Minute No. 401
Report - Standing Policy Committee on Infrastructure Renewal and Public Works – May 12, 2009

Item No. 4 **Sounding of Engine Whistles at John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson Subdivision (St. Vital Ward)**
eFile ER-1

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

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 John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson 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.

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DECISION MAKING HISTORY:

Moved by Councillor Clement,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 12, 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 John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson Subdivision in The City of Winnipeg

For Submission to: Standing Policy Committee on Infrastructure Renewal and Public Works

REPORT DATE: April 28, 2009

AUTHORIZATION

Author	Department Head	CFO	CAO
C.J. Desjardine, M.Sc., P.Eng.	B.W. Sacher, P. Eng. A/Director of Public Works	Betty Holsten Boyer, Acting CFO	Alex Robinson, D/CAO

RECOMMENDATION:

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 John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson 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.

Report Summary

Key Issues:

Take the necessary steps to prohibit the sounding of train engine whistles at John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson Subdivision.

Implications of the Recommendation(s):

General Implications

None
For the organization overall and/or for other departments
X For the community and/or organizations external to the City
X Involves a multi-year contract
Comment(s):

Policy Implications

No
X Yes
Comment(s):

Regulatory Implications

X None
Eliminates or reduces regulatory impact
Proposes regulatory impact
Comment(s):

Environmental Implications

X No
Yes
Comment(s):

Human Resources Implications

X No
Yes
Comment(s):

Financial Implications

X Within approved current and/or capital budget
Current and/or capital budget adjustment required
Comment(s):

Report

REASON FOR THE REPORT:

The City of Winnipeg, Public Works Department has received requests from residents to prohibit train engine whistling at the above noted crossing. The purpose of this report is to acquire Council's resolution to prohibit the use of train engine whistles at Mile 005.19 Canadian Pacific Railway Emerson Subdivision/John Bruce Road Pedestrian Crossing. As part of the process, Transport Canada's "*Procedures and Conditions For Eliminating Whistling At Public Crossings*" states that the municipality must pass a by-law prohibiting whistling at the crossing in question.

HISTORY:

In 2002, as part of the Royalwood Subdivision development, John Bruce Road was permanently closed to vehicular traffic on both sides of the crossing. On the east side, the street was renamed Pamela Road and terminates east of the Canadian Pacific Railway Emerson right-of-way. On the west side, John Bruce Road terminates at the intersection of Wildfire Drive. A formal pedestrian pathway complete with chain link guide fencing and maze barriers was constructed in the John Bruce Road street right-of-way and crosses the Canadian Pacific Railway Emerson tracks to link the residential areas on each side of the tracks. This pedestrian crossing is also equipped with an automatic warning system (flashing lights and bell).

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 pedestrian/bikeway crossings with one set of tracks must be equipped with an automatic warning system consisting of flashing lights and bell and guide fencing with maze barriers to be considered for cessation of train whistling under Rule 14(L)(ii).

DISCUSSION:

The Public Works Department is recommending that the City of Winnipeg take the necessary steps to eliminate train engine whistling at the John Bruce Road pedestrian crossing of the Canadian Pacific Railway Emerson Subdivision (Mile 005.19).

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 John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson Subdivision in the City of Winnipeg.

The above mentioned pedestrian crossing is equipped with an automatic warning system (flashing lights and bell), guide fencing, and maze barriers, 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,

> *"There appears to be a high level of pedestrian workload at this crossing caused by the geometry of the sidewalk approaches and the design of the guide fencing. There is also the possibility the vertical cone of vision for pedestrians with assistive devices is not adequate while approaching the signals. Section 19.8 of RTD-10 states "Front light units for persons on sidewalks, recreation trails, and pedestrian and bicycle paths. Shall be aligned through a point 1.6 m above the centre of the sidewalk, trail or path 30 m (100 ft) in advance of the warning signal or the point at which the set of lights units first become visible if less than 30 m. Due to the curves in the sidewalk approaches, this requirement cannot be met. It is therefore recommended that the existing 8" incandescent railway crossing lights be substituted with 12" LED lights to increase the cone of vision and to better capture pedestrians attention."*

Canadian Pacific Railway estimates the cost to replace the existing 8" incandescent lights to 12" LED lights would be $6,500 plus applicable taxes. This cost would be funded by the City of Winnipeg from the 2005 Public Works Capital Traffic Engineering Improvements Adopted Budget.

The Whistle Cessation Study completed by UMA Engineering Ltd. also identified that trespassing was evident along the centre and edges of the track. CROR Rule 14(f) 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. This would be funded by the City of Winnipeg from the 2005 Public Works Capital Traffic Engineering Improvements Adopted 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 in the Public Works Street Maintenance Operating Budget to accommodate the annual liability insurance for this crossing.

Financial Impact Statement

Date: April 28, 2009

Project Name:

First Year of Program **2009**

The Sounding of Engine Whistles at John Bruce Road Pedestrian Crossing of Mile 005.19 Canadian Pacific Railway Emerson Subdivision In The City of Winnipeg

	2009	2010	2011	2012	2013
Capital					
Capital Expenditures Required	$ 8,138	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	8,138	-	-	-	-
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	$ 400	$ 1,214	$ 1,214	$ 1,214	$ 1,214
Less: Incremental Revenue/Recovery	388	-	-	-	-
Net Cost/(Benefit)	$ 13	$ 1,214	$ 1,214	$ 1,214	$ 1,214
Less: Existing Budget Amounts	13	1,214	1,214	1,214	1,214
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The LED signal upgrade, 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 will be funded from the Public Works Street Maintenance Operating Budget.

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

IN PREPARING THIS REPORT THERE WAS:

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

THIS REPORT SUBMITTED BY:

Department:	Public Works	
Division:	Transportation	
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