

**AGENDA**  
**Rail Issues Committee**  
**Tuesday, July 26, 2016**  
**4:00 o'clock p.m.**  
**Walkerville Meeting Room, 3<sup>rd</sup> floor, City Hall**

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1. **CALL TO ORDER**

2. **ELECTION OF CHAIRPERSON**

3. **DECLARATIONS OF CONFLICT**

4. **ADOPTION OF THE MINUTES**

Adoption of the minutes of the meeting held March 26, 2014 (**attached**)

5. **BUSINESS ITEMS**

5.1 **“AskRail”**

Bruce Montone, Fire Chief to provide information regarding the new mobile application provided to first responders to assist in identifying rail car contents.

5.2 **Transport Canada – Protective Direction No. 32.**

Update by Fire Chief regarding the rail industry and the signing of a disclosure document. The report of the Fire Chief dated July 6, 2016 entitled “Transport Canada – Protective Direction No. 32 is **attached**.”

5.3 **Crime Prevention Through Environmental Design (CPTED) Assessment – Concerns Regarding Lands Abutting Railway Property**

The document entitled “Crime Prevention Through Environmental Design (CPTED) Assessment – Concerns Regarding Lands Abutting Railway Property” – **attached**.

5.4 Update on the Progress with the new Grade Crossing Regulations (February 2015), Next Steps and Anticipated Timelines

Verbal update.

5.5 Jefferson/South National Grade Crossing Improvement Program Application and Construction

Verbal update.

5.6 2017 Grade Crossing Improvement Plan Application

Verbal update.

6. NEW BUSINESS

7. DATE OF NEXT MEETING

To be determined.

8. ADJOURNMENT

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 Sonogo, 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.

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CHAIRPERSON

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COMMITTEE COORDINATOR (A)



THE CORPORATION OF THE CITY OF WINDSOR  
Office of the City Solicitor – Fire & Rescue Services



MISSION STATEMENT:

“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”

	<b>Report Date:</b>
<b>Author’s Name: Bruce Montone</b>	<b>Date to Committee: July 6, 2016</b>
<b>Author’s Phone: 519 253-3016 ext. 238</b>	<b>Classification #:</b>
<b>Author’s E-mail: bmontone@citywindsor.ca</b>	

**To: Rail issues Committee**

**Subject: Transport Canada - Protective Direction No. 32**

**1. RECOMMENDATION: City Wide:  Ward(s): \_\_\_\_\_**

THAT the Fire Chief, as the Designated Emergency Planning Official, **BE AUTHORIZED** to execute the required agreements with all affected rail carriers regarding the transportation of dangerous goods with respect to Protective Direction No. 36, which agreement shall be satisfactory in legal content to the City Solicitor.

**2. EXECUTIVE SUMMARY:**

N/A

**3. BACKGROUND:**

In July of 2013, an unattended 74 car freight train carrying Bakken formation crude oil, derailed at high speed in the heart of Lac-Mégantic, Quebec, resulting in the fire and explosion of multiple tank cars. 47 people died and more than 30 buildings in the town’s centre, roughly half of the downtown area, was destroyed. Initial newspaper reports described a 1 km blast radius. This was the 4<sup>th</sup> deadliest rail accident in Canadian history.

As a result of this accident, Marie-France Dagenais, Director General of the Transport Dangerous Goods Directorate, announced on November 20<sup>th</sup>, 2013, changes to rail regulations with Protective Direction No. 32. In summary, it stated that when any Canadian Class 1 railway company that transports dangerous goods through the municipality, it is required to provide the municipality with yearly aggregate information on the nature and volume of these goods.

Additionally, in April of 2014, Federal Transport Minister, Lisa Raitt announced regulations that will force the industry to take the most dangerous rail cars out of service immediately, and give it three years to retire or retrofit other outdated cars – known as DOT-111s – that were built before safety standards were raised in 2011, along with reducing maximum train speeds in populated centres if carrying hazardous materials.

The City did not participate in the programme prescribed by Protective Direction No. 32 as it required the execution of a non-disclosure agreement which lacked certainty regarding the circumstances under which information could be disclosed, creating risk.

On April 28, 2016 Marc Garneau, The current Minister of Transport, issued a new Protective Direction under section 32 of The *Transportation of Dangerous Goods Act, 1992* (Act) and repealed the previous 2013 Protective Directive No. 32. This New Directive (Appendix A) broadens the information to be provided by the rail industry, increases the frequency and includes additional measures to inform the general public, including:

1. Provide the designated Emergency Planning Official of that Jurisdiction with a report, in the official language(s) chosen by the designated Emergency Planning Official, which includes information to be made public at the discretion of the designated Emergency Planning Official or other officials within a Jurisdiction. Such report must include the following information:
  - a. The percentage of railway cars operated by the Canadian Class I Rail Carrier through the Jurisdiction in the last calendar year that was loaded with Dangerous Goods;
  - b. The breakdown of all Dangerous Goods transported by the Canadian Class I Rail Carrier through the Jurisdiction in the last calendar year which must identify:
    - i. the top ten (10) Dangerous Goods, sorted by volume presented by proper shipping name;
    - ii. the percentage that each top ten (10) Dangerous Goods represent on the total Dangerous Goods transported in the Jurisdiction; and
    - iii. the percentage that all residual Dangerous Goods represent on the total Dangerous Goods transported in the Jurisdiction.

