Clarington

Staff Report

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Report To:	**General Government Committee**
Date of Meeting:	December 1, 2025 **Report Number:** PDS-063-25
Authored By:	Robert Brezina, Manager, Engineering Design
Submitted By:	Kaela Esseghaier, Director of Infrastructure
	Darryl Lyons, Deputy CAO, Planning and Infrastructure
Reviewed By:	Mary-Anne Dempster, CAO
By-law Number:	**Resolution Number:** GG-180-25
File Number:	
Report Subject:	Update on Whistle Cessation at CN Grade Level Crossings at Bennett Road and Cobbledick Road

Recommendations:

1. That Report PDS-063-25, and any related delegations or communication items, be received;

2. Option A: That Staff be directed to utilize the remaining available funding for Whistle Cessation Implementation at Bennett Road and Cobbledick Road, up to $1,468,450.17, for the purposes of installation of fencing and additional anti-trespass countermeasures along the rail corridor as required by CN; and

3. That the Deputy CAO, Planning and Infrastructure be the delegated authority to execute any necessary agreements with CN or amendments to existing agreements with CN that are required to implement whistle cessation.

   OR

4. Option B: That staff be directed to not proceed with CN's requested upgrades which would result in CN not implementing whistle cessation at the two grade level crossings; and

5. That all interested parties listed in Report PDS-063-25, be advised of Council's decision.

Report Overview

The purpose of this Report is to provide Council with an update regarding efforts to implement whistle cessation at the Bennett Road and Cobbledick Road CN grade level crossings and seeks direction for staff to either implement additional safety measures requested by CN to be funded through remaining Whistle Cessation Implementation project funds, up to $1,468,450.17; or direct staff to not proceed with CN's requested upgrades which would result in train whistles continuing at the two grade level crossings.

1. Background

1.1 At a meeting held on June 23, 2025 Council of the Municipality of Clarington approved Resolution #GG-115-25 declaring that it agrees that whistles on railway equipment should not be used at the CN Rail grade level crossings of Bennett Road and Cobbledick Road.

1.2 Canadian National Railway (CN) was notified of the Resolution on July 2, 2025, triggering the 30-day period within which CN must confirm that whistling has stopped at the crossings in accordance with the whistle cessation process outlined by Transport Canada.

1.3 CN responded by expressing concern regarding trespassing within the vicinity of the Cobbledick Road grade level crossing with persons accessing Wilmot Creek and by providing the Municipality with two (2) Transportation Safety Board (TSB) reported incidents in the vicinity of the subject grade level crossings occurring within the last two (2) years. CN noted that due to these concerns, they could not authorize whistle cessation as the crossings do not meet the requirements of the Railway Safety Act; specifically, that the area must not have repeated incidents of unauthorized access (trespass) to the line of railway.

1.4 From August through October 2025, staff engaged with CN while CN worked to determine their requirements for additional anti-trespassing countermeasures, which resulted in the Municipality receiving a letter dated November 12, 2025 (included in Appendix 1) that outlines the requirements for each crossing. CN also confirmed via e-mail on November 14, 2025 (included in Appendix 2) that once the prescribed requirements are met, it is CN's intention to allow for whistle cessation. Refer to Appendix 3 for schematics that show the locations of the requirements. A summary of the requirements is provided below:

Cobbledick Road:

- CN advised that CN Police Services have identified that trespassers have been walking along the rail corridor and crossing the track to access the south side of the creek crossing to fish. CN stated that the installation of fencing and anti-trespass panels would mitigate trespassing incidents at this location.

- Requirements for installation by the Municipality:

    - 1.8-meter-high chain link security fence along the property line on both sides of the tracks between Cobbledick Road and Toronto Street, including lockable gates at both grade level crossings (south side) for CN's access to its maintenance road (approximately 800 meters per side, or approximately 1,600 meters total length).

    - Installation of anti-trespass panels across the tracks on the east side of Cobbledick Road and the west side of Toronto Street.

Bennett Road:

- CN advised that fencing along the southeasterly property line between the Waterfront Trail and the tracks would mitigate trespassing incidents where the public has access directly adjacent to the rail corridor and would close the remaining gap in the existing fenceline.

- Requirements for installation by the Municipality:

    - 1.8-meter-high chain link security fence only along the southeast property line from the crossing, between the Waterfront Trail and the tracks, extending from the grade level crossing to where the existing fence terminates (approximately 400 meters in length).

