



January 19, 2021

Hon. Jonathan Wilkinson, MP
Minister of Environment and Climate Change

Dear Minister Wilkinson,

This is a joint letter from Save Jimmie Simpson! and Lakeshore East Community Advisory Committee. We are writing to ask you to designate the Ontario Line, in particular the above ground section through Riverside and Leslieville in Toronto, pursuant to section 9 of the *Impact Assessment Act* (IAA).

Save Jimmie Simpson! is a grass-roots community group, fighting to have the Ontario Line buried in order to save our community's parks, health & well-being. We are community members who support public transit that is environmentally responsible and planned with genuine input from the neighbourhoods in which it is built.

Lakeshore East Community Advisory Committee (LSE CAC) works to minimize the impact of Metrolinx's projects on the quality of life for local residents and communities. It is made up of community members who live in proximity to the LSE rail corridor along with our elected officials.

We believe the Ontario Line project poses serious public health risks and erodes environmental, health and safety standards. The existing regulatory framework to manage the potential adverse effects is both lacking and has been seriously undermined through recent legislative changes, which Auditor General rebuked as a violation of Environmental Bill of Rights.¹

Ontario has divided the Environmental Assessment into two parts: Environmental Conditions Report (ECR) and Environmental Impact Assessment (EIA). ECR merely deals with the existing conditions around the proposed alignment and fails to take into account the expected impact of the project. Finalization of design solely based on the existing conditions belies the purpose of EA to help policymakers and the public make informed decisions.

The Environmental Impact Assessment (EIA) – yet to be released – will only focus on analysis of the one plan outlined in the Business Case and fails to examine alternative, safer alignments. It also will not contain a health assessment and ignores the project's effects on human health and environment altogether. Bill 171, *Building Transit Faster Act*, allows 'early works' construction for the project to commence even before the release of a watered-down EIA, effectively removing the public from the decision-making process.

Our main rationales for a designation are noted below, with more detailed explanations following.

¹ [2020 Annual Report of the Environmental Bill of Rights](#) by Auditor General





The **Environmental and Public Health Risks** section outlines how the Ontario Line exposes local residents to dangerous levels of noise, vibration and pollution. We point out numerous health and environmental standards the Ontario Line contravenes.

Under **Rail Safety**, we raise safety risks resulting from the loss of a standard setback distance and point out the gap in the current legislative framework to effectively address proximity risks of incompatible land use around railways.

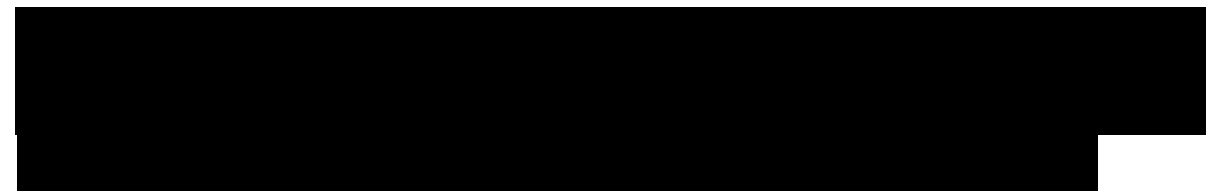
We provide academic research that quantifies the importance of urban greenspace and how the Ontario Line puts **Parks and Urban Greenspace at Risk**.

Metrolinx's failure to consider reasonably expected impacts on communities and the environment is highlighted by the absence of due diligence on human health and underscores the **Need for a Health Impact Assessment**.

Public Concerns are well documented, and the \$5.1 billion in federal funding establishes **Federal Jurisdiction and Interest** in the project. Notably, the [2015 Canadian Transportation Act Review](#) recommends that "the federal government use infrastructure funding leverage" to support "the relocation of rail infrastructure outside of dense urban centres" and support "safer alternatives."²

Several Railway Safety Act Reviews have highlighted persistent rail safety challenges require "multiple levels of government, community organizations and the Canadian public to resolve."³ Political interference in the planning for the Ontario Line has resulted in the City of Toronto and the public losing oversight of the Ontario Line.

