



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Transport, Infrastructure and Communities

EVIDENCE

NUMBER 004

Thursday, February 10, 2022

Chair: Mr. Peter Schiefke



Standing Committee on Transport, Infrastructure and Communities

Thursday, February 10, 2022

• (1545)

[*Translation*]

The Chair (Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.)): I call this meeting to order.

Welcome to the fourth meeting of the Standing Committee on Transport, Infrastructure and Communities. Today's meeting is in hybrid format, pursuant to order made by the House on Thursday, November 25, 2021. Members of the committee may participate in person or via the Zoom application.

I will take this opportunity to remind all participants and observers of this meeting that taking screen shots or photos of your screen is not permitted.

[*English*]

Given the ongoing pandemic situation, and in light of the recommendations from public health authorities as well as the directive of the Board of Internal Economy on January 28, 2022, to remain healthy and safe, the following is recommended for all those attending the meeting in person.

Anyone with symptoms should participate by Zoom and not attend the meeting in person. Everyone must maintain two-metre physical distancing whether seated or standing. Everyone must wear a non-medical mask when circulating in the room. It is recommended, in the strongest possible terms, that members wear their masks at all times, including when seated. Non-medical masks, which provide better clarity over cloth masks, are available in the room. Everyone present must maintain proper hand hygiene by using the hand sanitizer at the room entrance. Committee rooms are cleaned before and after each meeting. To maintain this, everyone is encouraged to clean surfaces such as the desk, chair and microphone with the provided disinfectant wipes when vacating or taking a seat.

As the chair, I will be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, January 31, 2022, the committee is meeting to study railway safety.

We have two panels today.

Witnesses appearing in the first panel are from the Canadian Transportation Accident Investigation and Safety Board. We have Kathleen Fox, the chair, as well as André Lapointe, chief operating officer.

For the second panel, we have from the City of Calgary, Gian-Carlo Carra, city councillor; Chris J. Apps, director of the Kitselas Lands and Resources Department, Kitselas First Nation; and representing the Teamsters Canada Rail Conference, we have Lyndon Isaak, president.

As I said, the committee will be continuing its study of railway safety and the impacts of rail operations on neighbouring communities and properties. Members have agreed that witnesses be given five minutes for their opening statements and, wherever possible, that witnesses provide the committee with their opening statements 72 hours in advance.

Ms. Fox and Monsieur Lapointe, welcome to the Standing Committee on Transport, Infrastructure and Communities.

We will now begin by turning over the floor to you for your opening remarks.

[*Translation*]

Ms. Kathleen Fox (Chair, Canadian Transportation Accident Investigation and Safety Board): Mr. Chair, members of the committee, good afternoon.

Thank you for inviting the Transportation Safety Board of Canada, or TSB, to discuss the important topic of rail safety.

[*English*]

As you know, our mandate and sole purpose is to advance transportation safety in the air, marine, pipeline and rail modes that are under federal jurisdiction by conducting independent investigations; identifying safety deficiencies, causes and contributing factors; making recommendations; and publishing our reports.

[*Translation*]

The TSB is independent, and operates at arm's length from other government departments and agencies. We report to Parliament through the President of the Queen's Privy Council for Canada. This lets us be impartial, free from any real or perceived external influence.

It is also important to clarify what the TSB does not do. We do not assign fault, nor do we determine civil or criminal liability.

[English]

Rail safety continues to be top of mind for the TSB. I'd like to start by sharing some rail safety statistics. According to the TSB's annual report in 2020, 1,192 rail occurrences were reported to the TSB, including 965 accidents and 227 incidents. Of these, the 965 accidents represent a 23% decrease from 2019 and an 11% decrease from the 10-year average.

The main-track accident rate in 2020 was 2.7 accidents per million main-track train miles, down from 3.3 in 2019 but above the 10-year average of 2.4. A total of 59 rail fatalities were reported. Two of these involved railway employees; 39 were trespasser fatalities and 18 were crossing accident fatalities.

Regarding railway crossings, we recently launched an in-depth safety investigation to examine factors contributing to an observed increase in the rate of accidents involving motor vehicles, specifically during the winter months.

We will issue our preliminary 2021 statistics shortly and would be pleased to table these data with the committee when available. I will mention that, sometimes, previous years' stats change as a result of re-categorization or re-examination, so there may be some differences from the numbers I gave you today.