1.5 Should Council direct staff to proceed with CN's requirements for the installation of fencing and additional anti-trespass countermeasures, staff would advise CN of the decision to proceed. CN would draft new grade level crossing agreements specifically tailored to whistle cessation that outline the above noted safety requirements. CN advised that these draft agreements would be submitted to the Municipality in December for review and comment. CN has indicated that the new agreements would need to be executed before any construction works could be conducted.

1.6 Once the agreements have been executed, and all fencing and trespass countermeasures have been installed by the Municipality, CN would review the installed safety measures against the Municipality's attestation that the crossings and surrounding areas meet the requirements of the Railway Safety Act and Grade Crossing Regulations & Standards. Once the crossings are deemed compliant CN would then respond to Resolution #GG-115-25 stating it agrees that the crossings meet the requirements for whistle cessation, and they would then begin their internal procedural change to implement whistle cessation within 30 days of the compliance notification.

2. Financial Considerations

2.1 At the time of this report expenses for the Bennett Road grade level crossings improvements total $1,406,066.21 which are being facilitated by the Municipality and are subject to full Developer recovery. These improvements included the replacement of the warning system, improvements/widening to the road approaches and crossing surface, and warning system detection upgrades. Final invoicing from CN for the Bennett Road improvements has not been received. Note that any further costs related to the Bennett Road crossing improvements will be fully Developer recoverable. Staff are working to obtain final invoicing from CN related to the Bennett Road grade level crossing improvements.

2.2 At the time of this report expenses for the Cobbledick Road grade level crossing improvements total $817,823.66 and have been fully funded by the Municipality. The improvements included upgrades to the crossing warning system including modification to flashing lights, bells, and gates, relocation of the communications bungalow causing sightline obstruction, warning system detection upgrades, signage and line painting updates / corrections. Final invoicing from CN for the Cobbledick Road improvements has not been received; however, any further costs that are the responsibility of the Municipality are expected to be minor and would be covered by the existing budget. Staff are working to obtain final invoicing from CN for the Cobbledick Road grade level crossing improvements.

2.3 The remaining approved budget for whistle cessation at Bennett Road and Cobbledick Road, barring final invoicing from CN, is $1,468,450.17 which is funded from two sources: the Rate Stabilization Fund and the Roads Capital Reserve Fund.

2.4 Staff have prepared a high-level cost estimate of approximately $925,000 to implement the required fencing and additional anti-trespass countermeasures as directed by CN. These costs include, but may not be limited to, engineering design, review / permits by CN, construction, railway corridor flagging by CN during construction, contract administration and inspection, and staff time.

2.5 The implementation of fencing for the Bennett Road grade level crossings would not be subject to Developer recovery as this would be over and above the requirements in the Developer’s Subdivision Agreement and would be required to be funded by the Municipality.

2.6 CN has advised that the installation of the fencing must be performed by the Municipality, except for the provision of railway flagging during construction of which costs will be borne by the Municipality. The installation of anti-trespass panels would be undertaken by CN, however all costs would be charged back to the Municipality.

2.7 Ownership and maintenance of the fencing and anti-trespass panels would be the Municipality's responsibility and would be required to be inspected, maintained and repaired to remain in compliance with CN's whistle cessation requirements. CN has noted that should the fence or panels fall into disrepair the decision to stop whistling could be reverted at CN's discretion. Furthermore, whistling may resume if, at CN's discretion, there is continued unauthorized access to the rail corridor. Staff have estimated that an annualized operating carry cost for maintenance of the fencing and anti-trespass panels could be approximately $25,000 and would have to be confirmed once staff understand the full cost of the additional security measures. Staff will also look into tracking this infrastructure through the asset management plan.

2.8 A summary of the above information is provided as follows:

Item	Whistle Cessation Budget: 110-50-330-83713-7401
Approved Budget	$ 2,536,968.15
Costs Incurred to Date	$ (817,823.66)
Outstanding Commitments	$ (250,694.32)
Sub-Total of Budget Spent to Date	**$ 1,468,450.17**
Estimated Cost of Additional Safety Requirements (as outlined in this Report)	$ (925,000.00)
Remaining Budget (after additional safety measures are implemented)	**$ 543,450.17**

3. Anticipated Timing of Implementation

3.1 Should Council direct implementation of the additional measures, it is anticipated that the installation of fencing and anti-trespass panels, and the subsequent acceptance and implementation of whistle cessation by CN would occur by Q3-2026. This is due to the time required to retain a consultant to complete the fencing design, receive approval from CN, tender the project, construct the fence in acceptable weather/ground conditions (spring/summer), and for CN to facilitate the change in railway corridor operations.

