

NO: R002

COUNCIL DATE: January 11, 2016

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **January 6, 2016**

FROM: **General Manager, Engineering**

FILE: **1711-007**

SUBJECT: **Amendments to Surrey Train Whistle Cessation By-law, 2012, No. 17535**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Approve amendments to the *Surrey Train Whistle Cessation By-law, 2012, No. 17535* as documented in Appendix "I" to this report; and
2. Authorize the City Clerk to bring forward the necessary amendment Bylaws for the required readings.

INTENT

The purpose of this report is to obtain Council approval to amend the *Surrey Train Whistle Cessation By-law, 2012, No. 17535* to bring it up to date with recent changes in Transport Canada standards.

BACKGROUND

Increased Asia-Pacific trade led to the expansion of the Roberts Bank container port and coal terminal. This expansion was projected to double the volume of train traffic serving the port by the year 2020, and triple the volume of train traffic by the year 2030. As a means of reducing the adverse impacts of this train volume increase on the communities along the rail corridor, the Roberts Bank Rail Corridor (RBRC) Program was developed to construct a number of road/rail grade separations along the corridor in Langley, Surrey and Delta. In Surrey, the Program Partners included the BC Railway Company and the Burlington Northern Santa Fe Railway. This presented the opportunity, working with these Partners, to effect whistle cessation at the at-grade railway crossings remaining after grade separation of the 196 Street, 54 Avenue, 192 Street and 152 Street crossings.

One of the steps required to effect whistle cessation, in accordance with Section 23.1 of the Railway Safety Act (Canada) and by its adoption Section 9(1) of the Railway Safety Act (SBC 2004), pursuant to Section 3 of the Railway Safety Adopted Provisions Regulation (B.C. Reg 210/2004), is for the affected municipality to adopt a resolution declaring that train engine whistles not be used in a specified area within the municipality. Consequently in 2012, the City of Surrey adopted By-law No. 17535 in anticipation of meeting the further steps in the whistle cessation process.

DISCUSSION

The overall process to effect whistle cessation has taken longer than originally anticipated when By-law No.17535 was adopted. One of the reasons has been that in the intervening period, in July 2014, Transport Canada adopted the Grade Crossing Standards which superseded previous requirements for implementation of train whistle cessation. As an example of these changed standards, the BC Safety Authority (by adoption of Federal regulations) no longer is required to confirm in writing that a railway/roadway at-grade crossing meets the safety and technical standards required for whistle cessation and, thus, they will not do so. In order for the By-law to come into effect, a housekeeping amendment to the wording of By-law No. 17535, Section 2 is required to remove reference to this obsolete requirement and other non-applicable legislation.

SUSTAINABILITY CONSIDERATIONS

The implementation of train whistle cessation at the at-grade road/rail crossings of the British Columbia Railway supports the Pillars of the City's Sustainability Charter under the following specific elements of the Charter:

- SC 11: Public Safety & Security; and
- EN 13: Enhancing the Public Realm.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments to the *Surrey Train Whistle Cessation By-law, 2012, No. 17535* as documented in Appendix "I" to this report; and
- Authorize the City Clerk to bring forward the necessary amendment Bylaws for the required readings.

Fraser Smith, P.Eng., MBA
General Manager, Engineering

SBN/KDZ/clr

Appendix "I" – Proposed Amendments to Surrey Train Whistle Cessation By-law, 2012, No. 17535

Proposed Amendments to
Surrey Train Whistle Cessation By-law, 2012, No. 17535

That the By-law be amended as follows:

By deleting Section 2:

"This By-law shall come into full force and effect on the day upon which the BC Safety Authority confirms in writing that the railway/roadway at-grade crossings listed in Schedule "A" meet the safety and technical standards required for cessation of train engine whistling in accordance with the provisions under the Railway Safety Act [SBC 2004] Chapter 8 and the Railway Safety Adopted Provisions Regulation (B.C. Reg 210/2004)."

and replacing it with:

"This By-law shall apply to a particular railway/roadway at-grade crossing listed in Schedule "A" on the date upon which both of the following requirements has been met in respect of that crossing:

- (a) the crossing has met the whistling cessation requirements specified in Appendix D of the Transport Canada Grade Crossing Standards dated for reference July, 2014; and
- (b) the City of Surrey and the subject railway company have agreed in writing that the crossing has met the conditions required to be eligible for relief of the obligation for the sounding of train engine whistles."