The new Protective Direction No. 36 also includes a non-disclosure requirement, but spells out specific parties with whom information may be shared, alleviating a significant concern on the part of the City.

#### **4. DISCUSSION:**

The New Protective Direction No.36 provides an opportunity to resolve concerns expressed by The Office of the City Solicitor about certain aspects of the previous non-disclosure agreements; specifically, the acceptance by the City of injunctive relief in the event of a disclosure that the railway feels is unacceptable. This meant that the City would agree in advance to a court order being granted against it prohibiting dissemination of the information if the railway is unhappy with the way the City is managing or disseminating the information. While this is not necessarily an extraordinary remedy, the circumstances under which it would arise required more clarity than was being offered at the time.

The primary purpose for the establishment of the new directive is to meet community needs for emergency planning and emergency response commensurate with providing information to the public. To that end, the directive stipulates that the designated official is permitted to disclose information at the discretion of the designated Emergency Planning Official or other officials within a Jurisdiction.

### **Ask-Rail**

In addition, since the Community Emergency Management Coordinator last appeared before this committee in 2014, a free mobile application that provides immediate access to accurate, near real-time information about rail cars carrying hazardous materials on a train has been installed on WFRS smart phones.

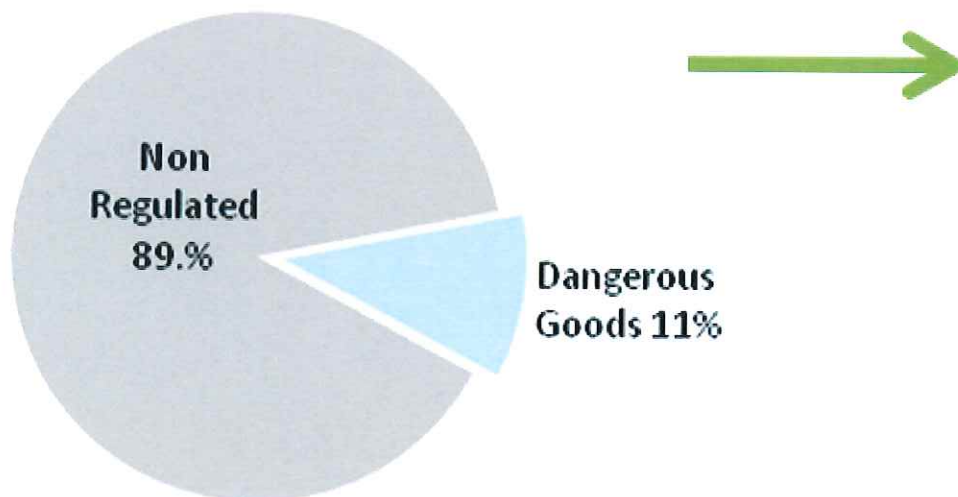
The contents of a rail car can be queried including loaded or empty status, product identification numbers, proper shipping name, hazard classes for the contents, railroad name and contact information. All seven Class 1 Railways are included and complete consistent lookups are available. Responders can also consult the Emergency Response Guide produced by CANUTEC (Transport Canada) for guidance on actions to be taken for specific hazardous products or materials. (see Appendix B)

