

## Letters to Federation of Canadian Municipalities and Transport Canada



NAHEED K. NENSHI, MAYOR

March 14, 2016

Minister Marc Garneau  
Minister of Transport  
Transport Canada  
330 Sparks Street  
Ottawa, ON K1A 0N5

Dear Minister Garneau,

Thank you for meeting with me earlier this month. We discussed a number of issues, including our relationship with NAV CANADA as it relates to airport noise and facilities, the need for market access for Canadian energy, and Calgary's present and future as an inland port. I look forward to working with you on all these issues. Today, I am writing to follow up on our conversation about rail safety, to update you on work that the City of Calgary ("The City") is undertaking, and to provide you with recommendations that Transport Canada may consider to further support rail safety in Calgary. Like many Canadian cities, Calgary's history is tied to rail and many of our residential communities were established to support the rail industry. More recently, Calgary has worked to diversify the economy, and has positioned itself as a logistics hub. With the growth of this sector, the land pressures associated with urban development, as well as recent rail related tragedies in other Canadian municipalities, The City has recognized the need to develop new policy for development in proximity to freight rail corridors to ensure the safety of Calgarians.

Over the last year, The City has undertaken a detailed review of best practices from other Canadian municipalities and worked with stakeholders to identify opportunities for policy change. As a precursor to these changes, we have begun asking landowners and developers to identify risk and construct appropriate new forms of mitigation when developments are proposed and occur in proximity to freight rail. These additional requirements will work to reduce risk and ensure public safety, but more opportunities exist. There are several opportunities we have identified for the Federal Government's consideration.

Prior to the 2015 Federal election, the Liberal Party of Canada responded to a request for information from Safe Rail Communities indicating a number of actions the party would undertake if elected in a letter to Safe Rail Communities (dated September 18, 2015). These actions included:

- "...increase government regulation and enforcement for the transportation of dangerous substances over rail and provide Transport Canada with the necessary funding and resources to hire and train an adequate number of dangerous goods and rail safety inspectors to ensure proper oversight of the rail industry"
- "...ensure train speed limits are determined through rigorous, evidence based methods, (and) are closely monitored and strictly enforced"
- "...accelerate the phasing out of the older DOT-111 tank cars and base upgrade requirements...."
- "...review the efficacy of stabilization or treatment of volatile crude at point of departure, and review options for better use of technology for track and car inspection, maintenance and monitoring"

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The letter concludes by stating that, "Canadians deserve a government dedicated to presenting a clear plan and taking definitive action on rail safety to protect our communities, railway employees and our environment." The City remains optimistic about the Liberal Party's commitment and considers itself a partner in the development and implementation of this plan.

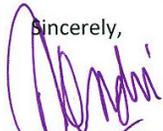
While this plan is being prepared by the Liberal Government, The City has identified recommendations for consideration by the Federal Government that would reduce risks posed by rail traffic travelling through the city. These recommendations include:

- 1) Requiring freight rail owners to provide information to municipalities on the maximum volumes of products and frequency these maximum volumes travel through municipal boundaries. This information will allow first responders to better plan for a maximum volume incident.
- 2) Requiring freight rail owners to provide advance knowledge of when maximum volume key trains will travel through our boundaries. This advance knowledge would enable our first responders to plan more effectively if a public event is occurring concurrently with a significant key train travelling past an event site;
- 3) Requiring freight rail owners to provide maintenance reports to the municipalities in which they travel. The City wants assurances that rail infrastructure is maintained in a good state of repair while within our boundaries;
- 4) Supporting individual landowners in their effort to mitigate risks by compelling rail companies to provide relevant and accurate rail frequency and operational information to risk assessment and technical consultants during the preparation of the preparation of studies which are needed in order to identify and address rail noise, vibration and safety impacts;
- 5) Conducting government led safety inspections on rail infrastructure and operations rather than authorizing the rail to undertake their own safety oversight;
- 6) Mandating a nationally adopted Incident Management or Incident Command system for managing any emergency event with an all-hazards approach;
- 7) Extending the mandate of the Emergency Response Task Force (ERTF) Transportation of Dangerous Goods beyond the current mandate of May 1, 2016, until such time as their scope of work is complete;
- 8) Supporting the amendment of The Railway Association of Canada and the Federation of Canadian Municipalities *Guidelines for New Development in Proximity to Railway Operations* (Guidelines) to consider the release of dangerous or toxic goods, fire, smoke or toxic cloud incidence, as well as provide potential mitigation options within these Guidelines.