The federal government singularly holds the key as to whether we can hold the Ontario government accountable, which through its agency, Metrolinx, has prioritized speed to complete the project over proper due diligence and public consultation. A federal impact assessment would address health and safety risks as well as cultural and socioeconomic aspects which have been overlooked by Metrolinx and allow the public a voice in what may be the largest infrastructure project in Toronto for generations to come.



² 2015 Canada Transportation Act Review. [Pathways: Connecting Canada's Transportation System to the World-Volume 1](#). December 2015. p. 143.

³ 2018 Railway Safety Act Review. [Enhancing Rail Safety in Canada: Working Together for Safer Communities](#)





Background

Toronto needs transit options that will ease congestion, improve commuter safety, and minimize our carbon footprint. It is vital to the future of our city that transit infrastructure and planning accounts for current population projections that show our city's population will increase from 2.97 million in 2019 to 3.73 million in 2046 (25.9 per cent).⁴ Though COVID-19 has changed ridership patterns, these population projections remain. As the 4th largest city in North America, transit-riders and visitors to our city deserve public transit that is affordable and enhances the social, economic, and environmental sustainability of our neighbourhoods and communities.

Metrolinx and the Provincial Government's plan to run the Ontario Line aboveground from Gerrard St. E and Lakeshore East does not achieve these aims. Local residents living along the roughly proposed at grade/elevated portion of the Ontario Line in Riverside and Leslieville are raising the alarm about the loss of our parks and community spaces and associated health and environmental impacts including: increased pollution, increased noise and vibration, decreased rail safety, and the destruction of natural habitat. These plans call for the expansion of the existing rail corridor, from three tracks to six tracks, serving a mix of mainline rail and rapid transit, including a planned electrical track with an overhead catenary system.

Environmental and Public Health Risks

The Ontario Line proposes to place a 6-lane railway right through a residential neighbourhood between Gerrard St and Eastern Ave – roughly 2 km segment. As is currently planned, it would expose local communities to dangerous levels of noise, vibration and pollution posing environmental and public health risks.

- Current noise levels⁵ in Riverside and Leslieville already significantly exceed noise standards endorsed by WHO, Health Canada and Ontario Ministry of Environment. Doubling of rail tracks will expose residents to dangerous levels of noise and vibration on an ongoing basis during the operational phase of the Ontario Line.
 - Metrolinx's plans to carry out years of construction, mostly overnight, within metres from residential homes constitute major concerns for local residents.

⁴ <https://www.fin.gov.on.ca/en/economy/demographics/projections/>

⁵ Based on noise generated by the existing 3 lanes of rail traffic as reported in [Metrolinx Environmental Conditions Report](#) at a choice location. We believe noise levels experienced by residents are higher than as measured by Metrolinx.





- Environmental effects of rail-induced vibration and ground borne noise have not been considered. These are health risks recognized by the European Union, but are not covered by the existing legislative framework in Canada.⁶
 - The [FCM/RAC Proximity](#) Guidelines, voluntarily adopted by municipalities, points out “vibration in buildings in proximity to railway corridors can reach levels that may not be acceptable to building occupants.” It recommends vibration measurements to include a minimum of five train pass-bys and prescribes a maximum limit of 0.1mm/s RMS for living areas.
 - The guidelines also recommend that an impact study be conducted covering 75 metres on both sides of the track by a qualified expert.
 - Metrolinx has not provided *any* vibration measurements in Riverside and Leslieville where a major rail expansion is planned. Please refer to the “Rail Safety” section below re: issues around voluntary adoption of these safety standards.
- Metrolinx plans to multiply the frequency of train service from 170 a day to 882 through a densely populated residential neighbourhood.⁷
 - A noise barrier wall is being proposed as a panacea to mitigate the impact from a dramatic 400%+ increase in train service. The efficacy of a noise barrier wall is questionable when a large reduction in noise is required.
 - Bill 171 *Build Transit Faster Act* authorizes the construction for this project to proceed even before the release of EIA.
 - Pre-EA construction also contravenes a federal funding requirement. Please see the “Federal Jurisdiction and Interest” section below.
- Metrolinx has not studied adverse health effects of long-term exposure to noise and vibration or factored into their alignment design.
 - The [World Health Organization \(WHO\)](#) warns “railway traffic produce[s] intermittent low-frequency noise. Low-frequency noise may also produce vibrations and rattles as secondary effects. Health effects due to low-frequency components in noise are estimated to be more severe than for community noises in general.”
 - [Quantitative studies in a systematic review](#) found that exposure to excessive noise was linked to lower mental health outcomes and higher risk of ischemic heart disease in the surrounding communities.
 - Contrary to Health Canada guidelines⁸, Metrolinx’s Environmental Impact Assessment (yet to be released) will not include a health assessment.