### **Explanatory note**

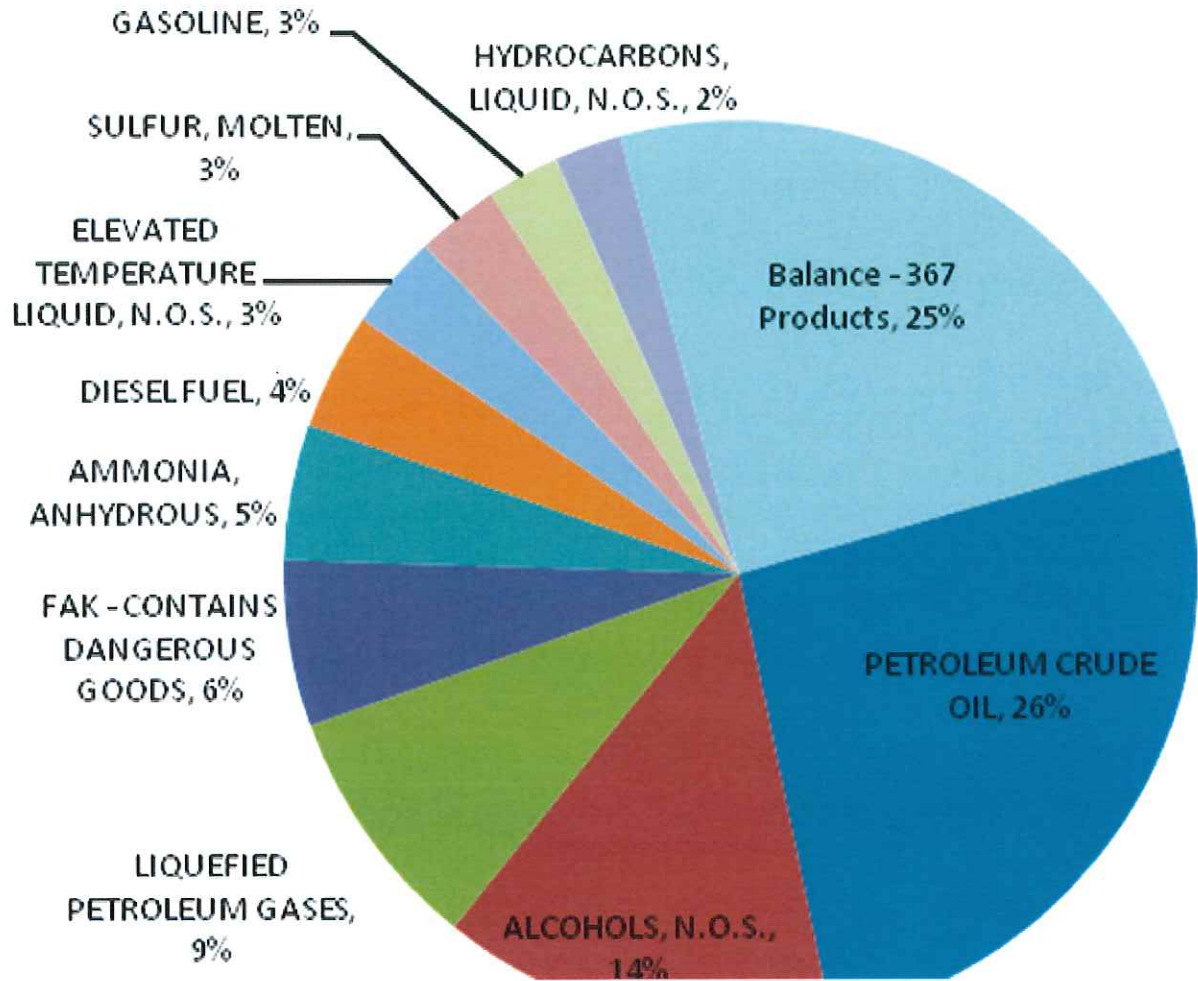
Under Items 6 to 9 of the Protective Direction, Canadian Class I Rail Carrier will be required to either publish information on its website or provide designated Emergency Planning Official information that could be disclosed publicly. The following illustrates, at a provincial level, the manner in which the information required to be provided by those items could be presented.

Only 11% of loaded shipments are regulated dangerous goods. The remaining 89% of loaded shipments are non-regulated products.

### **Rail Shipments in Canada 2015**



### All Dangerous Goods Network Wide



### 2015 Dangerous Goods Shipments in: Province A

These top 10 products comprise 79% of the dangerous goods shipments in the Province. The remaining 21% are many different products, each comprising less than 2% of the total.

Proper Shipping Name	% of DG Shipments Locally
1 PETROLEUM CRUDE OIL	26%
2 FAK-HAZARDOUS MATERIALS	16%
3 LIQUEFIED PETROLEUM GAS	7%
4 AMMONIA, ANHYDROUS.	7%

<b>Proper Shipping Name</b>	<b>% of DG Shipments Locally</b>
5 ELEVATED TEMPERATURE LIQUID, N.O.S.	6%
6 HYDROCARBONS, LIQUID, N.O.S.	4%
7 ENVIRONMENTALLY HAZARDOUS SUBSTANCES, N.O.S.	3%
8 DIESEL FUEL.	3%
9 SULFUR, MOLTEN	2%
10OCTANES	2%
11Others	21%

## **5. RISK ANALYSIS:**

Without giving the undertaking described above, the railroad is not required to provide the information described in the Directive. The additional clarity provided in the new direction address the concerns advanced in respect of the prior undertaking; namely, a lack of specificity about what constituted appropriate sharing of information.

If this information is not provided then the City will not have knowledge of the goods being carried through the municipality and Emergency Planning efforts will be less effective in proactively planning for emergencies and disastrous consequences such as those that occurred in Lac-Mégantic. Even if the DOT-111s rail cars are retrofitted or removed from service, not knowing the contents of the rail cars reduces the ability to plan accordingly in case of an emergency and increases the length of time it would take to remedy an emergency when unknown substances are in play.

By signing the non-disclosure now, in the form required by the railways, the City risks are reduced regarding the dissemination of information.

## **6. FINANCIAL MATTERS:**

N/A

## **7. CONSULTATIONS:**

N/A

**8. CONCLUSION:**

The municipality should be provided with information regarding dangerous goods transported by Canadian Class 1 railway companies operating within our borders.

The nondisclosure agreements from CN Railway, CP Railway and ETR can now be executed as a result of the new direction from Transport Canada and the near real-time information made available with the use of the Ask-Rail application.

