

## Transporting Hazardous Materials: Safety, Accountability and Transparency on Toronto's Rail Lines

<b>Date:</b>	June 11, 2015
<b>To:</b>	Board of Health Executive Committee
<b>From:</b>	Acting Deputy City Manager and Medical Officer of Health
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2015\Cluster B\DCM\EX15002

### SUMMARY

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The purpose of this report is to provide information and discuss follow up activities which have occurred to address Council motions to improve rail safety. It reports on changes in rail safety regulations and operations that have taken place since the derailment in Lac Megantic on July 6, 2013, and on a public consultation meeting held May 21, 2015 seeking public input on rail safety. It also reports on the role of the Medical Officer of Health in the area of rail safety.

### RECOMMENDATIONS

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**The Acting Deputy City Manager, Cluster B and the Medical Officer of Health recommend that:**

1. The Board of Health and Executive Committee receive this report for information.

#### **Financial Impact**

There are no financial implications arising from this report.

#### **DECISION HISTORY**

City Council and the Board of Health approved rail safety motions in 2014. The motions aim to clarify and improve emergency response and recovery during rail emergencies, to identify and mitigate risks associated with transporting dangerous goods and to strengthen monitoring and continuous improvement in rail operations.

City Council discussed rail safety issues on three separate occasions. On April 1, 2014, City Council approved Member Motions (MM) 50.7 and 50.39:

*MM50.7:*

1. City Council request the Government of Canada to require freight rail owners to inform municipalities of the volume and frequency of potentially hazardous materials travelling through City boundaries, the specific material type and that this information be made readily available to the public.
2. City Council request the Government of Canada to completely phase out DOT-111 tanker cars within 2 years that do not meet the safety standards mandated by the Association of American Railroads on October 1, 2011.
3. City Council request the Government of Canada to require the Canada Transportation Agency and freight rail owners to initiate a public participation process regarding freight trains carrying hazardous materials through urban municipalities.
4. City Council request the Government of Canada to urgently restore funding for dangerous rail cargo inspections to 2009 levels.
5. City Council request the City Manager to report back to Council no later than January 2015 on all City Council's requests in Parts 1 to 4 above.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM50.7>

*MM 50.39:*

1. City Council request Transport Canada to review the state of good repair and safety of the existing CP rail line running between Dupont Street and Davenport Road, and Weston Road/Mount Dennis, in the City of Toronto.
2. City Council request the Office of Emergency Management, in cooperation with the relevant divisions and agencies, to investigate the health and safety issues as they relate to the transportation of hazardous materials such as oil, nuclear materials, etc., along the CP rail line corridor and report back to the Board of Health and City Council.
3. City Council request Transport Canada to re-examine all alternative modes of transporting hazardous materials.
4. City Council request Transport Canada to look at the feasibility of re-routing trains that carry hazardous materials to avoid heavily populated centres.
5. City Council request the City Manager to report back to City Council no later than January 2015 on all Council's requests in Parts 1 to 4 above.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM50.39>

On June 10, 2014, City Council considered a report from the Deputy City Manager, Cluster B, *EX42.14 Dangerous Railway Cargo and Measures to Improve Community Safety*. This report responded to Member Motion (MM37.56) passed on July 16, 2013 and discussed rail safety issues. In considering the report, City Council adopted the following:

1. City Council request the City Manager to contact the Union of Quebec Municipalities (UMQ) to determine the feasibility of Toronto joining the Cross-

- Border Municipal Coalition for Railway Safety and report back to the Executive Committee.
2. City Council direct the City Manager to request CN and CP Rail Companies to confirm to the City Manager that they will be providing emergency response teams in 2014 in the Toronto area capable of responding to all emergency situations, including ones similar to Lac Megantic in 2013.
  3. City Council direct the City Manager to request all railway companies transporting dangerous goods through the City of Toronto to provide the Office of Emergency Management and Toronto Fire Services with information demonstrating the state of good repair on track signals and related infrastructure and maintenance in the City of Toronto.
  4. City Council direct the City Manager to hold a public meeting open to any interested parties including community safety groups, and residents and ratepayer's organizations to discuss rail safety in Toronto and the options for the establishment of an appropriate forum for the sharing of information between the City, the community and railway users, such options to include the establishment of a City Council Advisory Body.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.14>

