

Rail carriers keep emergency response plans secret from residents

By: [Jessica McDiarmid](#) News reporter, Published on Tue Nov 11 2014 Toronto Star

Railroads cut through almost every community in Canada, but the companies that operate them are keeping secret from the public their emergency response plans.

A Toronto rail safety community group wrote Canada's two largest rail carriers in late September asking for information on emergency response plans, insurance coverage, worst-case scenarios and track maintenance.

The response was "extremely disappointing (but not surprising)," said Helen Vassilakos via email. "We as the public keep getting asked to take on the risk to both public safety and the public purse but are refused basic information. Everything seems to be done in secret with the assumption that we should just quietly go along with it."

Vassilakos and Patricia Lai, co-founders of the [Safe Rail](#) Communities group, wrote to Canadian Pacific Railway and Canadian National Railway.

"We appreciate the importance of rail transport to our local and national economy, but after Lac-Mégantic we feel it behooves us all to explore every option to guard against another such disaster," they wrote.

In a response sent a month later, CP's director of government affairs, Randy Marsh, said the company has an emergency response plan that is "continually updated and improved" and reviewed with local officials, but it is not a public document. Information on track maintenance and insurance coverage isn't public, either, but the company meets or exceeds federal requirements, he wrote.

"For safety, security and proprietary reasons, we do not publicly discuss a number of the items you have raised," Marsh wrote.

CP spokesperson Breanne Feigel told the Star it isn't feasible to share the company's emergency response plan with the public. The document runs tens, if not hundreds, of thousands of pages and contains complex information.

"It's not relevant and palatable to (someone) sitting at the dinner table," Feigel said.

Vassilakos and Lai both live near the CP Rail corridor that runs through the Junction neighbourhood and along Dupont St. They founded Safe Rail Communities to advocate for greater rail safety in the wake of the July 2013 train derailment and explosion in Lac-Mégantic, Que., that killed 47 people.

While companies do not divulge information publicly about what dangerous goods they transport, a Star [investigation](#) found that substances such as crude oil, methanol, radioactive materials and sulphuric acid are transported along the rail corridor that passes their homes in the heart of the city.

And the transportation of dangerous goods, particularly crude oil, by rail is on the rise. In 2009, only 144 carloads of oil were shipped by rail in Canada. By 2013, that figure was nearly 128,000.

Late last year, Transport Canada ordered railways to provide historical, aggregate data to municipalities to help them prepare for emergencies, information CN and CP have said they already provided upon request. But municipal officials who receive that information are sworn to strict confidentiality. Companies argue that sharing the information publicly would threaten security and potentially harm business.

Transport Canada did not answer questions about the rationale behind not releasing emergency response plans, instead sending information about the 2013 order that required companies to share dangerous goods information with municipalities. The department said that in the event of an incident, its emergency response centre, CANUTEC, would provide first responders with advice.

Transport Canada does not require railways to disclose their insurance coverage, as it is considered commercially sensitive. Nor does the department release information on track maintenance and inspections reports, as they contain what is considered third-party and commercial information.

[\(Mobile/tablet users, tap here to learn more about dangerous goods evacuation zones.\)](#)

Peggy Nash, the NDP MP for Parkdale-High Park, said people in the community want basic information about the goods moved past their homes and what to do if there is an emergency.

“People are looking for some guidance ... They are also looking for reassurance,” said Nash. “They have discovered there is a very real danger.”

Feigel, who did email the Star additional information on the notification process the company would use if an accident occurred, as well as data on track inspections, said the company shares its emergency response plan with local responders, as well as providing training, and there are detailed processes and protocols in place to deal with an emergency. In the event of an incident that threatened the public or the environment, local responders would assume command and CP would assist with rail expertise and extra resources as needed, said Feigel.

The company has trained more than 700 Toronto firefighters, and its fire chief is an expert in fighting crude-oil fires, with 25 years of experience in the oil fields of Alberta, said Feigel.

Feigel said Marsh attended the September meeting organized by Nash in Toronto for concerned community members and answered 80 per cent of the questions from the room.

“It’s a really well-regulated, well-run, safety-conscious industry that had a really awful event occur,” said Feigel.

“We are doing our due diligence. We are doing it properly.”

CN spokesperson Mark Hallman told the Star, via email, that the company has taken steps to improve safety following the Lac-Mégantic disaster, such as acquiring new defect-monitoring equipment, conducting risk assessments of rail corridors and urging mutual aid protocols for emergencies. The company has \$1.24 billion in accident liability insurance and a “strong, comprehensive emergency response plan,” said Hallman. CN sent a similar response to Safe Rail Communities after being contacted by the Star.

When asked to clarify whether CN would share emergency response plans or worst-case scenarios publicly, he said the company had nothing further to add.

Mark Winfield, an associate professor at York University who studies public safety regulation, said the secrecy surrounding emergency plans is “very problematic” because it prevents the public from seeing if they are adequate or up-to-date.

“The issue again goes to basic issues of accountability and the balance between the economic interests of the railways and the safety interests of the public being struck in the plans,” said Winfield.

The Transportation Safety Board’s scathing final report on the Lac-Mégantic incident, released in August, identified 18 factors that led to the crash, such as mechanical problems, unsuitable tank cars, [lax safety standards](#) and human error.

Transport Canada issued a series of regulatory [changes](#) over the 16 months since the disaster, but the safety board still recommended the government force rail companies to use more physical defences to prevent runaway trains and take a more aggressive approach to enforcement.

Nash said the Lac-Mégantic tragedy shone a light on Transport Canada’s “lack of enforcement and poor safety culture.” People have lost trust in the government systems designed to protect the public, she said.

“We need to rely on the federal government to do its job when it comes to rail safety, and they are not,” said Nash. “We should not have to have the residents policing CP Rail.”

Toronto has communications protocols in place with both CN and CP for emergencies, said city spokesperson Leisa Odlum. First-responders would be in charge of the incident site, with support from rail companies; an evacuation, if required, would probably be ordered by the city’s emergency services.

The city has an “all-hazards” emergency [response plan](#) that covers all potential incidents available online.

“The City of Toronto encourages the public to be emergency-ready for any potential event, not just a rail incident,” said Odlum.

Safety response

CP provided the Star with information on response and preventative measures it takes to avoid accidents.

- **Emergency procedures:** In the event of a train incident, CP notifies local first responders (fire, police, ambulance). The company determines the products involved and notifies on-scene responders, while CP staff are dispatched to the site. Regulatory agencies such as the Transportation Safety Board and provincial authorities are given preliminary information and the shipper is notified (if the incident involves dangerous goods, shippers will dispatch staff to the site). Depending on the incident severity and type, specialized contracted services may be directed to the site. Environmental containment and remediation takes place. If evacuation is necessary, CP will advise and coordinate efforts with public information, housing, social and food service agencies.
- **Track maintenance:** CP staff do visual inspections regularly, as required by Transport Canada’s Railway Track Safety Rules. Additional inspections are carried out during extreme heat and cold or environmental conditions such as high water, excessive rainfall or earthquake activity.
- CP has a rail-defect detection car that uses induction and ultrasonic technology to find flaws that are not visible. It also has a computerized track evaluation car used to pinpoint areas of concern. These cars traverse CP’s mainlines four times a year and the entire network at least once per year.