  
\_\_\_\_\_  
**Bruce Montone**  
Fire Chief

  
\_\_\_\_\_  
**Shelby Askin Hager**  
City Solicitor

  
\_\_\_\_\_  
**Onorio Colucci**  
Chief Administrative Officer

smh

**APPENDICES:**  
Appendix A – Transport Canada Protective Direction No. 36  
Appendix B – Ask Rail Application

**DEPARTMENTS/OTHERS CONSULTED:**  
Name:  
Phone #: 519                      ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX

## Protective Direction No. 36

I, Marc Garneau, Minister of Transport, am issuing this Protective Direction under section 32 of The *Transportation of Dangerous Goods Act, 1992 (Act)* considering it necessary to deal with an emergency that involves a danger to public safety, do hereby direct that:

1. For the period beginning on the day on which this Protective Direction takes effect to March 16, 2018, a Canadian Class I Rail Carrier that transports dangerous goods must, by March 15 of each year, provide the designated Emergency Planning Official of each Jurisdiction through which the Canadian Class I Rail Carrier transports dangerous goods by railway car with a yearly report that includes:
  - a. Aggregate information on the Nature and volume of Dangerous Goods that the Canadian Class I Rail Carrier transported by railway car through the Jurisdiction in the last calendar year, presented by quarter;
  - b. The number of Unit Trains loaded with Dangerous Goods operated by the Canadian Class I Carrier through the Jurisdiction in the last calendar year, presented by quarter; and
  - c. The percentage of railway cars operated by the Canadian Class I Rail Carrier through the Jurisdiction in the last calendar year that was loaded with Dangerous Goods.
2. For the period beginning on the day on which this Protective Direction takes effect to September 16, 2017, a Canadian Class I Rail Carrier that transports Dangerous Goods must, by September 15 of each year, provide the designated Emergency Planning Official of each Jurisdiction through which the Canadian Class I Rail Carrier transports dangerous goods by railway car with a report that includes:
  - a. Aggregate information on the Nature and volume of Dangerous Goods that the Canadian Class I Rail Carrier transported by railway car through the Jurisdiction in the first two (2) quarters of the calendar year, presented by quarter;
  - b. The number of Unit Trains loaded with Dangerous Goods operated by the Canadian Class I Carrier through the Jurisdiction in the first two (2) quarters of the calendar year, presented by quarter; and
  - c. The percentage of railway cars operated by the Canadian Class I Rail Carrier through the Jurisdiction in the first two (2) quarters of the calendar year that was loaded with Dangerous Goods.

3. For the period beginning on August 1, 2018, a Canadian Class 1 Rail Carrier that transports Dangerous Goods must, within 30 days of the end of each quarter, provide the designated Emergency Planning Official of each Jurisdiction through which the Class I Rail Carrier transports Dangerous Goods by railway car with a report that includes:
  - a. Aggregate information on the Nature and volume of Dangerous Goods that the Canadian Class I Rail Carrier transported by railway car through the Jurisdiction in the last quarter;
  - b. The number of Unit Train loaded with Dangerous Goods operated by the Canadian Class I Carrier through the Jurisdiction in the last quarter; and
  - c. The percentage of railway cars operated by the Canadian Class I Rail Carrier through the Jurisdiction in the last quarter that was loaded with Dangerous Goods.
4. For the purpose of Items 1 to 3, if a Canadian Class I Rail Carrier operates more than one (1) line of railway within a Jurisdiction, the Canadian Class I Rail Carrier must, at the request of the designated Emergency Planning Official, provide the information identified in those Items sorted by railway line operated within the Jurisdiction.
5. The information provided in Items 1 to 3 must be provided in the official language(s) chosen by the designated Emergency Planning Official and must, as applicable, be provided in a standardized electronic Excel format that includes, at the minimum, the following columns for each reporting obligation:
  - a. Column one: STCC code;
  - b. Column two: Proper shipping name;
  - c. Column 3: UN number;
  - d. Column 4: Class of Dangerous Good;
  - e. Other Column(s): The total sum of the volume (by carloads), the total sum of Unit Trains or the percentage for each applicable reporting period.
6. A Canadian Class I Rail Carrier that transports Dangerous Goods by railway car in a province during any calendar year must, by March 15 of the subsequent year, publish on its website in both official languages, a report that includes the following information:
  - a. The percentage of railway car operated by the Canadian Class I Rail Carrier through the Province in the last calendar year that was loaded with Dangerous Goods;
  - b. The breakdown of all Dangerous Goods transported by the Canadian Class I Rail Carrier through the province in the last calendar year, which must identify:



- i. the top ten (10) Dangerous Goods, sorted by volume, presented by proper shipping name;
  - ii. the percentage that each top ten (10) Dangerous Goods represent on the total Dangerous Goods transported in that province; and
  - iii. the percentage that all residual Dangerous Goods represent on the total Dangerous Goods transported in that province.
7. A Canadian Class I Rail Carrier that transported Dangerous Goods by railway car in a province in 2015 must, within 90 days after this Protective Direction takes effect, publish on its website in both official languages, a report for that calendar year that includes the information provided in Item 6 of this Protective Direction.
8. A Canadian Class I Rail Carrier that transports Dangerous Goods in a Jurisdiction during any calendar year must, by March 15 of the subsequent year, provide the designated Emergency Planning Official of that Jurisdiction with a report, in the official language(s) chosen by the designated Emergency Planning Official, that includes information to be made public at the discretion of the designated Emergency Planning Official or other officials within a Jurisdiction. Such report must include the following information:
  - a. The percentage of railway cars operated by the Canadian Class I Rail Carrier through the Jurisdiction in the last calendar year that was loaded with Dangerous Goods;
  - b. The breakdown of all Dangerous Goods transported by the Canadian Class I Rail Carrier through the Jurisdiction in the last calendar year which must identify:
    - i. the top ten (10) Dangerous Goods, sorted by volume presented by proper shipping name;
    - ii. the percentage that each top ten (10) Dangerous Goods represent on the total Dangerous Goods transported in the Jurisdiction; and
    - iii. the percentage that all residual Dangerous Goods represent on the total Dangerous Goods transported in the Jurisdiction.
9. A Canadian Class I Rail Carrier that transported Dangerous Goods by railway car through a Jurisdiction in 2015 must, within 90 days after this Protective Direction takes effect, provide the designated Emergency Planning Official of that Jurisdiction with a report for that calendar year, in the official language(s) chosen by the designated Emergency Planning Official, that includes the information provided in Item 8 to be made public at the discretion of the designated Emergency Planning Official or other officials within a Jurisdiction.
10. A Canadian Class I Rail Carrier that has not operated a Unit Train loaded with a specific class of Dangerous Good through a Jurisdiction in the last four completed quarters must, upon becoming aware that such Unit Train loaded with

