Minute No. 174
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – January 9, 2018

Item No. 1 The Sounding of Engine Whistles at PTH 101 Crossing Mile 243.67 of the Redditt Subdivision of the Canadian National Railway in the City of Winnipeg

COUNCIL DECISION:

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

1. That the City enter into, execute and deliver an Anti-Whistling Agreement with the Canadian National Railway to prohibit the sounding of engine whistles at PTH 101 Crossing of Mile 243.67 Canadian National Railway Redditt Subdivision, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Anti-Whistling Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That a by-law to prohibit the sounding of engine whistles at PTH 101 Crossing of Mile 243.67 Canadian National Railway Redditt Subdivision be enacted (draft by-law is attached as Schedule "A").

4. 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 Morantz,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2018, 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 January 9, 2018, 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 PTH 101 Crossing Mile 243.67 of the Redditt Subdivision of the Canadian National Railway in the City of Winnipeg

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Cantor, P. Eng., P.T.O.E. Acting Manager of Transportation	J. Berezowsky Acting Director of Public Works	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

Winnipeg Public Service is recommending that the City of Winnipeg and the Canadian National Railway enter into an agreement to cease whistling at the crossing of PTH 101 and mile 243.67 CN Redditt Subdivision. To cease whistling at a railway crossing, a by-law must be passed by Council in accordance with the Railway Safety Act, section 104 and Appendix D of the Grade Crossing Standards. Eliminating whistling at this crossing will result in a one-time cost of approximately $1,600 for advertising; this cost will be taken from the Transportation Division, Traffic Engineering Improvement Program budget. Annual costs for the insurance of the crossing will be approximately $500, and will be paid from the Streets Maintenance Division, as with other anti-whistling crossings.

RECOMMENDATIONS

1. That the City enter into, execute and deliver an Anti-Whistling Agreement with the Canadian National Railway to prohibit the sounding of engine whistles at PTH 101 Crossing of Mile 243.67 Canadian National Railway Redditt Subdivision, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the “Ancillary Agreements”).

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Anti-Whistling Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That Council enact a by-law to prohibit the sounding of engine whistles at PTH 101 Crossing of Mile 243.67 Canadian National Railway Redditt Subdivision (draft by-law is attached as Schedule “A”).

4. 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.

REASON FOR THE REPORT

To cease whistling at a railway crossing, a by-law must be passed by Council in accordance with the Railway Safety Act, section 104 and Appendix D of the Grade Crossing Standards.

IMPLICATIONS OF THE RECOMMENDATIONS

Whistling cessation will be in effect at the crossing.

The City of Winnipeg will enter into, execute and deliver an Anti-Whistling Agreement with the Canadian National Railway.

A one-time advertising cost of approximately $1,600 will be funded by the 2016 Traffic Engineering Improvement capital program. The 2016 Capital Budget adopted by Council on March 22, 2016 included funding for the Traffic Engineering Improvement - Various Locations Program in the amount of $1,900,000.

The annual insurance costs of $500 will be funded by the Streets Maintenance Division annual operating budget.

HISTORY/DISCUSSION



Figure 1: CN Redditt Subdivision Mile 243.67 and PTH 101 (photo courtesy of Google Maps)

The Public Service is recommending that the City of Winnipeg (the "City") take the necessary steps to eliminate train engine whistling at the crossing. The Public Service estimates that approximately 20 trains pass through the crossing each day, which leads to disruption for local residents.

Train engine whistle requirements are controlled through the Canadian Rail Operating Rules (CROR). Rule 14(L)(iv) of the CROR ("Rule 14") requires whistling for public crossings at grade, but that "special instructions will govern when such signal is prohibited in whole or in part." Appendix D of Transport Canada's *Grade Crossing Standards* provides standards for obtaining cessation of whistling agreements under CROR Rule 14. Table D – 1 of Appendix D indicates that motor vehicle crossings containing two or more sets of tracks and a sidewalk, path or trail with a maximum train speed of 16 – 50 mph must be equipped with a warning system consisting of flashing lights, bells and gates to be considered for cessation of train whistling under Rule 14. The crossing is equipped with flashing lights, bells and gates, which conforms to Appendix D.

As part of the process for eliminating train whistling at a crossing, section 23.1 of the *Railway Safety Act* states that a municipality must pass a by-law prohibiting whistling at the crossing in

question. The Public Service recommends that the City enact a by-law to prohibit the sounding of train engine whistles at the PTH 101 crossing of Mile 243.67 Canadian National Railway Redditt Subdivision in the City of Winnipeg.

In addition to the enactment of a by-law, a detailed safety assessment of the grade crossing must be completed for the cessation of train whistling at a crossing. A safety assessment of the crossing was completed on behalf of the City in 2012 by AECOM. Canadian National Railway (CN) and Manitoba Infrastructure has reviewed the safety assessment, provided comments on items which have changed since the implementation of the At Grade Crossing Standards & Regulations from Transport Canada which have changed since the original safety assessment. All parties agreed that the crossing meets Transport Canada's At Grade Crossing Standards & Regulations.

Under section 23.1 of *The Railway Safety Act*, the City must also notify the general public with a notice in the local newspapers and the railway unions of its intent to prohibit whistling at the temporary crossing. The cost of advertising in the local newspapers has been estimated as approximately $1,600. This cost will be taken from the Transportation Division, Traffic Engineering Improvement Program budget. The additional insurance for whistling cessation is typically $500 annually. Billing to the City of Winnipeg or Province of Manitoba to be determined. 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:** December 7, 2017

Project Name: **First Year of Program** **2017**

The Sounding of Engine Whistles at PTH 101 Crossing Mile 243.67 of the Redditt Subdivision of the Canadian National Railway in the City of Winnipeg

	2017	2018	2019	2020	2021
Capital					
Capital Expenditures Required	$ 1,680	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	1,680	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ 500	$ 500	$ 500	$ 500
Less: Incremental Revenue/Recovery	80	-	-	-	-
Net Cost/(Benefit)	$ (80)	$ 500	$ 500	$ 500	$ 500
Less: Existing Budget Amounts	(80)	500	500	500	500
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Total estimated cost of $1,680 will be funded by the 2016 Traffic Engineering Improvement Program (Public Works Capital Project # 1831000616-Railway Crossing Protection). Recoveries represent the Department Transportation Administration and Corporate Interest overheads.
Direct costs in the amount of $500 represent the estimated annual insurance for whistling cessation that will be funded by the Street Maintenance operating budget.

"Original signed by J. Ruby, CPA, CA"
J. Ruby, CPA, CA
Manager of Finance and Administration

CONSULTATION

This Report has been prepared in consultation with: n/a

OURWINNIPEG POLICY ALIGNMENT

The recommendation of this report is aligned with the Transportation Master Plan key strategic goal Number 3: To provide a safe, efficient and equitable transportation system for people, goods and services.

SUBMITTED BY

Department: Public Works
Division: Transportation
Prepared by: Colleen Flather, P.Eng., Community Traffic Engineer
Date: November 20, 2017

Attachments: Schedule “A” – draft anti-whistling by-law