⁶ [Directive 2008/57/EC of the European Parliament](#) and of the Council of 17 June 2008 on the interoperability of the rail system within the Community 1.4. Environmental protection posits “Operation of the rail system must not give rise to an inadmissible level of ground vibrations for the activities and areas close to the infrastructure and in a normal state of maintenance.”

⁷ Based on future GO service estimate and Ontario Line service frequency per Preliminary Design Business Case.

⁸ Health Canada in its [Canadian Handbook on Health Impact Assessment](#) stipulates that a “health assessment needs to be integrated into Environmental Assessment” to “ensure ... the health and well-being of individuals and





- Recent changes to the provincial *Environmental Assessment Act* remove public rights of appeal for flawed environmental assessments.⁹
- A review which assessed [86 public transport systems](#) found that designs that create segregations in urban spaces make it difficult to create attractive urban spaces around stations “due to the significant intervention in the urban space as compared to the establishment of, for instance, subsurface metro systems”
 - Metrolinx has not studied the cultural and socioeconomic impact of splitting the Riverside and Leslieville community in half with a 30+ metre wide rail corridor.
- Metrolinx plans to build an additional track to run alongside the Ontario Line. None of the past or future studies examines the cumulative effects of RER and Ontario Line’s 6 lanes of rail traffic and associated health and environmental impact.
 - A bulk of increased train service through the corridor is to be met with diesel trains. WHO classified [diesel engine](#) exhaust as carcinogenic to humans. Refer to “Need for a Health Impact Assessment” below.

Rail Safety

In order to promote public safety – one of the primary objectives of *Railway Safety Act* – railways have used a standard setback and berm to mitigate risks for people living in proximity to rail corridors.¹⁰ These measures were developed “based on a detailed analysis of past incidents and derailments” and “allow a derailed train enough room to come to a complete stop.”¹¹

In Riverside and Leslieville, the existing 3 rail tracks are on an elevated berm without any crash wall or sound barrier wall. The setback distance therefore takes on an outsized significance as the only risk mitigation measure protecting residential homes that surround the rail corridor.

Ontario Line proposal breaches the recommended setback distance endorsed by RAC/FCM. In fact, these trains will be traversing at less than 10 metres from residential homes.

Houses in Riverside and Leslieville are two- or three-storey tall wood frame structures, not high-rise condominiums with concrete foundations that could double as crash walls. As trains are on an elevated berm, the only thing standing between bedrooms and trains will be the windows.

