



A5

ADMINISTRATIVE REPORT

Report Date: Oct 13, 2009
Contact: Ryan Thé
Contact No.: 604.873.7792
RTS No.: 08396
VanRIMS No.: 08-2000-20
Meeting Date: November 3, 2009

TO: Vancouver City Council

FROM: General Manager of Engineering Services in consultation with the Director of Legal Services

SUBJECT: Railway Anti-Whistling By-law Amendment

RECOMMENDATION

THAT Council approve an amendment to the Railway Anti-Whistling By-law to change the name of the "Heather Street" crossing to the "Moberly Road" crossing, and to allow train whistling in case of emergency; and

AND THAT Council instruct the Director of Legal Services to prepare the necessary amendments to the Railway Anti-Whistling By-law, generally in accordance with Appendix A.

GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE

This report seeks Council's approval for an amendment to the Railway Anti-Whistling By-law.

BACKGROUND

The Railway Anti-Whistling By-law restricts the sounding of any railway engine whistle at City road crossings in accordance with the Railway Safety Act. It was originally passed by Council on August 12, 1975 and serves to reduce noise impacts to neighbouring residents.

DISCUSSION

City Council has prohibited train whistling in several urban areas within Vancouver by passing "anti-whistling" bylaws for controlled crossings in specific locations (for example, along the Arbutus Corridor).

The City's Railway Anti-Whistling By-law was recently reviewed by staff and was found to be out of date with respect to crossing names. The Heather Street and West Sixth Ave intersection was reconfigured due to an adjacent development, in which, the railway crossing was relocated to accommodate this road re-configuration. The Railway Anti-Whistling By-Law never reflected the new street name reference, and therefore should be amended to change the name of the "Heather Street" crossing to the "Moberly Road" crossing.

This report also recommends that the Railway Anti-Whistling By-law be amended to allow for railway whistling in case of emergency.

Changes to amend the Railway Anti-Whistling By-law are reflected in Appendix A.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is recommended that the Railway Anti-Whistling By-law be amended to reflect the current names of the City street network.

* * * * *

BY-LAW NO. _____

**A By-law to amend Railway Anti-Whistling By-law No. 4893
regarding miscellaneous amendments**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Railway Anti-Whistling By-law.
2. To section 2, after "prohibited", Council adds "except in case of emergency".
3. From section 2, under the heading "SOUTH SHORE BRANCH - V.& L.I. FALSE CREEK LINE", Council strikes out "Heather Street", and substitutes "Moberly Road".
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

Mayor

City Clerk