

## **ABBEYDALE-APPLEWOOD PARK TRAIN WHISTLE CESSATION**

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### **EXECUTIVE SUMMARY**

The Rotary/Mattamy Calgary Greenway multi-use pathway around the periphery of the city has been substantially completed by Parks Foundation Calgary. A northeast leg of the pathway crosses a Canadian National (CN) Railway line located at Mile 121.30 of the CN Three Hills subdivision at the eastern edge of the communities of Abbeydale and Applewood Park. A map of the crossing location is in Attachment 1.

Transport Canada regulations for rail crossings call for several safety measures, including a requirement that trains approaching a crossing sound a warning whistle. In the time since the construction of the crossing was completed and responsibility for its maintenance was taken over by The City, concerns about the frequent train whistles have been received from citizens living nearby.

Transport Canada allows exemptions to train whistle requirements if alternate safety measures are undertaken by the municipality. Calgary Parks has worked with both Canadian National Railway and Transport Canada to identify and install the alternate safety measures required at this location to cease the need for whistle warnings. This included notification of adjacent residents and relevant associations or organizations in relation to all federally regulated railway companies. This report and associated approved Council minutes will serve as a formal declaration from Council to prohibit train whistles at the Abbeydale-Applewood Park crossing (Attachment 1). Once this occurs, Administration will pursue a whistle cessation exception from Transport Canada to exempt this crossing from the whistle requirement.

### **ADMINISTRATION RECOMMENDATION(S)**

That the SPC on Community and Protective Services recommend that Council:

1. Approve the cessation of train whistling at the rail crossing location known as *Mile 121.30 of the CN Three Hills subdivision* (Attachment 1); and
2. Direct Administration to provide notification of the above Council direction to Canadian National Railway, the headquarters of Transport Canada Rail Safety Directorate, and other relevant stakeholders as required.

### **RECOMMENDATION OF THE SPC ON COMMUNITY AND PROTECTIVE SERVICES, DATED 2018 APRIL 11:**

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That Council approve the Administration Recommendations contained in Report CPS2018-0364.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

Whistle cessation declarations have been made at numerous specific rail crossing points throughout the city over a number of years. For example, on December 5, 2000, Council approved TTP2000-57 (Train Whistle Sounding In The City of Calgary), and directed Administration to pursue whistle cessation at three separate locations.

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### **BACKGROUND**

From 2010 to 2017, the Rotary/Mattamy Calgary Greenway was constructed and is now substantially complete. This asphalt multi-use pathway, planned and constructed by the Calgary Parks Foundation and ultimately maintained by Calgary Parks, provides Calgarians a 'ring' route, around the periphery of the city. The Greenway is well used by bicycle and pedestrian traffic, year-round.

Completion of the northeast leg of the Greenway required an at-grade crossing of a Canadian National (CN) Railway track at Mile 121.30 of the CN Three Hills subdivision, located at the eastern edge of the communities of Abbeydale and Applewood Park (Attachment 1). Construction of the crossing was completed in 2017, in accordance with the requirements of the Rail Safety Act and Canadian Rail Operating Rules ('CROR'). The CROR stipulate the inclusion of safety measures for at-grade crossings, including flashing LED warning lights and bell, and train whistle posts installed at 0.25 miles on each side of the crossing, to warn pathways users of a train's approach.

Following the construction and opening of the crossing, The City received a number of calls from citizens concerned about the frequency of the new whistles and the nuisance they caused. As a result, Calgary Parks, in coordination with the Ward 9 office, began the process required to exempt the need for train whistles at this location.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Crossing of the Canadian National train tracks was deemed necessary to connect the Rotary/Mattamy Greenway. The crossing was designed and constructed according to Grade Crossing Standards; however, it was determined that the installation of additional safety measures in lieu of otherwise mandatory train whistles is in the best interest of the adjacent residential communities, while still ensuring the pathway is safe for users and train operators. Without the additional safety measures, the only alternative would be to continue to provide safety warnings via train whistles, per Transport Canada's Canadian Rail Operating Rules.