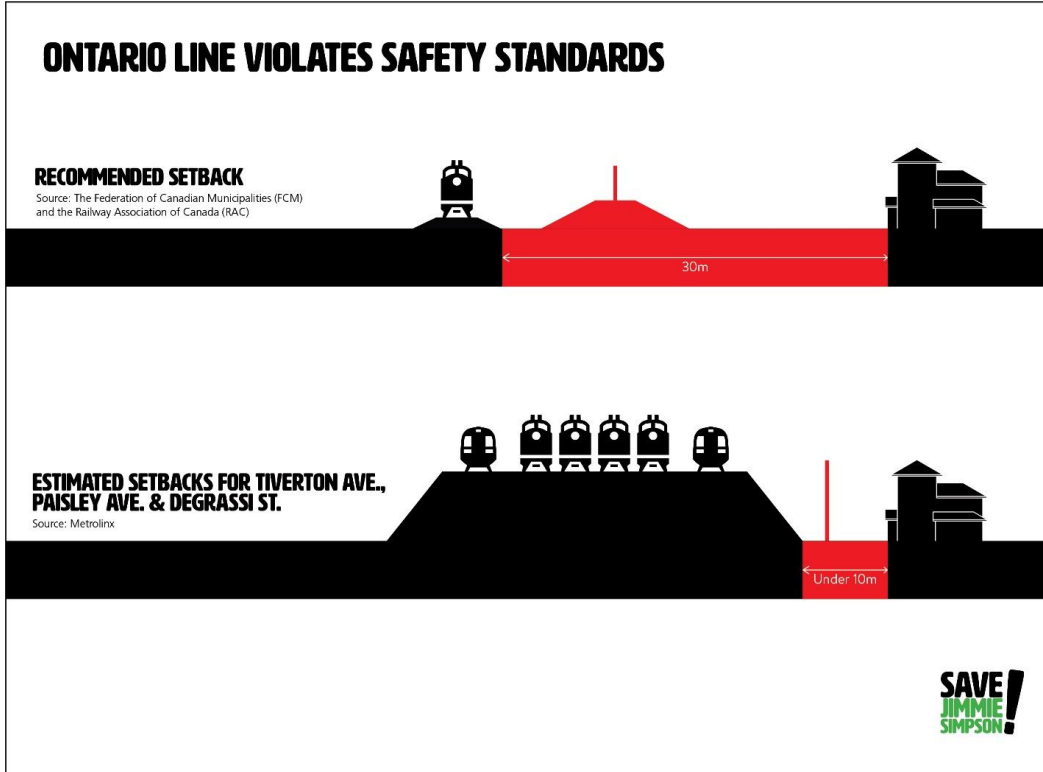
society is not compromised.” Health Canada goes onto say “these issues can go unnoticed by developers and be easily ignored unless individuals or communities raise them.”

⁹ Ecojustice [Doug Ford’s Bill 197 sends environmental oversight back to the 70s](#)

¹⁰ [Proximity Initiative](#), Railway Association of Canada (RAC) and Federation of Canadian Municipalities (FCM)

¹¹ Ibid.





No detailed information has been communicated to the local community as to how many homes and households will be exposed to elevated levels of risk due to significantly reduced setback along Degrassi, Wardell, Booth, McGee, Saulter, Paisley, Dundas, Tiverton, Logan, First and Gerrard St.

Given that more than 10% of railway accidents are collisions or derailments between stations¹² and more than 35% of all rail-related fatalities occurred within rail corridors in six urban regions¹³, the proposed expansion of rail corridor in a densely populated urban area and the resulting loss of setback distance pose significant safety concerns.

In the same vein, the [2015 Canadian Transportation Act Review](#) encouraged governments to establish a “buffer zone” around new rail developments in order to mitigate concerns over rail operations.

Though RAC and FCM standards have been adopted by approximately 60 municipalities in Canada, the municipality-by-municipality approach has been identified as a major legislative gap.¹⁴ This highlights the existing legislative or regulatory mechanisms unfit to reduce risk to the public and deal with adverse

¹² [Stronger Ties: A Shared Commitment to Railway Safety](#) (2007) published by Railway Safety Act Review Secretariat

¹³ [Railway Safety Act Review](#) (2017) by Railway Association of Canada

¹⁴ Ibid.