On June 30, 2014, The Board of Health approved item HL32.9:

1. Strongly urged Transport Canada and the Emergency Response Planning Task Force to ensure that local first responders are immediately provided with essential information needed to inform public notification of rail disasters that take place within municipalities, and that first responders are provided with the necessary equipment and supplies to address specific dangerous goods involved in rail disasters.
2. Requested the Medical Officer of Health to work in collaboration with the City Manager and relevant City divisions, and in consideration of existing advocacy efforts of the Federation of Canadian Municipalities, on the role of Toronto Public Health in addressing health issues related to environmental contamination from rail disasters within Toronto that involve the spilling of dangerous goods such as ammonia, oil, or other flammable or hazardous substances, and report back to the Board of Health at its November 17, 2014 meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.HL32.9>

This is the first opportunity to report back on all motions together, due to: (1) the end of the 2010-14 Council term and pressing Council business in the early part of the 2014-18 term and (2) the collaborative effort and response of various City Divisions. This report addresses all outstanding motions from these decisions and is submitted both to the Board of Health and Executive Committee.

## **ISSUE BACKGROUND**

The railway hazardous materials derailment in Lac Megantic raised concerns about rail safety and the transportation of dangerous goods in urban areas. City Council adopted motions including recommendations to the Federal Government and directions to staff. Council's recommendations to the Federal Government were forwarded in April 2014,

followed by a similar and supportive motion by the Board of Health in June 2014. The Federal Government has not responded directly to the Council recommendations.

The transportation of dangerous goods is regulated by the *Transportation of Dangerous Goods Act* and Regulations (Federal), which governs rail, air, marine and interprovincial and international trucking. It covers anyone who imports, handles or transports a dangerous good and establishes safety standards for transportation. Since the Lac Megantic derailment, and in response to the Transportation Safety Board of Canada final report on the Lac Megantic derailment and the Federal Auditor General rail safety report from November 2013, Transport Canada has made four separate announcements about rail safety reforms. The rail safety measures announced by the Federal Government address some of the issues identified by Council.

The City of Toronto (including the Board of Health) has a limited statutory role in rail safety and therefore has worked on rail safety issues through the Federation of Canadian Municipalities (FCM). The FCM represents the interests of its members and has been working with the Federal Government and the rail companies on rail issues with input from municipalities.

The FCM established a *National Municipal Rail Safety Working Group* and an ad hoc Technical Committee. The Working Group is composed of elected officials from across the country who provide strategic input and ensures that the FCM positions on rail safety reflect shared national concerns and perspectives. The Working Group also provides a mechanism for coordination among members at the national level. Councillor Kelly represents the City of Toronto on the working group.

The ad hoc Technical Committee supports the Working Group. It is composed of expert staff from member cities. City staff from the Office of Emergency Management and Toronto Fire Services participate on the Technical Committee.

The FCM (with municipal input) has engaged Transport Canada and the rail companies on the following issues:

- Providing emergency responders with information to plan and prepare for rail emergencies
- New safety standards, e.g. new tank car design specifications for rail cars carrying dangerous goods
- Providing municipal input into the mandatory railway risk assessment process, which includes identifying and assessing alternative routes for transporting dangerous goods
- Preventing the downloading of rail safety and emergency response costs to local taxpayers related to liability insurance and coverage for catastrophic incidents.
- Publishing Transport Safety Notices and Orders to rail companies.
- Sharing information with the public about dangerous goods shipped by rail, including the type of information to be communicated and how the public is informed.

On May 21, 2015, City staff held a public meeting to gather information from residents about rail safety issues and strategies for sharing information with the public. An online survey was developed and posted to provide further opportunity for residents to provide feedback.

## **COMMENTS**

The Council recommendations and resident comments from the public meeting and the on line survey focus on three main areas: improving emergency response and recovery; identifying and mitigating risk; and supporting monitoring and continuous improvement.

