Corporation of the City of
NEW WESTMINSTER

REPORT
Engineering Department

To:	Mayor Johnstone and Members of Council	**Date**:	January 8, 2024
From:	Lisa Leblanc Director of Engineering Services	**File**:	05.1035.10 (Doc#2404178v1)
		Item #:	2024-13

Subject: **Train Whistle Cessation – 2023 - Q4 Update**

RECOMMENDATION

THAT Council receive this report for information.

PURPOSE

To provide Council with an update on the progress of train whistle cessation in the City of New Westminster.

SUMMARY

This is the Q4 2023 update to Council (through this report) and the Public (through our website) on the progress of Citywide whistle cessation.

BACKGROUND

On September 25th, 2023, staff provided the third quarterly update on the progress of train whistle cessation at public grade rail crossings in the City of New Westminster. Staff have continued to advance projects and strengthen relationships with the railways and regulators through meaningful conversation, shared goals and participation in the Railway Technical Committee (RTC).

DISCUSSION

The City-led RTC held its fourth meeting on December 5th, 2023. The meeting was chaired by city staff and attended by representatives from the engineering department,

the fire department, the four railway companies operating in New Westminster, and the provincial and federal regulators. The topics discussed included rail-related Council updates, safety concerns, a grade crossing inventory, current and future rail-related projects, and developing a process to repair damaged fencing at crossings and along corridors.

Staff have received 40 rail-related communications from residents in 2023. These communications have come via public delegations to Council, email, Be Heard, SeeClickFix, Engineering counter walk-ups and phone calls. They are categorized as follows:

2023 – Q1: 12 communications:
- 11 – whistle related
- 1 – exhaust related

2023 – Q2: 10 communications:
- 6 – whistle related
- 4 – operational concerns

2023 – Q3: 11 communications:
- 11 – whistle related

2023 – Q4: 7 communications:
- 7 – whistle related

The updated *At-Grade Public Crossing Whistle Cessation Summary* is included in Attachment 1.

Short and Mid-Term Opportunities

The estimated date of whistle cessation (EWC) and updates to the Short and Mid Term opportunities are as follows:

Queensborough Neighbourhood

1. Furness Street @ Duncan Street EWC: 2024 – Q1
    a. The new crossing has received final sign-off by the engineer of record. The whistle cessation application package is being assembled and will be sent to Technical Safety BC once complete. This will be followed by a whistle cessation agreement and acquiring the necessary insurance. The timeline on this crossing has been updated due to staffing constraints and competing priorities in 2023.

West End Neighbourhood

1. Twentieth (20th) Street crossing EWC: TBD

a. We have met with the rail operators to discuss the challenges of upgrading this crossing. The next step is to obtain a legal opinion on the least impactful and most practical way to achieve GCR/GCS compliance and whistle cessation requirements. The timeline on this crossing has been updated due to new information emerging based on a better understanding of the complications of re-assigning grade crossings from public to private.

2. Fourth (4th) Avenue crossing EWC: 2024 – Q4
    a. We have met with the rail operators to discuss the safety concerns at this crossing. The next step is to obtain a legal opinion on whether we can close this crossing.

Sapperton Neighbourhood

1. Spruce Street crossing EWC: TBD
    a. CN Rail, who is responsible for the warning system, has requested a change to the City's proposed design that could potentially add significant time (up to 2 years) and costs to the upgrades. We are considering an application to the Canadian Transportation Agency (CTA) to decide whether the City's proposed design is acceptable. Our understanding is the CTA process can take between 3 to 6 months.

2. Cumberland Street crossing EWC: 2025 – Q3
    a. Conceptual drawings have been finalized and submitted to the associated rail companies. We are reviewing the proposed Construction and Maintenance agreements from the two Rail operators at the crossing. After the execution of the agreements, the detailed design phase will begin.

