

ITEM 9
MANAGER'S REPORT NO. 21
COUNCIL MEETING 86/03/24

RE: TRANSPORTATION OF DANGEROUS GOODS IN THE GREATER VANCOUVER AREA
(Item 15, Report No. 75, 1985 November 25)
(Item 7, Report No. 16, 1986 March 03)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

On 1986 March 03, Council received a report which advised that the Railway Transport Committee (RTC) would hold a hearing in Vancouver to obtain additional viewpoints from the public on the transportation of dangerous goods. Council on that occasion endorsed the Policy Coordinating Committee's Position Paper regarding the movement of dangerous goods by rail in the Lower Mainland with the understanding that Mayor T.C. Baker, Chairman of the Committee, would present the paper at the public hearing.

The RTC hearing was held on 1986 March 3,4,5 and 6. After receiving more than 30 submissions, the RTC reaffirmed the decision that it had made in December, 1985, which was that:

- No carloads of dangerous goods will be permitted to move over CP's downtown Vancouver Dock after 1986 April 15;
- Carloads of dangerous goods destined for Vancouver Island will, after 1986 April 15, move over the Burlington Northern's dock which is located at the foot of Campbell Street in Vancouver (see attached sketch).

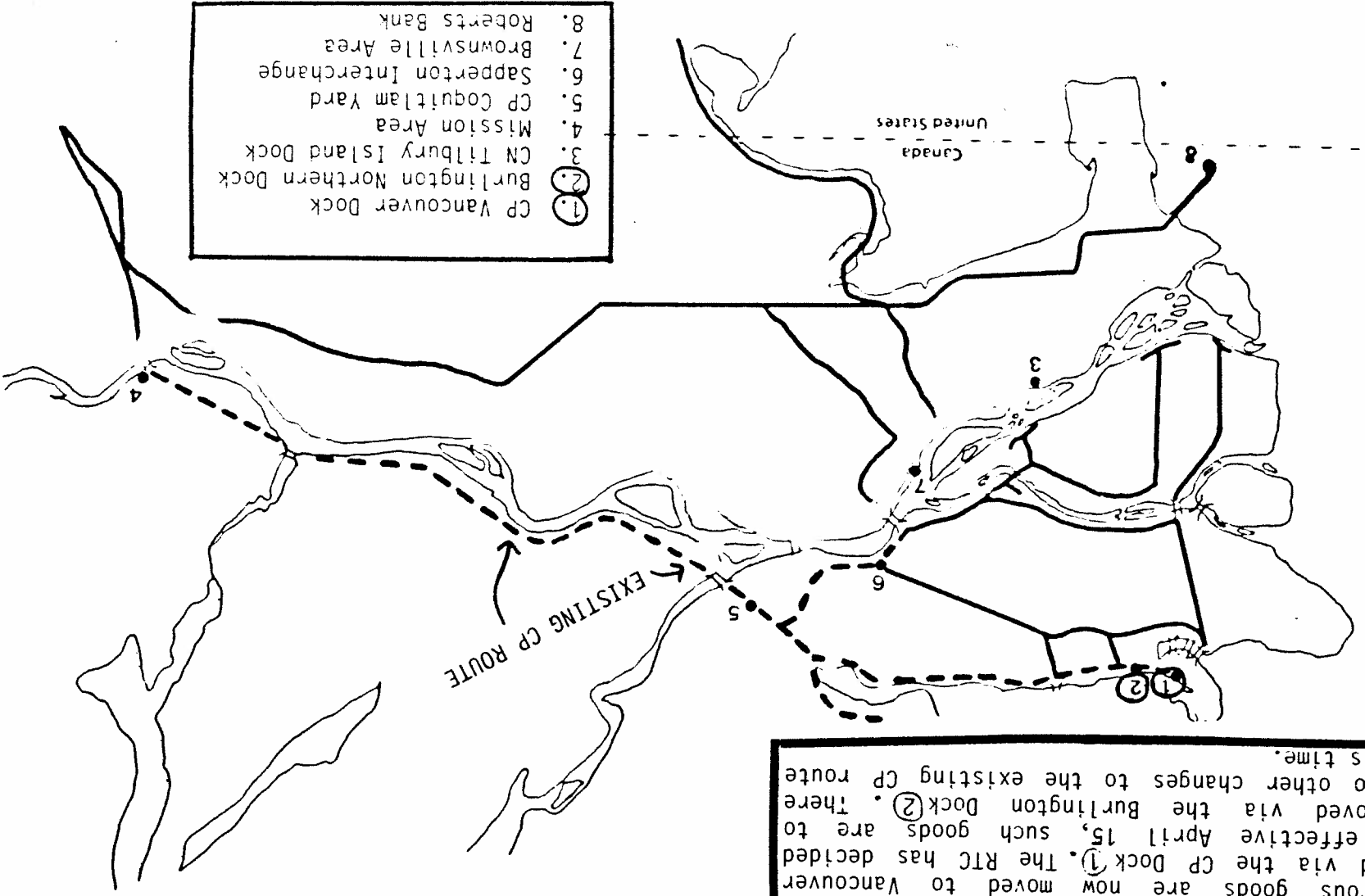
A report on the hearing from Mayor Baker to the Policy Coordinating Committee is attached.