### **A. Improving Emergency Response and Recovery**

City Council and the Board of Health have approved motions aimed at improving emergency response and recovery:

1. City Council direct the City Manager to request CN and CP Rail Companies to confirm to the City Manager that they will be providing emergency response teams in 2014 in the Toronto area capable of responding to all emergency situations, including ones similar to Lac Megantic in 2013. *(MM 37.56 #2)*.
2. (The Board of Health) Strongly urged Transport Canada and the Emergency Response Planning Task Force to ensure that local first responders are immediately provided with essential information needed to inform public notification of rail disasters that take place within municipalities, and that first responders are provided with the necessary equipment and supplies to address specific dangerous goods involved in rail disasters. *(HL 32.9 #1)*.
3. (The Board of Health) Requested the Medical Officer of Health to work in collaboration with the City Manager and relevant City divisions, and in consideration of existing advocacy efforts of the Federation of Canadian Municipalities, on the role of Toronto Public Health in addressing health issues related to environmental contamination from rail disasters within Toronto that involve the spilling of dangerous goods such as ammonia, oil, or other flammable or hazardous substances. *(HL 32.9 #2)*.

#### **1. Municipal Roles and Responsibilities**

The City is responsible for first response in any emergency, including a rail emergency. Since Lac Megantic, the City's first responders have more information to plan for rail emergencies and to assist them in a response. Established protocols with the rail companies have been tested and re-affirmed to support emergency planning and response.

##### **1.1. Planning and Preparation**

The City reviews hazards and risks to the City annually. It maintains an all-hazards emergency response plan and conducts training and exercises to improve emergency response. The City also informs residents about personal preparedness for all

emergencies and provides timely information to the public on how they need to protect themselves, when it is needed, during an emergency. For tips on personal emergency preparedness, see "Get Emergency Ready" at [www.toronto.ca/oem](http://www.toronto.ca/oem).

The City prepares for hazardous materials incidents, including train derailments. The preparations include acquisition and maintenance of equipment, conducting training and exercises and establishing protocols. The City maintains dedicated hazardous material equipment in all four command areas geographically located to cover the City. The City provides extensive training for its Hazardous Materials technicians and uses exercises to practice emergency responses. The protocols provide direction on assessing the site, determining the response, using the hazardous material equipment and ensuring that emergency responders are safe.

Following Lac Megantic, there is an increased level of information sharing between the City and rail industry. The City receives information from CN rail and CP rail on dangerous goods, how they are transported, emergency preparedness practices, staff training and emergency plans. This information is used in the annual review of risks and hazards as well as emergency response protocols. The shared information must remain confidential.

City emergency responders and rail companies also meet regularly to discuss emergency response procedures. The rail companies provide emergency responders with support for training and exercises to respond to rail incidents in the City.

The city's emergency plan includes procedures for evacuation and emergency social services to evacuees. Toronto Police Service leads evacuations. Evacuation planning considers priority areas, phasing, egress routes, assembly points, populations with special needs and animal care. The Office of Emergency Management leads Emergency Social Services, which considers the urgent needs of evacuees, including people and their service animals and pets. These efforts are supported by the City's Emergency Operations Centre (EOC).

## **1.2. Emergency Response and Recovery**

If there is a rail incident, the City's emergency services (Toronto Fire Services, Toronto Police Service or Toronto Paramedic Services) will lead the response at the emergency site. The City would activate the EOC to support emergency operations at site, provide policy and strategic direction, resource and consequence management and business continuity for the rest of the City. This includes providing timely information to the public and media. The Toronto Emergency Management Control Group, which is headed by the Mayor, provides policy direction to Emergency Operations Centre activities.

The City has excellent 24/7 access to information about the dangerous goods on trains and how to respond to these emergencies. With support from the Emergency Operations Centre, the emergency services Incident Commander at the site will work with the Hazardous Materials team to identify and verify the products/contents in the railcars with

linkages to Transport Canada and the Canadian Transport Emergency Centre (CANUTECC). The product and content of the railcars, weather conditions and other factors dictate the response and mitigation taken to make the area safe. This involves coordinated containment and evacuation if necessary.

CN and CP also have emergency communication protocols with the City and have agreed to supply appropriate personnel to the City's Emergency Operations Centre if required. These personnel contribute rail expertise to the response at site and assist at the Emergency Operations Centre, where the response is being coordinated. In addition, Canada's railways must have an *Emergency Response Plan* in place for all dangerous goods, to ensure an immediate and comprehensive response in the event of an incident. As of May 28, 2015, the rail companies have also launched a new mobile app to provide emergency responders with real-time information about a train's rail-car contents in the event of an emergency. The AskRail app will supplement existing railway procedures.

