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Train Whistling at Public Grade Crossings



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Train whistling is an important way to keep drivers, cyclists and pedestrians safe. The Canadian Rail Operating Rules (CROR 14) require all trains to whistle whenever they approach a public grade crossing.

In some cases, these whistles can be bothersome to people living nearby and municipalities may wish to end the whistling to provide local residents with relief from the noise.

If you are a resident wanting to stop train whistles in your neighbourhood, contact your municipality. If the municipality agrees to proceed with your request, it must follow the whistling cessation procedure detailed below. In brief, the municipality must consult with the railway company to assess the feasibility of the request; notify the public and other interested parties of their intent; and ultimately pass a council resolution to stop the whistling. The procedure promotes the collaboration between municipalities and railway companies in ensuring grade crossings remain safe.

Procedure for Eliminating Whistling At Public Grade Crossings

This procedure is consistent with the requirements of section 23.1 of the *Railway Safety Act*, section 104 of the new *Grade Crossings Regulations* which came into effect on November 27, 2014, and Appendix D of the *Grade Crossing Standards*. It supersedes the previous *Procedure & Conditions for Eliminating Whistling at Public Crossings (Guideline No. 1)*.

Step 1

Interest for whistling cessation is expressed.

An interest for whistling cessation exists when a municipality receives a request from a citizen or a community group to stop train whistling at a specific area (crossing or multiple crossings) along a railway corridor.

Step 2

Municipality consults with railway company.

The municipality consults with the railway company that operates the relevant line of railway to assess the feasibility of the whistling cessation request.

Step 3

Municipality issues notifications and public notice.

The municipality notifies all relevant associations or organizations and issues a public notice of its intention to pass a resolution declaring that it agrees that whistles should not be used at a specific area (crossing or multiple crossings) along a railway corridor.

Step 4

Municipality and railway assess the crossing(s) against the prescribed requirements in the *Grade Crossings Regulations* and *Grade Crossing Standards*.

The municipality and the railway company assess whether or not the area (crossing or multiple crossings) meets the whistling cessation requirements specified in section 104 of the *Grade Crossings Regulations* and Appendix D of the *Grade Crossing Standards*. This may be done by engaging a professional engineer to determine if the area complies with the conditions in the regulations.

Step 5

Municipality and railway agree that the crossing(s) meets the prescribed requirements of the *Grade Crossings Regulations and Standards*.

If the municipality and the railway company do not mutually agree that the crossing(s) meets the prescribed requirements, they should try to resolve the conflict.

Step 5A (optional)

Municipality and railway request a final decision from Transport Canada.

If disagreement between the municipality and the railway persists, the supporting documentation should be provided to Transport Canada (railsafety@tc.gc.ca) for further assessment. Transport Canada's decision on the issue is final.

Step 6

Municipality passes a resolution declaring that it agrees that whistles should not be used in that area, thereby prohibiting train whistling.

Once *Grade Crossings Regulations and Standards* are satisfied, the municipality must declare, by resolution, that it agrees that train whistles should not be used at the prescribed crossing(s). A copy of the resolution including supporting documentation that the requirements to remove train whistling at the specific area are met, must be sent to all relevant associations or organizations, including the headquarters of Transport Canada's Rail Safety Directorate (railsafety@tc.gc.ca).

Step 7

Railway notifies Transport Canada and informs the municipality within 30 days that it has arranged to have whistling ceased at the crossing(s).

Upon receipt of the resolution, the railway company issues its special instructions, as per CROR 14(l)(iv), eliminating the application of CROR 14(l)(i), while providing for CROR 14(f). The railway company must notify the head quarters of Transport Canada's Rail Safety Directorate (railsafety@tc.gc.ca) of the effective date of whistling cessation at the crossing(s), and provide a copy of its special instructions. The railway company must also notify the municipality in writing of the whistling cessation not later than 30 days after the day whistling is ceased.

Step 8

Municipality and railway share the responsibility for monitoring and maintaining the conditions that support the cessation of train whistling at the crossing(s).

A Transport Canada Railway Safety Inspector may order the reinstatement of whistling at the crossing(s) should the responsible authorities fail to maintain the area in a manner that meets the prescribed requirements of the *Grade Crossings Regulations* and section 23.1 of the *Railway Safety Act*.

For more Information about Train Whistling and Public Grade Crossings please visit the Rail Safety section of Transport Canada's web site at <http://www.tc.gc.ca/eng/railsafety/menu.htm>.