Council will be kept informed as further information on this matter becomes available.

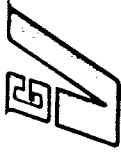
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MOVEMENT OF DANGEROUS GOODS BY RAIL

Dangerous goods are now moved to Vancouver Island via the CP Dock ①. The RTC has decided that effective April 15, such goods are to be moved via the Burlington Dock ②. There are no other changes to the existing CP route at this time.



- ① CP Vancouver Dock
- ② Burlington Northern Dock
- 3. CN Tilbury Island Dock
- 4. Mission Area
- 5. CP Coquitlam Yard
- 6. Sapperton Interchange
- 7. Brownsville Area
- 8. Roberts Bank



Greater Vancouver Regional District

4330 Kingsway, Burnaby, British Columbia, Canada V5H 4G8

8-1-30-1

Development Services Department

Telephone (604) 432-6350

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TO: Policy Coordinating Committee

FROM: Mayor T. Baker, Chairman

DATE: March 10, 1986

RE: HEARINGS BEFORE THE CANADIAN TRANSPORT COMMISSION/RAILWAY
TRANSPORT COMMITTEE RE DANGEROUS GOODS BY RAIL - WATERFRONT
RELOCATION AND LONG TERM PLAN - MARCH 3-6, 1986

The above hearings were held in Vancouver for 3-1/2 days last week. The hearings clearly portrayed a lack of agreement between the railways on how to implement the December 30, 1985 Order of the CTC/RTC.

CP said it was prepared to follow the Order, provided others undertook the works and it could levy a surcharge for 10 years to recover its additional costs. Under questioning by us, CP admitted that it intended to return the 'empty' cars over its Coal Harbour 'slip', a procedure which was criticized by the Vancouver Fire Chief in later testimony as representing a continuing danger unless the cars were 'purged' prior to return to Vancouver from Vancouver Island destinations.

BN advised that it did not have a spare track crew to implement the Order on time (April 15, 1986). BN said the costs would be 40% more than that estimated by CP and that the proposed arrangement was an inconvenience to its operations.

CN expressed the view that much of the transshipment could be done by using the Seaspan 'slip' in North Vancouver (even though the City and District had not been consulted). They pointed out that much of the LPG supply now comes from BC sources and BCR now provides more than one third of the traffic. If it was transshipped at Seaspan it would not have to go into Vancouver. CN also favoured the movement of anhydrous ammonia over the Seaspan 'slip'.

The municipalities appeared on the second day of the hearings. I presented the brief on your behalf, supported by Mayors M. Baker, G. Blair, E. Burnett and J. Loucks, Alderman M. Ford and Alderman J. Higginbotham. The brief was well received. Mayor Burnett and Alderman Ford spoke concerning the delays and difficulties in implementing the relocation.

There were 36 presentations made at the hearings. The CTC/RTC refined their Order on Thursday, March 6, 1986, a copy of which is enclosed.