A recommendation to evacuate, if needed, will be made by first responders at the site. A number of factors are considered when initiating an evacuation order, such as materials involved, topography, weather conditions and wind direction. The size of the evacuation zone is tied to specific factors set out in the 'Emergency Response Guidebook' published by Transport Canada. The type of material involved is a factor in determining the size of the evacuation area. A 'sheltering in place' scenario is also possible. The Emergency Operations Centre approves an evacuation order, drawing on the information from the site, the rail experts and the City of Toronto Emergency Management Control Group.

An evacuation may require changes to traffic routing to expedite a safe and orderly evacuation. Changes to traffic control may include police officers directing traffic, road barriers, traffic signal changes, designation of one-way streets, signs, etc., at critical points. Changes to traffic routing must be worked out before an evacuation order is issued.

Any evacuation order will be disseminated through the City of Toronto's Strategic Communications Division (via various media outlets) working with the Emergency Operations Centre, as well as door to door canvassing, if required.

Emergency Social Services are provided for residents who are evacuated. The services include temporary accommodation, food, registration and inquiry, specialized services and operation of a reception centre(s) for residents and their service animals and pets. These services assist evacuees to make plans and arrangements to look after themselves.

## **2. The Role of Toronto Public Health**

Toronto Public Health (TPH) would respond to railway emergencies involving dangerous goods as per existing City and TPH emergency management plans and procedures. Accordingly, TPH provides a supportive role, in collaboration with other City Divisions and agencies, during the response and recovery phases of an emergency.

Toronto Public Health maintains an on-call system for receiving and responding to reports of health hazards (e.g. spill of dangerous goods) on a 24 hours per day, 7 days per week basis. During the emergency response and recovery phases of a railway emergency involving hazardous materials, TPH will continue to fulfil its traditional public health responsibilities.

Toronto Public Health's response and recovery roles and activities include:

- Activating the TPH Emergency Plan depending on unusual or extraordinary demand on the Division.
- The Medical Officer of Health participating at the City's Emergency Operations Centre (EOC) as a key member of the Toronto Emergency Management Program Committee (Control Group) to provide strategic direction and mobilize necessary resources as needed.
- Coordinating Toronto Public Health's efforts with local agencies, the healthcare sector, as well as provincial and federal governments.
- Providing health implications on environmental health issues.
- Providing advice and information to the public on matters that may affect public health (i.e. respond to incoming questions and concerns pertaining to human health impact) and communicating health risks and measures to address health risks.
- Providing public health related services (i.e. food safety and health hazard assessments, psycho-social response) at evacuee/reception centres when activated.
- Maintaining key public health services outlined in divisional continuity plans.

### **3. Changes to Rail Regulations (Emergency Response)**

Since Lac Megantic, the Federal government has made a number of changes to rail regulation to assist local emergency services. Today, Transport Canada:

- Requires rail companies to report to the designated Municipal Emergency Planning Official (the Director of the Office of Emergency Management) on the historic volume and nature of the dangerous goods being transported for emergency planning purposes.
- Requires rail companies to provide specific information about train contents to the CANUTEC. In a rail incident, local emergency responders have 24/7 access to information via CANUTEC.
- Requires shippers of dangerous goods to have Emergency Response Action Plans for a wider range of flammable liquids and on trains carrying mixed cargoes. The plans must include technical expertise and resources to assist local and railway first responders in a serious incident.
- Has created a multi-stakeholder Emergency Response Action Plan Task Force to improve emergency response to rail incidents. The Federation of Canadian Municipalities is a member of the Task Force.



## **B. Identifying and Mitigating Risk**

City Council approved six strategies to identify and mitigate risk.

