



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
TOWN OF NEWMARKET
395 Mulock Drive
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January 8, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
INFORMATION REPORT ES 2015-10**

TO: Mayor Van Bynen and Members of Council

COPY: R.N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
Members of OLT

SUBJECT: By-law 837 – “A Bylaw to Prohibit the Sounding of Engine Whistles in the Town of Newmarket at Certain Times”

ORIGIN: Director, Engineering Services

PREAMBLE

In accordance with the Procedure By-law, any Member of Council may request this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.

BACKGROUND/COMMENTS

At the Committee of the Whole meeting held on September 22, 2014, a motion was carried requesting “that staff review and report on GO Train operations including east-west road connections, grade separations, speed within the downtown core, frequency of whistles at the train intersections located at Water Street, Timothy Street and Davis Drive, along with feasibility of implementation of a regulated Signaled Pedestrian Crossing at Water Street, Doug Duncan Drive and Fairy Lake (pending budget deliberations)”. Further communication with the Councillor who put forth the motion indicated that one of the intentions was to determine whether By-Law 837 “A Bylaw to Prohibit the Sounding of Engine Whistles in the Town of Newmarket at Certain Times”, which was enacted on October 4, 1943, is still enforceable. The purpose of this report is to provide the Mayor and Members of Council with an update regarding enforcement of the Town’s By-Law 837 (copy attached) with respect to train whistle blowing.

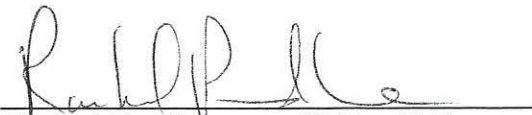
Staff has communicated with authorities at Transport Canada to discuss the enforcement of By-Law 837. The Town has been advised that, at the time that By-Law 837 was enacted (October 4, 1943), the railway line through Newmarket was under federal jurisdiction and the By-Law applied to CN Rail. However, since that time, the railway line was sold to GO Transit (Metrolinx) and now falls under provincial jurisdiction. For this reason, By-Law 837 is not enforceable.

Staff is currently working with GO Transit to review present and future GO Train operations that would affect east-west road connections, as well as potential future grade separations. Once obtained from GO Transit, this information, along with train speeds within the downtown core and the regulation and frequency of whistles at the train intersections located at Water Street, Timothy Street and Davis Drive will form part of a separate Information Report to be completed in the first quarter of 2015.

The third component of the motion, which consists of the feasibility of implementation of a regulated signaled pedestrian crossing at Water Street, Doug Duncan Drive and Fairy Lake (pending budget deliberations) will be the subject of a third information report, which will also be completed in quarter one of 2015.

CONTACT

For more information on this report, please contact: Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services at ext: 2501 or via email to rprudhomme@newmarket.ca



Rachel Prudhomme, M.Sc., P.Eng.
Director, Engineering Services



R. Bingham, C.E.T.
Manager, Engineering and Technical Services



Peter Noehammer, P. Eng.
Commissioner,
Development and Infrastructure Services



Andrew Brouwer,
Director, Legislative Services/Town Clerk

BYLAW NUMBER 837

A BYLAW TO PROHIBIT THE SOUNDING OF ENGINE WHISTLES IN THE TOWN OF NEWMARKET AT CERTAIN TIMES.

WHEREAS considerable inconvenience has been caused to the citizens of Newmarket by the sounding of whistles from Railway locomotives within the Town of Newmarket, particularly during the hours when the residents are asleep.

ADD

AND WHEREAS in view of the protection to the crossings in the Town of Newmarket by the wig-wags system, it is felt that the sounding of the whistles at night is unnecessary;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket:

1. It is prohibited to sound any engine whistle in respect of any highway crossing within the limits of the Town of Newmarket.

ADD

2. The said prohibition shall not apply when there is reasonable ground for belief that it is necessary to sound an engine whistle in order to prevent an accident.

ADD

3. The said prohibition shall not apply between the hours of 6.00 a. m. and 10.00 p. m. Eastern Daylight Saving Time.

ADD

4. This bylaw shall come into force if and when approved by an Order of The Board of Transport Commissioners for Canada.

ADD

PASSED this ^{4th}~~20th~~ day of ^{October}~~September~~, A. D. 1943.

Louise W. Dale
Mayor

Norman D. Matthews
Clerk

EL

ORDER NO. 64180

THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

MONDAY, THE 8TH DAY OF
NOVEMBER, A. D. 1943

J. A. CROSS, K.C.,
Chief Commissioner.
HUGE WARDROPE,
Asst. Chief Commissioner.
J. A. STONEMAN,
Commissioner.
G. A. STONE,
Commissioner.
F. M. LACHELERSOF,
Commissioner.

IN THE MATTER OF the
application of the Council
of the Town of Newmarket, in
the Province of Ontario, under
Section 308 of the Railway Act,
for approval of By-law No. 837
prohibiting the sounding of
engine whistles at level cross-
ings within the limits of the
Town of Newmarket:
File No. 8342.13.68

UPON the recommendation of the Director of Operation
of the Board--

IT IS ORDERED that the said By-law No. 837 of the
Town of Newmarket, on file with the Board under file No.
8342.13.68, be, and it is hereby, approved.

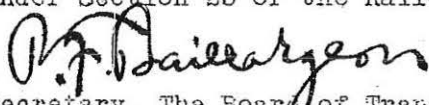
(S'G'D) J. A. CROSS

Chief Commissioner,

The Board of Transport Commissioners for Canada.

THE BOARD OF TRANSPORT COMMISSIONERS
FOR CANADA

Examined and certified as a true copy
under Section 23 of the Railway Act.



Secretary, The Board of Transport
Commissioners for Canada.
OTTAWA, November 10, 1943.

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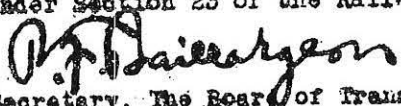
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