Dear Members of City Council,

On behalf of the Hamilton 350 Committee, I wish to thank you for giving me the opportunity to make this budgetary presentation on an issue of growing significance to the City of Hamilton, namely rail safety.

Since the tragedy at Lac Mégantic, not to mention four other recent derailing of tankers carrying explosive crude oil, Hamiltonians have grown increasingly worried about such shipments. And well they should! The train that exploded in Lac Mégantic probably passed through the City of Hamilton. It was apparently filled with fracked crude from the Bakkan Field in North Dakota and contained highly-flammable chemicals used during the fracking process. Trains also carry bitumen from the Alberta Tar Sands through Hamilton. If rails cars carrying bitumen derailed and ruptured close to any watercourse, that crude could sink to the bottom, as it did when Enbridge’s pipeline ruptured in Kalamazoo. A billion dollars and nearly four years later, it still has not been completely removed.

Regrettably, the shipping of dirty fossil fuels from fracking and from the Tar Sands is growing enormously - both by rail and pipeline. According to CTV News, July 7, 2013, there has been “a whopping 28,000 per cent increase in the amount of oil shipped by rail over the past five years... The Canadian Railway Association recently estimated that as many as 140,000 carloads of crude oil are expected to rattle over the nation’s tracks this year, up from only 500 carloads in 2009.” And the railroads plan to continue this exponential expansion in the next few years. Why? Because one rail car can carry 600 barrels of crude oil, which does not have to be diluted with dangerous chemicals, such as solvents, as in pipeline transmission. The crude oil can be taken anywhere that rail lines go, whereas pipelines are limited to their few fixed routes.

Pipeline companies are also trying to expand the volume of their shipping, as in Enbridge's Line 9 which runs through Hamilton. And there are also plans to build the Energy East and Northern Gateway pipelines. The trigger for this vast expansion in shipping of crude oil is the reckless plan to quintuple the output of the Alberta Tar Sands and to introduce fracking for oil all across North America. Both of these plans to exploit dirty sources of oil are motivated mainly by profit-seeking on the part of transnational corporations which are owned by foreigners. Yet, the projects have the solid backing of the Harper government of Canada. Canadians have never been offered participation in a national debate of the wisdom of this reckless expansion, the majority of the profits of which go to foreign corporations. However, Canadians are left to pay for and live with forever the negative economic, social, health, and environmental costs of this rapid plundering of Canada's finite natural resources.
From the point of view of the Hamilton 350 Committee, the question of rail vs pipelines for shipping crude oil misses the point. Our organization holds that 2/3 of the world’s fossil fuel reserves need to stay in the ground. Climate change is happening and it’s already hurting Hamilton with extreme weather events such as floods and ice storms. It’s the burning of fossil fuels that’s causing the climate change. Of course, people need power. But, unless Canadians reduce their use of fossil fuels, we are heading for ecological disaster. Conservation and development of green energy are possible alternatives.

But why should you city councillors be concerned about rail safety during your budget deliberations? The answer in one word is liability. In Lac Mégantic, the MM&A Railway had $25 million in insurance and declared bankruptcy when it became clear that the cleanup would cost hundreds of millions. What steps has the City of Hamilton taken to avoid financial catastrophe should a train of oil-bearing tankers roll off the tracks coming round the Mountain in Dundas and ignites? Has the city of Hamilton done its due diligence on the safety defects of the hundreds of aging DOT111 tankers that pass through our jurisdiction each day? These tankers comprise 70% of the entire North American rail-tanker fleet. Yet, their propensity to rupture in a crash is well-documented. The head of CP Rail was quoted in the Calgary Herald on Feb 19, 2014, arguing that the DOT111’s should all be scrapped or retrofitted immediately. His exact quote was that those older tankers should be “removed from the rails tomorrow.” Let’s take him up on that call. The unionized workers at National Steel Car, where some were originally made, would be working three shifts and a lot of overtime for years to come to retrofit or replace them.

What about other safety factors such as better track maintenance, slower train speeds, reporting dangerous cargos, in-cab cameras, and automatic stopping systems? Since Lac Mégantic, Transport Canada has instituted Protective Direction #32, a weak, new hazardous-materials reporting regulation. The railways themselves instituted some voluntary new safety rules.

But these weak and voluntary measures will not adequately protect the City of Hamilton from an oil tanker spill.

Why? Because Lac Mégantic was the direct result of the increasing deregulation of rail transport. The federal government has, for decades, been reducing its regulatory oversight of railways and cutting resources to Transport Canada while placing increasing reliance on the railways to police themselves. This move is something like placing the fox in charge of the proverbial chicken coop. Just weeks before Lac Mégantic, the
Railway Association formally asked Minister Lisa Raitt to permit them to stop railway inspectors from examining brake, axle, wheel, and car components. The request was quietly withdrawn after the tragedy. The regulatory downsizing of the crews operating trains was also a factor in the catastrophe. The MM&A train that destroyed Lac Mégantic had a one-person crew, a far cry from the days only decades ago when trains had four and five person crews plus a caboose for them to stay in.

In light of the lax regime of federal regulation, the City of Hamilton will have to budget staff time to investigate what measures to protect itself from train wrecks a municipality can undertake on its own or in concert with the Association of Municipalities of Ontario and/or the Canadian Federation of Municipalities.

Mandatory, not voluntary, compliance with tighter safety rules, bigger train crews, and safer railcars, will all help prevent train wrecks. However, even the best safety rules for trains (and pipelines) can’t prevent all accidents, since people make mistakes. The best long-term protection against oil spills from trains (and pipelines) is to reduce and eventually eliminate the shipment of such hazardous materials.

Other colleagues from our Hamilton 350 Ctee are presenting here today and suggesting ways to reduce Hamiltonians' dependence on fossil fuels. Please take these suggestions to heart because, unless we reduce our dependence on fossil fuels, we face the prospect of runaway climate change.

Thank you for your attention.

Ken Stone