



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
TOWN OF NEWMARKET
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October 25, 2013

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES ES 2013-53**

TO: Committee of the Whole

SUBJECT: GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89, Deviation Road

ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development & Infrastructure Services Commission – Engineering Services Report ES 2013-53 dated October 25, 2013, regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89, Deviation Road, be received and the following recommendation be adopted:

THAT the Town not proceed with a whistle ban proposal at the GO pedestrian crossing (mile 34.89) located at Deviation Road.

BACKGROUND

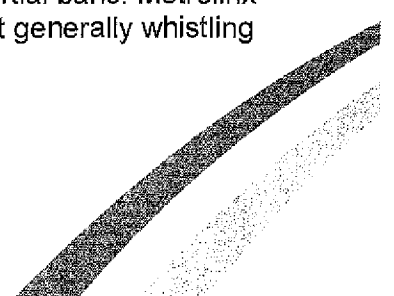
At its regular meeting of April 12, 2010, Council considered Community Services Report 2010-33 and adopted the following recommendations:

THAT Community Services Engineering Services Report 2010-33 dated March 31, 2010, regarding GO Railroad Pedestrian Crossing Enhancements and Main Street North and London Road Intersection Signalization be received and the following recommendation(s) be adopted:

1. THAT this report be received for information purposes only
2. AND THAT the Town proceed with the necessary steps to incorporate a whistle ban at the Main Street North and London Road intersection pedestrian crossing from 11:00pm – 6:00am daily.

Staff met with representatives from both Metrolinx and Transport Canada to review the Town's request to implement a partial whistle ban (from 11:00 p.m. to 6:00 a.m. daily) at the GO pedestrian crossing located at Deviation Road, in the Main St. N. and London Rd. area (see map on the last page of this report).

Upon review of the Town's request, Metrolinx advised that part-time or partial whistle bans are no longer supported. The reasons given were that Metrolinx needs to ensure consistency and safety for the travelling public at all crossing facilities and that Transport Canada recommends against partial bans. Metrolinx further advised that "Transport Canada's guidelines on these matters suggest that generally whistling restrictions should be on a 24 hour basis."



A 24 hour train whistle ban is not recommended for safety reasons. There is significant research that correlates increased accidents at level crossings with whistle bans.

Furthermore, there are increased liability issues to the Town if anti-whistling is implemented. When a municipality enters into a whistle cessation agreement, it must assume all liability, including claims, losses, damages, costs or expenses, etc. related to the pedestrian crossing. Staff has reviewed municipal insurers' positions from our own Town and from other municipalities who considered implementing anti-whistling. We have concluded that, from a Risk Management perspective, municipal insurers do not recommend the implementation of a Whistle Cessation Bylaw. As municipalities are facing increasing liabilities on municipal lands and with potential claims at railway crossings being substantial, our own insurer recommended that we do not transfer this liability to the Town.

And finally, another reason for not recommending the by-law is that anti-whistling orders are never final. Regardless of the implementation of an anti-whistling by-law, the train operator has the ultimate sole discretion to disregard the order and blow the train horn anyway if he or she has any safety concerns. As a result, the train horns may sound even when the whistle cessation by-law has been enacted.

Although the whistle ban is not being recommended in this report, the Town has nonetheless gained a significant value-added benefit from this exercise. Reviewing and enhancing the safety features at the crossing has made the facility safer for pedestrians and users of the trail system, thereby benefitting the entire Town.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Provide efficient, effective and environmentally sound service to a level that achieves Council and/or Provincially mandated service level which meets public health and safety requirements and enhance quality of life.

