

CITY OF SURREY

BY-LAW NO. 17535

A by-law to regulate the sounding of train engine whistles at specified railway/roadway at-grade crossings in the City of Surrey pursuant to the *Railway Safety Act* [SBC 2004] Chapter 8 and the *Railway Safety Adopted Provisions Regulation* (B.C. Reg 210/2004).

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As amended by By-law No. 18618, 02/01/16; 18722, 05/16/16; 19859, 06/24/19

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS pursuant to Section 9 (1) of the *Railway Safety Act* [SBC 2004], the Province of British Columbia may adopt by regulation provisions of the *Railway Safety Act (Canada)*;

AND WHEREAS pursuant to Section 3 of the *Railway Safety Adopted Provisions Regulation* (B.C. Reg 210/2004) the Province has wholly adopted the provisions of Section 23.1 of the *Railway Safety Act (Canada)*;

AND WHEREAS, pursuant to Section 23.1 of the *Railway Safety Act (Canada)*, a municipality may by resolution declare that train engine whistles not be used in a specified area within a municipality;

AND WHEREAS Council deems it desirable that railways cease the sounding of train engine whistles at the railway/roadway at-grade crossings listed in Schedule "A" attached hereto;

THEREFORE, be it resolved that the Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. Railways are relieved of the obligation under the Canadian Railway Operating Rules for the sounding of train engine whistles at the railway/roadway at-grade crossings in the City of Surrey and listed in Schedule "A" attached hereto and forming part of this by-law, in accordance with the provisions of Section 3 of the *Railway Safety Adopted Provisions Regulation* (B.C. Reg 210/2004) and, by adoption, Section 23.1 of the *Railway Safety Act (Canada)*.

2. This By-law shall apply to a particular railway/roadway at-grade crossing listed in Schedule "A" on the date upon which that crossing has met the whistling cessation requirements referred to in Section 23.1 of the *Railway Safety Act* (Canada).
3. deleted by Bylaw 18722
4. deleted by Bylaw 18722
5. The "Surrey Anti-Whistling By-law, 1999, No. 13706" is hereby repealed.
6. This By-law may be cited for all purposes as the "Surrey Train Whistle Cessation By-law, 2012, No. 17535."

PASSED FIRST READING on the 23rd day of January, 2012.

PASSED SECOND READING on the 23rd day of January, 2012.

PASSED THIRD READING on the 23rd day of January, 2012.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on 6th day of February, 2012.

_____MAYOR

_____CLERK

CITY OF SURREY

SCHEDULE "A":

BY-LAW NO. 17535

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

<u>Railway</u>	<u>Subdivision</u>	<u>Mileage</u>	<u>Highway</u>
B.C. Railway	Port	6.89	127A Street
B.C. railway	Port	6.36	131A Street
B.C. Railway	Port	4.60	Colebrook Road at 144 Street
B.C. Railway	Port	2.75	160 Street
B.C. Railway	Port	2.24	164 Street
B.C. Railway	Port	1.74	168 Street
BNSF Railway	New Westminster	130.8	127A Street
BNSF Railway	New Westminster	138.98	Elevator Road