The possibility of getting a long term plan in place for the movement of dangerous goods by rail will clearly require a firm and concerted commitment by the Federal and Provincial Governments, given the lack of interest by the railways. The letters to the Minister of Transport Canada and the Minister of Transportation and Highways, BC, signed by the Committee have been sent. Also, copies of those letters with a request for support is being sent to the three Federal Ministers from BC. Letters will be sent to all MP's and MLA's in April after the Ministers have had an opportunity to respond.

I have contacted the Hon. D. Mazankowski's office in Ottawa and arranged for a meeting here in Vancouver, on either April 4, 5 or 6. I have also contacted the Hon. A. Fraser's office but do not have a meeting date set at this time. I also hope that we will be able to meet with the three federal Cabinet Ministers and with other key provincial Ministers shortly.

Given the difficulties of resolving a relatively important but minor relocation through these hearings, your Committee cannot anticipate an easy time in getting a dangerous goods plan in place in the timeframe proposed. A great deal of political pressure will have to be brought to bear on the senior governments and onto the railways by the senior governments before anything concrete will happen.

Your continued support in this joint endeavour will be essential. I will call you from time to time to join me in meeting with Federal and Provincial Ministers in pressing our case with them. I will try to give you as much advance notice as possible but, as you know, these meetings are sometimes set up with not much advancing warning.

I trust that you will ensure that a resolution endorsing the Committee's brief to the CTC/RTC will be on your Council's agenda shortly as it will add considerably to the credibility of our joint endeavour.



C.C. Managers' Committee
SubCommittee on Dangerous Goods
Chairman, REPC
Municipal staff attending Hearings

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CANADIAN TRANSPORT COMMISSION
RAILWAY TRANSPORT COMMITTEE

SITTING IN THE COMMONWEALTH CENTRE BALLROOM, HOLIDAY INN, VANCOUVER CITY CENTRE HARBOURSIDE, 1133 WEST HASTINGS STREET, VANCOUVER, BRITISH COLUMBIA, THURSDAY, MARCH 6, 1986, AT 10:00 A.M., LOCAL TIME.

CASE FOR HEARING

IN THE MATTER OF the Transportation of Dangerous Commodities by Rail;

IN THE MATTER OF a Decision of the Railway Transport Committee of September 30, 1985, wherein the Committee indicated its "Preferred Plan" for the rerouting of dangerous commodity traffic from the downtown Vancouver and Victoria waterfront areas; and

IN THE MATTER OF Railway Transport Committee Order Nos. R-36011, R-36012 and R-38851.

File No. D.C.30.3

PANEL

Chairman
Commissioner
Commissioner
Commissioner

D.H. Jones, Q.C.
B.R. Wolfe
D.H. Chapman
Mike Landers

ALSO IN ATTENDANCE

Commission Counsel
Hearing Process Officer

P.W. Noonan
Dee Bois

Committee Officers:

Regional Director,
Pacific Region
Chief, Operations
Dangerous Goods Co-ordinator
Regional Officer
Transportation Services

J.J. Eisler
A.W. Taggart
W. Sobol
L.P. Trainor

INDEX OF APPEARANCES

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P.W. NOONAN	CTC Counsel
M.M. SZEL	CP Rail Counsel
R.M. McLEARN	CP Rail Solicitor
M.G. KING	Burlington Northern Railroad Company Counsel
T. HALL	CN Attorney
D. AUSTIN	British Columbia Hydro and Power Authority Counsel
M. RCSE	MLA, appearing for himself
L. FOWLER	Alderman, for Corporation of the Township of Langley
F. COURT	Chairperson, B.C. Legislative Board, for United Transportation Union
R. EASINGWOOD	Mayor, for City of Langley
C. SCATCHARD	Emergency Program Coordinator, for Central Fraser Valley Regional District
T. BAKER	Mayor, Chairman for Policy Coordinating Committee of Mayors
M. BAKER J. LOUCKS	Mayors, for District of North Vancouver and the City of North Vancouver
H.G. REID	Vice President, Corporate Secretary, General Counsel for Insurance Corporation of British Columbia
T. GRAVES	For Cloverly Ratepayer's Association

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INDEX OF APPEARANCES (cont'd)

