whistling At Public Crossings*" states that the municipality must pass a by-law prohibiting whistling at the crossing in question. It is proposed that the City of Winnipeg pass a new by-law to prohibit the sounding of train engine whistles at the Callsbeck Avenue Crossing of Mile 122.51 Canadian Pacific Railway Keewatin Subdivision in the City of Winnipeg.

The Callsbeck Avenue crossing at Mile 122.51 Canadian Pacific Railway Keewatin Subdivision is equipped with flashing lights, bell, and gates, which conforms to Schedule A of Transport Canada's "*Procedure and Conditions For Eliminating Whistling At Public Crossings*".

Also, as part of the process for eliminating train whistling at a crossing, a detailed safety assessment of the grade crossing must be completed. A Whistle Cessation Study completed by UMA Engineering Ltd., identifies safety concerns and recommends corrective measures to be implemented prior to whistle cessation. The report states,

> *"The crossing surface [wooden plank] does not meet the requirement of being a minimum 0.5 metres past the edge of the traveled way or past the edge of the shoulder where there is one. This is probably a result of improper grading practices as opposed to the installation of noncompliant planks or constructing the road surface too wide.*
>
> *Regardless of a proposal for anti-whistling this condition does not meet the requirements of RTD-10 and is to be corrected. Appropriate measures to entertain are:*
>
> - *Extend the crossing planks to the appropriate length*
> - *Trim back the gravel road surface to meet the 0.5 meter requirement.*
>
> *The existing "Railway Crossing Ahead" sign east of the tracks is to be straightened to a vertical position."*

The above recommendations will be completed regardless of the whistle cessation application as the crossing does not conform to the requirements of the RTD-10. The estimated cost of this works is $5,000.00 and will be funded from the Public Works Street Maintenance Operating Budget.

CROR Rule 14(f) also requires the whistle to be sounded under any circumstances as an alarm for persons or animals on or near the track. Even with a whistle cessation order, train crews are required to whistle as an alarm for persons or animals on or near the track under CROR Rule 14(f).

The municipality must also notify the general public with a notice in the local newspapers as well as the railway unions of its intent to prohibit whistling at the crossing. The cost of advertising in the local newspapers has been estimated as approximately $1,250.00. This would be paid by the City of Winnipeg and there are sufficient funds for this in the 2005 Public Works Adopted Capital Budget.

The City of Winnipeg is required to pay 50% of the annual liability insurance premium once the train whistle is eliminated. The City's portion for this crossing is approximately $400 per year. The Streets Maintenance Division has confirmed that there are sufficient funds to accommodate the annual liability insurance for this crossing.

FINANCIAL IMPACT

Financial Impact Statement

Date: May 11, 2009

Project Name:

First Year of Program 2009

The Sounding of Engine Whistles at Callsbeck Avenue Crossing of Mile 122.51 Canadian Pacific Railway Keewatin Subdivision in the City of Winnipeg

	2009	2010	2011	2012	2013
Capital					
Capital Expenditures Required	$ 1,313	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	1,313	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 5,400	$ 531	$ 531	$ 531	$ 531
Less: Incremental Revenue/Recovery	63	-	-	-	-
Net Cost/(Benefit)	$ 5,338	$ 531	$ 531	$ 531	$ 531
Less: Existing Budget Amounts	5,338	531	531	531	531
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The advertising and overhead costs to be incurred will be funded by the remaining 2005 Public Works Capital Adopted Budget for Railway Crossings in the Traffic Engineering Improvements program. The Annual Liability Insurance and upgrades to the Crossing Surface will be funded from the Public Works Street Maintenance Operating Budget.

"original signed by Darcy Stewart, CA"
Darcy Stewart, CA
Manager of Finance & Administration

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:
Legal Services Division (as to legal issues), Streets Maintenance Division (as to the annual liability insurance)

External Consultation With:
UMA Engineering Ltd., Canadian Pacific Railway

SUBMITTED BY

Department:	Public Works
Division:	Transportation
Prepared by:	C.J. Desjardine, M.Sc., P.Eng., Community Traffic Engineer 986-6875
Date:	May 11, 2009
File No.:	D-31