
Report of the Commissioner of Public Works

Train Whistle Cessation in Town of Aurora, Township of King and City of Markham

1. Recommendations

1. Council authorize whistle cessation at three at-grade road/rail crossings; one on St. John's Sideroad in the Town of Aurora, and two in the Township of King on Dufferin Street and 15th Sideroad, in accordance with the Region's Anti-Whistling Warrant Criteria Policy and the *Railway Safety Act, R.S.C., 1985, c.32*.
2. Council authorize the Commissioner of Public Works to execute the required supporting Memoranda of Understanding and Indemnity Agreements.
3. The Regional Clerk circulate this report to the Clerks of the Town of Aurora, Township of King and City of Markham, Transport Canada, Metrolinx, and Chief of York Regional Police.

2. Purpose

This report seeks Council approval to implement 24-hour whistle cessation at three Regional at-grade road/rail crossings in Aurora and King and new safety enhancements to benefit cyclists at the Ninth Line road/rail crossing in support of previously approved whistle cessation in Markham.

Key Points:

- Aurora and King request Council support implementation and funding of whistle cessation at three Regional at-grade road/rail crossings on St. John's Sideroad, Dufferin Street and 15th Sideroad
- Metrolinx is installing pedestrian safety enhancements at the St. John's Sideroad and Wellington Street East road/rail crossings this year

- The Region, Aurora and King are each responsible for fulfilling requirements of the Region's Anti-Whistling Warrant Criteria Policy and Transport Canada's *Railway Safety Act* to implement whistle cessation
- The Region is required to enter into Memoranda of Understanding with each requesting local municipality and Metrolinx to implement whistle cessation, including an indemnity agreement with Metrolinx
- The Region, in consultation with Metrolinx and Markham, have identified new safety enhancements to benefit cyclists at the Ninth Line road/rail crossing in support of previously approved whistle cessation

3. Background

Transport Canada regulatory requirements and Regional policy criteria must be fulfilled to implement whistle cessation

A local municipality wishing to implement whistle cessation at a road/rail crossing on a Regional road must request a resolution from the Region declaring it agrees train whistles should not be used in that area. The local municipality, Region and Rail Authority are then required to fulfill requirements set out in the *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.

A Memorandum of Understanding is required prescribing each party's respective rights, obligations and responsibilities to implement whistle cessation at the road/rail crossings. In addition, the local municipality and Region are each required to execute an agreement with Metrolinx to provide for liability, insurance and indemnification related to whistle cessation at the Regional crossing. These obligations are consistent with the Policy.

June 2008, Council approved an Anti-Whistling Warrant Criteria Policy

In [June 2008](#), Council approved the Anti-Whistling Warrant Criteria Policy (Policy). The Policy (Appendix A) provides a set of criteria when Regional funding and support are requested for a local municipal anti-whistling bylaw at railway crossings at locations on Regional roads. The criteria provide a consistent approach to deal with local municipal requests for implementation of anti-whistling within the Region.

The local municipality is responsible for leading the whistle cessation initiative, undertaking a safety audit and public education/communications. The Region is responsible for the cost of flashers and gates for the Regional road crossing and the cost of pedestrian gates, if required.

January 2021, Council approved whistle cessation on the Ninth Line road/rail crossing in Markham

Council supported whistle cessation on the Ninth Line road/rail crossing in Markham on the Stouffville GO corridor in [January 2021](#). At that time, required safety features to support whistle cessation included warning signs and pavement markings. New pedestrian/cycling facilities were not identified, therefore pedestrian gates were not required to satisfy the *Railway Safety Act*. A location map of this area is included in Appendix B. Since that time, the design review identified that off-road cycle tracks for safe crossing would be beneficial at this location.

Town of Aurora has requested Council authorize implementation and funding for whistle cessation on St. John's Sideroad

On [June 16, 2022](#), an Aurora resolution was received by Committee requesting the Region implement 24-hour whistle cessation at the at-grade road/rail crossing on St. John's Sideroad on the Barrie GO corridor to address noise concerns raised by residents. A map of this area is included in Appendix B.

A memorandum to Council dated [August 25, 2022](#) was prepared, highlighting requirements for whistle cessation in response to Aurora's resolution. At the time, Metrolinx was in the process of conducting a pedestrian safety assessment at various at-grade rail crossings in York Region that had existing off-street active transportation. The assessment identified enhanced safety features. Aurora and the Region could not proceed with whistle cessation without further understanding the scope of work and funding arrangements. Staff committed to provide Council with an update once Metrolinx completed its review of safety enhancements.