1. City Council request the Government of Canada to completely phase out DOT-111 tanker cars within 2 years that do not meet the safety standards mandated by the Association of American Railroads on October 1, 2011. *(MM 50.7 #2)*
2. City Council request Transport Canada to review the state of good repair and safety of the existing CP rail line running between Dupont Street and Davenport Road, and Weston Road/Mount Dennis, in the City of Toronto. *(MM 50.39 #1)*
3. City Council request the Office of Emergency Management, in cooperation with the relevant divisions and agencies, to investigate the health and safety issues as they relate to the transportation of hazardous materials such as oil, nuclear materials, etc., along the CP rail line corridor and report back to the Board of Health and City Council. *(MM 50.39 #2)*
4. City Council request Transport Canada to re-examine all alternative modes of transporting hazardous materials. *(MM 50.39 #3)*
5. City Council request Transport Canada to look at the feasibility of re-routing trains that carry hazardous materials to avoid heavily populated centres. *(MM 50.39 #4)*
6. City Council direct the City Manager to request all railway companies transporting dangerous goods through the City of Toronto to provide the Office of Emergency Management and Toronto Fire Services with information demonstrating the state of good repair on track signals and related infrastructure and maintenance in the City of Toronto. *(MM 37.56 #3)*

### **1. Changes to Rail Regulation (Mitigation)**

The federal government has changed rail regulations to improve the safety of rail operations. The changes began immediately following Lac Megantic and continued over two years; more are pledged.

Transport Canada is now requiring the rail companies transporting dangerous goods to phase out the DOT-111 cars that do not meet new safety standards by May 1, 2017. Transport Canada also announced in May 2015 specifications for a new class of cars, the TC-117, to transport dangerous goods to be used across Canada and the United States.

With respect to the state of good repair of rail lines, Transport Canada is requiring rail companies to complete risk assessments on tracks carrying dangerous goods, among other things. The risk assessments must consider alternative routes for transporting dangerous goods. The Federal Government has not commented directly on alternative modes of transportation. Its communications have focused on working with rail companies to integrate safe rail practices in daily rail operations.

The Federal government has made other changes to identify and mitigate risk. Currently, inspection findings, notices and orders by Transport Canada Rail Inspectors are posted publicly. Transport Canada also requires rail companies to:

- complete route planning and analysis to ensure that trains carrying dangerous goods are not allowed on rail sidings and remain on main tracks at all times
- comply with mandated speed limits for trains carrying dangerous goods in sensitive areas, based on populations density, and proximity to supplies of potable water
- meet standardized requirements for hand brake application and to put into effect additional physical defenses to secure trains
- apply principles of fatigue science in employee scheduling.

On February 20, 2015, the Federal Government introduced the “*Safe and Accountable Rail Act*”. It includes liability and compensation measures and enhanced enforcement powers.

- The liability and compensation measures will include:
  - enhanced third party liability for federally regulated railways
  - supplementary compensation funds financed by crude oil shippers
  - provision to include other dangerous goods
  - specific insurance levels based on type and volume of goods
  - a requirement for rail companies to demonstrate insurance coverage
  - phased in provisions for smaller rail companies
  - a provision that companies are liable for up to their minimum insurance requirement without proving fault or negligence
  - powers for the Canada Transport Agency to order a rail company to reimburse a province or municipality for response costs demonstrated to be caused by rail operators
  - continued coverage for accidents involving dangerous goods other than crude oil, with provision for increased premiums when fault/negligence established.
- The enhanced enforcement powers of the Minister will include:
  - ordering corrective measures if the rail company’s safety management system compromises safety.
  - issuing orders to any responsible party to stop an activity in case of immediate threat to safety
  - revoking rail operating permits in cases of non-compliance
- Inspectors will be empowered to:
  - issue notices and orders to any person responsible for creating a threat to the safety or security of railway operations and
  - order measures to mitigate an immediate threat.

## **2. Health and Safety Issues**

The City has limited jurisdiction with respect to health and safety issues. Aside from emergency response and recovery (discussed above), the City is also responsible for land use regulation, which can mitigate the effects of a rail emergency.

The City Planning Division has and continues to pursue a number of initiatives that are intended to limit sensitive land uses within close proximity to rail facilities and provide mitigation measures aimed at reducing the risks associated with development on lands that abut such facilities. In 2014, City Planning staff undertook a land use study of the Dupont Street corridor between Kendal and Ossington Avenues. As part of that study, City Planning staff retained the services of a rail consultant to conduct a risk assessment and management study of the portion of CP Rail's North Toronto Subdivision corridor that traverses the northern boundary of the Dupont Study area and directly abuts the lands of a number of property owners who are, or intend to pursue redevelopment opportunities.

