

December 23rd, 2014

Canada Transportation Act Review Secretariat
350 Albert Street, Suite 300
Ottawa, ON K1A 0N5

Dear Secretariat;

Please accept this submission for the Canada Transportation Act Review from the individuals involved in Canadian Transportation Agency Decision (Agency) No. 66-R-2014. This decision was the result of the complaint filed (CTA file R8030/11-04173) by our group on August 8, 2011.

The complaint arose from a consolidation of railyards by Canadian Pacific (CP) in 2009, making Alyth Yard one of the busiest in North America and resulted in an extreme increase in noise and vibration that affected the well-being of the citizens in the neighborhood adjacent to the yard.

The individuals who filed the complaint and in fact the community at large, spent countless hours over more than four years in a process that is flawed at best. As citizens with fulltime jobs and busy lives, the amount of time and effort required to gather evidence, build our case and then rebut the responses of CP's dedicated legal team was overwhelmingly complex. It is very likely a reason there are not more complaints filed and even less that are successful. It is a process that is near impossible for an average citizen.

Our submission is succinct and simple. The word "reasonable" in Section 95.1 of the Canadian Transportation Act is the issue and needs to be removed. Railway companies must abide by the same rules as all other businesses and citizens.

As the needs of railways and those of neighboring citizens are not the same, there is a fundamental issue of equity to be considered. Defined, measurable levels of acceptable noise and vibration must be in place, such as the bylaws of the municipalities in which railways operate and through which they pass. Railway companies should be abiding by laws similar to what other citizens and businesses abide by; they should be subject to provincial and federal public health and safety regulations as are other participants in Canadian society.

It would be pertinent to bring back part (d) *the potential impact on those living adjacent to the railway* that was removed from the Amendment to the Act in 2007. Without this element, the entire Section does not recognize the physical and mental health of individuals in communities neighboring railways. The result is individuals and

communities have no acknowledgement or resolution when it comes to suffering from the effects of railway noise and vibration.

It is not enough to rely on community complaints for the monitoring and enforcement of a railway's noise and vibration levels. The truth is that very few citizens have the time or dedication to follow through with the requirements of this complex process. The fact is that the CTA has no power in which to monitor or enforce their very own rulings. The Canadian Transportation Agency requires the ability to monitor and enforce standards that protect the health and safety of communities living in close proximity to railways.

Furthermore, as the Canadian Transportation Agency only has jurisdiction to review complaints based solely on noise and vibration, our complaint was limited as such. Air pollution from the increased number of locomotives at Alyth yard was the basis of many complaints during the local sessions and discussions we had and we were in no way able to include this issue in our complaint. Additionally, the community of Ogden next door to the community of Inglewood was the site of a class action lawsuit due to groundwater contamination, which alarmed and concerned the citizens of Inglewood. However, the regulations and laws that railways must follow in these regards need to be added to Section 95.1 of the Transportation Act and must be actively monitored and publicly declared.

Lastly, the community of Inglewood in which we live and through which Canadian Pacific operates, has experienced derailments just as other communities across Canada have. Dangerous goods and products being transported through our neighbourhood is cause for great concern. Citizens are at the mercy of the "self regulation" of railway companies and as we have seen in countless communities across Canada the result of derailments of rail cars carrying unknown chemicals can be absolutely devastating to neighbourhoods.

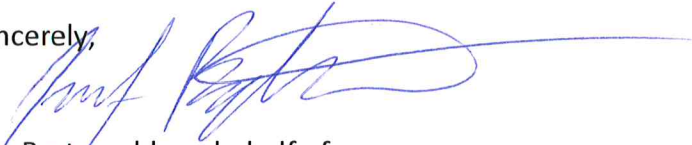
It is with the context herein that we request:

- 1) The word "reasonable" in Section 95.1 of the Canadian Transportation Act is removed and replaced with defined measures that respect neighboring communities;
- 2) Bringing back part (d) *the potential impact on those living adjacent to the railway* to the Act.
- 3) The Canadian Transportation Agency be given support to monitor and enforce regulated noise and vibration levels and the complexity of the complaint process be reduced.
- 4) Addition of specified levels of acceptable air, water and soil quality to Section 95.1 of the Canadian Transportation Act with active monitoring of these levels in neighbourhoods adjacent to railways.
- 5) Transparency of goods contained in rail cars traveling in our near residential areas; rerouting of dangerous goods in such a matter that they do not travel

through residential areas, which may require moving major rail yards out of residential centers.

Thank you for your consideration and continued diligence.

Sincerely,



Jen Bysterveld, on behalf of

L.J. Robertson

Lara Murphy

Livia Kolbe

Bill Bakelaar

Eva Van Krugel

Jack Adamson

Nancy McNichol

Sonja Bogdanovska

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