Minutes – Executive Policy Committee – September 23, 2009

Minute No. 404
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – September 15, 2009

Item No. 3 Sounding of Engine Whistles - Sterling Lyon Parkway Crossing of Mile 005.62 Canadian Pacific Railway LaRiviere Subdivision
(St. Vital Ward)
eFile ER-1

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works 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 Sterling Lyon Parkway Crossing of Mile 005.62 Canadian Pacific Railway LaRiviere 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.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – September 15, 2009

DECISION MAKING HISTORY:

Moved by Councillor Clement,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 15, 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 Sterling Lyon Parkway Crossing of Mile 005.62 Canadian Pacific Railway LaRiviere 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	n/a	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 Sterling Lyon Parkway Crossing of Mile 005.62 Canadian Pacific Railway LaRiviere 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

In 2005, as part of the Kenaston Boulevard underpass construction, Sterling Lyon Parkway was constructed to accommodate traffic previously utilizing Wilkes Avenue. Construction of Sterling Lyon Parkway created two new railway crossings. Both crossings are located across Sterling Lyon Parkway, east of the Kenaston Boulevard. For the purposes of this report, only the Canadian Pacific Railway crossing, located approximately 700 metres east of Kenaston Boulevard will be discussed. Since operation of the railway crossing, the City of Winnipeg, Public Works Department has received requests from residents to prohibit train engine whistling at the above noted crossing.

The Public Works Department is recommending that the City of Winnipeg take the necessary steps to eliminate train engine whistling at the Sterling Lyon Parkway crossing of the Canadian Pacific Railway LaRiviere Subdivision (Mile 005.62).

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 containing one set of tracks and a maximum train speed between 16 mph and 50 mph must be equipped with a warning system consisting of flashing lights and bell to be considered for cessation of train whistling under Rule 14(L)(ii). This crossing is equipped with flashing lights, gates and bell at the roadway and miniature stop signs at the pedestrian sidewalk, which conforms to Schedule A of Transport Canada's "*Procedure and Conditions For Eliminating Whistling At Public Crossings*". The crossing contains one set of railway tracks with a maximum railway operating speed of 25 mph.

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 Sterling Lyon Parkway crossing of Mile 005.62 Canadian Pacific Railway LaRiviere Subdivision in the City of Winnipeg.

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 was completed by UMA Engineering Ltd.

The report recommended reminder of CROR Rule 14(f) which 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: July 9, 2009

Project Name: **First Year of Program** **2009**

The Sounding of Engine Whistles at Sterling Lyon Parkway Crossing of Mile 005.62 Canadian Pacific Railway LaRiviere 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	$ -	$ 531	$ 531	$ 531	$ 531
Less: Incremental Revenue/Recovery	63	-	-	-	-
Net Cost/(Benefit)	$ (63)	$ 531	$ 531	$ 531	$ 531
Less: Existing Budget Amounts	(63)	531	531	531	531
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The 2005 Capital Budget project # 1831001005 has available funds. Debt and Finance costs are applicable to the City's internal funded portion of this project.

"original signed by Darcy Stewart, CA"
Darcy Stewart, CA
Department Controller

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
Processed by: Carol Kawaza, Transportation Clerk..... 986-5288

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