that specific class of Dangerous Good is either plan to be operated or will be operated through that Jurisdiction, inform the designated Emergency Planning Official of that Jurisdiction.

11. Any person who transports Dangerous Goods by railway car, who is not a Canadian Class I Rail Carrier, must provide the designated Emergency Planning Official of each Jurisdiction through which Dangerous Goods are transported by railway car with:
  - a. A report, to be provided by March 15 of each year, that includes aggregate information on the Nature and volume of Dangerous Goods transported by railway car by the person through the Jurisdiction in the last calendar year; and
  - b. Any significant change or anticipated significant change to the Nature and volume of Dangerous Goods transported by railway car by the person through the Jurisdiction as soon as the person becomes aware of that significant change or anticipated significant change.
12. Any person who transports Dangerous Goods by railway car, who is not a Canadian Class I Rail Carrier, that transports Dangerous Goods in a Jurisdiction during any calendar year must, by March 15 of the subsequent year, provide the designated Emergency Planning Official of that Jurisdiction with a report, in the official language(s) chosen by the designated Emergency Planning Official, that includes information to be made public at the discretion of the designated Emergency Planning Official or other officials within a Jurisdiction. Such report must identify the top ten (10) Dangerous Goods, by volume transported by the person through the Jurisdiction in the last calendar year, presented by proper shipping name.
13. Any person who transports Dangerous Goods by railway car, who is not a Canadian Class I Rail Carrier, that transported Dangerous Goods through a Jurisdiction in 2015 must, within 90 days after this Protective Direction takes effect, provide the designated Emergency Planning Official of that Jurisdiction with a report for that calendar year, in the official language(s) chosen by the designated Emergency Planning Official, that includes the information provided in Item 12 to be made public at the discretion of the designated Emergency Planning Official or other officials within a Jurisdiction
14. A Canadian Class I Rail Carrier and a person that transports Dangerous Goods by railway car who is not a Canadian Class I Rail Carrier are not required to provide a designated Emergency Planning Official with the information prescribed in Items 1, 2, 3, 8, 9, 10, 11, 12 or 13 of this Protective Direction if:
  - a. The designated Emergency Planning Official is not listed on the list of the designated Emergency Planning Officials maintained by Transport Canada, through CANUTEC, that is provided to the Canadian

Class I Rail Carrier or the person, for at least 60 days prior to the end of the period within which the information is to be provided; or

- b. The designated Emergency Planning Official or the Chief Administrative Officer of a municipality, by request made in writing to CANUTEC, informs CANUTEC that it no longer wants to be provided with the information.

15. A Canadian Class I Rail Carrier that transports Dangerous Goods by railway car and a person who Transports Dangerous goods by railway car who is not a Canadian Class I Rail Carrier are not required to provide a designated Emergency Planning Official with the information prescribed in Items 1, 2, 3, 10 or 11 of this Protective Direction if:

- a. The designated Emergency Planning Official has not undertaken or agreed to:

1. use the information only for emergency planning or response;
2. disclose the information only to those persons who need to know for the purposes referred to in (i). For greater certainty, the information can be disclosed to any emergency planner or emergency service provider within the Jurisdiction or to emergency planner or emergency service provider of another Jurisdiction if there is a joint emergency planning or response agreement in place with that other Jurisdiction; and
3. keep the information confidential and ensure any person to whom the designated Emergency Planning Official has disclosed the information keeps it confidential, to the maximum extent permitted by law.

A Canadian Class I Rail Carrier who transports Dangerous Goods by railway car and a person who transports Dangerous Goods by railway car who is not a Canadian Class I Rail Carrier must provide in writing to Transport Canada, through CANUTEC, contact information including the name, title, address, e-mail address, fax number, telephone number and cell phone number, of the person(s) who will be liaising with a municipality's designated Emergency Planning Official, and must immediately notify CANUTEC in writing of any changes to the contact information.

A Canadian Class I Rail Carrier who transports Dangerous Goods by railway car and a person who transports Dangerous Goods by railway car who is not a Canadian Class I Rail Carrier must provide any information shared under the Protective Direction to Transport Canada, through CANUTEC.

A Chief Administrative Officer of a Jurisdiction may make a request to Transport Canada, through CANUTEC, that the name of its Emergency Planning Official be added to the list of the designated Emergency Planning Officials referred to in Item 14(a) by providing the following information: the name, title, organization, address, e-mail address, fax number, telephone number and cell phone number of the designated Emergency Planning Official as well as the official language(s) in which the designated Emergency Planning Official chooses to received information for the

purpose of this Protective Direction. This contact information will be shared with any Canadian Class I Rail Carrier who transports Dangerous Goods and any person who transports Dangerous Goods by railway car who is not a Canadian Class I Rail Carrier.

