

Mike Sullivan

From: Mike Sullivan [msullivan@cep.ca]
Sent: September 22, 2006 12:01 AM
To: Imants Hausmanis; dcallan@mrc.ca
Subject: Final request for changes to the Terms of Reference

Dear Mssrs Hausmanis and Callan,

As you are aware, I raised a number of important questions and issues by letter to you in early June. Your response was only received by the undersigned in late August. Coupled with the Public Liaison Committee meeting, which raised more questions, and the Public Information Centre which raised still more, I feel I must ask at this late date for significant changes to the draft Terms of Reference document. I will outline my reasoning below.

First and foremost, as was clearly evident by the excellent analyses and your responses at the public meeting, it is apparent that the Terms of Reference, as drafted, will not achieve the original purpose of determining the best route and technology for transporting people to and from Pearson Airport. The Terms of Reference, as drafted, forces all potential routings and technologies to meet tests which are at best unfairly selective and at worst vague and unspecific, while failing to properly study the environmental impacts of any but a chosen route. Thus there will be limited 'environmental' study on most if not all of the potential routings. In addition, your single-minded unwillingness to admit that any potential route might have significant local impacts on businesses and home owners, as well as health impacts on a long term basis beyond what 'limits' might be currently set for casual or industrial exposure in the province, goes to the heart of the failings of the proposed study. Finally, your refusal, on several occasions, despite pointed questioning from the undersigned and other members of the public, to describe what value systems you plan to utilize in your determination of 'trade-offs' and 'reasoned arguments' to 'prove' your choice of corridor and technology leaves the process far from transparent to the ordinary citizenry.

1. You have stated publicly that if any other route or technology than the Weston Corridor with Blue 22 type technology is found to be the 'best' as a result of this study, it will fall to other agencies than GO Transit or the other proponent to fund or arrange to use that route or technology. But, the prime consideration for the determination of 'best' as you have admitted, is cost, presumably both public and private. It must be capable of being built 'at a reasonable cost' (completely indeterminate) and in a reasonable period of time. And it must attract sufficient ridership (again indeterminate) to meet the purpose of transportation. We know that the proposal through Weston must set a price high enough to keep riders away, else it would swamp the technology. So ridership can be easily manipulated by ticket price. And if another agency or proponent is to fund or arrange, how can you pre-determine what is 'reasonable' in terms of finance and time, let alone ridership, to that other agency or proponent? And how is the process transparent, if the public cannot understand or know what the prime determining factor of an 'environmental' assessment will be until after you have determined it? If there is no budget, no cost attributed to the project in advance, is it therefore not reasonable to expect that you will price out all alternatives and leave it up to the public and their elected officials to determine what is 'reasonable' both in terms of dollar cost, and in terms of environmental cost? And you have decided that 'public' transportation along the corridor is merely an 'ancillary' benefit of the project. Should that not also be up to the public or the elected officials to decide? Unfortunately that is not how you have structured the Terms of Reference, and therefore it is flawed, and as some have pointed out, fatally.

Therefore we must demand that the Terms of Reference be modified significantly, to remove any reference to 'reasonable cost' or 'reasonable time to construct' or similar. We must demand that the terms of reference redefine the project purpose to study fairly and without bias all potential routings and technologies, regardless of cost or time, without the restrictions of words such as 'express' and 'seamless' which will prejudice as failures a number of potentially viable options.

2. The Terms of Reference describe a three stage process. First, potential routings are to be 'culled' on the basis primarily of their cost and expediency of construction, with only a cursory look at their environmental impacts. You have admitted to the PLC that significant differences in environmental cost will not be the prime determining factor. You admitted that only a 'go/no go' environmental issue would stop any potential

route on an environmental basis. Your example was that if a route destroyed the remaining habitat for an endangered species in an unmitigable way, it would not receive further consideration. However, the various routes which do NOT have unmitigable environmental disasters, will NOT be compared environmentally in any detailed way in that first cull. Once again, cost will be the prime determining factor, not environmental cost. Again, this is a serious flaw in a so-called 'environmental' assessment when the environment and the cost thereto are secondary factors. But we do not accept that a route with significant environmental impact (such as potentially Weston) might win over a route with a much less significant environmental impact simply because the environment was not universally studied at the outset.

Therefore we must demand that the Terms of Reference be amended, to ensure that sufficient environmental study is undertaken of all potential routings that the cost of the project to the environment can be compared. In addition, that the terms of reference provide for a mechanism to weigh those costs fairly and transparently as the prime determining factors for selections of potential routings.

3. You are painfully aware, from the comments at public meetings and elsewhere, that there is serious public concern about the socio-economic cost of the proposal, at least in terms of the most developed proposal, that through Weston. The proximity of schools, churches, houses, as well as the devastating potential effects on local businesses, has been raised time and again as serious issues. The Terms of Reference as proposed are very light on any description of how you will study these socio-economic impacts, other than to suggest that 'nuisance' factors will be compared, and that all provincial standards will be met. That does not satisfy the public concern raised over and over again. There is no provincial standard for long-term exposure by children or adults to diesel fumes and their particulates. There is no provincial standard for acceptable levels of noise and vibration, particularly not on a time-frame such as the over a century long term of some of the proposed contracts for the project. And you have quite clearly indicated that you have no intention of considering as mitigation, compensating anyone financially for localized losses, such as property values, business closings etc. This is particularly galling since the 'Blue 22' proponent, who intend to make significant profits from the venture, are not at the table, and are not involved in the drafting of the Terms of Reference, though if successful, may in fact be the payor of mitigation expenses. Again without a level playing field and a transparent process, socio-economic costs such as property value losses will not be factored into the equations if mitigation costs are not part of the process.

Therefore we must demand that the Terms of Reference be amended, to provide significant detail as to how the proponents intend to study the socio-economic impacts of the various routings and technologies, and the health and well-being impacts of the potential proximity to noise, vibration, and pollution on a long-term basis. Further, that all of the proponents provide detailed examples of the mitigation possible, in the terms of reference, and include in that the potential for property value, business value, and property loss of enjoyment mitigation.

4. Finally, your terms of reference are vague and unintelligible when it comes to understanding what value systems you will use in making 'trade-offs' and 'reasoned arguments' about which routing or technology gets your approval. You have refused our requests to give us some sense of what those values will be. It makes a mockery of the EA process if a proponent can describe their decision-making mechanisms in so vague a manner that no one could ever challenge the result, no matter what the outcome. You have suggested that if you make patently wrong decisions, you might face some opposition from the minister. However, the law seems to only require that once the Terms of Reference are set, you need only meet those terms in a manner which is understandable and replicable. So if the Terms of Reference are deliberately vague, your results have no structure and therefore can be whatever you want them to be. Ultimately, your 'trade-offs' will be public dollars for public environment, and we need to know going in how you will value the environment and cost it in preparation for making those 'trade-offs'.

Therefore we must demand that the Terms of Reference be amended to provide for a full description of the value systems the proponents will use in making the 'trade-offs' or 'reasoned arguments'. We demand that sufficiently clear examples be provided that a reasonable citizen will understand them, and be able to challenge them if necessary at the terms of reference stage of this EA.

On the matter of the GO Transit expansion on the Georgetown Corridor, the above comments should also apply, particularly in light of the comments by one of the proponents that GO Transit had already decided on the technology, and that therefore electrification of the route would not be considered. This is quite typical of the apparent arrogance of the proponents in pre-determining the outcome of the EA. It colours the process and gives the public the impression that the 'fix' is in and the public's 'reasoned arguments' will not be fairly or transparently

considered.

Sincerely,

Mike Sullivan
Chair
Weston Community Coalition