



BREACHES OF FEDERAL LEGISLATION

Facts

Construction and operation of the Cando Contracting Ltd./CN/Imperial Oil rail yard in the Bretona Community, Strathcona County, Alberta, have breached the following federal legislation: *Canada Transportation Act*, *Railway Safety Act*, *Canadian Environmental Assessment Act*, and possibly the *Canadian Environmental Protection Act*. Specifically, the breaches include:

- No notice was given to neighbouring landowners. The closest homes are only 68m and 163m from the rail yard. (Rail yards are not to be built less than 300m from homes.)
- No opportunities were provided to object to the project.
- No deadlines were provided for objections to be filed.
- Blue prints or line drawings of the proposed rail yard were not provided to adjacent landowners.
- No approval of the rail yard was provided by the Canadian Transportation Agency (CTA). It is important to note that because this is a rail yard and not a railway line, CTA approval is required.
- Prior to construction, there were no formal environmental assessments conducted.
- This rail yard does not contribute to a "sustainable environment".
- Although we have lodged several formal complaints with the federal government regarding noise and vibration associated with the rail yard, no investigations have been conducted.
- Noise limits will continue to be breached because the rail yard is too close to several homes.
- Threat and hazard to our health because our homes are so close to where carcinogenic locomotive diesel exhaust and other toxic fumes are given off.
- Threat, safety and damage to the environment, our properties, safety of railway personnel in relation to siting of switches with the mainline, and safety of motorists and railway personnel in relation to proximity of stored tank cars to a public road and railway crossing.
- Appropriate engineering and construction standards have not been met (e.g., no petroleum spill containment facilities or measures have been incorporated into the design).
- False or misleading information has been provided by the operators.

Details of the specific breaches of legislation described above are included within our July 21, 2010 letter to federal Ministers Baird, Merrifield and Prentice (see letter at "Railroaded Correspondence" link).