King has requested Council authorize implementation for whistle cessation on Dufferin Street and on 15th Sideroad

On [April 11, 2023](#), King Council passed a resolution requesting the Region's support of anti-whistling for two at-grade road/rail crossings on Dufferin Street and on 15th Sideroad on the Barrie GO corridor. A map of this area is included in Appendix B.

4. Analysis

Metrolinx is installing pedestrian safety enhancements at the St. John's Sideroad and Wellington Street East road/rail crossings this year

Metrolinx has completed its safety assessment and advised a contract has been awarded to install safety enhancements at the St. John's Sideroad and Wellington Street East road/rail crossings. Enhancements include flashers, pedestrian gates, pedestrian waiting areas, railings, line painting and sidewalk modifications. This work is being funded by Metrolinx and anticipated to be completed by end of 2023. Aurora is requesting whistle cessation at the at-grade/rail crossing on St. John's Sideroad only and is not pursuing whistle cessation on local roads at this time. Cessation at

Wellington Street East is not requested as train whistling will continue at the nearby at-grade crossing on Centre Street.

York Region is responsible for installing pedestrian safety enhancements at the Dufferin Street road/rail crossing in 2025/2026

Pedestrian safety enhancements are not currently required on Dufferin Street or 15th Sideroad in King as there are no existing pedestrian facilities. As a result, Metrolinx has not identified a requirement for pedestrian safety enhancements at these locations. However, a multi-use path, to be constructed by a developer, will likely occur in 2025/2026 on the west side of Dufferin Street as part of an ongoing residential development. Once the multi-use path is constructed, the Region will be required to implement flashers and pedestrian gates to support whistle cessation. Funding for implementation of these features will be included in a future budget as the developer advances the multi-use path. Future pedestrian and cycling facilities have not been identified at the 15th Sideroad road/rail crossing location.

York Region, in consultation with Metrolinx and Markham, identified new safety enhancements to benefit cyclists at the Ninth Line road/rail crossing

Through the design review process, it was identified that changing the current cycling configuration at the Ninth Line crossing to off-road cycle tracks would benefit cyclists to safely traverse the skewed railway crossing. This newly identified safety improvement requires installation of flashers and pedestrian gates. The Region is responsible for off-road cycle track construction costs and Metrolinx is responsible for the costs of flashers and pedestrian gates to support whistle cessation. Coordinated implementation of these works are planned for the 2024 construction season.

York Region, Aurora, and King are each responsible for fulfilling Policy criteria and *Railway Safety Act* requirements to implement whistle cessation

Subject to Council authorization to permit implementation of whistle cessation on St. John's Sideroad, Dufferin Street and 15th Sideroad, each requesting local municipality will be required to fulfill criteria of the Policy as well as section 23.1 of the *Railway Safety Act*. The local municipality will lead implementation of whistle cessation 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 of whistle cessation, at their expense.

In accordance with the Policy, the Region would fund installation of flashers and pedestrian gates and be responsible for risk and liability.

Memoranda of Understanding and indemnity agreements with Metrolinx are required

The Region will work with each requesting local municipality and Metrolinx to develop Memoranda of Understanding prescribing each party's respective rights, obligations, and responsibilities to implement whistle cessation at the three at-grade rail crossings. These Memoranda of Understanding will set out all pertinent technical details for the design and construction of safety

upgrades and costs. They will provide details for ongoing maintenance and inspection of the crossings.

Aurora, King and the Region will each be required to execute an indemnity agreement with Metrolinx to provide for liability, insurance and indemnification related to whistle cessation at the Regional crossings. These obligations are consistent with the Policy.

5. Financial Considerations

The required enhancements and associated cost estimates to support whistle cessation at the four road/rail crossings are listed in Table 1. Sufficient funding is included in the 2023 Public Works Capital Budget and Outlook.

