

REPORT NO. 211 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held May 21, 2014

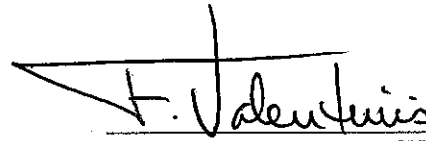
Present: Councillor J. Gignac
Councillor R. Jones
Councillor F. Valentinis, Chair

Regrets: Councillor A. Halberstadt
Councillor H. Payne

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED:**

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT the minutes of the Rail Issues Committee meeting held March 26, 2014
BE RECEIVED for information.
Carried.

Clerk's Note: The minutes for the Rail Issues Committee meeting held March 26, 2014 are attached as background information.


CHAIRPERSON


SUPERVISOR OF COUNCIL SERVICES

NOTIFICATION:				
Name	Address	Email Address	Phone	FAX

BT/
Windsor, Ontario March 26, 2014

A meeting of the **Rail Issues Committee** is held this day commencing at 2:00 o'clock p.m. in Room 302, 400 City Hall Square East, there being present the following members:

Councillor Jo-Anne Gignac, Chairperson
Councillor Alan Halberstadt
Councillor Ron Jones

Regrets:

Councillor Fulvio Valentinis

Delegations in attendance:

Warren Cosford, resident

Also present are the following resource personnel:

Josette Eugeni, Manager of Transportation Planning
Pete Matheson, Operations, Maintenance Manager
Bruce Montone, Fire Chief, Windsor Fire & Rescue Services
Mario Sonego, City Engineer
Mark Winterton, Executive Director of Operations (A)
Beth Toldo, Committee Coordinator (A)
Rob Barlozzari, Council Secretariat

1. **CALL TO ORDER**

The Chairperson calls the meeting to order at 2:01 o'clock p.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. **DECLARATIONS OF CONFLICT**

None disclosed.

3. **ADOPTION OF THE MINUTES**

Moved by Councillor Halberstadt, seconded by Councillor Jones,
THAT the minutes of the Rail Issues Committee at its meeting held
December 3, 2013 **BE ADOPTED** as presented.
Carried.

4. **BUSINESS ARISING FROM THE MINUTES**

4.1 **Letter to the Canadian Pacific Railway Regarding Noise Experienced by Residents west of the VACIS System**

Moved by Councillor Halberstadt, seconded by Councillor Jones
THAT the letter addressed to Canadian Pacific Railway (Mr. Randy Marsh, Director of Government and Public Affairs) dated March 13, 2014 regarding "Concerns Resultant from the VACIS System – Windsor, Ontario" **BE RECEIVED**; and further,

THAT an invitation **BE EXTENDED** to Mr. Randy Marsh of CP Railway to speak to the Rail Issues Committee at a future meeting.

Carried.

5. **COMMUNICATIONS**

5.1 **Appointment of Chief Bruce Montone as Emergency Planning Officer to Transport Canada for CANUTEC**

The administrative report authored by the City Engineer entitled "Appointment of Fire Chief Bruce Montone as the City's Designated Emergency Planning Official through Transport Canada to the Canadian Transport Emergency Centre (CANUTEC)" was discussed. Councillor Jones indicates that the word "importance" in the "RISK ANALYSIS" section of the report should be replaced with a stronger word, such as "vital".

Salient points of discussion regarding CANUTEC and the role of the City's Emergency Planning Official are as follows:

- Residents who live in the vicinity of the rail road tracks that transport hazardous goods need to know they are safe.
- Current proposals suggest that municipalities will receive information on what has moved through their municipalities quarterly.
- Currently, the process is, they are notified 'after the fact'.
- It is suggested that those who need to know (e.g. first responders) should be notified prior to the goods being transported using rail lines.
- Fire Chief indicates that Windsor Fire & Rescue Services are familiar with most commodities that are transported routinely on a regular basis.
- City of Windsor Fire & Rescue Services preparedness needs to be reviewed and kept current at all times.