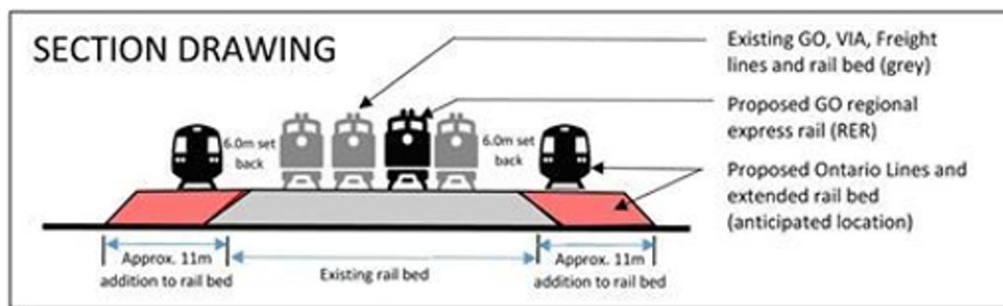
effects and issues arising from proximity to rail operations in a uniform and consistent manner across Canada.

This challenge is further detailed in the [2007 Review of the Railway Safety Act](#):

Taken together, neither the Canada Transportation Act nor the RSA adequately deals with the sustainability dimension of railway operations – that is, what is reasonable from a railway operating and infrastructure planning and development perspective as it impacts on the quality of life of citizens and communities and the environment.

The [2018 Railway Safety Act Review](#) also highlights “the issue of the close proximity of residential ... developments to rail operations” and proposed legislative changes to address “important proximity issues that are impacting on safety.” It again calls for “clarification of the federal authority regarding proximity and safety standards in close proximity to rail operations.”

Additionally, Toronto City Council¹⁵ has raised safety risks related to Ontario Line. Track configuration envisions 6 lanes of mixed-use heavy passenger rail – GO & VIA – along with freight and electric tracks. The 2 proposed Ontario Line tracks straddle each side of the corridor which at its narrowest is 25 metres in width.



To our knowledge, this configuration has never been used anywhere in the world. None of the examples Metrolinx provided in response to City Council’s request¹⁶ provide an instance of diesel, electric and freight trains sharing a tight corridor through a dense residential neighbourhood with virtually no setback to homes.

While the *Rail Safety Act* recognizes the drafting of rules of a technical/operational nature by the industry can be an effective and flexible tool, planning for the Ontario Line has been plagued by a lack of due diligence and due process. As such, we are concerned that Metrolinx’s partnership with the Canadian Standard Association to develop new safety standards do not serve the best interests of Ontarians and may constitute a conflict of interest.

¹⁵ City Council directs staff to review the risks and safety challenges of Ontario Line trains [City of Toronto EX18.3](#)

¹⁶ Ibid.





The planned 6 lanes of mixed-use rail corridor through a residential neighbourhood should be scrutinized carefully and vetted by an objective and independent body like the Transportation Safety Board (TSB) of Canada.

Parks and Urban Greenspace at Risk

Academic research points to the importance of urban greenspace on the health and wellbeing of surrounding communities. Increased use of and exposure to urban greenspace is associated with increases in physical activity, children's attention span, mental health and mood, as well as reductions in heart disease.¹⁷

The presence of parks in neighbourhoods is linked to positive factors including greater neighbourhood social connection, nature engagement, exercise opportunities and lower neighbourhood disorder.¹⁸

The above ground alignment of the Ontario Line endangers 6 parks and urban greenspaces:

- Bruce Mackey Park
- Gerrard Carlaw Parkette
- Jimmie Simpson Park
- McCleary Playground
- Saulter St. Parkette
- Tiverton Avenue Parkette

The City of Toronto, in their extensive [Parkland Strategy Report](#) (November 2019), designated our neighbourhood as:

- Currently being in the second-lowest [Parkland Per Person](#) category;
- As population increases, likely to experience up to 25% [Decrease in Parkland](#) per person by 2033;
- Notably, the city considers this neighbourhood to be an [Acquisition Priority Area](#) where the city should work to provide *more* parkland.

If our community were to lose these parks, the closest large urban greenspace will be about 2 km away. Planning for the Ontario Line has thus far not taken into account reasonably expected impacts on the quality of life of communities and the environment.