We are in the process of updating progress on the TSB's Watchlist 2020, which outlines the key issues that need to be addressed to make Canada's transportation system even safer. The current list includes two rail-specific issues: following signal indications, where-in train crews do not consistently recognize and follow railway signals, which poses a risk of train collisions or derailments; and uncontrolled movements, which can create high-risk situations with catastrophic consequences, particularly if they involve dangerous goods, as was seen in Lac-Mégantic. In 2020, there were 50 occurrences involving an uncontrolled movement of rolling stock, down from 2019, when there were 78 such occurrences.

Other watch-list issues affecting rail safety include the multi-modal issues of fatigue management in freight train operations, safety management and regulatory surveillance. While safety management systems have been required for federally regulated railways since 2001, our investigations have identified numerous shortcomings, where hazards were not identified and effective risk mitigation measures were not taken. Furthermore, Transport Canada's follow-up and intervention are not always effective at identifying and changing unsafe railway operating practices.

Since we were created in 1990, the board has issued 149 recommendations to regulators and the rail industry. As of September 30, 2021, 91.3% of the responses to these rail recommendations have received the board's highest rating of "fully satisfactory".

However—and I want to emphasize this—there is still much that can be done to improve rail safety, especially with respect to the issues that underpin our watch-list. The oldest active outstanding rail recommendation dates back to 2013, and we're just starting the annual reassessment process of progress made on outstanding recommendations. We will provide an update in our annual report to Parliament, and the results will help to inform TSB's Watchlist 2022.

• (1550)

[Translation]

Another source of input to inform the next Watchlist involves our consultations with industry stakeholders where we discuss the progress that has been made on existing issues and seek their insight on emerging issues.

We have largely completed our consultations with the air and marine sectors last fall and will be meeting with rail industry stakeholders in the coming months.

[English]

Thank you very much. We are ready to answer your questions.

The Chair: Thank you very much, Ms. Fox.

I've just heard from the translators that there's a bit of popping coming from your microphone. I'm wondering if you could move your microphone either up or down, so that it's not directly in front of your mouth. Thank you very much. I'm sure that will be greatly appreciated.

For the first round of questioning, we will turn it over to Ms. Gladu for six minutes.

Colleagues, to help ensure that we are keeping on time, I have borrowed from my colleague Mr. Badawey: I have a yellow flag to wave if you have one minute left, and a red flag if your time is up.

Ms. Gladu, I turn the floor over to you.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you to our witnesses for being here today and for the work they do to try to improve rail safety here in Canada.

I want to start by looking at some of the incidents that have happened. I looked at the incident reports. Sometimes investigations are required. I see that 21 investigations have been done since 2019 for a number of incidents, for which there are no reports yet. One of these was an employee fatality, and there were 11 derailments, 11 rail crossing incidents, five collisions and three others.

Can you explain why there is no report for these things? It has been, in some cases, two years since the incident.

Ms. Kathleen Fox: I don't know if the particular incidents to which the member is referring are incidents or accidents, because we define occurrences as one or the other.

As I said, we have, from the stats, almost 1,200 occurrence reports per year. We can't and don't investigate all of them. We have a policy on occurrence classification, which determines what level of investigation we will do for each one.

The year 2019 was particularly busy, and we have the highest number of major rail investigations under way. We don't control our workload. We have finite resources, so when we have a large number of occurrences that we want to investigate, we need to spread ourselves across those, and that sometimes affects the time required. I can tell you that we are pushing these through and we expect to release those for which we are doing full investigations in the coming days, weeks and months.

I would also add that for all of those occurrences, whether or not we complete a full investigation with a public report, we assess every one. We record the data and we use that for statistical analysis and to inform future investigations.

Ms. Marilyn Gladu: I see that the recommendations that come out of there are supposed to inform the government's next annual plan.

Where do you get your resourcing from? Is it from the federal government?

• (1555)

Ms. Kathleen Fox: If we talk about our investigators, our personnel, they come from a variety of backgrounds. Many come from industry.

Ms. Marilyn Gladu: What I'm asking about is the government funding. I'm trying to figure out why there are not enough of them to get the work done.

Ms. Kathleen Fox: I misunderstood the question.

Our budget comes from Parliament, but perhaps Monsieur Lapointe can add to the issue about resourcing.