A Canadian Class 1 Rail Carrier that transports Dangerous Goods must, on or before November 1, 2016, provide CANUTEC with an analysis and options on the manner in which, within 30 months of the day on which this Protective Direction takes effect, it could provide Jurisdiction with the maximum daily number of railway cars loaded with Dangerous Goods, for each Dangerous Goods, transported by the Canadian Class I Carrier through the Jurisdiction.

For the purposes of this Protective Direction, information to be provided to CANUTEC is to be provided to the following address:

Canadian Transport Emergency Centre (CANUTEC)  
Place de Ville, Tower C  
330 Sparks Street, 14<sup>th</sup> Floor,  
Ottawa, Ontario, K1A 0N5  
Attention:, Director of CANUTEC  
Or by email to [TC.ProtectiveDirection-OrdrePreventif.TC@tc.gc.ca](mailto:TC.ProtectiveDirection-OrdrePreventif.TC@tc.gc.ca)

For the purpose of this Protective Direction,

- **"Chief Administrative Officer"** means the person holding the most senior staff position within a Jurisdiction whether that office bears that title or an equivalent one.
- **"Class I Rail Carrier"** means a Class I Rail Carrier as defined under the Transportation Information Regulations (SOR/96-334).
- **"Dangerous Goods"** means dangerous goods as defined in section 2 of the Act.
- **"Emergency Planning Official"** means the person who coordinates emergency response planning for a Jurisdiction, who may also be a First Responder for that community.
- **"Jurisdiction"** means a municipality and any other similar form of local government that have primary emergency planning responsibilities over a geographical area and includes Parks Canada.
- **"Nature"** means class, UN number and name of the Dangerous Good.
- **"Unit Train"** means a train that carries the same goods.

For the purpose of this Protective Direction, the Chief Administrative Officer of a Jurisdiction for which, prior to the day on which this Protective Direction take effect, had requested that its designated Emergency Planning official be added to the list of Emergency Planning Officials referred to in item 3(a) of Protective Direction No. 32 issued on November 20th, 2013 is deemed, as of the date on which such request was made, to have made a request under Item 18 of this Protective Direction.

This Protective Direction takes effect on April 28, 2016. It remains in effect until the earliest of the day it is cancelled in writing by the Minister of Transport, or the day on which a regulation respecting the subject matters of this Protective Direction is made under section 27 of the Act.

Protection Direction No. 32 is hereby cancelled.

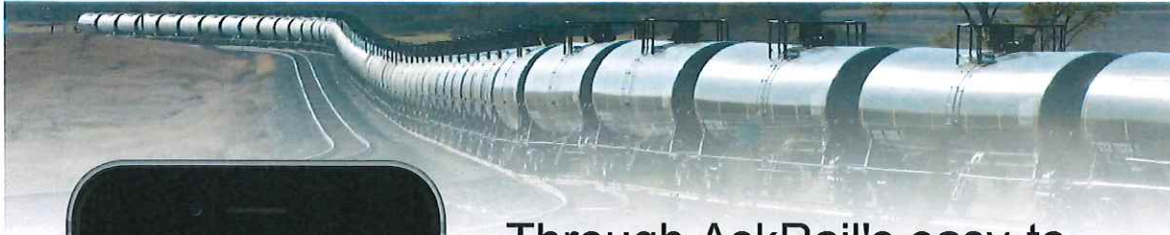
**SIGNED AT OTTAWA, ONTARIO**, this 28 day of April, 2016.

Marc Garneau  
Minister of Transport



ABOUT THE APP

REQUEST THE APP



Through AskRail's easy-to-use mobile interface, emergency responders can:

**Use a simple railcar ID search to see whether a railcar on a train is carrying hazardous materials**

**View the contents of the entire train\***

**View emergency contact information for all Class I railroads and Amtrak**

\*the availability of this feature depends on the role of the responder and permissions granted by each individual Class 1



ABOUT THE APP

REQUEST THE APP



“AskRail gives first responders immediate information about railcars carrying hazardous materials and is an invaluable tool for helping prepare those on the front line should a rail incident occur. Coupled with emergency training and response planning, AskRail augments the flow of information and specifics between freight railroads and emergency first responders in communities along the nation’s 140,000-mile freight rail network.”

— AAR President and CEO Edward R. Hamberger

## About the App



Initial rollout of AskRail; began in October 2014.



AskRail is available in English in the U.S., Canada and Mexico.



All North American Class I railroads are using the app.



A French-language version is being developed for launch later in 2015 for use in French-speaking Canadian provinces.



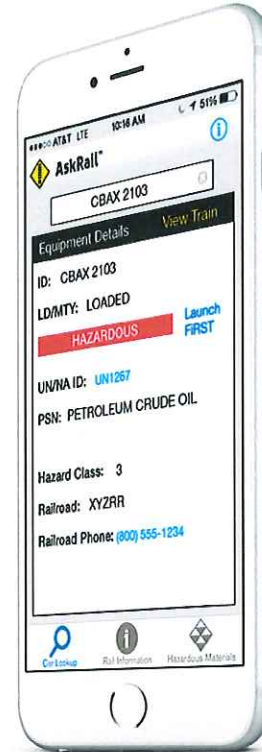
The AskRail app is a collaborative effort among all North American Class I railroads, the Association of American Railroads, Railinc Corp. and The Transportation Technology Center, Inc.