Long Term Projects

The following crossings will likely require comprehensive structural modifications or road/rail re-alignments, and significant capital investment to achieve whistle cessation:

Sapperton Neighbourhood

1. Braid Street crossing (@ Brunette Ave) EWC: TBD
2. Braid Street (@ Vulcan St) EWC: TBD

Queensborough Neighbourhood

1. Furness Street (@ Ewen Ave) EWC: TBD
3. Mercer Street (@ Ewen Ave) EWC: TBD
4. Ewen Avenue (@ Stanley St) EWC: TBD
5. Ewen Avenue MUP (@ Stanley St) EWC: TBD

6. Salter Street (@ Derwent Way) EWC: TBD

Additional information will be shared with Council, as it becomes available, and direction will be sought.

NEXT STEPS

In 2024, staff resources will be focused on advancing rail crossing improvements on the mainland of New Westminster including the Sapperton and West End area's. Advancing safety upgrades and whistle cessation initiatives on the crossings in Queensborough will require the procurement of a consultant to manage this work.

Staff will continue working directly with stakeholders and through the RTC to better understand the costs and timelines for upgrading all public crossings in the City and implementing whistle cessation. This information will be used to update the At-Grade Public Crossing Whistle Cessation Summary, which will continue to be presented to Council as a part of the quarterly update process.

Staff will continue to update the City's website quarterly with information on the progress of whistle cessation at individual crossings and continue to work with railway companies and regulators to advance the implementation of whistle cessation.

The City of New Westminster has recently retained a solicitor with the necessary experience to advance contracts and legal agreements with the railways.

FINANCIAL IMPLICATIONS

The 2024-2028 Proposed Five Year Financial Plan includes $2.83M to support rail crossing upgrades and whistle cessation projects, of which $1.0M has been allocated to the 2024 Capital Budget. The 2024 capital budget aims to advance stakeholder engagement, conceptual and detailed design works and to advance service and equipment procurement where appropriate. This work will inform and identify the scope, risk and constraints to advance the safety works and provide information on total funding requirements.

Third-party grant funding opportunities for safety upgrades through Transport Canada's Railway Safety Improvement Program (RSIP) are not currently available as the call is closed. City staff are committed to staying informed about the specific timeframes for grant application openings within the closed call system to ensure we can maximize grant funding.

Through RSIP, municipalities have been eligible to receive up to an 80% financial contribution per eligible project.

INTERDEPARTMENTAL LIAISON

Engineering Services will continue working with the the City's Finance and Legal Departments to minimize the financial impacts and risk exposure to the City. Additionally, the Communications Department will be updated with advancements in major milestone progress or impactful phases of the work.

OPTIONS

The following options are presented for Council's consideration:

1. That Council receive this report for information;
2. That Council provides alternative direction to Staff.

Staff recommends Option 1.

CONCLUSION

Whistle cessation is a complex, expensive and lengthy process. Implementing Citywide train whistle cessation in a timely manner will require dedicated staff resources, external consultant support, the continuation of collaborative stakeholder relationships and adequate capital funding from the City.

ATTACHMENTS

Attachment 1 – At-Grade Public Crossing Summary

APPROVALS

This report was prepared by:
Garey Carlson, Engineering Technologist

This report was reviewed by:
Christy Mereigh, Manager, Strategic Projects

This report was approved by:
Kwaku Agyare-Manu, Acting Director of Engineering
Lisa Leblanc, Acting Chief Administrative Officer