Mr. André Lapointe (Chief Operating Officer, Canadian Transportation Accident Investigation and Safety Board): Certainly.

As Ms. Fox noted, we are a small organization. We have about 230 employees. We have deep expertise across our different investigation branches. The teams we have are relatively small, and we have regular rotation and employees leaving for retirement.

Ms. Marilyn Gladu: You could probably use more resources to catch up on these things.

Mr. André Lapointe: We did have an injection of \$2.9 million in 2018-19 to shore up our budget.

Ms. Marilyn Gladu: I have only a limited amount of time, so let me switch gears and go to my next question, which is about rail crossings.

This one is of interest to me, because I see that the government put in \$11 million. It recognized that improving the safety at rail crossings was important, but what's happened in ridings like mine is that you have a population of 2,000 in this little hamlet, and there are seven rail crossings. The government has given \$27,000 per rail crossing, but the cost of fixing one is really more like \$350,000, so it's not happening and they're not making enough progress.

Do you have recommendations on rail crossings that you feel the government has not moved along on well enough?

Ms. Kathleen Fox: We don't have any current outstanding recommendations related to crossings per se. We did have in the past. In fact, crossing safety was on our watch-list up until about 2014.

It was in 2014 that the federal government implemented new grade crossings regulations and grade crossings standards, which were to be phased in over a period of time. I've recently learned that the phasing has been extended or pushed further to the right.

Railway crossing safety is an interesting issue, because it's multiple jurisdictions. On the one hand, the road authority has a role to play with respect to the crossing. The railway operator has a role to play. Cost sharing can be sometimes a challenge, I'm sure, especially in some of the smaller communities, to upgrade these crossings.

Ms. Marilyn Gladu: Definitely.

What about the watch-list? How does something get on the watch-list?

Ms. Kathleen Fox: The watch-list was initiated in 2010, because we had a number of long-standing outstanding recommendations that were not being acted on. We felt it was a way to attract attention and get further traction for change. It has been successful in that sense.

Basically it's a combination of our data, our ongoing investigations and our outstanding recommendations that drives what goes on the watch-list. We renew it every two years.

Ms. Marilyn Gladu: Good.

If you had advice for this committee, what do you think the federal government should be doing to promote rail safety that they're not doing?

Ms. Kathleen Fox: Mr. Chair, we've laid out our desires in terms of what we'd like to see the emphasis on for rail safety, and that's on our watch-list with the five issues that I mentioned at the committee today.

The Chair: Thank you very much, Ms. Gladu.

The next six-minute round is for Mr. Badawey.

Mr. Badawey, the floor is yours.

Mr. Vance Badawey (Niagara Centre, Lib.): Thanks for coming out today, folks. It's great to have you out.

I guess my questions are going to be with respect to rail safety but also the impacts on the surrounding communities, based not only on safety but also on the lifestyle of communities. I'm not sure if that is your jurisdiction, but you can answer that as I ask the questions.

In its 2016 report, entitled "An Update on Rail Safety", this committee recommended that rail companies be required to "provide real time knowledge of dangerous goods...via cellular or Internet services" to first responders as well as the community at large, and that they develop alternate methods of providing this knowledge in "communities outside of cellular range".

My first question is this: To your knowledge, what access do first responders have to real-time knowledge of dangerous goods being transported by rail in their respective communities?

Ms. Kathleen Fox: I can give a partial answer. We can perhaps provide some more data if required.

Each railway is required to have an emergency response assistance plan. They share aggregate numbers upon request with the communities through which they go. It's my understanding that first responders can have immediate access to whatever is being carried on a particular train involved in a particular occurrence.

Transport Canada may be in a better position to provide details, or the railway companies that I believe are going to be meeting with you in a couple of weeks.

• (1600)

Mr. Vance Badawey: My second question is with respect to the crossings themselves.

In one area of my riding, in the city of Thorold—in Port Robinson to be exact, which is part of the city of Thorold—there is a crossing that at times gets blocked for 20 to 25 minutes, sometimes 30 minutes. It is the only access into the community for first responders and for individuals getting to their families.

What processes or protocols do you see fit, on behalf of your organization, to ensure that these crossings are clear when first responders have to cross them?

Ms. Kathleen Fox: Mr. Chair, again, this is perhaps a question for Transport Canada.