Table 1
Estimated Costs for Enhancements at Road/Rail Crossings

Municipality	Road/Rail Crossing	York Region Estimated Cost	Metrolinx Estimated Cost
Aurora	St. John's Sideroad (Y.R. 26), east of Yonge Street (Y.R. 1)	\$25,000 (2023/2024) pavement markings and signage modifications	\$1 million flashers and pedestrian gates
King	Dufferin Street (Y.R. 53), north of King Road (Y.R. 11)	\$25,000 (2023) pavement markings and signage modifications \$1 million (2025/2026) flashers and pedestrian gates linked to King Township future advancement of safety enhancement works	\$0
King	15 th Sideroad (Y.R. 40), west of Bathurst Street (Y.R. 38)	\$25,000 (2023) pavement markings and signage modifications	\$0
Markham	Ninth Line (Y.R. 69), south of 19 th Avenue (Y.R. 29)	\$1 million (2024) off-road cycle track, flashers and pedestrian gates	\$1 million flashers and pedestrian gates

The Region estimates cost savings of about \$2 million to implement flashers and pedestrian gates at the St. John's Sideroad and Ninth Line crossings. These features and associated costs will now be incorporated as part of Metrolinx's pedestrian safety enhancements to be completed in 2023/2024.

6. Local Impact

The Region supports Aurora and King’s implementation of whistle cessation on St. John’s Sideroad, Dufferin Street and 15th Sideroad to address noise concerns. Currently, train whistle operations remain in place at two nearby crossings on Aurora local roads.

Off-road cycle tracks, flashers and pedestrian gates will help improve safety for cyclists crossing the railway line on Ninth Line.

7. Conclusion and Next Steps

Aurora and King are requesting Council authorize implementation and funding of whistle cessation at three Regional at-grade road/rail crossings on St. John’s Sideroad, Dufferin Street and 15th Sideroad. The Region, Aurora and King are each responsible for fulfilling the Region’s Anti-Whistling Warrant Criteria Policy and Transport Canada’s *Railway Safety Act* to implement whistle cessation.

Memoranda of Understanding are required with each requesting local municipality and Metrolinx to implement whistle cessation, including an indemnity agreement with Metrolinx.

In consultation with Metrolinx and Markham, new safety enhancements were identified to benefit cyclists at the Ninth Line road/rail crossing on the Stouffville GO corridor. The Region is responsible for costs for construction of off-road cycle tracks and Metrolinx is responsible for the costs of flashers and pedestrian gates to support whistle cessation.

For more information on this report, please contact Joseph Petrunaro, Director Roads, Traffic and Fleet, at 1-877-464-9675 ext. 75220. Accessible formats or communication supports are available upon request.



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Commissioner of Public Works



Approved for Submission:

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Chief Administrative Officer

September 6, 2023

#15179296

Appendix A – Anti-Whistling Warrant Criteria Policy

Appendix B – Location Maps



STATUS	Final
Council Approved	Y
CAO Approved:	Y

TITLE: Anti-Whistling Warrant Criteria	NO.: 1146244 Original Approval Date: June 19, 2008 Policy Last Updated: August 25, 2009 Posted on Intranet: April 14, 2010
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POLICY STATEMENT:

This policy provides a set of criteria when local municipalities request York Region support for a local municipal anti-whistling by-law at railway crossings of Regional roads.

APPLICATION:

The criteria provide a consistent approach to deal with requests from area municipalities for the implementation of anti-whistling within York Region.

PURPOSE:

The purpose of this policy is to provide a set of criteria for area municipalities to follow when requesting support of an anti-whistling by-law at locations on Regional roads.

DESCRIPTION:

This policy contains criteria for implementing anti-whistling on Regional roads that intersect railway lines.

The Region will be responsible for the cost of flashers and gates for the Regional road crossing and the cost of pedestrian gates, if required.

Criteria

1. Local municipalities must make a formal request to the Region for support of an anti-whistling by-law for each individual location where a railway crosses a Regional road at-grade.
2. An anti-whistling by-law could be considered if the following are completed at the cost of the local municipality:
 - a. A safety audit is completed by a specialized safety consultant.
 - b. The safety audit is approved by Transport Canada.
 - c. An education program is developed for the affected area.

3. The whistling prohibition be implemented during night-time hours typically between the hours of 10:00 p.m. and 6:00 a.m. The Region will entertain anti-whistling by-laws from the local municipalities with different hours of restrictions as they come forward.
4. The Region will be responsible for risk and liability at train crossings on Regional roads.
5. If there are pedestrians in the area of the crossing, pedestrian gates will be installed with costs borne by the Region.

CONTACT:

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