



Risk Management Considerations for Anti-Whistling By-Law Exemptions

Train whistles are a vital safety feature that protect motorists, pedestrians and train crews from collisions at public crossings. Despite their importance for safety reasons, there has been an increase in complaints from citizens suggesting that the noise produced by the whistle is excessive. Community groups are stepping forward with the notion of exempting certain crossings from the use of train whistles. This is happening mainly in areas of dense population.

It's true that a train's whistle can be heard for kilometers. It was designed that way. It sounds at all crossings and does not discriminate between daytime and nighttime. This has led to the creation of an anti-whistling by-law. A train's whistle is sometimes louder inside a nearby home than in a car waiting to cross the tracks. Cars today are very well insulated, add in ambient sound from the radio, and it's hard for a driver to distinguish music from the whistle. For a municipality, however, the whistle plays an important role when considering risk management.

- In order to cease a whistle from sounding at a particular crossing, a CN fact sheet states that the municipality must first undertake a review to ensure the crossing in question qualifies under Transport Canada's

guidelines. If all qualifications are met, the municipality submits their request to CN.

- A consultant will be hired at the municipality's expense. They will review traffic, sightlines, adjacent public buildings and warning systems. The report will also include an assessment of the potential public safety impact should trains cease whistling.
- The railway will review the report and determine whether safety will be compromised if trains do not whistle. The railway may determine that additional warning systems are necessary before a whistling exemption can be allowed. In some locations, chain link fencing and a pedestrian over/underpass may also be required. The municipality is responsible for the cost of installing and maintaining any additional safety measures including warning systems required to eliminate whistling. The railway is responsible for installing any additional warning systems.
- Once CN has made a recommendation, they communicate with Transport Canada. Transport Canada will either agree or have a meeting with the municipality and railway to discuss the recommendation.
- When all three parties have reached agreement and

- funding is in place to install any additional safety features, the municipality must then pass a by-law prohibiting whistling at that specific location.
- When the by-law has passed and the additional safety features have been installed (they typically cost about \$200,000 and are a municipal expense), Transport Canada will issue a letter to the railway exempting the crossing from whistling compliance.
- If the anti-whistling by-law is passed, consider holding a safety meeting for area residents and users. Mailings and additional notices may be required to make sure that everyone in the area is aware of the change.
- Should a municipality issue an anti-whistling by-law at a certain crossing, they would assume more risk for handling, defending and paying claims that arise due to the removal of the whistle.
- It is highly likely that an anti-whistling by-law would increase the number of claims submitted.
- Make sure there are appropriate signage and safety measures (safety arm) in place for safe pedestrian traffic.
- Crossings in high traffic areas or around schools may warrant special considerations. For example, station a crossing guard before and after school to help students cross without incident.

Of Note:

- A typical locomotive with 100 cars weighs approximately 6,000 tons. That's like comparing the weight of a pop can to a car.
- The average train requires one mile to stop.
- Trains do not run according to a set schedule. Cars and pedestrians should expect a train each time they approach railway tracks.
- Modern trains are much quieter than their predecessors.
- Approaching trains are always closer and moving faster than people estimate.
- Motorists and pedestrians are distracted by various devices (cellphones, iPods, etc.) and are not always paying attention to their surroundings. Train whistles alert people that a train is approaching.
- The sole purpose of a train whistle is to alert drivers/pedestrians that danger is approaching. The whistle also tells approaching cars to start to slow down.
- Crossings and safety devices should be inspected regularly by trained professionals.