

CITY OF ST. ALBERT

BYLAW 15/2016

Being a Bylaw to regulate train whistles within the City of St. Albert

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WHEREAS

- i. pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;
- ii. pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein;
- iii. the Railway Safety Act, R.S.C. 1985, c. 32 (4th Supplement), legislates to ensure the safe operation of railways within Canada;
- iv. the Railway Safety Act, R.S.C. 1985, c. 32 (4th Supplement) provides that the Council of a municipality may, in appropriate circumstances, prohibit the use of the whistle on any railway equipment in an area within the municipality;
- v. the Council of the City of St. Albert has determined that continued exposure to the noise of train whistles at various times of the day and night is not in the long term interests of the health and welfare of the citizens of the municipality;
- vi. substantial upgrades to the railway crossings and lands adjacent to the railway line will be undertaken to ensure the safety of railway operations within the City of St. Albert are maintained; and
- vii. the Council of the City of St. Albert deems it desirable to pass a bylaw to prohibit the use of train whistles at specified railway crossings listed in Schedule A attached hereto, situated within the boundaries of the City of St. Albert.

NOW THEREFORE the Municipal Council of the City of St. Albert hereby ENACTS AS FOLLOWS:

**PART 1**

**DEFINITIONS**

1. This Bylaw may be referred to as "Train Whistle Cessation Bylaw".



2. In this Bylaw

- a. "Peace Officer" means a Person employed for the purposes of preserving and maintaining the public peace, and includes
  - i. a provincially-appointed Community Peace Officer for the City of St. Albert;
  - ii. a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment; and
  - iii. a regular member of the Royal Canadian Mounted Police.
- b. "Person" includes any individual, corporation, society, association, partnership or firm;
- c. "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34, as amended.

**PART 2**

**PROHIBITION OF TRAIN WHISTLES**

- 3. Except as hereinafter provided, the sounding of a train whistle at any railway crossing within the limits of the City, listed in Schedule "A" hereto attached and forming part of this Bylaw, is hereby prohibited.
- 4. Section 3 of this Bylaw shall not prohibit use of a whistle if:
  - a. there is an emergency;
  - b. any rules in force under section 19 or 20 of the Railway Safety Act require its use; or
  - c. a railway safety inspector orders its use under section 31 of the Railway Safety Act.

**PART 3**

**ENFORCEMENT**

**Offence**

- 5. A Person who contravenes any provision of this Bylaw is guilty of an offence.

## Fines and Penalties

6. A person who is guilty of an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.

## Violation Ticket

7. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
  - a. requiring an appearance in court without the option of making a voluntary payment.

## Certified Copy of Record

8. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

## PART 4

### BYLAW COMING INTO EFFECT

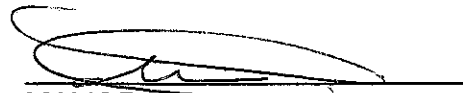
9. This By-law shall come into full force and effect on the day upon which Transport Canada confirms in writing that the railway / roadway at-grade crossings listed in Schedule "A" meet the safety and technical standards required for cessation of train engine whistling in accordance with the provisions under the Railway Safety Act.

READ a first time this 7th day of June, 2016.

READ a second time this 19<sup>th</sup> day of September, 2016.

READ a third time this 19<sup>th</sup> day of September, 2016.

SIGNED AND PASSED this 23 day of September, 2016.

  
MAYOR

  
CHIEF LEGISLATIVE OFFICER

## SCHEDULE A – Railway Crossings

Railway Crossings where the Railway Companies and their train crews are relieved from the responsibility for sounding train engine whistles:

| <b>RAILWAY &amp;<br/>SUBDIVISION</b> | <b>MILEAGE</b> | <b>HIGHWAY CROSSING</b> |
|--------------------------------------|----------------|-------------------------|
| CN Sangudo Line                      | 2.89           | Leclair Way             |
| CN Sangudo Line                      | 3.43           | Levasseur Road          |
| CN Sangudo Line                      | 4.48           | Riel Drive              |
| CN Sangudo Line                      | 4.97           | Meadowview Drive        |
| CN Sangudo Line                      | 5.63           | McKenney Avenue         |
| CN Sangudo Line                      | 6.7            | Ray Gibbon Drive        |
| CN Sangudo Line                      | 6.9            | Range Road 260          |
| CN Sangudo Line                      | 7.57           | Township Road 540A      |