¹⁷ [Built and natural environment planning principles for promoting health: an umbrella review](#), BMC Public

¹⁸ Deirdre Pfeiffer, Meagan M. Ehlenz, Riley Andrade, Scott Cloutier & Kelli L. Larson (2020) Do Neighborhood Walkability, Transit, and Parks Relate to Residents' Life Satisfaction?, Journal of the American Planning Association, 86:2, 171-187, DOI: [10.1080/01944363.2020.1715824](https://doi.org/10.1080/01944363.2020.1715824)





Need for a Health Impact Assessment

A review from the [What Works Centre on Local Economic Growth](#) notes that evaluations of transit projects are often flawed as they fail to establish a valid counterfactual (i.e., what would have happened to an area if the project hadn't happened) or a valid alternative (i.e., what would happen if we pursue a different option).

Despite strong community opposition and a directive from City Council¹⁹, Metrolinx has not yet considered any valid alternative to the alignment between Eastern Ave. and Gerrard St.

Provincial authorities have shown little sympathy to the plight of local communities. Numerous comments on Metrolinx's Engage website²⁰ arguing for an underground alignment and the need for a health impact assessment have been met with a perfunctory response or no response at all. The lack of community consultation has been a subject of a number of community complaints to the provincial Ombudsman.

We believe an informed, well-researched plan which carefully considers public health impacts is crucial to prevent damaging long-term consequences.

The City of Toronto has conducted a health impact assessment for previous infrastructure projects in Toronto. However, Toronto having forfeited oversight of the project, coupled with Metrolinx's refusal to take on any assessment which may slow down the project delivery, the only means left to address public health risks appears to be through the federal government.

This points to the need for a federally conducted environmental assessment that focus on a meaningful engagement process with residents, businesses and other stakeholders to identify, analyze and incorporate their values and preferences into transit-planning processes that will affect the communities they live and work in for decades to come.

¹⁹ The Province's willingness to skirt municipal due process is well documented through its use of Minister's Zoning Order.

²⁰ The website has been taken offline, but the comments have been archived in the [Metrolinx Environmental Conditions Report](#). As of the end of October 2020, Metrolinx had responded to only about 60% of comments. Many comments related to public health risks and health impact assessment were ignored.





Public Concerns

There have been significant community opposition to these plans and organized efforts to bury the line. Health risks, rail safety issues, lack of transparency, lack of consultation and parks at risk are concerns that have been communicated to various levels of government. Examples include:

- Over 200 deputation letters and [dozens of speakers](#) spoke to Executive Committee meeting (October 2019)
- Transit experts have echoed community concerns. Prof. [Matti Siemiatycki](#) of University of Toronto, said “real questions as to whether it can be built in a way that isn’t extremely disruptive to the communities that surround the line” (October 2019)
- [City Council](#) called for the Province and Metrolinx to undertake a full, formal Transit Project Assessment Process that would consider alternative technology, station locations and alignment, including putting the Gerrard to Don River section underground (January 2020)
- A [change.org petition](#) asking to put the Ontario Line underground received over 5,000 signatures
- Various community groups like [Save Jimmie Simpson](#) formed to challenge Metrolinx
- [Community submission to Metrolinx](#) endorsed by over 150 residents of Riverside/Leslieville highlighting deficiencies in their Environmental Conditions Report and asking for a Health Impact Assessment (October 2020)
- [Joint community group submission](#) opposing draconian measures of Bill 222 (November 2020)
- Petition to the Ontario Legislative Assembly with over 400 physical signatures (even in the height of pandemic lockdown) presented by Peter Tabuns MPP asking the Province to put the Ontario Line underground (December 2020)
- Select media coverage: CBC News ([2019](#), [2020](#)), [Toronto Star](#), [CP24](#), [BlogTO](#)
- Community complaints have been filed with the Provincial Ombudsman
- A number of letters and emails have been written to federal officials, including Chrystia Freeland and Catherine McKenna

Federal Jurisdiction and Interest

We understand that railways and their rights-of-way are federally governed by the *Canada Transportation Act* (CTA), and construction projects must adhere to the requirements for the *Railway Safety Act* (RSA) intended to protect people, property and the environment. Environment Canada also has jurisdiction over environmental oversight of the railway.

