

News Release

Rail Yard Proponents in Breach of Federal Legislation

(Edmonton) July 21, 2010. Residents located near an industrial rail yard that is being constructed right next to their homes contend that the proponents of the rail yard are in breach of federal legislation, railway operating rules, and CN's own policies.

Cando Contracting Ltd. is building an industrial rail yard on 5.2 acres of land to store 225 petroleum tanker cars owned by Imperial Oil Limited. The rail yard will consist of a siding (extra track) next to the existing CN railway plus 10 tracks built side-by-side. It will be a parking lot for tanker rail cars that are used for hauling various petroleum products. The land is being leased from CN. The rail yard is essentially a joint project between Cando Contracting Ltd, CN and Imperial Oil Ltd.

The rail yard property is located only 68 metres from Dave and Leann Trelenberg's home, 163 metres from John and Sharon Kristensen's home, and less than 30 metres from two protected natural areas, the Bretona ConservAction Area and the Bretona Pond Buck-for-Wildlife Area.

Residents are upset because they have been trying to halt this project ever since they found out on May 12, 2010 that a rail yard was planned right next to their homes and protected natural areas. Construction started June 21, 2010, with tree fellers, bulldozers, backhoes, front-end loaders, packers and dump trucks clearing and leveling the site. As many as 12 dump trucks in procession have been rumbling by residents' homes as frequently as one truck per minute, clearing the site of topsoil and bringing in clay fill.

At first, residents were told by the federal government, Alberta government and the County of Strathcona that no one has any authority to approve or stop the project, because federal legislation exempts CN or its agents from requiring any approvals.

Not satisfied with this response, John Kristensen said, "We decided to conduct our own research, study the legislation, and speak with other people who have had similar problems with CN and other railway companies."

"Much to our surprise, after reviewing many federal Acts and Regulations, railway operating guidelines and rules, CN's policies, and many other studies, we are certain that the proponents are in violation of all kinds of laws, policies, guidelines and operating rules", said Kristensen.

The Kristensens and Trelenbergs have sent a letter to three federal Cabinet Ministers: Honourable John Baird, Minister of Transport, Infrastructure and Communities; Honourable Rob Merrifield, Minister of State for Transport; and Honourable Jim Prentice, Minister of the Environment. The 21-page letter indicates how difficult it has been to get accurate information from the proponents, outlines residents' objections to the rail yard, and asks for the federal government's intervention.

"Our objections include: no notice given to neighbouring landowners, negative impacts on nearby protected natural areas, noise and vibration, negative visual impacts, proximity to our homes, proximity to two natural areas, air and ground pollution, health problems, impacts on local drainage, disturbance to farming activities, property devaluation, additional fire risks, motorist and railway personnel safety hazards, construction standards, and no overall approvals", explained Kristensen. "This is not the same as the single-track CN mainline with a few trains running by a couple of times a day. This is a huge industrial rail yard that will have locomotives and 225 petroleum tanker cars moving in and out."

A joint railway/municipality data base indicates that in rail yards, the noise is more frequent and of longer duration, and comes from shunting and coupling cars, idling locomotives, load cell testing of locomotives, wheel and brake retarder squeal, and compressed air releases.

The letter to the three Ministers points out numerous breaches of federal legislation including the *Canada Transportation Act*, *Railway Safety Act* and *Canadian Environmental Assessment Act*.

On the basis of federal laws, operating guidelines and rules, and CN's own policies not being followed, the Kristensens and Trelenbergs ask the federal Ministers to immediately issue an order to stop construction of the rail yard, conduct an inquiry under two federal Acts, and direct the Canadian Transportation Agency to conduct an investigation of noise violations.

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For background see the attached letter to Ministers, maps, fact sheets and reference list. For more information contact:

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Attachments: July 21, 2010 Letter to Federal Ministers
Two Maps of Cando Rail Yard
Cando Rail Yard Fact Sheet No. 1
Cando Rail Yard Fact Sheet No. 2
Cando Rail Yard Reference List