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Report To: General Government Committee

Date of Meeting: April 7, 2025 **Report Number:** LGS-020-25

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Submitted By: Rob Maciver, Deputy CAO/Solicitor, Legislative Services

Reviewed By: Mary-Anne Dempster, CAO

By-law Number: **Resolution Number:**

File Number:

Report Subject: Whistle Cessation at CN Rail Grade Level Crossings at Bennett Road and Cobbledick Road

Recommendations:

1. That Report LGS-020-25, and any related delegations or communication items, be received;
2. That Council of The Corporation of the Municipality of Clarington declares that it agrees that whistles on railway equipment should not be used at the CN grade level crossing on Bennett Road;
3. That Council of The Corporation of the Municipality of Clarington declares that it agrees that whistles on railway equipment should not be used at the CN grade level crossing on Cobbledick Road; and
4. That all interested parties listed in Report LGS-020-25, and any delegations be advised of Council's decision.

Report Overview

This report's purpose is to fulfil the legislative requirements to implement whistle cessation at the Bennett Road and Cobbledick Road CN grade level crossings, which Council previously directed staff to pursue.

1. Background

- 1.1 Report [PDS-001-25](#) was brought to the January 13, 2025 General Government Committee meeting, and provided the history of Council direction for staff to pursue whistle cessation at the Bennett Road and Cobbledick Road CN grade level crossings, along with the actions that have been taken to implement the necessary safety measures to support whistle cessation.
- 1.2 At the January 27, 2025 Council meeting, Council approved Resolution #GG-004-25:
 - That Report PDS-001-25, and any related delegations or communication items, be received;
 - That Staff be directed to continue with work to implement whistle cessation at the Bennett Road and Cobbledick Road CN Rail grade level crossings;
 - That Staff be directed to report back with a draft resolution in Q1 2025 to implement whistle cessation and to provide notice of intent to the public in accordance with the applicable Federal legislation; and
 - That all interested parties listed in Report PDS-001-25 and any delegations be advised of Council's decision.
- 1.3 In accordance with the above direction, staff have brought this report to facilitate the Council resolutions required to implement whistle cessation at the Bennett Road and Cobbledick Road CN grade level crossings.

2. Legislative Requirements for Whistle Cessation

Railway Safety Act Requirements

- 2.1 The legislative requirements to implement whistle cessation are found in section 23.1 of the *Railway Safety Act*, RSC 1985 c.32 (4th Supp.), which sets out a five-part process for a municipality to follow:
 1. Perform any necessary safety upgrades to bring the area to a specified safety standard.

2. Consult with the railway company that operates the relevant line.
3. Notify a specified list of associations and organisations.
4. Give public notice of its intention to pass a resolution to require whistle cessation.
5. Pass a resolution declaring that it agrees that such whistles should not be used in the area.

2.2 Requirements 1 through 4, above, have been fulfilled, and requirement 5 will be fulfilled by Council passing the resolutions recommended by this report.

Safety Upgrades

2.3 The required safety upgrades were completed in September 2024. CN has confirmed that they are satisfied that the upgrades that have been performed fulfil the requirements.

Consultations with CN

2.4 Municipal Staff have been in constant engagement with CN from initial project conception through to completion of the upgrade works. As the owner of the rail corridor, CN took responsibility as the project leader and completed internal detailed engineering design, resourcing, coordination, and execution of the project on the Municipality's behalf ensuring that the design and implementation met the Municipality's objectives.

Notify Specified Organisations

2.5 Communications provided notice to the associations and organisations specified by the legislation on May 16, ahead of the June 2, 2025, General Government Committee meeting. The specified associations and organisations as outlined by [Transport Canada](#) include industry and labour groups connected with rail operations and use.

Provide Public Notice

2.6 Public notice of the intention to pass the resolutions for whistle cessation was provided by Communications on May 16, prior to the June 2, 2025, General Government Committee meeting. This notice was in the form of a "[Public Meetings and Notices](#)" communication, posted to Clarington.net and sent to subscribers to give adequate notice to the public:

Notice of Intent: Whistle Cessation at Bennett Road and Cobbledick Road

Take notice that the Council of the Municipality of Clarington, at its Regular Council Meeting on June 2, 2025 intends to pass a resolution to stop train whistling at the following CN Rail grade crossings:

- Bennett Road – Kingston West subdivision (Mile Point 289.08)
- Cobbledick Road – Kingston West subdivision (Mile Point 287.26)

The resolution is pursuant to subsection 23.1(1)(b) of the *Railway Safety Act* RSC 1985, c 32 (4th Supp), as amended, and is intended to stop the sounding of a whistle or horn when a train approaches the public grade crossings noted above. The whistle or horn will not be activated on a regular basis but may still be necessary in the case of any immediate safety concerns at the discretion of the operating rail authority.

Significant safety improvements have been made to the crossing's warning system, along with road improvements, to enable train whistling cessation at this location.

Details on how to watch or join a Council meeting can be found at www.clarington.net/calendar.

Pass Resolutions

- 2.7 The recommendations of this report contain the required resolutions for Council to pass to implement whistle cessation at the Bennett Road and Cobbledick Road CN grade level crossings. Upon the resolutions being passed, staff will notify CN that they are required to cease train whistling at those crossings.

3. Financial Considerations

- 3.1 Not Applicable.

4. Strategic Plan

Not Applicable.

5. Climate Change

Not Applicable.

6. Concurrence

Not Applicable.

7. Conclusion

It is respectfully recommended that Council pass the resolutions in this report to complete the process of whistle cessation at the Bennett Road and Cobbledick Road CN grade level crossings.

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Interested Parties:

The following interested parties will be notified of Council's decision:

Sandra Moore – President – Wilmot Creek Homeowners' Association