The rail study concluded that the preferred rail safety mitigation is to require all development to be setback a minimum of 30 metres from the rail corridor and that an earthen berm be included within that setback in order to reduce the risks associated with a potential derailment. Where a 30 metre setback with berm is not physically feasible, alternative measures could be provided to ensure the same level of protection offered by the preferred mitigation measure. These findings are consistent with the conclusions within the Federation of Canadian Municipalities and Railway Association of Canada's 2013 proximity guidelines for new sensitive development near rail operations.

The Dupont Street land use study concluded that while redevelopment of the northern edge of the corridor between Kendal and Ossington Avenues has merit, it recommended that such redevelopment only be permitted provided the preferred mitigation was included. Alternatively, equivalent measures as determined by peer reviewed studies could be considered if the preferred mitigation was not possible due to physical constraints of the site. To reinforce the need to ensure sensitive land uses (i.e. residential) were kept away from the rail corridor, lands that are within 30 metres of the railway were recommended to be designated *General Employment Areas*, which does not provide for any residential uses.

Council adopted these measures and other recommendations as part of an Official Plan Amendment 271 (OPA 271) on August 25, 2014. OPA 271, was subsequently appealed in its entirety to the Ontario Municipal Board. The OPA along with Council's actions can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.6>

Recognizing that rail safety is a citywide issue, Council also adopted the following as part of its actions regarding OPA 271:

"City Council direct the Chief Planner and Executive Director, City Planning, to report back to the Planning and Growth Management Committee by the third quarter of 2015 on the following:

- a) The inclusion in Zoning By-law 569-2013 of a required 30 metre setback from any rail corridor for any sensitive or high density uses citywide;

- b) The appropriate separation and mitigation requirements for the rest of the CP North Toronto Subdivision rail corridor; and
- c) A framework for studying the appropriate separation and mitigation requirements for developments along the passenger rail corridors in the City."

In accordance with Council's direction, City Planning staff are currently undertaking the research and land use analysis required to include the 30 metre setback requirement into the City's comprehensive zoning by-law (569-2013). Through the City's procurement process, Planning staff are also working to establish a list of firms to peer review rail safety studies that are anticipated to be submitted as part of development applications for lands that abut rail facilities. As per Council's direction above, it is anticipated that City Planning staff will be reporting back to Planning and Growth Management Committee on these and any other initiatives by the third quarter of 2015.

### **C. Monitoring and Continuous Improvement**

City council approved five strategies to improve monitoring and support continuous improvement.

1. City Council request the Government of Canada to require freight rail owners to inform municipalities of the volume and frequency of potentially hazardous materials travelling through City boundaries, the specific material type and that this information be made readily available to the public. *(MM 50.7 #1)*.
2. City Council request the Government of Canada to require the Canada Transportation Agency and freight rail owners to initiate a public participation process regarding freight trains carrying hazardous materials through urban municipalities. *(MM 50.7 #3)*.
3. City Council request the Government of Canada to urgently restore funding for dangerous rail cargo inspections to 2009 levels. *(MM 50.7 #4)*
4. City Council request the City Manager to contact the Union of Quebec Municipalities (UMQ) to determine the feasibility of Toronto joining the Cross-Border Municipal Coalition for Railway Safety and report back to the Executive Committee. *(MM 37.56 #1)*.
5. City Council direct the City Manager to hold a public meeting open to any interested parties including community safety groups, and residents and ratepayer's organizations to discuss rail safety in Toronto and the options for the establishment of an appropriate forum for the sharing of information between the City, the community and railway users, such options to include the establishment of a City Council Advisory Body. *(MM 37.56 #4)*.

#### **1. Changes to Rail Regulation (Continuous Improvement)**

With respect to inspections, Transport Canada is recruiting additional staff to carry out more frequent audits, launch a targeted inspection campaign to verify the classification of

rail shipments, review rail training plans and conduct an audit blitz of short lines to determine specific training gaps.

Presently, the City is not allowed to share information it receives from rail companies about shipments of dangerous goods with the public. The *Safe and Accountable Rail Act*, introduced on February 20, 2015, includes provisions to increase information sharing with municipalities and the public. Once approved, the Minister will be empowered to approve regulations to require information sharing.