- Windsor Fire & Rescue currently uses foam to prevent ignition and combat flammable liquids that are being transported.
- Fire Chief Bruce Montone sits on the Advisory Council at the Federal level, with the opportunity to be advised in advance. This is a very good first step. He will serve as an advocate for advance notice.
- Supplies are also kept at Windsor International Airport, with a supply in Kingsville as well. Windsor Fire & Rescue has access to both.
- There are 55 kms of rail within the City of Windsor. Twelve percent of citizens reside near rail lines.
- There are 62 level rail crossings in the City of Windsor. Not all accidents happen at a crossing. With a lower speed limit for trains within City limits, the chance of a significant event is lessened. Incidents are tied generally to the speed of the train.

Councillor Gignac thanks Fire Chief Montone for his presentation. Councillor Gignac indicates that in her opinion, communication ‘after the fact’ is unacceptable, indicating that “per capita” Windsor has more km of tracks than Toronto. Councillor Gignac suggests that private & confidential information concerning transportation of hazardous goods be given to authorized coordinators, as security is imperative. The City of Windsor should verbalize “requests” carefully.

Salient points of discussion regarding the transportation of hazardous goods on rail lines through the City of Windsor are as follows:

- The transportation of crude oil in tank cars is identified by placards on the outside of the tank car. The placard usually warns of flammability.
- Since oil is classified based on its volatility, re-evaluation of these products is required so the placards correctly identify what is in the tank car.
- Derailment in Lac-Mégantic, Quebec (Clerk’s Note: July 2013 where 74 car freight train carrying Bakken formation crude oil derailed, 42 confirmed dead, 5 missing presumed dead, 30+ buildings destroyed in a 1km radius blast)
- Experts will continue to debate if there would be less damage should the rail cars separate or if the rail cars remain connected.
- Input from the rail industry is needed.

Councillor Gignac raised concerns over air quality testing equipment should a derailment occur. Chief Montone indicated that Windsor Fire & Rescue does have limited air sampling equipment available. However, the Ministry of the Environment does have mobile units on stand-by. The

challenge would be getting the mobile units to Windsor in a timely manner. There are local private providers available in case of emergency.

Moved by Councillor Halberstadt, seconded by Councillor Jones
THAT Transport Canada (through CANUTEC) **BE REQUESTED** to identify in advance to Regional Emergency Coordinators all dangerous goods and commodities which are shipped by rail prior to being transported through residential neighbourhoods; and

THAT DOT-111A general use rail cars **BE LIMITED** in their use, and upgraded where necessary to safely transport currently used crude oil products; and

THAT Transport Canada (through CANUTEC) **MANDATE** testing and identification of crude oil products prior to shipping so as to determine their category 1, 2 or 3 in order to properly identify and deal with possible spills; and further,

THAT the word "important" from the Risk Analysis Section of the administrative report entitled "*Appointment of Fire Chief Bruce Montone as the City's Designated Emergency Planning Official through Transport Canada to the Canadian Transport Emergency Centre (CANUTEC)*" **BE REPLACED** with the word "vital".

Carried.

5.2 Warren Cosford, concerned resident of Windsor

Warren Cosford addresses the members of the Rail Issues Committee with his concerns over the unsafe DOT-111 Oil Tanker Rail Cars which transport various categories of crude oil through Canada and the United States. Mr. Cosford's submission is attached hereto as "Appendix A".

6. REPORTS

6.1 Proposed Transport Canada Rail Crossing Regulations

City Engineer discusses his administrative report dated March 17, 2014 entitled "*Proposed Grade Crossings Regulations*". Administration supports the proposed grade crossing regulations but would like to provide comments to Transport Canada during the 90-day comment period.

Salient points of discussion regarding the proposed grade crossing regulations are as follows:

- City of Windsor has concerns over costs to upgrade all rail way crossings within the city limits

- There are concerns on who is responsible for ensuring buildings and structures do not obstruct sightlines and the removal of trees and brush over land in the vicinity of the crossing, and maintaining these sightlines when the land is privately owned.
- There should be a cost sharing with the rail line concerning the road approach to the rail crossing.
- City of Windsor requires a longer time period to properly upgrade rail crossing currently in use.
- There is no set construction standard for railway crossings as the standard has not yet been developed.