4. Strategic Plan

Not applicable.

5. Climate Change

Not Applicable.

6. Concurrence

This report has been reviewed by the Acting Deputy CAO Public Services and Deputy CAO / Treasurer - Finance and Technology Department who concurs with the recommendations.

7. Conclusion

It is respectfully requested that staff be directed to either utilize the remaining available funding for Whistle Cessation Implementation at Bennett Road and Cobbledick Road, up to $1,468,450.17, for the purposes of installation of fencing and additional anti-trespass countermeasures along the rail corridor as required by CN and that the Deputy CAO, Planning and Infrastructure be delegated the authority to execute any necessary agreements with CN or amendments to existing agreements with CN that are required for CN to implement whistle cessation, or that staff be directed to not proceed with CN's requested upgrades which would result in CN not implementing whistle cessation at the two grade level crossings.

Staff Contact: Kaela Esseghaier, Director of Infrastructure – Planning & Infrastructure Services, at KEsseghaier@Clarington.net

Attachments:

Appendix 1 – CN Letter Outlining Required Safety Countermeasures

Appendix 2 – CN E-mail dated November 14, 2025

Appendix 3 – Schematics of Requested Safety Measures for Cobbledick Road and Bennett Road

Interested Parties:

The following interested parties will be notified of Council's decision:

Adrian Tena-Russell, Manager of Public Works, East – CN

Umair Naveed, Officer, Public Works – CN

Karen Trembley – President – Wilmot Creek Homeowners' Association

Dan Pantaleo

Public Works - Engineering
1 Administration Rd
Concord, ON, Canada
L4K 1B9

Travaux Public - Ingénierie
1 Administration Rd
Concord, ON, Canada
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11/12/2025

Kaela Esseghaier
40 Temperance Street
Bowmanville, ON
L1C 3A6

Dear Ms. Esseghaier

The following is further to the recent discussions between CN and the Municipality of Clarington with regards to the Municipality's request for whistle cessation at the Bennett Road and Cobbledick Road grade crossings. In certain circumstances, a particular crossing may be exempted from the whistling requirements. Section 23.1 of *the Railway Safety Act* sets out the process which must be followed to implement whistle cessation within a municipality. Taking into account the requirements of the *Railway Safety Act*, CN cannot authorize whistle cessation at this time as the locations in question do not meet the requirements of the *Railway Safety Act*. More specifically, the prescribed requirements, which are outlined in Section 104 of the *Grade Crossings Regulations*, require that the area must not have repeated incidents of unauthorized access to the line of railway. As detailed in our discussions, CN has noted unauthorized access to the railway right of way along with crossing incidents in the past five years at these locations. CN requires the Municipality to implement and thereafter maintain at its cost the following mitigation measures:

- At Bennett Rd:

  Install approximately 400 metres of security fencing per CN standard along the property line Southeast of the crossing between the Waterfront Trail and the track, from the roadway to where the existing fence terminates.

- At Cobbledick Rd:

  Install approximately 1,600 metres total of security fencing per CN standard on both sides of the track between Cobbledick Rd and Toronto St along the property line or where approved by CN if not possible to install on the property line including lockable access gates at both crossings on the south side for CN's access road as well as anti-trespass panels across the tracks at each of the crossings, East of Cobbledick Rd. and West of Toronto Rd. The final location of the anti-trespass panels and access gates will be determined at a later date after consultation with local CN maintenance groups.

Once this is completed, CN will review the Municipality's attestation that the area meets the requirements of the *Railway Safety Act* and of the *Grade Crossings Regulations* and the *Grade Crossings Standards* to implement whistle cessation.

Public Works - Engineering
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While CN understands that whistling may be an inconvenience at times, CN's preference is that whistling at crossings be maintained as CN considers whistling at crossings to be an important component of crossing safety that alerts motorists and pedestrians to the presence of an approaching train.

Sincerely,

Adrian Tena-Russell, P.Eng.
Manager Public Works - East
CN

Robert Brezina

From: Adrian Tena-russell <Adrian.Tena-russell@cn.ca>
Sent: Friday, November 14, 2025 3:18 PM
To: Kaela Esseghaier
Cc: Robert Brezina; Umair Naveed
Subject: Cobbledick and Bennett Whistle Cessation
Attachments: KNG287.26-289.08 - Cobbledick & Bennett Whistle Cessation (Final).pdf

EXTERNAL

Good afternoon Kaela,

I'm writing to confirm that it is CN's intention to allow for whistle cessation once all the prescribed requirements are met to CN's satisfaction.

