

From: Daniel A. Harris [daniel.a.harris@sympatico.ca]

Sent: February 25, 2005 13:39

To: Hausmanis, Imants at GO Transit; Stephan Mehr

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Subject: March 9, 2005 Public Information Meeting; GO Transit Weston Subdivision Environmental Assessment.

I am writing to respectfully object to the change of venue of the above meeting from H.J. Alexander School to the Weston Golf and Country Club on the following grounds:

- 1) This is a public meeting to deal with a proposal to expand, in part, a public transit initiative. In my view it would be appropriate to hold such a meeting in public rather than private facilities. There is no lack of public spaces in the community where the meeting could be held. Part of the proposal, the Air-Rail Link, is to create a private monopoly over rapid transit between the Airport and Union Station. The decision to hold this meeting in private facilities creates a reasonable apprehension of bias in favour of the private aspects of the proposal.
- 2) The Weston Golf and Country Club (hereafter WG&CC) is an interested party in this process. As you know, the proposed rail expansion runs through the WG&CC lands. The trestle over the Humber River, which you have indicated may need to be doubled, crosses the 2nd fairway. Play proceeds up the third fairway and a pathway comes back across the track at a level crossing, which you have indicated will be closed. It is understood in the community that the WG&CC has concluded an agreement with the proponents of this project to facilitate its completion. The public meeting ought not to be held on the premises of a party that may have a financial interest. Should the environmental assessment result in a finding that the environmental impact is too severe for the project to proceed, the WG&CC would lose whatever advantage it may have negotiated in furtherance of the completion of the project. In this latter regard, I require disclosure of the terms of any agreement reached to date or in the future with the WG&CC in this matter.
- 3) The location of the WG&CC is not convenient to the members of the public affected by this project. You have made it clear that the level crossings in Weston must be closed to facilitate the Air-Rail Link. Further, the degree of destruction to the built heritage of the former Town of Weston is so severe that vehicular grade separations on the existing four level crossings in Weston are virtually not feasible. Accordingly, should this project proceed, it is more likely than not that the community will be left with pedestrian crossings only. The WG&CC is not within convenient walking distance for the members of the public most affected. To propose the closing of the crossings and hold the meetings outside of walking distance in these circumstances is untenable;
- 4) As set out above, part of this proposal is to enhance public transit. Although the WG&CC is served by the Royal York (#73) bus, it is a long cold walk across the Humber River bridge in winter. People relying on public transit will have to take two buses to reach the WG&CC.

I currently have other concerns with the planning of this meeting as follows:

I have reviewed the proposed "Notice of Public Information Centre #1". Although it may or may not comply with the literal legal requirements of such a notice, it certainly fails to live up to the spirit of the law. The notice is to ensure that the public understands what is at stake. You have made it clear that a *sine qua non* of the Air-Rail link is the closing of the level crossings. Representatives of GO Transit

have also made it clear that its requirements for upgrading service on the Georgetown line do not include the closing of these crossings. Accordingly,, there are two fatal flaws to your purported "Notice":

1) The Notice does not disclose that the level crossings are to be closed or replaced by some form of grade separation. This is a material omission that renders the Notice ineffective and will lead to the nullification of any purported consultation based upon it.

2) The Notice does not clearly delineate the distinct public and private aspects of this proposal. The interests of GO Transit and the Air-Rail Link are not the same. None the less, this environmental assessment purports to proceed as an indivisible process. The Notice is deficient, and therefor is no notice at all, in that it does not alert a reasonable person to the different and conflicting components of the proposal.

3) The notice reads in part as follows:

The study will identify the infrastructure needed in the Georgetown Rail Corridor to accommodate increased GO Transit train

service and the proposed Air Rail Link (ARL) between Union Station and Lester B. Pearson International Airport. The ARL

initiative was announced by the Government of Canada in November 2003. **The ARL rail link between the Georgetown**

Corridor and Pearson Airport is a separate project subject to the requirements of the Canadian Environment Assessment Act

(CEAA).

(emphasis added)

This text may be taken by a casual, and reasonable, reader as indicating that the Air-Rail Link portion of the project will be dealt with in a separate proceeding. This is misleading. The infrastructure improvements required by the Air-Rail Link have the greatest environmental impact on the area comprised of the former Town of Weston. It is no Notice at all if you fail to alert the community to this fact.

4) GO Transit has retained Stephan Mehr of SNC Lavalin as its consultant on this environmental assessment. With the greatest of respect to Mr. Mehr, it is not possible for an employee of SNC Lavalin to represent GO Transit, given their inconsistent infrastructure requirements.

5) For this notice to be effective it will have to say that there are two projects being assessed, one public and one private. It will need to put the public on notice that the private aspects of the proposal cause a greater impact on the environment than do the public aspects of the proposal. The notice needs to alert the people of Weston that the known environmental impact includes the closing of the level rail crossings in Weston. Any notice that fails to include these critical aspects is misleading at best and is notice of nothing. That is, it is an incurable nullity.

Accordingly, I respectfully recommend that you change the venue back to a community based location and that this process clearly disentangle GO Transit's involvement as a public transit authority from the private interests being advanced by SNC Lavalin on behalf of the Air-Rail Link consortium.

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