



INFORMATION REPORT

TO:	Chair and Members Emergency & Community Services Committee
COMMITTEE DATE:	August 12, 2015
SUBJECT/REPORT NO:	Transportation of Hazardous Materials by Rail through Dundas, Ontario (CES15040) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

Council Direction:

City Council at its meeting of January 29, 2014 approved the following recommendation with respect to correspondence from Councillor Brian McHattie, Chair Hamilton Conservation Authority respecting the Transportation of Hazardous Materials by Rail through Dundas:

“Be received and referred to Fire Chief Simonds for a report to the Emergency & Community Services Committee...”

Information:

In response to the direction from Council, an analysis was undertaken relative to each of the requests made in the correspondence.

1. Ban all rail transit of hazardous materials through populated areas.

Rail tracks and routes are well entrenched within the City of Hamilton. The City has little to no influence over where/when rail traffic is directed or what cargo may be transported through the City.

At present, there is no relevant Federal or Provincial legislation that grants municipalities in Ontario the ability to independently regulate railways. The rail industry currently is regulated by the Federal Government through Transport Canada.

Municipalities can:

- Alert the Canadian Transportation Agency about unreasonable noise and vibration from railways and;¹
- Object to the Federal Minister of Transport concerning the construction or alteration of certain railway works.

Additionally, railways cannot be selective in the commodities they carry. The common carrier obligations of the Canada Transportation Act require railways to transport any and all legal goods in rail cars that meet current safety standards.

While the majority of rail traffic that moves on the lines within the City of Hamilton is transiting through the municipality on route to other areas of the country, the remainder of the traffic is transporting goods for businesses located at various points within the City, including the former Town of Dundas. Consequently the movement of rail traffic through populated sections of the City is fundamental to the operations of some of those businesses and, by extension, the economic sustainability of the municipality.

2. Enforce existing regulations through inspections of tankers.

Transport Canada is responsible for the safety of the Canadian railway system and ensuring that appropriate levels of safety are maintained. Should an issue of non-compliance be identified, there are a range of enforcement tools, up to and including prosecution, available under multiple Acts.

Transport Canada's oversight role includes monitoring railway companies for compliance with rules, regulations and engineering standards and the overall safety of railway operations through audits and inspections.

Transport Canada regulations specify the tests and inspections to be performed on all rail cars. Additional requirements exist for rail cars hauling dangerous goods and there are specific requirements that provide for inspections and tests to be performed on tank cars (maximum interval – every 10 years).²

The *Railway Safety Act* (R.S.C., 1985) federal legislation which is administered by Transport Canada ensures railway companies are responsible for the safety of their rail line infrastructure, railway equipment and operations including:

- Knowing and following regulations, rules, standards and professional norms;

¹ Canadian Transportation Agency, Guidelines for the Resolution of Complaints Over Railway Noise and Vibration (2007), retrieved from <https://www.otc-cta.gc.ca/eng/rail-complaints#toc-tm-3>

² Transport Canada, Containers for the Transport of Dangerous Goods by Rail a Transport Canada Standard (2013), retrieved from <https://www.tc.gc.ca/media/documents/tdg-eng/TP14877E.pdf>

- Supervising their employees to ensure they follow the rules;
- Carrying out their own inspection, testing and maintenance programs according to regulatory requirements; and,
- Monitoring operating and environmental conditions for changes that might affect safety.

Rail operators are regularly inspected as part of the transportation of dangerous goods (TDG) risk-based inspection program. TDG inspections are conducted for manufacturers, producers, consignors, shippers, and facilities while dangerous goods are in transport, including rail yards.

Inspectors verify that dangerous goods are properly classified and transported in the proper means of containment manufactured to a Transport Canada approved standard. Other verified requirements include proper documentation, safety marks, reporting and training

Railways perform strict operational audits and inspections of trains (at departure points, frequently on route, and when they approach densely populated areas).

The use of hotbox detectors along the track is another effective safety measure. These remote devices help to prevent potential derailments by monitoring axle, wheel and brake temperatures indicating any overheating which could lead to train accidents.

3. Review existing regulations and revise those regulations to make paramount the safety of the population and the protection of the environment.

In the past two years since Lac Megantic, Transport Canada has issued directives/orders to railways to help improve the safety of the movement of dangerous goods by rail. The actions required by these directives include:

- Strengthened emergency response assistance plans for a wider range of products.
- Complete risk assessments along key dangerous goods routes.
- Provide municipalities with historical details (volume and nature) of dangerous goods transported by rail for planning purposes. The City of Hamilton is supplied this information.
- Phase out older tank cars and replace with upgraded design.
- Reduce speed of trains.
- Introduce tougher liability insurance requirements for railways and shippers.

From an urban planning perspective, the City developed with rail corridors in close proximity to residential dwellings. Recent guidelines issued by the Federation of Canadian Municipalities and Railways Association of Canada suggest a standard

setback of 30 metres for residential development with a 2.5 metre high earthen berm within that setback to absorb energy from a derailed train.

Finally, the Provincial Policy Statement (Ontario, 2014), which all municipal planning decisions need to be consistent with, requires that:

“Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

*New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.”*³

³ Ontario Ministry of Municipal Affairs and Housing, Provincial Policy Statement (2014), retrieved from <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>