Moved by Councillor Halberstadt, seconded by Councillor Jones

THAT the City of Windsor **SUPPORT** the proposed regulations as they will increase safety at grade crossings; and

THAT Administration **BE DIRECTED** to provide the following comments surrounding the following issues during the 90 day period open for such comments:

- a. Request clarification as to the apportionment of road/approach costs to an urban public crossing as the proposed wording states that the municipality is responsible for such costs. There are instances where the railway is junior in title and therefore should be responsible for such costs; and
- b. Request clarification on the impact to existing Board Orders and cost formulas; and
- c. Request that funding be made available to municipalities to affect any upgrades required as a result of the proposed regulations; and
- d. Request that the 5 year window to upgrade grade crossings currently in use be extended to distribute the financial impact to municipalities over a longer time period and to provide an adequate timeframe to execute works given the number of crossings contained within municipalities; and
- e. Request clarification on the responsibility of ensuring buildings and structures do not obstruct sightlines and the removal of trees and brush over land in the vicinity of grade crossings and maintaining these sightlines when this land is privately owned; and
- f. Other comments will be forwarded based on further review of the regulations.

Carried.

7. **NEW BUSINESS**

None.

8. **DATE OF NEXT MEETING**

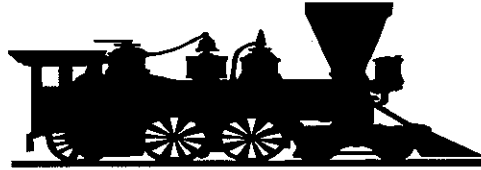
At the call of the Chair.

9. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 2:58 o'clock p.m.

CHAIRPERSON

COMMITTEE COORDINATOR (A)



AGENDA
Rail Issues Committee
Wednesday, March 26, 2014
2:00 o'clock p.m.
Room 302, 400 City Hall Square East

1. CALL TO ORDER

2. DECLARATIONS OF CONFLICT

3. ADOPTION OF THE MINUTES

Adoption of the minutes of the meeting held December 3, 2013 (*previously distributed*)

4. BUSINESS ARISING FROM THE MINUTES

4.1 Letter to the Canadian Pacific Railway Regarding Noise Experienced by Residents West of the VACIS System

The letter from the City Engineer dated March 13, 2014 to the Canadian Pacific Railway is *attached*.

5. COMMUNICATIONS

5.1 Appointment of Chief Bruce Montone as Emergency Planning Officer to Transport Canada for CANUTEC

The report of the City Engineer dated March 17, 2014 entitled "Appointment of Fire Chief Bruce Montone as the City's Designated Emergency Planning Official Through Transport Canada To the Canadian Transport Emergency Centre (CANUTEC)" – *attached*.

6. REPORTS

6.1 Proposed Transport Canada Rail Crossing Regulations

The report of the City Engineer dated March 17, 2014 entitled "Proposed Grade Crossings Regulations" – *attached*.

City Council at its meeting held February 18, 2014 approved the following motion:
*Moved by Councillor Gignac, seconded by Councillor Maghnieh,
M94-2014 That the advisory dated February 7, 2014 entitled "Transport Canada
proposes new rail regulations to reduce accidents and save lives" **BE REFERRED** to
the Rail Issues Committee for consideration, and further, that Administration **BE
DIRECTED** to provide the relevant excerpts from the February Canada Gazette to the
Committee members.*

- The document entitled "Transport Canada proposes new rail regulations to reduce accidents and save lives" – attached.
- The document entitled "Excerpts from Canada Gazette regarding proposed Grade Crossings Regulations" – attached.

7. NEW BUSINESS

8. DATE OF NEXT MEETING

To be determined.

9. ADJOURNMENT

AND THE DOT- 111 TANKER CARS KEEP ON ROLLING

A few months ago I was sitting at a rail crossing on Tecumseh waiting for a train. We do that a lot in Windsor. This train was particularly long and it was all Oil Tanker Cars. In my twenty years living in Windsor I had never seen anything like it. It seemed endless.

Where are these Oil Tanker Cars coming from and where are they going? It was in The Headlines a couple of days later. They were coming from the Fracking Fields of North Dakota. They were going to an Oil Refinery in New Brunswick. But, along the way, they left death and destruction in Lac-Megantic Quebec.

Initial reports in The Media suggested it was a freak accident and "steps were being immediately taken to assure it could ever happen again". Where have I heard that before?

