



Member Motion

City Council

Motion without Notice

MM37.56	ACTION			Ward:All
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Improving Community Safety in Toronto with regards to Dangerous Railway Cargo - by Councillor Mary Fragedakis, seconded by Councillor Paula Fletcher

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral.*

** This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Mary Fragedakis, seconded by Councillor Paula Fletcher, recommends that:

1. City Council officially request Transport Canada to advise the City of Toronto of the status of the recommendations of the Railway Safety Act Review and to expedite the implementation of new safety protocols on Canada's railway system including, but not limited to:
 - a. phase out the use of DOT-111 tank cars for the transport of hazardous materials;
 - b. end the practice of having only one engineer aboard when dangerous goods are being transported;
 - c. limit transport of hazardous materials through routes with less habitants; and
 - d. develop a protocol for communicating with the local municipality so that they can be more adequately prepared in the event of an emergency.
2. City Council direct the City Manager and the Director, Office of Emergency Management, and all other relevant staff to review railway safety in Toronto to determine if there are any steps the City can take on its own, if any, to improve public safety with regards to risk mitigation in the transportation of dangerous goods by rail through Toronto.

Summary

Recent events give Torontonians cause for concern about railway safety in Toronto:

1. The tragedy in Lac Mégantic.

2. An incident in Calgary during the recent flooding there, where four petrochemical-laden railway cars derailed on a bridge over the Bow River.
3. The breakdown of rail service and the trapping of a GO train in the flood waters of the Don Valley during the rain storm of July 8, 2013.

The Government of Canada is responsible for the safe operations of railways in the country through the Railway Safety Act (1985) and certain other Acts, regulations, standards, guidelines and policies in consequence thereof, including:

1. The Transportation of Dangerous Goods Act, 1992, a Federal Act to promote public safety in the transportation of dangerous goods.
2. Railway Safety Management System Regulations which requires a railway company to implement and maintain a safety management system.
3. The Rail Safety Compliance and Enforcement Policy, which is a policy to provide guidance for promoting compliance with railway safety regulatory requirements, monitoring for compliance and safety, and for responding to non-compliance and concerns with respect to safe railway operations.
4. Rules for the Control and Prevention of Fires on Railway Rights-of-Way, which requires railway companies to ensure that suitable measures are in place to prevent and control fires on railway rights-of-way and to extinguish all fires off the railway rights-of-way that were started as a result of railway operations.
5. Rules Respecting Track Safety which prescribe minimum safety requirements for federally regulated standard gauge railway track.

Transport Canada develops safety standards and regulations, provides oversight and gives expert advice (through the Canadian Transport Energy Centre) on dangerous goods accidents to promote public safety in the transportation of dangerous goods by all modes of transport in Canada.

In December 2006, the Minister of Transport, Infrastructure and Communities initiated the Railway Safety Act Review. The impetus for the Review was provided by the need to address concerns raised by recent high-profile railway accidents and to determine where safety improvements could be made. The Review was aimed at identifying gaps in the Railway Safety Act, and making recommendations to strengthen the regulatory regime to meet the changing nature of the railway industry and its operations.

Currently, railway companies in Canada are not required to notify a municipality when rail cars carrying hazardous materials are passing through their communities.

The railway corridors are federally controlled and regulated, and municipalities are kept in the dark about what is being housed in the tankers while being transported through local communities. There is a need for more communication to the local jurisdiction so that they can be more adequately prepared in the event of a derailment.

Advance information would make emergency management personnel aware of what hazardous materials are being transported through the City on any given day and at any given time. When

there is a call, if a mishap occurs, emergency personnel would know what they are dealing with and the decisions made based on best available information.

One major concern that has been raised in the media is the use of the DOT-111 tanker car for the transport of hazardous materials. There is a push to phase out the use of DOT-111 tanker cars. There is also a call to have the safety procedures around the transport of hazardous materials further improved (e.g., ending the practice of having only one engineer aboard when dangerous goods are being transported, limit transport of hazardous materials through routes with less habitants, etc.).

A 2011 audit of Transport Canada by the Commissioner for Environment and Sustainable Development found many serious problems with rail safety protocols in Canada. Ministry of Transportation reports to address these concerns are past due and are now not expected for another year yet the shipments like the one that devastated Lac Mégantic have increased dramatically.

(Submitted to City Council on July 16 and 17, 2013 as MM37.56)

Background Information (City Council)

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