B. ROSS	Appearing for himself
S. GORDON	Spokesman, Chemical Hazards Alert Committee
L. ANDERSON	Bio Regional Speaker, for Green Party of B.C.
T. LITCHFIELD	Transportation Supervisor, Canadian Oxy, for Canadian Chemical Producers Association
R. PASHELKA	Counsel, Propane Gas Association of Canada
B.W. WILTON B.G. TINGLEY	Director, NGL Distribution Manager, NGL Distribution West, for ICG Liquid Gas Ltd.
D. BOWER	Solicitor, Cominco Ltd.
R. WESTON	General Manager, B.C. Motor Transport Association
G.A. CLARK	Director, Transport Policy Analysis, for B.C. Ministry of Transportation and Highways
J.M. MILLEN M.B. FLYNN	For Environment Canada Senior Project Biologist, Department of Fisheries and Oceans
N. HARCUS	Fire Chief, City of Vancouver
D. LARSON	President, Create a Real Available Beach
P. LAWRENCE	Chairman, Vancouver and District Labour Council Committee

INDEX OF APPEARANCES (cont'd)

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T. LORENZ	President, Fire Chief Association of B.C.
J.O. NESBITT	B.C. Area Manager, CIGAS Products Ltd.
J. SMALLWOOD	Candidate, Surrey/Guildford/Whalley NDP
I. SCHMIDT	Community Service Worker, Create a Real Available Beach
J. MCCANDLESS	Environmental Researcher, Lillooet Tribal Council
R. BELL	Manager, Property Investments, Intrust Properties Ltd., for Lonsdale Quay Market Corporation
T. McMATH	For Committee of Concerned Citizens, Fort Langley
N.W. FLETCHER	For Canada Harbour Place Corporation, Canada Place, Canada Pavilion

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--- Proceedings resumed at 2:20 P.M.

THE HEARING PROCESS OFFICER: All rise.

Please be seated.

THE CHAIRMAN: This hearing has been convened in Vancouver because of the perceived need for a supplementary forum in which to discuss, and hopefully resolve, the immediate issues surrounding the movement of dangerous commodity traffic into and through the City of Vancouver and its environs. We are gratified to learn of the progress that has been made by the Railway companies, municipalities and other participants in this process since the previous hearing by the Commission covering this issue. At the same time, it is apparent that further progress on a broad front is required before a satisfactory long term objective can be endorsed and implemented.

In this context, we wish to comment upon the progress that has been made to meet the short term goal of removing dangerous commodity traffic from the CP Coal Harbour ferry slips and adjacent waterfront yards. The evidence at this hearing shows that Canadian Pacific, Burlington Northern and Canadian National have together made considerable progress in achieving our goal of rerouting dangerous commodity traffic over the Burlington Northern slip. However, much more work remains to be done before this objective can be successfully implemented.

Prior to this hearing, as well as during the course of the evidence, we learned that some difficulties have been encountered in meeting the target date of April 15, 1986

for the rerouting of traffic over the BN ferry slip. It has ¹³⁵been explained to us that these difficulties involved the commitment of BN track forces to other projects and the impediments raised by the collective agreement between the Burlington Northern and its labour force.

Canadian Pacific, on the other hand, requests assurance from the Commission that it will be able to recover any capital outlays through the tolls charged for the carriage of traffic, as well as assurances from Burlington Northern and Canadian National that suitable running rights agreements can be entered into, or access provided, and that CP will be indemnified against liability except for its own negligence.

After hearing all of the evidence on this subject, it is our considered view that none of the current problems facing the Railway companies are insurmountable. In fact, these difficulties can be characterized as managerial problems, in the sense that they can be remedied through commitment and the employment of the necessary resources required to achieve the objective. We consider the goal of removing dangerous commodity traffic from the Vancouver waterfront to be a serious one, and that is why we imposed a deadline as part of our interim solution to this problem.