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Attachment #1

At-Grade Public Crossing Summary

AT - GRADE PUBLIC CROSSING WHISTLE CESSATION SUMMARY

No.	Area	Crossing	Owner	Users	Required Work	Estimated City Cost	Status	EWC
1	QB	Salter Street @ Derwent Way	SRY	SRY	Further analysis required. Road re-alignment of Derwent is likely required.	TBD	Reviewing Information	TBD
2	QB	Stanley St / 400 Ewen Ave Access (MUP)	SRY	SRY	Further analysis required. Road of rail re-alignment may be required.	TBD	Reviewing Information	TBD
3	QB	Ewen Avenue @ Stanley Street	SRY	SRY	Further analysis required. Road of rail re-alignment may be required.	TBD	Reviewing Information	TBD
4	QB	Mercer Street @ Ewen Avenue	SRY	SRY	Further analysis required. Road of rail re-alignment may be required.	TBD	Reviewing Information	TBD
5	QB	Furness Street @ Ewen Avenue	SRY	SRY	Further analysis required. Road of rail re-alignment may be required.	TBD	Reviewing Information	TBD
6	QB	Boundary Road @ Boyd Street	SRY	SRY	Further analysis required.	TBD	Reviewing Information	TBD
7	QB	Gifford Street @ Boyd Street	SRY	SRY	Further analysis required.	TBD	Reviewing Information	TBD
8	QB	Queensborough Landing Pedestrian Crossing	SRY	SRY	Further analysis required.	TBD	Reviewing Information	TBD
9	QB	Wood Street @ Boyd Street	SRY	SRY	Further analysis required.	TBD	Reviewing Information	TBD
10	QB	Boyne Street @ Boyd Street	SRY	SRY	Further analysis required.	TBD	Reviewing Information	TBD
11	QB	Stanley Street @ Duncan Street	SRY	SRY	Further analysis required.	TBD	Reviewing Information	TBD
12	QB	Furness Street @ Duncan Street	SRY	SRY	Whistle cessation submission package being completed.	TBD	Application in progress	2024 – Q1
13	QB	Pedestrian Crossing @ Brookes Street	SRY	SRY	None – whistle cessation has been implemented	N/A	Complete	Complete
14	ML	Twentieth Street @ River Drive	SRY, CP, CN	SRY, CP, CN	Reviewing options with legal consultant.	TBD	Reviewing Information	TBD

QB = Queensborough / ML = Mainland
TBD = To Be Determined
EWC = Estimated Date of Whistle Cessation

Updated to end of: 2023 – Q4
Costs do not consider grant funding
Yellow highlight – revised information

No.	Area	Crossing	Owner	Users	Required Work	Estimated City Cost	Status	EWC
15	ML	Fourth Avenue @ Fourteenth Street	SRY, CP, CN	SRY, CP, CN	Reviewing options with legal consultant.	TBD	Reviewing Information	2024 – Q4
16	ML	Quayside Drive @ Laguna Court	SRY	SRY	None – whistle cessation has been implemented	N/A	Complete	Complete
17	ML	Begbie Street @ Front Street	CN	SRY, CN, CP, BNSF	None – whistle cessation has been implemented	N/A	Complete	Complete
18	ML	Front Street @ Fourth Street	CN	SRY, CN, CP, BNSF	None – whistle cessation has been implemented	N/A	Complete	Complete
19	ML	Cumberland Street @ Columbia Street	CP, BNSF	CN, CP, BNSF	Flashing Lights, Bells and Gates plus pedestrian facility upgrades.	$1.4 M	Conceptual Design	2025 – Q3
20	ML	Spruce Street @ Brunette Avenue	CP, BNSF	CN, CP, BNSF	Flashing Lights, Bells and Gates plus pedestrian facility upgrades.	TBD	Conceptual Design	TBD
21	ML	Capilano Way @ Edworthy Way	BNSF	BNSF	Due to low rail activity, whistle cessation has not been pursued at this crossing.	TBD	Reviewing Information	TBD
22	ML	Braid Street @ Brunette Avenue	CN	CN, BNSF	Safety re-assessment complete. Rail Crossing Signalization Review to be conducted to address motor vehicles queuing on tracks.	TBD	Reviewing Information	TBD
23	ML	Braid Street @ Vulcan Street	CP	CP	Safety re-assessment complete. Rail Crossing Signalization Review to be performed to address motor vehicles queuing on tracks.	TBD	Reviewing Information	TBD
24	ML	Braid Skytrain Station access road	CN	CN, BNSF	Due to low rail activity, whistle cessation has not been pursued at this crossing.	TBD	TBD	TBD