



NEWS RELEASE

Federal Government Refuses to Enforce Legislation

(Edmonton) November 8, 2010. The federal government has so far refused to enforce laws regarding construction and operation of a rail yard just outside Edmonton. Proponents started storing petroleum tank cars in the rail yard three days ago. Local residents are now asking the Prime Minister to intervene and to order that operation of the rail yard cease and desist. They are also asking that public inquiries be conducted under federal legislation.

Residents living next to a newly-constructed rail yard had written a 21-page letter to three federal Ministers in July 2010, formally objecting to the rail yard construction and operation on the basis of breaches of federal legislation. Responses from the federal government were brief and did not address the objections nor issues raised in the formal letter of objection.

An industrial rail yard has been built less than 1km east of Edmonton by Cando Contracting Ltd. to store 225 petroleum tank rail cars owned by Imperial Oil. The rail yard consists of a siding (extra track) next to the existing CN railway plus 10 tracks built side-by-side for about a kilometer in length. It is a parking lot for tank rail cars that are used for hauling various petroleum products. The land is being leased from Canadian National Railway (CN). The rail yard is essentially a joint project by Cando Contracting Ltd, CN and Imperial Oil.

Residents in the area have been doing all they can to stop the rail yard construction which started June 21, 2010. None of the adjacent landowners was notified about this project, nor were they given any opportunity to object. They have phoned, e-mailed and written federal and provincial Cabinet Ministers, their Member of Parliament, the County of Strathcona, the Canadian Transportation Agency, CN, Imperial Oil, the Railway Association of Canada, the Federation of Canadian Municipalities, and the Canadian Association of Petroleum Producers. So far, no one has been willing to accept responsibility for any role or approvals for construction and operation of the rail yard.

"Based on our research and the law, railway and rail yard construction and operation fall almost exclusively under federal authority and responsibility," said John Kristensen who lives next to the rail yard. "If federal Ministers and their officials responsible for this legislation won't enforce it, then we're going to ask the Prime Minister to intervene."

The closest residents live only 68m and 163m from the rail yard. (Rail yards are not permitted within 300m of homes.) Two protected wildlife conservation areas are about 30m from the rail yard. A 27-hole golf course is only 700m from the rail yard and an elementary school is nearby. "A railway company can't bully its way into building and operating a rail yard in an agricultural, conservation and recreation community like ours and turn it into an industrial zone overnight. We're not going to let it happen," Kristensen continued.

The letter to Prime Minister Harper identifies the following breaches of federal legislation during construction and operation of the rail yard:

- No notice was given to neighbouring landowners.
- No opportunities were provided to object to the project.
- No deadlines were provided for objections to be filed.
- Design drawings of the proposed rail yard were not provided to adjacent landowners.
- No approval of the rail yard was provided by the Canadian Transportation Agency.
- There were no formal environmental assessments conducted under federal legislation.
- Although landowners have lodged formal complaints regarding noise and vibration during construction of the rail yard, no investigations have been conducted.
- Noise limits have been and will be breached because two homes are too close to the site.
- Threat and hazard to the health of adjacent homeowners because their homes are so close to where carcinogenic diesel exhaust and other toxic fumes will be given off.
- Threat, safety and damage to the environment, private properties, safety of railway personnel in relation to siting of mainline switches, and safety of motorists and railway personnel regarding proximity of stored tank cars to a public road and railway crossing.
- Appropriate engineering and construction standards have not been met.
- False or misleading information has been provided by the proponents.

Kristensen indicated, "We've collected signatures of almost everyone in our community who can either see the rail yard or can hear the noise from rail yard operations. So far, every home owner we have approached opposes this rail yard."

Residents can't figure out why CN and Imperial Oil are willing to participate in this project at a time when both corporations are battling public image problems. CN is being criticized by the Transportation Safety Board of Canada over its abysmal safety record particularly regarding derailments in rail yards across Canada. Imperial Oil is Syncrude's second largest investor and is in hot water over more duck deaths in Syncrude's tailings ponds.

Local residents say an occasional train running by on the existing CN mainline is one thing, but an industrial rail yard with 225 petroleum tank cars that will leak and could spill is a totally different matter. They vow to continue their fight to stop this rail yard from operating.

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For more information, see www.Railroaded.ca or contact:

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The www.Railroaded.ca website includes: a map, blog, latest news, fact sheets, references, photos, relevant legislation and railway operating rules, other links, and more.

Attached: November 8, 2010 letter to Prime Minister
July 21, 2010 letter to three federal Ministers