

**Community Services Report to
SPC on Community and Protective Services
2019 May 08**

**ISC: UNRESTRICTED
CPS2019-0603**

Haskayne Legacy Park Train Whistle Cessation

EXECUTIVE SUMMARY

A temporary ground level pathway crossing has been completed in Haskayne Legacy Park where a portion of the pathway crosses a Canadian Pacific Railway (CPR) line at the eastern edge of the park. The location is known as Mile 13.32 of the CPR Laggan subdivision and a map of the crossing location is in the Attachment.

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 Pacific Railway and Transport Canada to identify and install the alternate safety measures required at this location to cease the need for whistle warnings. Construction of the crossing was completed in 2019, 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 pathway users of a train's approach. The Rail Safety Act and Canadian Rail Operating Rules ('CROR') also require 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 Haskayne Legacy Park crossing. Once this occurs, Administration will pursue a whistle cessation exception from Transport Canada to exempt this crossing from the whistle requirement.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Community and Protective Services recommend that Council:

1. Approve the cessation of train whistling at the rail crossing location known as Mile 13.32 of the CPR Laggan subdivision (Attachment); and
2. Direct Administration to provide notification of the above Council direction to Canadian Pacific Railway, the headquarters of Transport Canada Rail Safety Directorate, and other relevant stakeholders as required.

PREVIOUS COUNCIL DIRECTION / POLICY

Whistle cessation declarations have been made at numerous rail crossing points throughout the city over a number of years. For example:

On 2018 April 23, Council approved CPS2018-0364 (Abbeydale-Applewood Park Train Whistle Cessation) at the rail crossing known as *Mile 121.30 of the CN Three Hills subdivision*.

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On 2000 December 5, Council approved TTP2000-57 (Train Whistle Sounding in The City of Calgary), and directed Administration to pursue whistle cessation at three locations:

- 84 Street and 113 Avenue
- Shawville Gate west of Macleod Trail S
- Sheriff King Road east of 4 Street SW

BACKGROUND

The Haskayne crossing is the eastern most crossing close to the Calgary communities of Bearspaw and Lynx Ridge and is bordered by a private property to the southeast, a possible new development to the northeast, and the rail to the southwest. Ultimately a below-grade crossing will be required by CPR to be built within a prescribed period of time (3 – 5 years) following the park opening.

The at-grade crossing at Mile 13.32 of the CPR Laggan subdivision, located at the eastern edge of Haskayne Legacy Park (Attachment) was completed in 2018, 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 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. To mitigate these concerns, Calgary Parks began the process required to exempt the need for train whistles at this location.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The crossing was designed and constructed according to Grade Crossing Standards; however, it was determined that the installation of additional 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, 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. 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 which is the purpose of this report and recommendation. Consistent with the Transport Canada instruction, Calgary Parks has consulted with Canadian Pacific Railway and gained their cooperation to coordinate whistle cessation. Calgary Parks carried out the required notification of relevant associations or organizations in relation to federally regularly railway companies. This was done by public newspaper advertisements on April 3, 2019. 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 13.32 of the CPR Laggan subdivision (Attachment). This report and associated approved Council minutes will serve as a formal declaration from Council to prohibit train whistles at the Haskayne Legacy Park crossing. Given the additional safety measures put in place 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 CPR and all other relevant stakeholders, including the headquarters of Transport Canada Rail Safety Directorate. Whistle Cessation is anticipated to occur by July 1st, 2019.

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 both the Calgary Herald and the Cochrane Times. No concerns were brought forward as a result of the notifications.

Strategic Alignment

This report aligns with One Calgary citizen priority a *Healthy and Green City* and the Parks and Open Space line of service.

Social, Environmental, Economic (External)

Whistle cessation at this location will enhance the liveability of adjacent neighbourhoods by reducing noise and nuisance, while ensuring that Haskayne Legacy Park users will continue to be safe while using the pathway. 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 Pacific safety requirements. These costs will be absorbed within current Parks Operating Program 445.

Current and Future Capital Budget:

There is no new capital budget required for the implementation of whistle cessation at this level crossing. Canadian Pacific will still require the construction of an underpass at this location approximately 3-5 years after the park opening. Early estimates have this work projected to cost between \$1.5 million and \$10.5 million. Once the underpass design is refined, this phase of work will form part of future capital budget requests.

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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 worked in collaboration with CPR to address potential risks. The recommended safety measures in this assessment include the installation of crossing gates, fencing, flashing LED warning lights and bell, and train whistle posts installed at 0.25 miles on each side of the crossing, to warn pathway users of a train's approach. 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 13.32 of the CPR Laggan subdivision (east end of Haskayne Legacy 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 Pacific Railway, and the notification of all relevant stakeholders, all Transport Canada requirements are complete and whistle cessation can occur at this location.

ATTACHMENT(S)

Haskayne Legacy Park Rail Crossing Location Map