The Federal government also introduced regulations to revise the Rail Safety Management system on February 20, 2015. Once approved, the changes will support monitoring and continuous improvement. The proposed changes will apply to all federally regulated railways and local railways operating on main tracks. Railways will be required to incorporate processes to identify and manage risks in their operations. The required processes will include:

- Designating an executive position with responsibility for safety in every rail company
- Creating a safety policy
- Ensuring compliance with regulations and rules
- Managing railway occurrences
- Identifying safety concerns, including a whistle blower provision for staff to report without fear of reprisal
- Completing risk assessments
- Implementing and evaluating remedial action
- Establishing targets and developing initiatives
- Reporting contraventions and safety hazards
- Managing knowledge
- Scheduling
- Continuity improvement

In addition the Minister of Transport has announced a research program on crude oil properties, behaviours and hazards. Rail companies are also required to submit their training plans to Transport Canada for review.

## **2. Cross Border Rail Safety**

The City's interests in cross border rail safety matters are primarily represented through the work of the Federation of Canadian Municipalities (FCM). The FCM represents the interest of its members, including the City of Toronto, with the Federal Government which is responsible for cross border issues, for example, harmonizing rail standards across the United States and Canada.

In addition, the FCM monitors the activities of the Cross-Border Municipal Coalition for Railway Safety. The Coalition was spearheaded by the Union of Quebec Municipalities

(UMQ) after Lac-Mégantic to raise government awareness of the impact of national government decisions on municipalities regarding rail safety.

The Coalition is composed of members, representing municipalities from Quebec and bordering US states. UMQ and the FCM are collaborating to advocate municipal interests to the federal government on railway safety and the transportation of dangerous goods. The Canadian members of the Coalition are also members of the FCM's National Municipal Rail Safety Working Group on which the City of Toronto participates on. At this time, staff do not recommend that the City formally join the Cross-Border Municipal Coalition for Railway Safety, but continue to support the work of the Coalition through the City's participation in FCM activities.

### **3. Public Meeting**

A public meeting was held on May 21, 2015 to discuss rail safety and options for sharing information with the public. An on line survey was also administered for residents to provide feedback. The meeting and the survey were advertised through media releases, social media, community newspapers, the City's engagement page and flyers distributed to libraries, recreation and social services locations as well as to Councillors. Over 25 people attended the public meeting and 148 responded to the survey.

Staff from the Office of Emergency Management and Toronto Fire Services presented information about emergency planning and response. Staff from other City Divisions with a role in rail safety (Corporate Intergovernmental, Toronto Public Health, and City Planning) were also available to answer questions.

The main focus of the meeting and the survey, as per the council motion, was to gather information from residents about rail safety and options for sharing information with the public. The initial findings follow:

- Residents are aware that the Federal Government is responsible for regulating rail safety (89%).
- Residents have difficulty finding information about rail safety (73%).
- The media is the most common source of information (78%).
- Information about rail oversight and enforcement and safety standards and maintenance of rail infrastructure including rail tracks and tank cars were the most important issues for respondents (90%). Other information, in order of importance, included:
  - Emergency Response and Emergency planning for the transportation of dangerous goods (88%)
  - The types of dangerous goods that pass through the city by rail (82%) and the amount of dangerous goods that pass through the city by rail (78%)
  - Knowing the time of day and details of when dangerous goods are travelling through the City (51%)
- To receive information about rail safety, respondents are interested in three sources:

- Email notification by subscription (56%)
- Mass media (54%)
- Posted on the web (53%)

From these results, residents are interested in rail oversight and enforcement procedures, safety standards and the types of dangerous goods that pass through the City. This will be valuable information to the FCM staff and the National Municipal Rail Safety Working Group when discussing rail safety with the Federal government and the rail companies.

Following the derailment at Lac Megantic, communication with the rail companies for emergency planning, response and recovery has improved. To identify and mitigate risk, the City is engaged in a process to strengthen land use protection. The Federal Government has also changed regulations governing rail operations, including mandatory risk assessments. To enhance monitoring and support continuous improvement, the Federal government has announced plans to strengthen rail safety planning by integrating mandatory risk management procedures with rail operations.

More changes are proposed in legislation and regulation. The City will continue to work closely with the FCM on rail safety issues, and monitor Transport Canada actions using the information gathered through the public consultation.

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## **SIGNATURE**

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Acting Deputy City Manager

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