

Should data on dangerous goods rail traffic through cities be made public?

By Steve Merti | Daily Brew – March 14, 2014 | Yahoo News

The Lac-Mégantic disaster focused a lot of minds on the fact railways transport dangerous cargoes through cities and towns all the time.

The derailment and explosion of a train loaded with volatile U.S. oil killed 47 people and razed the centre of the small Quebec town last summer.

But while Ottawa has ordered railways to make regular reports to municipal governments about dangerous goods travelling through their jurisdictions, that information is not available to the public under explicit government instructions.

Should it be kept secret, or do citizens have a right to know what potentially toxic and/or deadly materials are trundling past their homes and workplaces?

Transport Canada last November required the major railways, Canadian Pacific and Canadian National, to provide municipalities with quarterly updates about the nature and volume of dangerous goods going through their boundaries, the *Montreal Gazette* reported.

Anyone else transporting dangerous goods by rail, including smaller railways such as the one involved in the Lac-Mégantic disaster, and individuals or companies, would have to file annual reports.

The Federation of Canadian Municipalities (FCM) pushed Ottawa to act after two derailments in Calgary over the summer, including one involving a bridge weakened by flooding in the city.

"City staff are risking their lives to deal with these emergencies and we are still unable to get specific information quickly about what is on these trains in order to ensure the safety of our residents," Calgary Mayor Naheed Nenshi said in an [FCM news release](#). "This simply cannot continue."

Transport Canada responded Nov. 20 with [Protective Direction No. 32](#). Transport Minister Lisa Raitt noted at a news conference that while the information does not have to be provided

in advance, some railways are now proactively informing municipalities about the kinds of dangerous goods moving through their jurisdictions, *The Canadian Press* reported.

But that's as far as the information goes.

The *Toronto Star* reported Friday that CN Rail and the Toronto Fire Services are keeping secret the volume and type of dangerous goods passing through the city and other Ontario municipalities.

The railway passed on the information in December during presentations to fire officials but Toronto Fire spokesman Toni Vigna told the *Star* the information would not be made public.

“Even if I had a copy of the presentation in front of me, I wouldn’t release the information,” she said. “All the statistics are meant to be confidential.”

CN spokesman Jim Feeny said the railway wants the data kept secret "due to security concerns," the *Star* said.

“The ordinary citizen is not a concern at all, but there may be interests that could use this information contrary to the public good," Feeny said.

The railways apparently have threatened municipalities with loss of access to the data if it's shared with the public.

The *Waterloo Chronicle* reported in January that documents it obtained via an access-to-information request revealed a local rail operator last year – before the federal directive was issued – warned it would cut off the information flow if it was disclosed.

The *Chronicle* noted Section 3 of the Nov. 20 directive allows dangerous goods transporters to withhold the information if officials don't agree to limit its use and dissemination to those involved in emergency planning and otherwise keep it confidential.

An explanatory note in the directive said the parties will agree between themselves under what provisions the information would be disseminated.

The secrecy clauses bother those who argue for greater transparency, the *Star* said.

“I think the public has a right to make informed decisions about their own safety, and about the neighbourhoods in which they live,” Toronto Councillor Josh Matlow said.

Ajax, Ont., Mayor Steve Parish told the *Star* his city's fire officials would meet with CN later this year to discuss what he sees as an "obligation" to reveal the data.

I think the public has a right to make informed decisions about their own safety, and about the neighbourhoods in which they live.

—Toronto City Councillor Josh Matlow

"I would hope that CN would see that obligation as well," he said. "Certainly, the public has a right to that information, and they have a right to know that their public officials are making plans for emergency preparedness on the basis of good data and knowledge."

Doug Reycraft chairs the FCM's railway safety working group and supports the need-to-know aspect of the directive. The main priority is getting the information into the hands of emergency responders, he told the *Chronicle*.

"We think they need to have the best information that's available in order to deal with the emergency," Reycraft said.

But, he added, railways have raised concerns that publishing the information would put them at a competitive disadvantage, not because they're worried about security.

"Whenever there's any discussion with [railways] about sharing information, they seemed concerned about it getting into the hands of their competitors and undermining their position," he said.

That's not the same thing as playing the terrorism card, which CN's Feeny implicitly did.

It seems to me there's little harm in publishing the macro data about the percentage of dangerous goods and perhaps the type moving through town each year. It would not provide specific information about precisely what is being shipped and when.

Obviously providing the information to emergency planners is the primary goal, but allowing residents to know as well seems essential in a democracy.