Minutes – Executive Policy Committee – March 16, 2016

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 14, 2016

Item No. 2 The Sounding of Engine Whistles at Transcona Boulevard Crossing Mile 1.47 Central Manitoba Railway Pine Falls Subdivision in the City of Winnipeg

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the following to Council:

1. That the City enter into, execute, and deliver all necessary agreements with the Central Manitoba Railway to prohibit the sounding of engine whistles at Transcona Boulevard Crossing of Mile 1.47 Central Manitoba Railway, Pine Falls Subdivision, and that the Chief Administrative Officer be authorized to negotiate and approve terms and conditions of all such agreements in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law to prohibit the sounding of engine whistles at Transcona Boulevard Crossing of Mile 1.47 Central Manitoba Railway, Pine Falls Subdivision for submission directly to Council.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 14, 2016

DECISION MAKING HISTORY:

Moved by Councillor Lukes,

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.

Carried

Moved by Councillor Lukes,

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 March 14, 2016, 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

Title: The Sounding of Engine Whistles at Transcona Boulevard Crossing Mile 1.47 Central Manitoba Railway Pine Falls Subdivision in the City of Winnipeg

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
L. Escobar	L.P. Deane	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That the City enter into, execute, and deliver all necessary agreements with the Central Manitoba Railway to prohibit the sounding of engine whistles at Transcona Boulevard Crossing of Mile 1.47 Central Manitoba Railway, Pine Falls Subdivision, and that the Chief Administrative Officer be authorized to negotiate and approve terms and conditions of all such agreements in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law to prohibit the sounding of engine whistles at Transcona Boulevard Crossing of Mile 1.47 Central Manitoba Railway, Pine Falls Subdivision for submission directly to Council.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

A by-law is required to be approved by Council to implement the cessation of engine whistling.

EXECUTIVE SUMMARY

Winnipeg Public Service is recommending that the City of Winnipeg take the necessary steps to eliminate the sounding of engine whistles at the crossing of Transcona Boulevard and Mile 1.47 Central Manitoba Railway, Pine Falls Subdivision. In order for the sounding of engine whistles at the above (or any) crossing, a by-law must be passed in accordance with Section 104 of the Grade Crossing Regulations made under the Railway Safety Act and Appendix D of the Grade Crossing Standards. Eliminating whistling at this crossing will result in a one-time cost of approximately $1,590 for newspaper ads, as well as an annual cost of approximately $400 for the City's portion of the liability insurance premium. The annual cost will be provided by Streets Maintenance Division.

IMPLICATIONS OF THE RECOMMENDATIONS

The residents near the vicinity of the railway crossing will be provided relief from the train engine whistling.

The City would be required to pay a one-time cost of approximately $1,590 for newspaper ads as well as 50% of the annual liability insurance premium (approximately $400) once the train whistling is eliminated at this location.

HISTORY / DISCUSSION

The crossing has undergone two significant changes since the anti-whistling by-law passed in December, 1986 (By-law No. 4481/86). The first is that the 1986 By-law applied to the Canadian National Railway Company, Pine Falls Subdivision, mile 1.46; in the meantime, the Canadian National Railway Company sold this line to the Central Manitoba Railway. The second change is that the location of the crossing has been moved 0.01 mile, to mile 1.47, as a result of the building of Transcona Boulevard and the decommissioning of Ravelston Avenue at this crossing.

In 2014, as part of the construction of Transcona Boulevard, the crossing at mile 1.46 on the Pine Falls subdivision of the Central Manitoba Railway was closed on Ravelston Avenue and the crossing was moved to the newly-constructed Transcona Boulevard at mile 1.47 of the Pine Falls subdivision of the Central Manitoba Railway. Since this move, the City has consistently received a large number of noise complaints regarding train whistling.

The Public Works Department is recommending that the City of Winnipeg take the necessary steps to eliminate train engine whistling at the Transcona Boulevard crossing of the Central Manitoba Railway, Pine Falls Subdivision, mile 1.47.

Train engine whistle requirements are controlled through the Canadian Rail Operating Rules (CROR). CROR Rule 14(L)(iv) requires whistling for public crossings at grade except “Special instructions will govern when such signal is prohibited in whole or in part.” Transport Canada’s “Grade Crossing Standards – Appendix D Whistling Cessation” provides standards for obtaining cessation of whistling agreements under CROR Rule 14(L)(iv). Table D – 1 of the Standard indicates that motor vehicle crossings containing one set of tracks and a sidewalk, path or trail and a maximum train speed of less than 15 mph must be equipped with a warning system consisting of flashing lights and bell to be considered for cessation of train whistling under CROR Rule 14(L)(iv). This crossing is equipped with flashing lights, and bell at the roadway and the multi-use pathway, which conforms to Appendix D of Transport Canada’s “Grade Crossing Standards – Appendix D Whistling Cessation”. The crossing contains one set of railway tracks and a multi-use pathway with a maximum railway operating speed of 10 mph.

As part of the process for eliminating train whistling at a crossing, section 23.1 of the Railway Safety Act 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 Transcona Boulevard crossing of Mile 1.47 Central Manitoba Railway, Pinefalls 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 Central Manitoba Railway representatives, Stantec Consulting Ltd. and the City of Winnipeg on December 17, 2014, which confirmed that this location was suitable for whistling cessation.

Section 23.1 of the Railway Safety Act also requires that the municipality must 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 $1,590. This would be paid by the City of Winnipeg.

The City of Winnipeg is required to pay 50% of the annual liability insurance premium once the train whistling is eliminated at this location. 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: February 16, 2016

Project Name:

First Year of Program **2016**

The Sounding of Engine Whistles at Transcona Boulevard Crossing Mile 1.47 Central Manitoba Railway Pinefalls Subdivision in the City of Winnipeg

	2016	2017	2018	2019	2020
Capital					
Capital Expenditures Required					
Less: Existing Budgeted Costs	-	-	-	-	-
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	$ 1,990	$ 400	$ 400	$ 400	$ 400
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 1,990	$ 400	$ 400	$ 400	$ 400
Less: Existing Budget Amounts	1,990	400	400	400	400
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The Direct Costs represent the one-time advertising cost of $1,590 and the annual liability insurance cost of $400. TheTransportation Division budget will be able to accommodate the one-time advertising cost. The Streets Maintenance Division will have sufficient budget for the ongoing annual liability insurance.

"Original signed by D. Stewart, CA"
D. Stewart, CA
Manager of Finance & Administration

CONSULTATION

In preparing this Report there was consultation with: Legal Services

OURWINNIPEG POLICY ALIGNMENT

n/a

SUBMITTED BY

Department: Public Works
Prepared by: Colleen Flather, M. Sc., P. Eng., Community Traffic Engineer
Date: February 16, 2016
File No. E09