



THE CORPORATION OF THE TOWNSHIP OF KING
Report to Council

Monday, June 17, 2024

Growth Management Services Department - Development Division

Report Number GMS-DEV-2024-007

Metrolinx - Whistle Cessation – Resolution and By-law to Stop Train Whistling at Station Road, 15th Sideroad, and Dufferin Street

RECOMMENDATION(S):

The Director of Growth Management Services and Director of Public Works respectfully submits the following recommendation(s):

1. That Council authorize the cessation of train whistling at three public grade crossings in the Township of King: Station Road, Dufferin Street, and 15th Sideroad.
2. That Council enact By-law 2024-051, being a by-law to prohibit the use of train whistles at specified railway/roadway crossings situated within the boundaries of the Township of King.
3. That the Township Clerk send a copy of this resolution and By-law 2024-051 to Metrolinx, the Regional Municipality of York, all relevant associations and organizations, and Transport Canada's Rail Safety Directorate headquarters subject to final acceptance by the relevant approval authorities of the crossing safety upgrades for the public grade crossings as listed above.

REPORT HIGHLIGHTS:

- The process for achieving Whistle Cessation is driven by the municipality through a series of steps that are prescribed by Transport Canada.
- As one of the last requirements to obtain whistle cessation approval from Transport Canada, Council must pass a resolution and By-law to stop train whistling at each of the three (3) at grade railroad crossings at Station Road, 15th Sideroad, and Dufferin Street.

PURPOSE:

The purpose of the report is to recommend Council approve the resolution and By-law to stop train whistling at the Station Road, 15th Sideroad, and Dufferin Street at grade crossings.

BACKGROUND:

The process for achieving Whistle Cessation is driven by the municipality through a series of [steps](#) that are prescribed by Transport Canada.

These steps generally include:

1. Citizen or Community Expresses Interest
2. Municipality Consults with Railway
3. Municipality Notifies the Public
4. Municipality and Railway Company Assess the Crossing(s)
5. Municipality and Railway Agree Crossing(s) Meet requirements.
6. Municipality Passes Resolution
7. Railway Confirms Whistling Has Stopped At the Crossing(s)

Steps 1, 2, 3 and 4 have been completed for all three (3) crossing.

Since the crossings at 15th Sideroad and Dufferin St are within the Region of York's (Region) jurisdiction, the Township is subject to the Region's Anti-Whistling Warrant Criteria Policy (Policy). In accordance with the Policy, at the September 28, 2023 meeting, Regional Council [authorized](#) whistle cessation at the crossings and authorized the Commissioner of Public Works to execute the required supporting Memoranda of Understanding and Indemnity Agreements.

ANALYSIS:

Step 5 – Municipality and Railway Agree Crossing(s) Meet requirements.

Memorandum of Understanding (MOU),

As part of meeting the requirements of Step 5, the Township has executed a Memorandum of Understanding (MOU), including Schedule D, Form of Insurance and Indemnity Agreement, for **Station Road** with Metrolinx and a separate MOU, including Schedule D, Form of Insurance and indemnity Agreement), for **15th Sideroad and Dufferin Street** with Metrolinx and the Region of York.

The MOUs were executed by the Director of Public Works under the authority of By-law 2022-002, Appoint Signing Officers and Authority to Execute Routine Documents.

As a requirement of the MOUs the Township must implement an Education and Enforcement Program (Program). The draft Program includes the following but is currently under review by Metrolinx and may be revised to include additional requirements. The final Program will be uploaded to the Township's website and other public information will include:

- A community outreach flyer would be mailed to neighbouring postal codes with a five (5) km radius of Station Road, 15th Sideroad and Dufferin St crossing. The flyer will outline what can be expected with whistle cessation and what the safety implications are.
- Website notice.
- Media release.
- Ad in the King Weekly Sentinel newspaper.
- Social media posts.
- Mobile signage at main intersections near the three (3) crossings.
- Article in King eBulletin (newsletter).
- Posters for King Township Municipal Centre, recreation facilities and libraries.
- Enforce current No Parking Restrictions near the crossings within the Township's jurisdiction. The Township's Parking By-law is enforced based on complaints received through [ServiceKING](#) or where public safety concerns are identified.
- Forward complaints pertaining to trespassing to Metrolinx.

