

Public kept in the dark on rail freight

Gag orders prevent cities from educating their residents

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Published: Wednesday, May 07, 2014

Confidentiality agreements that municipalities are required to sign before obtaining information on the rail transport of dangerous goods is preventing citizens from knowing whether crude oil and other petroleum products are passing by their homes and through their communities.

Mayor Wayne Baldwin of White Rock, B.C., said Tuesday his municipality signed the confidentiality agreement about a month ago and is still awaiting details on dangerous goods. Baldwin believes the confidentiality agreement is simply a way for railways to reduce public scrutiny of their operations.

"I understand their concerns, if they provide too much information they're setting themselves up as targets of terrorism. But I suspect that any terrorist worth his salt would have figured out what's going through anyways. So I don't really buy that. What it really comes down to is they really don't want people to know because they don't want people to get upset. And if people are upset it will cause them some difficulties and they just don't want to be bothered with the hassle."

Mark Hallman, a CN Rail spokesman, said the railway "does not disclose the routes it uses to move commodities on its network for security reasons, and does not identify its customers or origins of traffic owing to commercial confidentiality." CP Rail's Ed Greenberg confirmed "we do not release car volume breakdowns or routing specifics."

Despite concerns over the public's right to know, Baldwin agreed to confidentiality because he believes that the priority is for emergency responders to know what the trains are carrying, even though railways are not required to provide information in advance of movements.

"It's of utmost importance that our first responders know what they're dealing with when they get out there."

Of the public right's to know the ingredients in a box of cereal but not inside a rail car travelling past their homes, Baldwin said: "This goes back many years. The railroad is king, right? That psyche has carried forward to modern day. They're not responsive to the public. They really don't care. They have a right to use their tracks and by God they're going to use them. It's the dollar Almighty that's the bottom line."

Transport Canada issued a "protective direction" in November that was agreed to by the Federation of Canadian Municipalities, the Railway Association of Canada, and the Canadian Association of Fire Chiefs, Roxane Marchand, a department spokeswoman, said.

The direction requires railways to share dangerous-goods data with municipalities and first responders once municipalities designate an Emergency Planning Official, provide their contact information to Transport Canada, and complete a nondisclosure agreement. "This is to ensure the information is only used by the person receiving the information on behalf of the municipality, and shared only with individuals within the municipality responsible for risk assessment, emergency planning and first responder training," Marchand said.

On March 19, Transport Canada relayed the contact information from municipalities that met the conditions of the direction to railway companies. "Those municipalities have already begun to receive dangerous goods data from railway companies," she said.

Claude Dauphin, of Lachine, Que., president of the Federation of Canadian Municipalities, said he also had concerns about the public's right to know but ultimately deferred to the opinion of the national fire chiefs. He noted that it is an important first step and that municipalities will continue to push for additional information from railways, include routing and more current information on cargo movements.

"It's not over, it's not all settled," he said, noting it is also important to have common standards with the U.S. "But at least we're making progress."

On July 6, 2013, a train of 72 tank cars loaded with crude oil crashed in Lac-Mégantic, killing 47 people and destroying half the downtown area. On April 23 this year, the federal government announced about 5,000 of the least crash-resistant DOT-111 tankers are to be removed from Canadian railways within 30 days. Another 65,000 must be removed or retrofitted within three years.