Information about AskRail will now be part of the standard training emergency responders receive from Class Is.



At this time, the app concentrates on single-car information on participating regional railroads.



## Request the App

For security reasons, only qualified emergency responders who have completed rail emergency training sponsored by one of the Class I freight railroads or at the Security and Emergency Response Training Center (SERTC) can download and use the AskRail app. In addition, railroads can offer the app to known emergency responders along their routes.

### HOW TO REQUEST THE APP



You must email a request to download the app to the railroad that traverses your communities (see contact information to the right).



The railroad will verify that you are a first responder who is eligible to access the app.



The railroad will grant you access by forwarding your request to Railinc.



Railinc will send you an email invitation to formally register, sign a user agreement, and download the app.



### CONTACT INFORMATION

Select a railroad 

[View Terms of Use](#)

Please do not send any other communication to these email addresses other than requests to use the AskRail app. Please note that Amtrak is not included on the contact list because they do not approve access to the app.



## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) ASSESSMENT**

### **Concerns Regarding Lands Abutting Railway Property**

Prepared by: **Barry Horrobin**, B.A., M.A., CLEP, CMM-III  
Director of Planning & Physical Resources  
WINDSOR POLICE SERVICE

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The following is a summary of impacts to public safety resulting from compromised physical conditions of lands abutting railway infrastructure in two key areas of Windsor. The findings are based on a series of field observations made of the conditions in the affected areas where incidents of crime and disorder are known to have occurred. The information presented here is based on the universally recognized principles of Crime Prevention Through Environmental Design (CPTED).

The two locations in question each abut railroad tracks. One is a section of the Ford City neighbourhood that abuts the railroad tracks just south of Wyandotte Street East between Drouillard Road and the eastern terminus of Trenton Street. The second is a section of the Olde Riverside neighbourhood south of Edgar Street, roughly between Villaire Avenue to the west and Reedmere Road to the east.

There have been recent occurrences of both a criminal and social disorder nature that have elevated the concerns of local residents living in the immediate proximity of the two areas in question. This has in turn prompted a closer examination of the root causes of the problems being experienced with a goal of identifying intervention strategies that will resolve these problems in a sustained and long term manner. As the report will bear out, the solutions to be considered will require a collaborative effort on the part of a number of key stakeholders.





**Area #1 – Located within Ford City Neighbourhood**



**Area #1 – Located within Olde Riverside Neighbourhood**

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***Crime Prevention Through Environmental Design (CPTED)***; defined as:

***"The proper design and effective use of the built environment, leading to a reduction in the fear and incidence of crime and disorder. This in turn leads to an improvement in the overall quality of life of a building, space, or area."***

The core principles of CPTED:

➤ **Natural Surveillance**

- The capacity to naturally and easily observe what is occurring without having to take special measures to do so. This is achieved by direct views through windows, passing cars or pedestrians, or someone on a bench looking outward.

➤ **Access Control**

- The ability to limit who or what can gain entry to a building or space, and how. This can come in the form of well designed landscaping elements, gates, fencing, designated doors/doorways, or the presence of existing, larger scale physical barriers like major roadways, walls, or waterways.

➤ **Territoriality**

- The means by which responsible authority/ownership/usage of space is established over a building or area to clearly identify who is in control, who belongs, and who is an outsider. This can come in the form of such elements as signs, thematic images/graphics, murals, public art, and the presence of employees or property owners.

➤ **Activity Management & Behaviour Engineering**

- The concept of placing safe, positive, legitimate activity (that will attract lawful users) into a building or space to either displace negative behaviour that is already occurring or to prevent problematic behaviour from getting established in the first place. This can be achieved through changes in the placement or arrangement of physical components to eliminate vulnerability and promote the advancement of safe usage.

➤ **Target Hardening**

- The physical fortification or reinforcement of key aspects of a building or property to prevent unlawful access by intruders. This is typically accomplished through the installation of proper locks, mechanical devices, gates & fencing, and the use of robust building methods.

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## KEY OBSERVATIONS & FINDINGS

Based on detailed field observations taken in the Ford City neighbourhood on 25 November 2015 and the Olde Riverside neighbourhood on 09 December 2015, the following public safety concerns were identified in both locations:

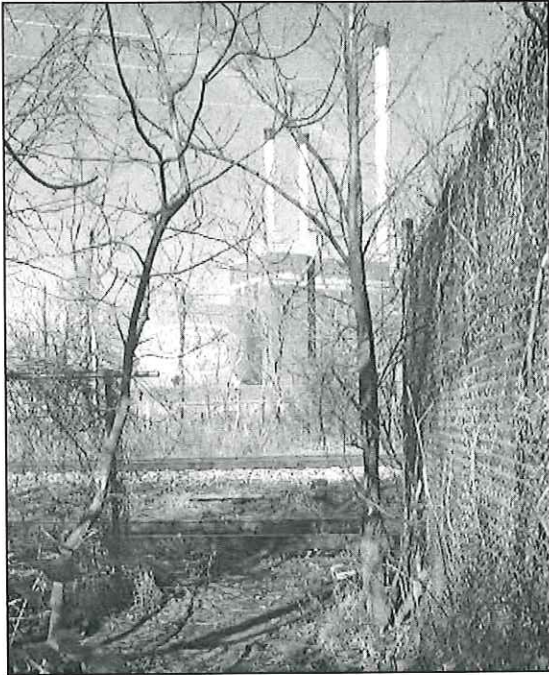
- A significant trespassing problem exists whereby discrete and completely unrestricted access to, along, and across the railroad tracks by pedestrians at all hours of the day is occurring. This represents a highly risky scenario carrying elevated liability.
- The "unoccupied" nature of the railroad tracks (possessing no built in activity generating or natural witnessing capability) facilitates the easy, discrete, and unlawful access to abutting residential and commercial properties in the area

### Evidence of Problematic Activity



### **Well worn, informal pathways clearly illustrate trespassing around railroad property in the Ford City Neighbourhood**

- Access control by way of perimeter fencing is inadequate and in poor working condition during the dates conditions were assessed for this safety audit. Most locations in both subject areas revealed large sections of the chain link fence completely covered with overgrown vegetation and having large openings cut in the mesh to permit trespassing. Some sections even had the fencing completely removed or knocked down. The overgrown vegetation blocks visibility of nuisance activity occurring which further exacerbates the situation. The result is that anyone can access the tracks at any time.



**Overgrown vegetation and heavily damaged fencing diminish access control capability  
Ford City (left); Olde Riverside (right)**

- Both subject areas displayed clear evidence that ongoing, unlawful activity associated with illegal trespassing is taking place. It also appeared from the site inspections this activity is occurring without detection. Rudimentary encampments were discovered, complete with old furnishings and signs that campfires took place, along with extensive amounts of debris and trespassing signs covered over in graffiti. At the Ford City site, an impromptu skateboard park (now removed) was discretely constructed on a nearby cul-de-sac of the public roadway parallel to Drouillard Road, just south of Wyandotte Street. The presence of such activities so close to the railroad tracks significantly elevates liability to serious injury. Similarly, the proximity to nearby homes places those property owners at higher risk to property crime and/or being confronted.



**The placement of old furniture and other items indicates regular trespassing is occurring in the area close to the railroad tracks in Ford City**

- The observations made during the site inspections very clearly confirm a problem with activity management. Illegal modifications to the property have been made in both areas examined and reflect the need for some kind of intervention to mitigate the problems arising from such unlawful activity.



**Illegally constructed skateboard park (Ford City – left) and worn pathway between houses and tracks (Olde Riverside – right) reveals an activity management problem in both areas**



**Signs in Ford City (left) and Olde Riverside (right) reveal trespassing warning signs are being ignored**

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## **RECOMMENDED ACTION PLAN**

The following action plan is recommended to effectively address the issues raised in this assessment and restore both locations to conditions that offer improved levels of safety:

- Establish a core working committee that represents the key stakeholders in this matter; namely, The City of Windsor (including key departments such as Police, Parks, Engineering, Legal, and Public Works); VIA Rail Canada (who hold jurisdictional responsibility for the railway lands; CN Police who have policing jurisdiction on railway lands; and other abutting property owners. This committee should be convened as soon as possible and shall meet as often as necessary to collaboratively establish any specific action to be taken that may include the following:
  1. Widespread clearing of all vegetation that is not required for maintaining an appropriate degree of visual screening and noise attenuation to open sight lines
  2. Re-establishment of all damaged access control fencing – in this regard it may be prudent to consider more robust fence design options such as spiked top steel/aluminum picket fencing versus chain link; the latter of which is far more vulnerable to damage and being breached for trespassing
  3. Replacement of all necessary warning signage
  4. A stepped up enforcement strategy by Railway Police in partnership with Windsor Police Service to maintain adequate security within the two subject areas
  5. Development of an annual or semi-annual maintenance plan to ensure the physical conditions do not regress back to a state where the problems will be easily re-established
  6. Work with VIA Rail in considering a capital improvement plan to consider other capital reinvestment to improve safety such as lighting – improved lighting on other rail lines within Windsor have had a positive impact

### **Example of a Good Physical Design That Enhances Safety & Security**

The section of railroad tracks in the South Walkerville neighbourhood of Windsor, particularly the stretch that abuts the south boundary of Memorial/Optimist Park is a good example of what can be done to make the lands immediately in and around railway lands safer. This area features heavy gauge chain link fencing with all encroaching (and therefore problematic) vegetation kept regularly trimmed and excellent LED lighting. Combined, these safety measures optimize natural surveillance and deter trespassing. Further, the recreational trail that runs parallel to the railroad lands introduces ongoing observation capability.



**Railway lands in the South Walkerville neighbourhood present reduced risk and vulnerability due to key safety measures such as open sight lines, well maintained fencing, and effective security lighting**

***It is highly recommended the action plan being suggested as an outcome of this CPTED assessment be given strong consideration as a means of addressing the identified problems***



08 January 2016

**CERTIFIED  
LAW ENFORCEMENT PLANNER**

*Barry A. Horrobin*  
BARRY A. HORROBIN