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Coalition appeals decision on right to a healthy environment as Metrolinx flips the bird to area residents

The Clean Train Coalition is seeking leave to appeal a recent decision of the Ontario Divisional Court to deny access to justice for claims based on the right to a healthy environment. The Coalition was not entitled to argue its case challenging the Metrolinx plan to run diesel trains on the air rail link from Union Station to Pearson Airport.

Saba Ahmad, CTC legal counsel, says the Coalition is concerned that fundamental issues of natural justice are at stake.

“The Divisional Court basically said its doors are closed to citizens seeking protection against decisions by government agencies that may cause harm to health or the environment. We cannot let this decision go uncontested.” The court awarded costs against the Coalition of \$30 thousand, an amount beyond the means of a volunteer group.

Rick Ciccarelli, Coalition chair, challenged the credibility of Metrolinx in its ongoing campaign to put a gloss on its dirty diesel plans. Last week a new name was announced for the air rail diesel link, the UP Express, for Union Pearson.

“Given how residents along the corridor feel about the way they are being treated by Metrolinx, it should have been obvious that this brand will be tagged as the ‘up-yours express’. Hardly a promising public relations move.” Trains are projected to run every 15 minutes on the line, spewing diesel exhaust along a corridor with 300,000 residents.

The Coalition argued in its court brief that Metrolinx acted outside its authority by deciding to run diesel trains without conducting a feasibility study on electrification as a cleaner and cheaper alternative. The agency “traded the benefits of electric trains for expediency” when it accepted instructions from the government to have the rail link operating for the Pan Am Games in 2015. “Metrolinx is not authorized to prioritize the short-term goal of providing transportation services for a three-week sporting event over the long-term health, environmental and economic interests of the people of Ontario.”

The World Health Organization recently re-classified diesel exhaust as a confirmed carcinogen and called on governments to take action to reduce its harmful effects. The Clean Train Coalition is a community-based public interest group advocating for smart investment in public transit infrastructure.

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