These actions will support the actions already being undertaken in our city and ensure that all stakeholders play a part in improving rail safety. The City has staff available to assist the Federal Government if and as required, in advancing these recommendations.

The City is committed to working with the Federal Government to improve policy around rail safety and we look forward to a continued conversation.

Sincerely,



Naheed K. Nenshi  
MAYOR

Thank you for your consideration .

cc. Jeff Fielding, City Manager, The City of Calgary

# Letters to Federation of Canadian Municipalities and Transport Canada



NAHEED K. NENSHI, MAYOR

March 1, 2016

Mr. Raymond Louie  
President  
Federation of Canadian Municipalities  
24 Clarence St.  
Ottawa, ON K1N 5P3

Dear Mr. Louie,

*Raymond!*

Like several other Canadian municipalities, The City of Calgary (**"The City"**) is currently considering policy for development in proximity to freight rail corridors. As part of this work, The City has reviewed the *Guidelines for New Development in Proximity to Railway Operations* developed by the Federation of Canadian Municipalities (**"FCM"**) and the Railway Association of Canada, and commends the leadership your organization has shown and the work it has undertaken on this issue. This work has certainly been helpful for Calgary.

This letter has been prepared to outline additional recommendations for consideration by the FCM that The City has identified as being relevant and necessary to reduce risks posed by rail traffic travelling through the city. These recommendations have been developed through both a review of the FCM work to date as well as through our own policy development exercises. These recommendations are:

- 1) To advocate that freight rail owners provide information to municipalities on the maximum volumes of products and frequency these maximum volumes travel through municipal boundaries. This information will allow our first responders to better plan for a maximum volume incident.
- 2) To advocate for a requirement that freight rail owners provide our first responders with advance knowledge of when maximum volume key trains will travel through our boundaries. This advance knowledge will provide opportunities for our first responders to plan more effectively if a public event is occurring concurrently with a significant key train travelling past an event site;
- 3) To advocate for freight rail owners to be accountable to the municipalities in which they travel by providing maintenance reports to municipality. The City wants assurances that rail infrastructure is maintained in a good state of repair within our boundaries;
- 4) To support individual landowners in their effort to mitigate risks by compelling rail companies to provide relevant and accurate rail frequency and operational information to risk assessment and noise and vibration consultants during the preparation of site specific studies prepared to address rail noise, vibration and safety impacts;
- 5) To advocate Transport Canada to conduct safety inspections on rail infrastructure and operations rather than authorizing the rail to undertake their own safety oversight;
- 6) To support all stakeholders in adopting a national Incident Management or Incident Command system for managing any emergency event with an all-hazards approach;

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- 7) To advocate for an extension of the mandate of the Emergency Response Task Force (ERTF) Transportation of Dangerous Goods beyond the current mandate of May 1, 2016, until such time as their scope of work is complete;
- 8) To amend the *FCM/RAC Guidelines for New Development in Proximity to Railway Operations* (Guidelines) to include incidents that include the release of dangerous or toxic goods, fire, smoke or toxic cloud as well as mitigation options.

We believe that these additional considerations will contribute to the strong work that FCM has undertaken and contribute to greater rail safety in Calgary. Moreover, these additions would ensure that all stakeholders play a part in improving rail safety.

The City is available to support your work as required and would be happy to answer any questions you may have. We look forward to continued collaboration on improving rail safety in our City and thank you again for the important work that the FCM has undertaken on this critical issue.

Sincerely,



Naheed K. Nenshi  
MAYOR

cc. Jeff Fielding, City Manager, The City of Calgary