PUBLIC HEALTH AND SAFETY IMPACT

Safety at the Go Pedestrian Crossing will continue to be maintained with the existing safety enhancements and signing.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

Operating Budget (Current and Future)

No impact of the Operating Budget

Capital Budget

No impact of the Capital Budget

CONTACT

For more information on this report, please contact Rick Bingham, Manager of Engineering and Technical Services at 905-953-5300 ext. 2505, rbingham@newmarket.ca



Rachel Prudhomme, M.Sc., P.Eng.,
Director of Engineering Services

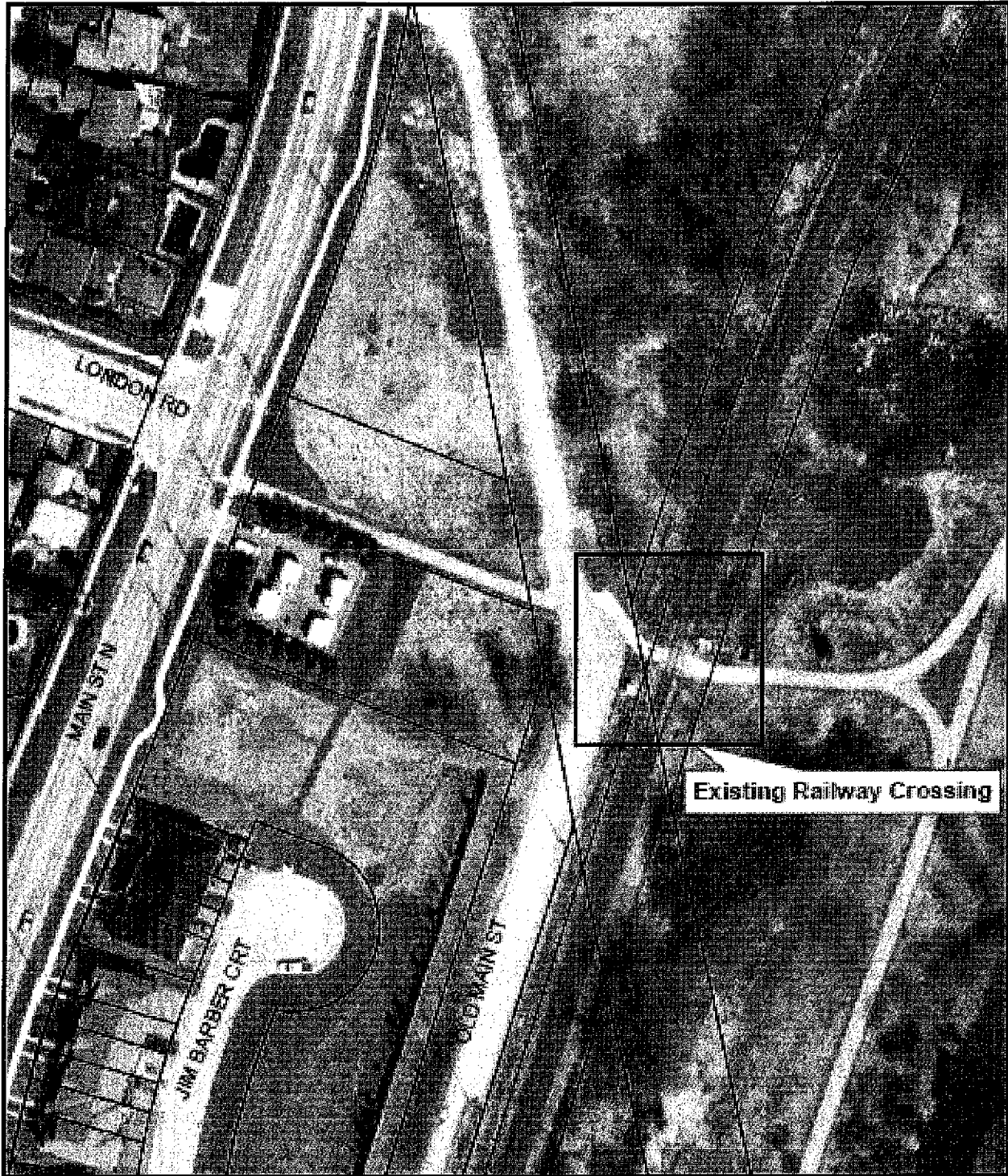


Rick Bingham, C.E.T.
Manager of Engineering Services and
Technical Services



Robert Prentice,
Commissioner of Community Services

RB:jlk



**Railway Crossing at Old Main St.
and Nokiidaa Bike Trail**