I hope this clarifies everything.

Regards,

Adrian Tena-Russell, P.Eng./ing.
Manager, Public Works – East | Directeur, Travaux Publics – Est
Engineering | Ingénierie
Concord, ON | C: 437-446-5743

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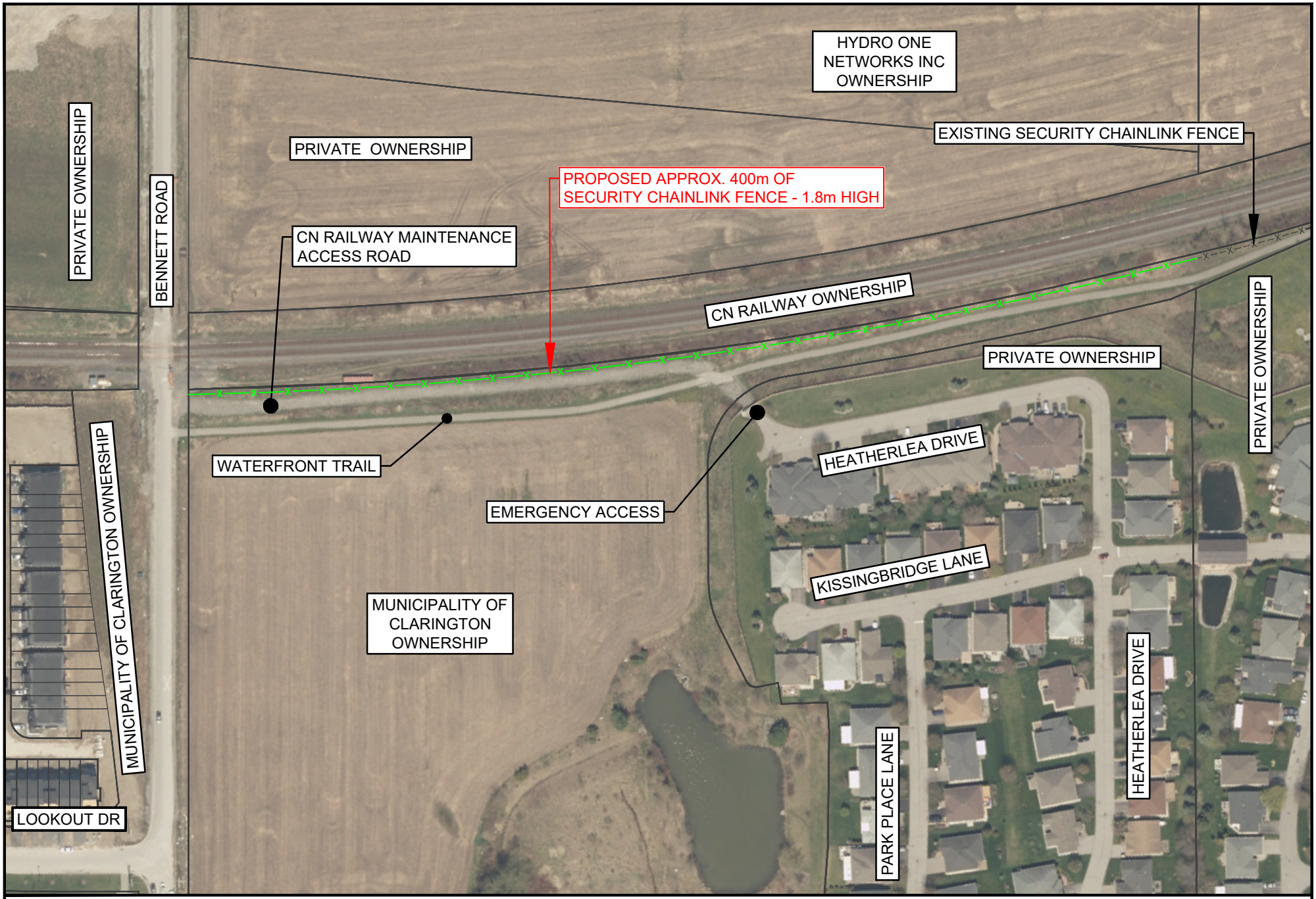

