

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW 2016-27

**BEING A BYLAW TO PROVIDE FOR THE REGULATION OF TRAIN WHISTLES WITHIN PARKLAND
COUNTY, IN THE PROVINCE OF ALBERTA**

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26 authorizes Council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26 authorizes Council to 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; and

WHEREAS the *Railway Safety Act*, R.S.C 1985, c. 32 (4th Supplement), legislates to ensure the safe operation of railways within Canada;

WHEREAS the *Railway Safety Act*, R.S.C 1985, c. 32 (4th Supplement), provides that a Council of a municipality may, in appropriate circumstances, prohibit the use of the whistle on any railway equipment in an area within the municipality;

WHEREAS Council of Parkland County 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; and

WHEREAS Council of Parkland County wishes to pass a bylaw for the purpose of prohibiting the use of train whistles at specified railway crossings listed in Schedule A attached, situated within the boundaries of Parkland County.

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

TITLE

1. This bylaw shall be known as the "Train Whistle Cessation Bylaw".

PROHIBITION OF TRAIN WHISTLES

2. Except as hereinafter provided, the sounding of whistles on any railway equipment at a rail crossing within the boundaries of Parkland County, listed in Schedule "A" hereto attached and forming part of this Bylaw, is hereby prohibited.
3. Section 2 of this Bylaw shall not prohibit the use of a whistle if:
 - (1) there is an emergency;
 - (2) any rules in force under section 19 or 20 of the *Railway Safety Act* require its use; or
 - (3) a railway safety inspector orders its use under section 31 of the *Railway Safety Act*.

ENACTMENT/TRANSITION

4. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
5. Schedule "A" forms part of this bylaw.
6. This bylaw shall come into full force and effect on the day upon which Canadian National Railway confirms in writing that the grade crossings listed in Schedule "A" meet the safety and technical standards required for cessation of whistling on railway equipment in accordance with the provisions of the *Railway Safety Act* thereof.

READ A FIRST TIME this 10th day of January, 2017.

READ A SECOND TIME this _____ day of _____, 2017.

READ A THIRD TIME and finally passed this _____ day of _____, 2017.

SIGNED AND PASSED this _____ day of _____, 2017.

Mayor

Chief Administrative Officer

SCHEDULE A
TO THE REGULATION OF TRAIN WHISTLES WITHIN PARKLAND COUNTY BYLAW NO. 2016-27
GRADE CROSSINGS

Grade crossings where whistles are prohibited within Parkland County:

<u>Railway and Subdivision</u>	<u>Mileage</u>	<u>Roadway Crossing</u>
CN Edson	12.82	Bevington Road (Range Road 262)
CN Edson	15.91	Range Road 265
CN Edson	17.99	Range Road 271
CN Edson	27.02	Range Road 13
CN Edson	28.04	Range Road 14
CN Edson	29.07	Range Road 15
CN Edson	30.1	Range Road 20
CN Edson	31.11	Range Road 21
CN Edson	32.14	Range Road 22
CN Edson	35.37	Range Road 25
CN Edson	38.43	Range Road 32 (3 Street)
CN Edson	42.88	Range Road 40 (Pattison Avenue)
CN Edson	46.22	Range Road 43
CN Edson	47.28	Range Road 44
CN Edson	48.01	Range Road 45 (4423 Lakeshore)
CN Edson	49.24	Sunset Avenue