



Report

To: Directors of the Peace River Regional District
From: Trish Morgan, Community Services Coordinator
Date: October 5, 2009
Re: CNR Crossings & Train Whistles

FOR INFORMATION ONLY:

At the September 10, 2009 Board meeting staff were directed to investigate the requirements surrounding train whistling in populated areas.

According to Transport Canada and CN Rail's website, by regulation trains are required to sound the engine whistle a quarter of a mile before all public crossings. Additionally, operators are required to use the whistle to warn those potentially trespassing on railway land or using private crossings in the vicinity of the crossing that a train is approaching.

Although Section 23.1 of the *Railway Safety Act* prohibits the use of the whistle on any railway equipment in an area within a municipality, this is only possible if the area meets the safety standards prescribed in regulation and the municipality has passed a resolution indicating its agreement with eliminating whistling. Before passing a resolution the local government must make application to the railway company for whistle cessation and in most cases a detailed safety assessment, with a written report, by the road owner will likely be required by the railway. If the road owner is different from the local government, the road owner may require the local government to conduct the assessment. Further the railway may also require additional safety measures to address site-specific conditions (e.g. fencing, alternate paths to deter trespassers). Safety requirements must be installed before whistling is stopped; the cost of installing the safety improvements is the responsibility of the road owner. However, as a condition of allowing whistle cessation, the road owner may assign the costs to the local government. Finally the local government is required to notify the general public to consider public safety concerns.

Where an agreement has been reached between the railway, the municipality and the road authority that whistling may be discontinued the parties may request a Transport Canada railway safety inspector to inspect the crossing to confirm their assessment that the crossing meets the requirements of the guideline. If the inspector is of the opinion that the crossing meets the prescribed conditions **and there are no further safety concerns**, Transport Canada's Director General Railway Safety may issue special instructions eliminating the requirement for whistling at the crossing.

This process will only eliminate routine whistling and if the Railway Safety Inspector and the Minister perceive there is an immediate threat to safe railway operations they have the power to initiate whistling. This provision also does not prohibit the use of the whistle in cases such as emergencies or when crew and equipment are working on the tracks.