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Anti-Whistling on Stouffville GO line in the City of Markham
Deputation to Development Services Committee, Sept. 22, 2015

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Thank You:

- To Council for setting up Working Group (December, 2012)
- To Staff for recent hard work and a comprehensive report
- To Residents for patience and persistence

What's We've Learned:

- REMINDER!! - Council actually endorsed implementation of anti-whistling bylaws June 10, 2008
    - received staff reports in 2009, 2010, 2011, 2012 and now (2015)
    - Mayor's promise of a final decision by end 2015 is welcomed, but should really be a matter of "how" to implement, not "if" to implement

- Transport Canada Regulations, Procedures and Standards, updated in 2014, clearly identify the safety requirements at anti-whistle crossings
    - Metrolinx follows these procedures
    - Both road authority and rail authority sign off on the work

- Metrolinx, Region and City have the final say on implementation (Transport Canada not involved in final approval, just notified)

- Numerous Ontario cities have implemented anti-whistling, including Markham (Green Lane, Langstaff Rd on RH GO line – Bylaw 2244)

- Final costs to City have yet to be finalized, but will likely be less than $1.0 M, as City will not be responsible for:
    - Other crossing improvements (not related to whistle) needed by Metrolinx to comply with new Transport Canada standards
    - Any crossings converted to grade separation or closed as part of Metrolinx RER project
    - Crossings at Regional Roads (costs and liability to Region)

- Metrolinx plan shows the following ramp-up schedule for RER

2015 (today)	15 trains/day (peak+non peak weekday)
2016-2017	17 trains/day
2017-2018	35 trains/day
2018-2019	37 trains/day + 28 weekend/day

- Associated liability now better understood and manageable (see below)

- Drop in real estate values from whistle estimated at $85M

- Quality of life issue for 30,000 residents and numerous businesses

Observations on Associated Liability with Anti-Whistling

- GO has very low rate of rail crossing accidents
- Insurer (JLT) unaware of any rail-crossing accidents at 200 municipal clients with anti-whistling bylaws
- Brockville ”second train” incident (2005) often cited as important case
    - But neither Coroner’s Report or TSB Report recommended resumption of whistling
    - Other risk mitigation measures were recommended, similar to Transport Canada standards and Metrolinx best practices
    - Brockville returned to anti-whistle in May, 2006
    - Lawsuit filed by one child’s family, but not against City, only CN
- No increase in insurance premium unless adverse claims experience emerges
- Markham has faced many situations where quality of life improvements has bumped up against associated liability, and elected to proceed **and manage the risk**
    - Skateboard park
    - Ice Skating surfaces
    - Multi-Use Paths
- Bottom Line: liability and risk can be managed using Transport Canada standards and Metrolinx best practices (e.g. JLT Slide 37)

Requests to DSC and Council

- Agree that Council decision of 2008 still valid and we are discussing "how"

- Increase allowance in 2016 capital budget from $300K to $800K

- Start working on a construction and public communications plan asap
  - Staff to continue clarifying safety audit and costs with Metrolinx and Region
  - Review Metrolinx liability insurance agreement
  - Prepare draft public notices per Step 3 of Transport Canada procedure
  - Prepare preliminary construction phasing plan

- Direct staff to report back in plenty of time to meet year-end 2015 promise
  - Target construction work completion by 2017/18 ramp up date