Final Acceptance of Safety Improvements

As noted in Report Number ([PW-DEV-2023-002](#)), dated April 11, 2023, the Township, Region and Metrolinx, had started coordinating safety improvements at each of the public grade crossings. All safety improvement works have since been completed. Subsequently, under the MOUs, the works must be certified by a third-party safety consultant, procured by the Township.

Final acceptance of the applicable crossing safety upgrades will occur when the Township, Region and Metrolinx accept the consultant certification in writing. The Township is working with Metrolinx and the Region to obtain this final acceptance.

Step 6 – Municipality Passes Resolution

In accordance with the Act, in order for Metrolinx to implement whistle cessation, the Township must pass a resolution saying it agrees train whistling should not be used at the crossings. In addition, staff are recommending Council pass an anti-whistling by-law to satisfy the Region's Policy. As noted above, final acceptance of the applicable crossing safety upgrades has yet to be received from each of the parties. Accordingly, staff are making the recommendation to approve whistle cessation subject to final acceptance occurring. Staff have separated the Metrolinx and Township crossing (Station Road) from the Regional road crossings (15th Sideroad and Dufferin Street) within the recommendation to ensure the whistle cessation can be implemented as quickly as possible.

Once final acceptance has been received from Metrolinx (Station Road) and Metrolinx and the Region (15th Sideroad and Dufferin Street), the resolution as passed by Council will be forwarded to Metrolinx to implement whistle cessation.

Step 7 - Railway Confirms Whistling Has Stopped at the Crossing(s)

At the discretion and timing of Metrolinx:

- Upon receipt of the resolution, Metrolinx will issue special instructions to stop train whistling at the crossing(s).
- Notify Transport Canada's Rail Safety Directorate of the effective date of whistling cessation, with a copy of its special instructions.
- Notify the Township and the Region in writing of the whistling cessation, not later than 30 days after the day the whistling stops.

In addition, after final acceptance has been received, staff will implement the Education and Enforcement Program (Program) when finalized with Metrolinx.

FINANCIAL CONSIDERATIONS:

As part of the 2021 budget Council approved the capital costs associated with the required safety assessment. The required safety improvement works required by the Township were completed within the 2023 and 2024 Public Works approved operating budget.

All costs for the proposed draft Education and Enforcement Campaign can be covered by the 2024 Public Works and Corporate operating budgets. There maybe an additional impact to the Township's overall insurance premium with the increase liability however the additional cost will be assessed on our annual renewal in 2025.

ALIGNMENT TO STRATEGIC PLAN:

The 2023-2026 Corporate Strategic Plan (CSP) was adopted by Council on June 12, 2023. The CSP reflects the priorities of utmost importance to the community and defines the obligations and

commitments of the Township of King to its citizens and to the public. The CSP is aligned with the Townships long-term vision defined in the “Our King” Official Plan. The CSP also aims to ensure that staff initiatives focus on and work towards supporting King’s Vision, Mission and Values.

This report is in alignment with the CSP’s Priority Area(s), and/or associated Objective(s) and/or Key Results(s):



Service
Excellence

Enhance citizen service experiences

Council approving the resolution and by-law is the next step to stop the train whistle at the Station Road, 15th Sideroad, and Dufferin Street at grade crossings.

CONCLUSION:

The process for achieving Whistle Cessation is driven by the municipality through a series of steps that are prescribed by Transport Canada. To implement whistle cessation at each of the three (3) at grade railroad crossings at Station Road, 15th Sideroad, and Dufferin Street, staff are recommending Council approve the recommendation to stop train whistling as required by Transport Canada and enact By-law 2024-051.

ATTACHMENTS:

Not Applicable

Prepared By:

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Recommended By:

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Prepared By:

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Recommended By:

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Approved for Submission By:

Daniel Kostopoulos
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