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Town of Aurora  
**Committee of the Whole Report**  
No. PDS25-006

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**Subject:** Train Whistle Cessation Program Assessment at Town Crossings

**Prepared by:** Michael Bat, Traffic and Transportation Analyst

**Department:** Planning and Development Services

**Date:** January 14, 2025

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## Recommendation

1. That Report No. PDS25-006 be received; and
2. That Council approve total budget authority of \$200,000 for the Train Whistle Cessation Safety Assessment capital project, representing a total increase of \$105,000 to be funded with \$52,500 from Roads & Related development charges and \$52,500 from the Growth & New Reserve.

## Executive Summary

As requested by Council at its meeting on September 24, 2024, this report provides an assessment on the implementation of train whistle cessation for all level crossings within the Town.

- There are currently four level train crossings in the Town, two of which are on Regional roads. All four crossings require some level of additional capital funding to implement a train whistle cessation program.
- Train whistling is an important safety feature at level crossings, and it is strictly regulated and enforced by Transport Canada.
- A number of other municipalities including Town of Whitchurch-Stouffville, City of Markham and Township of King have implemented or are in the process of implementing train whistle cessation.

- An evaluation was conducted by a third-party engineering consultant on behalf of the Town of Halton Hills in 2019 and concluded that the implementation of train whistle cessation will negatively impact safety for all road users.

## Background

In May 2022, Council approved the implementation of train whistle cessation at the St. John's Sideroad level crossing. A resolution was provided to York Region in June 2022 requesting 24-hour whistle cessation be implemented at the subject level crossing as St. John's Sideroad is a Regional road. The Region agreed to undertake the construction and cost associated with this work to update the crossing but indicated the municipality must undertake the mandatory safety assessment prior to implementing whistle cessation at this crossing.

As part of upgrades being made by Metrolinx on the Barrie corridor line, Metrolinx recently completed pedestrian safety enhancements on the St. John's Sideroad crossing. Town staff will be undertaking the safety assessment to determine if these enhancements meet the requirements for whistle cessation. Funding has been requested as part of the 2025 capital budget to undertake this work.

On September 24, 2024, Council requested staff report back to Council on the steps required to eliminate train whistling at all level crossings in the Town.

## Analysis

**There are currently four level train crossings in the Town, two of which are on Regional roads. All four crossings require some level of additional capital funding to implement a train whistle cessation program**

There are currently four level crossings in the Town, they are located at Engelhard Drive, Wellington Street East, Centre Street and St. John's Sideroad (Attachment 1). Of these four crossings, two are located on Regional roads. The status of the level crossings in the Town are provided below in Table 1.

**Table 1 – Level Crossing Train Whistle Cessation Status and Requirements**

Responsible Authority	Level Crossing Location	Design and Construction of Safety Enhancement Requirements	Safety Assessment	Estimated Design and Construction Cost
Town of Aurora	Engelhard Drive	Completed by Metrolinx	Additional funding required	Additional funding may be required depending on the results of the safety assessment
	Centre Street	Required to be completed by the Town	Additional funding required	Approximately \$250,000
York Region	St. John's Sideroad	Completed by Metrolinx	\$95,000 included in the 2025 capital budget process request	Additional funding may be required depending on the results of the safety assessment
	Wellington Street	TBD <sup>1</sup>	Additional funding required	TBD <sup>1</sup>

1. Wellington Street East level crossing may be completed as part of the proposed Aurora GO Station improvements. However, there is no timeline provided by Metrolinx on the safety enhancements at the Wellington Street level crossing. Should Metrolinx decided not to proceed with the safety enhancements, the construction cost may be assumed by the Region and will require confirmation should the Town wish to proceed with whistle cessation at this crossing.

The safety assessment is a mandatory study to be completed by the requesting municipality to ensure the proposed level crossings meet the requirements for implementation of train whistle cessation under the Transport Canada's guidelines. The implementation of a whistle cessation program is a multi-year process. Typically, a safety assessment is undertaken as a first step to determine the safety upgrades that may be required. In the case of St. John's Sideroad and Engelhard Drive crossings, Metrolinx constructed pedestrian safety enhancements at these crossings as part of their larger corridor improvement work so the safety assessment would be undertaken now to determine if any additional safety features are required to implement a whistle cessation program.

