

Liability issues might derail train whistle plan

By Brock Weir

Aurorans will have to wait until later this year to find out whether train whistles will be dampened as GO Transit ramps up rail service.

Council voted to receive a further report on the issue during 2018 Budget talks this fall on whether a train whistle cessation plan for rail crossings on Engelhard Drive, St. John's Sideroad, and Centre Street can move forward after municipal staff raised alarm bells over potential liability issues.

Last week, lawmakers faced a recommendation to initiate a process looking into stopping the train whistles once Metrolinx, the Provincial body overseeing GO Transit, completes its significant expansion of the Barrie corridor over the next decade.

To do so, money will need to be earmarked to redesign these crossings, and a public consultation process will need to take place as well.

Aurora put the wheels in motion on whistle cessation once again last fall following Ontario's announcement of Regional Express Rail and eventual all-day 15 minute GO Train service between Aurora and Toronto.

It was thought the increased service would spell a "drastic increase in noise" to area residents and moved to do something about it but the report last week from Traffic Analyst Jamal Massadeh said the Town may assume more risk for potential claims if the whistles are silenced at the crossings.

"The Town's insurer has advised that, at this time, there is not an additional premium being charged if an anti-whistling bylaw was passed," he said. "However, if the Town was to suffer a severe loss and it was shown that the cause of the loss was a direct result from a train not sounding its whistle because an anti-whistling bylaw was in effect, the Town's insurance program would be negatively impacted. In addition, as more municipalities are considering anti-whistling bylaws, municipal insurers may increase premiums for all municipalities due to higher exposure of risk since eliminating train whistles may increase both the frequency and severity of accidents."

Despite the potential insurance risk, Councillors found themselves looking for a balance between this potential problem and the concerns of local residents.

"This is a really tricky one," said Councillor Wendy Gaertner. "It would be really great if people didn't have to listen to that train whistle?[but] we can't put ourselves in a position where we're going to have serious liability."

Councillor Gaertner questioned Town Solicitor Patricia De Sario on whether, in the event of an accident and Aurora's insurance went up, the Town could go back to Metrolinx and request the whistling be re-instated.

That is a possibility, said Ms. De Sario, but she cautioned insurance premiums would not go down.

While a firm decision will be contingent on Budget discussions, there was no consensus around the Council table on the whistles themselves.

"I recognize there has been a slight change with the expansion of the program for Metrolinx but my position is the same: the residents have moved in next to a railway station knowing there is a railway station," said Councillor Paul Pirri.

Others, however, did not share this viewpoint.

"I have had calls from residents concerned about when it is a 15 minute GO service that there will be a lot of whistles," said Councillor Jeff Thom. "I can hear them from my house and I don't really live near the train station anyways. I am happy to have staff take a look at it and come back to us. We have lots of time before it comes back to be implemented."

Concluded Councillor Gaertner: "Our residents are our residents no matter where they live. Some people can afford to live by railroad tracks and others can move further away. The sound really travels. It used to be my alarm clock. It would be absolutely fantastic for our residents to be able to do the whistle cessation. I can't imagine how it is going to be able to be background noise when it is going to be going so often."

Looking ahead, Mayor Geoff Dawe said 15 minute GO service is dependent on the electrification of the rail line, which is due sometime between 2025 and 2026. There is also the possibility of using diesel engines on the line, which could also impact the timing. Regardless of how the trains are powered, the 15 minute service will not move forward until the Aurora tracks are twinned. With that in the works, Aurora could see hourly service within 18 or 24 months, he advised.