We are not now prepared to alter out deadline for the completion of the necessary works and the effective transfer of outbound dangerous commodity traffic from the CP slip to the BN slip, nor did the Railway companies formally request a

postponement of the April 15, 1986 deadline. Our expectation is that the three Railway companies will, in a collective and cooperative manner, pursue the objective of rerouting dangerous commodity traffic over the BN ferry slip by April 15, 1986. This we consider to be a vital necessity, not only because of the present risk posed to the downtown area, but also because of the pending multiplication of the risk owing to the opening of Expo '86, which is destined to be a national and international showcase.

In connection with the future movement of dangerous commodity traffic destined for Vancouver Island, we desire to briefly touch upon the procedure which will govern the return of empty tank cars from Vancouver Island. We will analyze the risks posed by the presence of empty tank cars in the Vancouver waterfront area and address this issue further in our final decision.

For now, however, we will continue to permit the return of empty tank cars over the Coal Harbour ferry slip after April 15, 1986 provided that the empty tank cars have less than 2 per cent of dangerous commodity residues within them and provided that prior to entering the Dangerous Commodity restricted area from the ferry, each dangerous commodity tank car shall be given a thorough product containment inspection, as well as a mechanical inspection by qualified mechanical department staff.

The temporary movement of empty tank cars through

the waterfront area en route from the ferry is not necessarily a permanent solution. If, in fact, the railways find it convenient to do so, they may off-load returning empties at the BN ferry slip. However, we are not imposing that requirement upon them until we can complete our assessment of the danger posed by empty tank cars containing residues, as well as allow time for the Railway companies to efficiently organize the movement of loaded dangerous commodity traffic over the BN ferry slip. Further elucidation of this issue must await our final decision in this matter.

An important aspect of this hearing was the attention given to the possible movement of dangerous commodity traffic over the Seaspan slip in North Vancouver. However, there is a complexity affecting the use of the Seaspan slip which is not present in the case of the other facilities which have been discussed at this hearing, and which have been the subject of attention in previous reports and decisions of the Commission.

The Seaspan slip is not owned by an undertaking which is subject to the jurisdiction of this Commission, and in fact is located on the British Columbia Railway, which is a rail carrier within Provincial jurisdiction. In our view, any consideration which might be given to the use of the Seaspan facilities must include the views of Seaspan, the British Columbia Railway and the Province.

Finally, during the course of this hearing, an important initiative was displayed by fourteen municipalities in the Vancouver area. The municipalities presented a constructive and unified brief which demonstrates the ability and desire of these municipalities to work together to reach the goal of developing secure routings for the movement of dangerous commodity traffic through Vancouver and its environs. In light of the diversity of size and characteristics among these municipalities, the formulation of a common position is a commendable achievement.

We wish to extend our support to the advancement of this initiative on the part of these municipal leaders. The entire package presented to us by the municipal representatives is worthy of consideration, not only by this Commission, but by all levels of government which have an interest in, or a responsibility for, the movement of hazardous products through Greater Vancouver.

As regards the specifics of the joint municipal brief, we find that the suggestion to restrict the interim solution involving the use of the BN ferry slip to a maximum of five years, is an attractive proposal. This period would allow Canadian Pacific a reasonable period in which to recover its capital outlay and afford an adequate time frame for the development of a long term strategy to rationalize the movement of dangerous commodity traffic corridors within Greater Vancouver.

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However, we do not propose to make detailed findings concerning a long term planning process at this juncture. We will, nevertheless, give careful consideration to the evidence which we received in this regard and elaborate our considerations more fully in our final decision, which will follow upon the completion of our analyses.

Lastly, I should add that my colleague, Commissioner Landers, does not agree with the views expressed in this decision concerning the interim solution, but I am authorized to state that he is in agreement with the views I have expressed on behalf of the panel concerning long term planning initiatives.

For now, we wish to thank all those persons and organizations who appeared before us at this hearing and we look forward to your continued involvement in the resolution of these issues, and in particular I include in that statement those ordinary citizens who came before us and expressed their concerns. We want to assure them that we'll be doing everything we can by way of monitoring and surveyance to ensure that this changeover, and, indeed, the long term planning process is carried out properly, efficiently and safely.

Thank you very much. That's our decision for now.

THE HEARING PROCESS OFFICER: All rise.

(PROCEEDINGS ADJOURNED AT 2:35 P.M.)

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