



Office of the Commissioner
Public Works Department

MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Erin Mahoney, M. Eng.
Commissioner of Public Works

Date: August 25, 2022

Re: Whistle Cessation Request for St. John's Sideroad, Town of Aurora

This memorandum responds to a resolution received from the Town of Aurora dated May 24, 2022, requesting the Region implement 24-hour whistle cessation at the at-grade road/rail crossing on St. John's Sideroad, in the Town of Aurora, on the Barrie GO corridor, to address noise concerns raised by residents.

Town of Aurora is requesting Council authorize implementation and funding for whistle cessation at the at-grade road/rail crossing on St. John's Sideroad

On [June 9, 2022](#), the Regional Clerk received a request from the Town of Aurora for the Region to implement 24-hour whistle cessation at the Regional at-grade road/rail crossing on St. John's Sideroad. The requested location, along with other at-grade crossings on the Barrie GO Line, are shown on the map of this area included as Attachment 1.

While implementing whistle cessation at St. John's Sideroad may help address noise concerns in the immediate area, it may not benefit the larger community as Town Council has recommended not to proceed with whistle cessation on local roads. Town of Aurora is not requesting whistle cessation at the Regional crossing located on Wellington Street East, as a future grade separation is planned by Metrolinx at that location.

The Town of Aurora has requested the Region budget \$1 million for the cost of implementing rail crossing flashers and pedestrian gates. This estimated cost is based on historical whistle cessation projects within the Region and may change, subject to the Town completing a safety audit and detailed design of proposed safety features, including any new requirements from Metrolinx.

Council approved an Anti-Whistling Warrant Criteria Policy in 2008

Council [approved](#) an Anti-Whistling Warrant Criteria Policy (Policy). The Policy (Attachment 2) provides a set of criteria when Regional support is requested for a local municipal anti-whistling bylaw at railway crossings on Regional roads. These criteria provide a consistent approach to address local municipal requests for implementation of anti-whistling within the Region.

Region and Town of Aurora would both be responsible for fulfilling Policy criteria and Transport Canada's *Railway Safety Act* requirements when implementing whistle cessation

A municipality wishing to implement whistle cessation must fulfill requirements set out in the federal *Railway Safety Act*, Grade Crossing Regulations and Grade Crossing Standards. [Transport Canada](#) has an eight-step procedure consistent with regulatory requirements and applicable safety features when eliminating whistling at rail crossings. In coordination with the Region, the requesting local municipality must fulfill these procedural requirements.

Implementing whistle cessation on St. John's Sideroad would require the Town of Aurora to fulfill the criteria of the Region's Policy and Section 23.1 of the *Railway Safety Act* (Audible Warnings). The Town would lead implementation, at their expense, by conducting a safety audit approved by Transport Canada, developing a detailed design of proposed safety features and costs, and launching a public education program prior to implementation. In accordance with the Region's Policy, the Region would fund installation of rail crossing flashers and pedestrian gates and be responsible for risk and liability.

Implementing whistle cessation on St. John's Sideroad is subject to Metrolinx's review of safety enhancements in 2023

Metrolinx is developing its own at-grade crossing standard to enhance safety that includes features in addition to those contained in Transport Canada's At-Grade Crossing Standards. Some of these safety enhancements (e.g., pedestrian gates with gate skirts, enhanced pavement markings, rail track panels) are being considered by Metrolinx at various at-grade railway crossings in York Region.

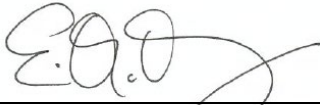
Metrolinx's assessment is currently underway and will include determining the scope of safety enhancements, priority, budget and timing. This assessment is scheduled to be completed in 2023, at which time the Region and its local municipalities will be notified. This work will provide new guidance and potential enhanced safety features. Town of Aurora and the Region cannot proceed without further understanding these requirements and funding arrangements. Staff will provide Council with an update once Metrolinx has completed their review of safety enhancements.

Memorandum of Understanding between York Region, Town of Aurora and Metrolinx, including an indemnity agreement with Metrolinx, would define obligations

The Region, Town of Aurora and Metrolinx would work to develop a Memorandum of Understanding prescribing each party's respective rights, obligations and responsibilities to implement whistle cessation at the St. John's Sideroad at-grade rail crossing. The Memorandum of Understanding would set out pertinent technical details for design and construction of safety upgrades and costs and provide details for ongoing maintenance and inspection of the crossing.

The Region and Town of Aurora would be required to be parties to a tri-party agreement with Metrolinx. This tri-party agreement would provide for liability, insurance and indemnification related to whistle cessation at this Regional crossing. These obligations are consistent with the Policy.

Staff will update Council on potential timing and work jointly with Town of Aurora and Metrolinx to implement whistle cessation and safety enhancements. Regional cost obligations would be requested as part of a future Public Works Capital Budget, which is subject to Council approval.



Erin Mahoney, M. Eng.
Commissioner of Public Works



Bruce Macgregor
Chief Administrative Officer

Attachments (2)
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