Safety features that may be required include:

- Pedestrian maze barriers and gates
- Improved sidewalk connections
- AODA compliant tactile walking plates

### Additional signage and pavement markings

To complete the safety assessments as the next step in the process to implement train whistle cessation at all four level crossings, an additional budget of \$105,000 will be required, for a total of \$200,000. Once complete, the results of the assessment will better inform the design and construction costs to implement the infrastructure still required at each crossing.

### **Train whistling is an important safety feature at level crossings, and it is strictly regulated and enforced by Transport Canada**

Train whistle requirements are regulated by the Canadian Rail Operating Rules as outlined under the Railway Safety Act, where Section 14 states that train whistling must be sounded at public level crossings. Train whistling is a safety device that provides advance warning to all road users (including motorists, cyclists, and pedestrians) to the presence of an approaching train.

To eliminate train whistling, a municipality is required to follow Transport Canada's Procedure for Train Whistling at Public Grade Crossings in order to meet the requirements of the Federal Railway Safety Act and Regulation. In general, these steps include municipalities:

- Initiating a formal request for whistle cessation to Metrolinx
- Undertaking a safety assessment to determine safety upgrades required to meet Transport Canada requirements
- Coordinating an implementation approach with Metrolinx, the Region and stakeholders for design and construction of improvements
- Providing public notice of changes
- Passing a by-law at the local municipal or Regional level depending on location of crossing (Regional or local road)
- Monitoring and maintaining the crossings to ensure continued compliance

### **A number of other municipalities including Town of Whitchurch-Stouffville, City of Markham and Township of King have implemented or are in the process of implementing train whistle cessation**

A jurisdictional scan was conducted to determine what municipalities have implemented or are in the process of implementing train whistle cessation. The status

of the train whistle cessation program for local municipalities within York Region and elsewhere are summarized in Table 2.

**Table 2 – Train Whistle Cessation Program Status at Various Municipalities**

Municipalities	Current Train Whistle Cessation Program				
	Implemented or Grandfathered		In Progress		No Timeline for the Program
	Regional Roads	Local Roads	Regional Roads	Local Roads	
<b>York Region Local Municipalities</b>					
Town of East Gwillimbury					x
Town of Georgina <sup>1</sup>	✓				x
Township of King	✓	✓			
City of Markham	✓	✓			
Town of Newmarket <sup>2</sup>	✓	✓			x
City of Richmond Hill					x
City of Vaughan					x
Town of Whitchurch-Stouffville				✓	
<b>Other Municipalities</b>					
Town of Innisfil			✓		
Town of Halton Hills					x
Town of New Tecumseth			✓		

1. There is currently one location in Pefferlaw in the Town of Georgina that involves two low volumes Regional roads where whistle cessation is in effect. Whistle cessation was implemented in 2001.
2. The Town of Newmarket passed a by-law to prohibit the sounding of train whistles in 1943 at various Regional and Local roads between 11:00 PM and 6:00 AM.

**An evaluation was conducted by a third-party engineering consultant on behalf of the Town of Halton Hills in 2019 and concluded that the implementation of train whistle cessation will negatively impact safety for all road users**

Documentation on road safety impacts with the implementation of train whistle cessation are limited. In 2019, the Town of Halton Hills retained a third-party engineering consultant to evaluate the safety impacts associated with the implementation of train whistle cessation. The following considerations were identified:

- Approximately 50 percent of vehicle-train collisions that occurred at level crossings are equipped with active warning devices (e.g. barrier gates, flashers, bells), which indicate the need for additional measures to reduce collision rates (e.g. train whistling)

- In the absence of train whistling, road users (including motorists, cyclists, and pedestrians) may be unaware of the proximity of trains, or the direction of the train's travel
- Common collisions at level crossings involve vehicles going around or through grade crossing gates or failing to clear the crossing before the train's arrival

In consideration of roadway safety, the Town of Halton Hills has decided not to proceed with the implementation of train whistle cessation program at this time.

### **Advisory Committee Review**

N/A

### **Legal Considerations**

As set out in previous reports, the Town's insurer at the time of those reports has advised that there would not be an additional premium charged if an anti-whistling by-law was enacted by Council. The Town's insurer, at the time of those reports, has advised that there would not be an additional premium charged if an anti-whistling by-law was enacted by Council at this time. However, there is no guarantee that the premium would not be impacted in the future at the time of renewal of the insurance policy.