Transport Canada, via the Railway Safety Act, controls the requirement for train whistling. Calgary Parks was advised that there is a multi-step process for applying to lift the requirement for whistles, which includes consultation with the railway company, notification of stakeholders, assessment of the crossing and passing of a resolution by the municipal government to prohibit whistles at the subject location. Consistent with the Transport Canada instruction, Calgary Parks has consulted with Canadian National Railway and gained their cooperation to coordinate whistle cessation. A Grade Crossing Safety Assessment Report was also obtained to verify compliance of the Grade Crossing Standards and to investigate measures required to eliminate the whistle requirement. The report recommended the installation of maze barriers at the crossing, advance warning signs on both pathway approaches, an emergency notification sign, and additional guide fencing at two nearby unauthorized pedestrian crossing locations. The recommended measures are now in place and have been inspected by CN and City of Calgary personnel. Finally, Calgary Parks carried out the required notification of relevant associations or organizations in relation to federally regularly railway companies. This was done via direct letters and a public newspaper advertisement on 2018 February 21. No responses were received as result of the notifications.

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To complete the request for whistle cessation at this crossing, Administration requests that Council pass a resolution declaring that train whistling should not be used at the following location: rail crossing at Mile 121.30 of the CN Three Hills subdivision (Attachment 1). This report and associated approved Council minutes will serve as a formal declaration from Council to prohibit train whistles at the Abbeydale-Applewood Park crossing. Given the additional safety measures put in place, inspections of the work carried out by Canadian National, and the notification of all relevant rail stakeholders, all other Transport Canada requirements are complete. Once the Council minutes are approved, as a final step in the request for whistle cessation, Administration will send a copy to CN and all other relevant stakeholders, including the headquarters of Transport Canada Rail Safety Directorate.

### **Stakeholder Engagement, Research and Communication**

This report is coming forward in response to citizen concerns around train whistles in residential areas. Transport Canada requirements for whistle cessation applications include the need for direct notification of all relevant stakeholders (associations or organizations) as well as a public notice, regarding the municipality's intention to pass a resolution to prohibit train whistles at the subject location. Individual letters were sent out to rail stakeholders and an advertisement was posted in the Calgary Herald. Additional community notification was undertaken in coordination with the Ward 9 office through a direct mail out to area residents. No concerns were brought forward as a result of the notifications.

### **Strategic Alignment**

This report aligns with the Council-approved 2015-2018 Action Plan goal: "Respond to the needs and aspirations of the citizens of Calgary."

### **Social, Environmental, Economic (External)**

#### **Social**

Whistle cessation at this location will enhance the liveability of adjacent neighbourhoods by reducing noise and nuisance, while ensuring that Greenway users will continue to be safe while using the pathway.

#### **Environmental**

Whistle cessation at this location will enhance the liveability of adjacent neighbourhoods by reducing noise nuisance.

#### **Economic (external)**

There are no economic impacts associated with the train whistle cessation request.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

Minor operating costs will be required to pay for annual maintenance and inspections of the crossing area to ensure ongoing compliance with Canadian National safety requirements.

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### Current and Future Capital Budget:

The request for whistle cessation involved modest costs for the construction of the alternate crossing safety measures required by Transport Canada. This cost was covered by Calgary Parks.

### Risk Assessment

The risks associated with the cessation of train whistle warnings will be offset by the specific alternate safety measures prescribed by Transport Canada. Calgary Parks secured an external consultant to prepare a Grade Crossing Safety Assessment. The recommended safety measures in this assessment include the installation of maze gates, fencing, and warning and emergency notification signage in the area. Additional risk mitigation will be achieved through regular monitoring, formal inspections and maintenance of new safety measures and area fencing.

### REASON(S) FOR RECOMMENDATION(S):

In accordance with Transport Canada Grade Crossing Standards and Section 23.1 of the Railway Safety Act, Council may pass a resolution declaring that train warning whistles should not be used in specific areas. Such a declaration for Mile 121.30 of the CN Three Hills subdivision (east of Abbeydale and Applewood Park) would reduce nuisance and provide a better quality of life for residents in the area. Given the additional safety measures put in place, inspections of the work carried out by Canadian National, and the notification of all relevant stakeholders, all Transport Canada requirements are complete and whistle cessation can occur at this location.

### ATTACHMENT(S)

1. Abbeydale-Applewood Park Rail Crossing Location Map