We had just bought a new home in Windsor near the main rail line going to and from the United States. During our first summer we enjoyed watching the trains roll through from our backyard deck. But no more. Every month more derailments were occurring. Three in Alberta. A couple in Saskatchewan. And more still in Minnesota, North Dakota, Alabama, and Ohio. What happens if one of these trains blows up in Windsor and.....

What is REALLY going on?

With a little research on The 'Net I discovered The DOT-111 Oil Tanker Car.

Amazingly, for over twenty years The DOT-111 has been going off the rails and, often, blowing up. A 1991 report by the National Transportation and Safety Board looked at 45 rail accidents and cited DOT-111 as "inadequate" to safely transport hazardous materials such as crude and ethanol. The liquids would not have leaked or caught fire if the derailed tank cars had been "better equipped."

But The DOT-111 kept on rolling.

FIVE times The Safety Board investigated derailments. FIVE times The DOT-111 was deemed "inadequate".

But The DOT-111 kept on rolling.

Then....on June 19 2009 at Cherry Hill Illinois near Rockford.....19 cars went off the rails causing the usual destruction but this time some deaths and many injuries as well. Hearings were held. A compromise was reached. Since Oct. 1, 2011, new Tank Cars are required to comply with tougher standards, including shells with thicker steel, but, so far, there are only about 14,000 of these.

78.000 DOT-111 Tank Cars keep on rolling.

On January 2 the Pipeline and Hazardous Materials Safety Administration issued a major safety alert, declaring oil obtained via hydraulic fracturing ('fracking") in the Bakken Shale may be more chemically explosive than the agency or industry previously admitted publicly.

Is that called "covering one's a—"?

So....let me get this straight. We have highly flammable "oil" called Bakken Crude that is much more unstable than conventional crude oil.....AND we are often transporting it in oil tanker cars that The U.S. National Transportation and Safety Board has repeatedly deemed "inadequate" ~~to safely transport hazardous materials such as crude and ethanol.~~

Why is the DOT-111 still on the rails?!

For the past ten years I've kept busy in retirement often driving either 18 wheelers or school buses. I figure I've driven close to a million miles. Trust me when I tell you they are two of the most heavily regulated professions imaginable.

Over and over we are told....SAFETY is our #1 priority. And it's proven with Oversight that is intense and consistent both from The Regulators and the people we work for.

How intense?

As a Canadian Trucker I could be in the middle of Texas when my Dispatcher contacts me via satellite....remember, he knows exactly where I am..... and instructs me to take the next exit where I'll find a parking lot next to a building where a nurse is waiting for me to pee in a bottle.

Want to ship some oil by truck from Canada to Michigan? Forget The Ambassador Bridge. It's considered too dangerous. The best you might do is take a barge across the Detroit River.

But that's The Trucking and The Bussing Industries. What of The Railroad Industry?

That same oil I couldn't take across the Ambassador Bridge in a truck can roll through my backyard in a DOT 111 Oil Tanker Car.

Stupid right? Ohhh....it gets Stupider.

A rail-safety audit completed just days before the deadly July train crash in Quebec found....quote.... "Significant weaknesses" in Transport Canada's oversight of federally regulated railways.

Those weaknesses include a lack of knowledge of rail routes used to transport dangerous goods, too few safety auditors, poorly trained inspectors and an absence of follow-up or sanctions when safety problems are identified.

A few weeks ago, The Canadian Transportation Research Forum (CTRF) hosted a meeting of Canada's rail companies, government regulators, the Department of National Defence and even the United States Embassy to examine, among other items, the risks of growing rail shipments of crude by 111 rail tank cars.

The Results?

Just in time for our meeting today I've received notice that Transport Minister Lisa Raitt says high-risk rail cars - like those involved in the deadly derailment in Quebec, - are on their way out.

She says....."Our focus right now is working with the U.S. and industry about how long it's going to take - I don't have a time frame now," Raitt said.

"I can say that the number of 10 years has been put to me as an appropriate number.

Ladies and Gentlemen of The Windsor Rail Issues Committee.....SAFETY is clearly not The Federal Government's #1 Concern.

We are now in a Hope For The Best but Expect The Worst scenario.

I'm not surprised. It's why I contacted Lee Tome at Windsor Fire and Rescue a few months ago. Lee immediately "got it" and is the main reason I am here today.

Thank you for the opportunity to speak.