Metrolinx and Infrastructure Ontario are proceeding with procurement for the Ontario Line assuming a 40% funding contribution from the federal government. Our understanding is that \$5.1 billion of federal funding has been earmarked, further establishing federal interest in the project.





In order to “support the long-term health of Canadian urban municipalities,” the [2015 Canadian Transportation Act Review](#) recommended that “the federal government use infrastructure funding leverage” to support “the relocation of rail infrastructure outside of dense urban centres” and “safer alternatives.”²¹

The latest [Integrated Bilateral Agreement](#) (for the Investing in Canada Infrastructure Program) signed between Canada and Ontario included a condition on environmental assessment. Namely, “no site preparation, vegetation removal or construction will occur for a Project ... until Canada is satisfied that the federal requirements under the *Canadian Environmental Assessment Act* ... are met.”

We believe Metrolinx’s plans for ‘early works’ construction (including tree removal, rail corridor expansion and bridge expansion) without the benefit of a completed environmental assessment and publicly consulted safety and other necessary mitigation strategies for our environment breach a federal funding requirement.

Federal government must urge provinces to observe best practices its own agencies promulgate:

- [Impact Assessment Agency](#) notes “an environmental assessment should begin as early as possible so the proponent can consider the analysis for their proposed plans.”
- CMHC states in [Road and Rail Noise](#) that “caution should be exercised when building within 100m of a railway line. At these distances there is a possibility of high vibration levels within the building due to both ground vibration and airborne noise.”
- [Health Canada](#) recommends “health assessment needs to be integrated in [Environmental Assessment] and not done as a separate entity because decision-makers require information on economic issues, health and environmental effects concurrently.”

As a signatory to the UN Sustainable Development Goals, federal government has an international obligation to uphold the principles of [integrated approaches to sustainable infrastructure](#) endorsed by UN Environment.

1. Consider the environmental, social, and economic aspects of sustainability across the entire life cycle of infrastructure
2. Do so as far upstream in decision-making processes when alternatives are still technically, politically and economically feasible
3. Incorporate stakeholder consultation and public participation from the outset

²¹ 2015 Canada Transportation Act Review. [Pathways: Connecting Canada’s Transportation System to the World- Volume 1](#). December 2015. p. 143.





The Minister of Environment is unable to designate a project if a substantial work for a given project has begun. For the Ontario Line project, no RFQ or RFP contract has been awarded. Similarly, no preparatory work has taken place yet.

Recent legislative changes in Ontario expedite the commencement of 'early works' construction before the release of a watered-down environmental assessment, which we understand will not address any public health risks.

We believe if we are to hold the province accountable, federal oversight of the project must commence now. Alternative alignment options exist that obviate health, environmental and socioeconomic risks of the above ground alignment of the Ontario Line, and this solution can be found through a meaningful engagement with the public.

Conclusion

We are deeply concerned about the complete lack of due diligence on the public health impact of running 6-lane railways through a residential neighbourhood. Undermining of environmental assessment in an effort to speed up the project comes at enormous costs to be borne by our local community.

Publication of the environmental impact assessment after construction has begun makes a mockery of the public consultation process. Exclusion of health impacts from the environmental assessment, especially when the project is expected to pose grave environmental, safety and health risks, fails to live up to the purpose of an environmental assessment as defined by the *Impact Assessment Act*.

Any federal support for this project would stand in direct contradiction to the federal government's commitment to sustainable development goals and send an erroneous message to rest of the country. Ontario's attempts to skirt environmental assessment and protection, its unilateral planning without consultation with municipal partners and the public, and its disregard for health and safety standards warrant federal oversight of the Ontario Line.





CC:

Chrystia Freeland, Federal Minister of Finance [REDACTED]
Catherine McKenna, Federal Minister of Infrastructure and Communities

[REDACTED]
Omar Alhabra, Minister of Transport [REDACTED]
Impact Assessment Agency of Canada [REDACTED]
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