



NEWS RELEASE

For immediate release

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Clean Train Coalition seeks Judicial Review to stop diesel trains Metrolinx unlawfully constrained by Pan Am Games

(Toronto) The Clean Train Coalition has filed an application with the Ontario Divisional Court requesting a Judicial Review of the decision by Metrolinx to put diesel trains along the air rail link (ARL) between Union Station and Pearson airport.

The application seeks an order to quash the Metrolinx ARL diesel project on the basis that the regional transit agency unlawfully fettered its authority to consider an electric alternative to diesel by accepting instructions from the government of Ontario to construct the ARL in time for the 2015 Pan Am Games.

“We have been left with no choice but to seek a legal remedy to stop this dirty diesel plan,” said Rick Ciccarelli, CTC chair. “We tried to persuade the government and Metrolinx to do the right thing and build an electric air rail link from the start. But there has been no accountability and now we are going to court to protect the health of 300,000 residents who live in the corridor.”

CTC counsel Saba Ahmad described the application as a test of whether government agencies are obligated to adhere to their own legislation. “We argue that Metrolinx acted contrary to statutory requirement that long term goals guide its decision-making. It decided to run diesel trains based on an agenda set by the schedule for the Pan Am Games and thereby violated its obligations.”

The judicial review application seeks to have the court require Metrolinx to do three things:

- Conduct a full comparative analysis between diesel and electric options for the ARL that would determine both the technical and economic feasibility and the environmental and health effects of each
- Reconsider the decision to proceed with diesel trains unfettered by any schedule related to the 2015 Games
- Reconsider the decision on diesel trains in light of the recent re-classification by the World Health Organization of diesel exhaust as a carcinogen and cause of lung cancer

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The Clean Train Coalition is a community-based public interest group advocating for smart investment in public transit infrastructure. It represents affected communities along the ARL corridor, including Weston, Mount Dennis, the Junction, Parkdale, High Park and others.

The application cites a number of issues arising in the Metrolinx decision-making process that represent grounds for judicial review, including:

- Metrolinx is required by statute to “ensure that long-term vision and long-term goals guide its transportation planning and decision-making”, and to “plan and implement transportation infrastructure that supports a high quality of life, a sustainable environment, and a strong, prosperous and competitive economy”
- In its regional transportation plan “The Big Move” Metrolinx identifies electrification as the preferred mode of transportation for the long term because electric trains are quieter, faster and cleaner than diesel; Metrolinx is uncertain whether its stated goal of reducing smog and greenhouse gases across the region can be achieved with diesel trains
- The Metrolinx board was presented with instructions from the Province to have the ARL operating in time for the Pan Am Games
- The ARL project includes the construction of five-metre high “sound walls” to mitigate the noise created by diesel engines; Metrolinx has responded to concerns about potential impacts by addressing the design of the walls, not whether there should be any
- In evaluating diesel trains, Metrolinx determined that pollution levels in some areas, such as Bloor and Dundas West and the Junction neighborhoods, may exceed thresholds set by the World Health Organization; its analysis underestimates pollution from diesel trains
- The recent re-classification by the WHO of diesel exhaust as a carcinogen requires a reconsideration of the health impacts associated with the diesel ARL
- The goal of hosting the Pan Am Games is an irrelevant consideration to the mandate of Metrolinx; by ceding decision-making authority on the ARL project to unidentified representatives of the Province, Metrolinx unlawfully exceeded its jurisdiction

Mr. Ciccarelli said he is hopeful the court action will lead to a positive result. “If the Premier wants to control the actions of this agency, he should pass legislation to remove its independence. In the meantime, we intend to bring a strong case that Metrolinx should be made to start over and meet its obligations to consider the long-term consequences and health impact of diesel trains.”

The Clean Train Coalition will undertake a broad community outreach and fundraising campaign to build support for the judicial review application.

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