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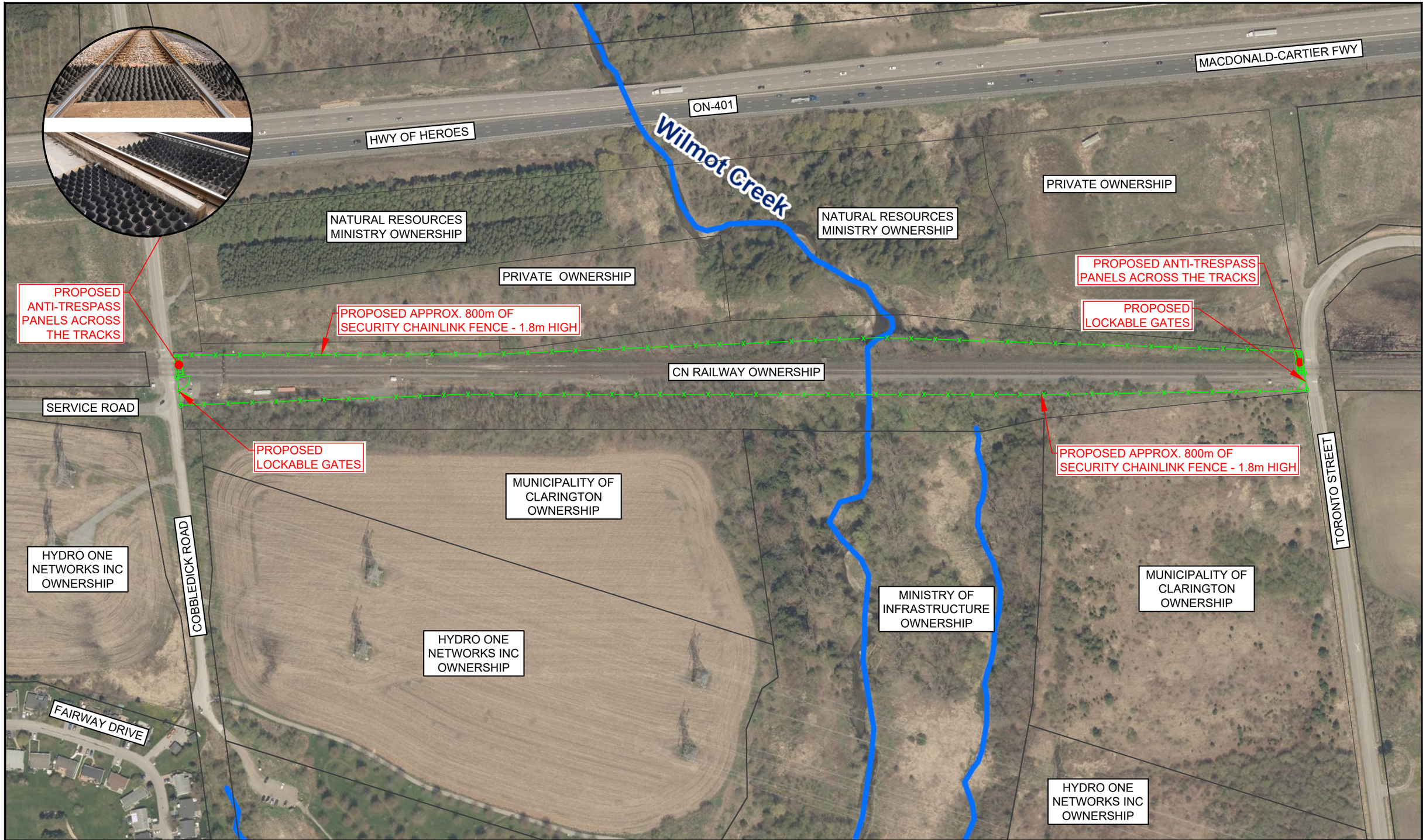
BENNETT ROAD
GRADE LEVEL CROSSING - SAFETY REQUIREMENTS

LEGEND
—x——x— PROPOSED FENCE
--x--x-- EXISTING FENCE

NORTH



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COBBLEDICK ROAD
GRADE LEVEL CROSSING - SAFETY REQUIREMENTS

LEGEND

—x——x— PROPOSED FENCE

--x--x--x- EXISTING FENCE

PROPOSED ANTI-TRESPASS PANELS

NORTH