If the Town was to suffer a catastrophic loss and it was shown, in whole or in part, that the cause of the loss was a direct result from a train not sounding its whistle because an anti-whistling by-law was in effect, the Town's insurance program would be negatively impacted. In addition, as more municipalities are considering enacting anti-whistling by-laws, municipal insurers may increase premiums for all municipalities due to higher exposure of risk since eliminating train whistles may increase both the frequency and severity of accidents.

It is difficult to determine how many incidents have arisen as a result of the elimination of train whistles as most cases are settled quickly, without going to court.

As part of implementation, the following agreements must be entered into prior to implementing the Train Whistle Cessation Project:

1. Cost Sharing Agreement: required to be signed by Metrolinx, the Region (where applicable) and the Town;
2. At-Grade Crossing Modification Agreement: required to be signed by Metrolinx and the Town; and,

3. Metrolinx Indemnity Agreement: required to be signed by Metrolinx, the Region (where applicable) and the Town.

The indemnity agreement would require Metrolinx to be indemnified from liability for claims and losses resulting from the elimination of the train whistles and for other obligations related to the modifications, such as related to maintenance. The indemnity may extend beyond the current coverage provided within the Town's insurance policy. If this is the case, the Town's insurer may not cover the indemnity, and the Town may be exposed to an uninsured risk.

## **Financial Implications**

To implement train whistle cessation at all four level crossings, the Town would be responsible for the cost to undertake the safety assessment, and any additional work identified as a result. The total cost estimation for the required safety assessment to implement train whistle cessation at all four level crossings is \$200,000. This estimate has been extrapolated based upon a similar exercise undertaken by the Town of Whitchurch-Stouffville.

Of the estimated \$200,000 required to undertake the safety assessment at all for crossings, \$95,000 has been included in the 2025 capital budget for the St. John's Sideroad crossing. Therefore, should Council want to move forward with the safety assessment as the next step in the implementation of train whistle cessation at the remaining three crossings, the approval of a further \$105,000 in capital budget authority would be needed. This increase would be funded similarly to existing budget authority, being \$52,500 in Roads and Related development charges and \$52,500 from the Growth & New reserve. Should the safety assessments identify further infrastructure requirements, additional capital budget authority would be necessary.

In addition to the initial investment requirement each upgraded crossing will result in incremental ongoing operating costs for the Town such as those relating to required annual monitoring, inspection and repair of all associated infrastructure, plus any potential insurance premium increases. Further, the Town will need to contribute further funding to asset management reserves in support of the new crossing infrastructure's future replacement. These incremental costs cannot be estimated at this time; however, they will be included in the appropriate operating budget for Council's adoption.

## **Communications Considerations**

Communications will assist in informing the community about any future plans for the train whistle cessation program. Any construction-related impacts would also be communicated by Planning and Development Services to residents and affected businesses via mail, email and personal visits (where appropriate).

## **Climate Change Considerations**

The recommendations from this report does not impact greenhouse gas emissions or impact climate change adaptation.

## **Link to Strategic Plan**

None.

## **Alternative to the Recommendation**

1. That Council provide direction.

## **Conclusions**

To support the GO Expansion Project on the Barrie Corridor, Metrolinx has recently completed pedestrian safety enhancements at the St. John's Sideroad and Engelhard Drive level crossings, including the installation of tactile plates, line painting and pedestrian gates. However, Centre Street level crossing is currently not part of the safety enhancement program. It is anticipated that Metrolinx will complete the Wellington Street East level crossing safety enhancements as part of the proposed Aurora GO Station improvements but should they not then discussion will need to be had with the Region on who will undertake this work should the Town wish to proceed with whistle cessation at this crossing.

As noted by Transport Canada, train whistling is an important way to keep drivers, cyclists and pedestrians safe. The Canadian Rail Operating Rules require all trains to whistle whenever they approach a public grade crossing. While staff have respect for and recognition of the quality-of-life issues that residents face when living near a railway, public safety is paramount and must be protected.



With the elimination of train whistling, the Town will assume additional responsibility (for the crossings under the Town's jurisdiction) and will be required to execute legal agreements with the relevant parties including Metrolinx.

## **Attachments**

Attachment 1: Level Crossing Location Map

## **Previous Reports**

PDS22-020, Train Whistle Cessation Program Update, April 19, 2022; and,

PDS22-066, Train Whistle Cessation Program Assessment Update, May 3, 2022.

## **Pre-submission Review**

Agenda Management Team review on December 12, 2024

## **Approvals**

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer