

Toronto and Mississauga mayors want dangerous goods off their cities' rail lines

John Tory and Bonnie Crombie are also demanding greater transparency from the railway industry.

By: [Jacques Gallant](#) Staff Reporter, [Jessica McDiarmid](#) News reporter, Dec 04 2014 Toronto Star

Toronto Mayor John Tory and Mississauga Mayor Bonnie Crombie are pushing for an end to the transportation of dangerous goods by rail through their cities, in the most densely populated part of Ontario.

“I said during the campaign and I'll repeat it now, that I think we should be moving in the direction, in negotiation with the railways and the federal government, to stop movement of toxic and dangerous substances through the city at all,” Tory told reporters Tuesday morning.

He made the comments on the same day the Star revealed [that new risk assessments prepared by rail companies](#) will only be provided to Transport Canada, and not made public.

Those assessments are the most recent in a series of documents and pieces of key information — including the amount and types of dangerous goods carried through specific municipalities — that railways keep secret from the public.

“I am far from satisfied with the transparency that we don't see today,” Tory said. “I think it's time to let the sun shine in on this, and it's not just a matter of some principle of transparency. It's a matter of people being adequately informed, in a big city like this, of what is traveling through the city, and when and how much.”

Tory was unavailable later in the day to answer follow-up questions about his next steps on the issue. In an interview with the Star, Crombie said the “right solution” is to stop the transportation of dangerous goods through her city.

“It's a big concern for me; we don't want a disaster like we had in 1979 to repeat itself,” she said, referring to the Canadian Pacific train derailment and explosion in Mississauga, which caused a single leak from a tank car of highly toxic chlorine. More than 200,000 people had to be evacuated.

“I've been talking about moving the dangerous freight off the southern CP line and advocating moving dangerous freight to a northern route.”

Crombie said she supports publicly releasing more information about the transportation of dangerous goods. “Residents should know more about what's coming through their backyards,” she said.

In Toronto, the CP rail line runs through the city along Dupont St., while Canadian National's line runs across the northern GTA, roughly parallel to Highway 407.

Residents in downtown neighborhoods where trains carrying dangerous goods frequently travel have been clamoring for more information since the July 2013 Lac-Mégantic train derailment disaster, which killed 47 people. But neither Transport Canada nor the rail companies will provide the details they want, saying the information is commercially sensitive.

Tory and Crombie, both sworn into office earlier this week, are the latest municipal politicians in Canada to call for greater transparency on rail transport in the wake of the Lac-Mégantic disaster.

Patricia Lai, co-founder of a community group that advocates for better rail safety measures, said Tory's position on diverting the transportation of dangerous goods could result in a NIMBY (not-in-my-back-yard) mentality.

"It is a popular position, but it is something that we cannot in good conscience advocate, given that smaller communities have fewer resources to deal with these kinds of disasters," said Lai, who lives near CP's main line running along Dupont St. "How can we just dump our problems onto another community? That is not a solution."

The Safe Rail Communities group understands the need to ship dangerous goods and the implications of movement of oil and other materials for the economy, she said, but safety and transparency must be the top priorities.

"While we work to reduce our reliance on fossil fuels, while we wean ourselves off it, we have to put people first, not dollars," said Lai. "Things can be safer. The (Transportation Safety Board) backs this up. We need the political will at the top to move in this direction."

CN spokesperson Mark Hallman said the railway meets regularly with municipalities along its corridors and "would be happy to meet Toronto Mayor John Tory to discuss CN-related matters."

CN operations comply with federal government requirements, Hallman said, adding that the company is required to transport dangerous goods under federal common carrier obligations.

CP spokesperson Jeremy Berry said the company "looks forward" to meeting with Tory and his administration.

Ashley Kelahear, a spokesperson for federal Transport Minister Lisa Raitt, wrote in an email Thursday that "the Minister continues to work with the (Federation of Canadian Municipalities) on rail safety matters."

The FCM advocates on behalf of local governments across Canada on rail safety and many other issues.

In a separate, earlier email, Kelahear wrote that "Minister Raitt invites the Mayor to contact the rail companies to discuss his particular concerns."

When asked whether that put the onus on the mayor and rail companies, rather than the federal regulator, to discuss these matters, Kelahear responded that Tory and Raitt's offices are in contact and "the Minister looks forward to discussing this and other issues."

Tory's stance drew praise from midtown Councillor Josh Matlow, a longtime proponent of greater transparency in the railway industry, who also supports halting the transportation of hazardous goods through Toronto.

"He took such a strong stand and demonstrated the kind of leadership that I think residents want to see in their mayor," he said. "Having the mayor of Toronto take a strong stand so publicly really helps bring this issue the kind of focus that it needs to be resolved."

Under an April 2014 emergency directive, rail companies must conduct a risk evaluation on every route that carries 10,000 or more tankers bearing dangerous goods per year, along with trains holding 20 or more carloads of dangerous goods.

A Transport Canada spokeswoman told the Star the risk assessments are reviewed by the federal regulator, but are not made public because the information still belongs to the rail companies and the documents “contain sensitive commercial information.”

Rail companies are also required to provide data on hazardous goods in municipalities to senior emergency response officials, who are forbidden from revealing that information to the public due to confidentiality agreements. CN and CP, the country’s largest rail carriers, also refuse to share their emergency response plans with the public.

The confidentiality agreement is signed by the municipality’s “designated emergency planning official,” typically the fire chief.

A copy of CN’s agreement, obtained by the Star, indicates that the recipient is aware that “all information on dangerous goods provided to me by CN including material, documentation, and data in connection with dangerous goods CN transports through the municipality is confidential and should not be disclosed” without CN’s “specific authorization.”

CN says more than 360 municipalities, including Toronto, have signed on. Only one, Windsor, has refused.

Windsor Fire Chief Bruce Montone said he has yet to be authorized by city council to sign the document due to the last clause, which stipulates that the individual signing the agreement agrees that if they violate the agreement, CN can seek an immediate injunction in court.

“We would be giving up our inalienable right under the Charter to argue our case. That’s the piece that’s difficult,” he said. “We acknowledge that they can take injunctive action, and we won’t disagree with that. But who knows what the circumstances might be (for revealing information) ...This is removing our ability to undertake due process.”

He said that even if he did sign the agreement, the information provided wouldn’t be very helpful. Montone said he wants real-time data on the dangerous goods moving through Windsor.

[Earlier this year, Hamilton Fire Chief Rob Simonds](#) told media that seven out of every 10 rail cars that passed through his city in 2013 contained hazardous material. But the fire department maintains that it did not violate the confidentiality agreement in revealing that statistic, and the city confirmed that it was never contacted by CN and no legal action was taken. Simonds, who was unavailable for comment, has previously echoed Montone’s call for real-time data.

CN’s Hallman said the company is “unaware of any municipality breaching its non-disclosure undertaking.”

When asked whether, in CN’s view, Simonds’ disclosure constituted a breach of the non-disclosure agreement, Hallman said the company has no comment.

Toronto Fire has never revealed the percentage of rail cars with dangerous goods that travel along the city’s rail lines.