There are rules in place with respect to how long a train can occupy a crossing in other than exceptional circumstances. In fact, this is an issue we're looking at in an ongoing investigation at a crossing in Ontario. I can't go into the details because the investigation is ongoing, but we're certainly aware of the issues it causes, and we're looking at that in terms of our current investigations.

Mr. Vance Badawey: Mr. Chairman, in the 2016 report, “An Update on Rail Safety”, this committee recommended “That advance notice and opportunity for consultation with municipalities be provided on rules and any exceptions to rules.” In its response, the Government of Canada indicated that a mechanism to that effect would be introduced by Transport Canada.

These are questions for those who are giving testimony. One, to your knowledge, has such a mechanism been introduced by Transport Canada? Two, to your knowledge, has Transport Canada consulted with municipalities in developing such a mechanism? Three, what is the typical involvement of municipalities in the development of change to Transport Canada rules regarding rail safety?

Ms. Kathleen Fox: I'm sorry, Mr. Chair, but I'm not able to answer any of those questions.

Mr. Vance Badawey: My last question, Mr. Chairman, is with respect to communities. It's a question I asked the Canadian Transportation Agency back in June, at a meeting we held on this very issue. It has to do with the effects of rail operations on municipalities. I guess it was relative to the times of operation. Of course, with noise, odour and vibration, the safety of individuals and neighbouring communities can be a question.

The answer I got back from the CTA was that they would monitor existing situations, and with that, would put in place, based on complaints, an order that operations would be happening only at certain times of the day, for example. If these impacts are drastic at nighttime, then, of course, the operators wouldn't be able to operate at night.

What jurisdiction does your organization have over this, with respect to the effects of rail operations on neighbouring communities?

Ms. Kathleen Fox: We have no jurisdiction per se, Mr. Chair, in that respect, but when we are investigating a crossing accident, we look at what impact those issues have had on a particular occurrence. Whether it's a train being delayed on a crossing, which can influence driver and pedestrian behaviour and perhaps lead to unsafe practices, is something we're looking at in a current ongoing investigation. We definitely look at that. We look at the standards. We look at the regulations in place.

Mr. Vance Badawey: With respect to “other” situations that happen at crossings and sidings, are the recommendations that come out of the report that you have, under certain circumstances, passed on to Transport Canada and the CTA?

What's the protocol with respect to situations that you investigate and of course the recommendations that you would otherwise make on those situations?

Ms. Kathleen Fox: If we were to make a specific recommendation relating to railway crossings, it goes to the Minister of Transport, who of course oversees both Transport Canada and the CTA in the portfolio. We make our recommendations to the Minister of Transport or to a minister of a federal department that's involved in overseeing the safety of the occurrence.

The Chair: Thank you, Mr. Badawey.

• (1605)

[Translation]

I now give the floor to Mr. Barsalou-Duval for six minutes.

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Thank you, Mr. Chair.

Ms. Fox, in your opening statement, you spoke of uncontrolled movements of trains. Many of us know that this is what led to the tragedy in Lac-Mégantic. Recently, I became aware of a document published by the TSB, which indicated that the uncontrolled movement of trains was on an upward trend. You also mentioned, I think, that uncontrolled movements of trains are included in the Watchlist.

In your opinion, why is this trend on the rise?

Has the TSB made recommendations in this regard that have not yet been implemented, but that would help to change things?

Ms. Kathleen Fox: Uncontrolled movements arise from three situations. Since time is short, I won't describe each one in detail. We observed 78 cases in 2019, but concluded that they were going down in 2020 and 2021. We do not know if this reduction was attributable to measures taken by stakeholders to improve safety or to reduced rail activity during the pandemic. That is an issue we want to analyze.

We made two recommendations, one of which was made following the accident in Lac-Mégantic and the other more recently. In the latter, we recommended that Transport Canada work closely with the rail industry and union representatives to determine the causes of uncontrolled movements. The goal is to find solutions to reduce the frequency of these events and the risks they represent.

Mr. Xavier Barsalou-Duval: Thank you very much.

According to the follow-up audit conducted in 2021, the government was unable to adequately implement measures suggested in the 2013 Report of the Auditor General.

Do you find that the department provides satisfactory answers to problems raised in the course of your investigations?

Ms. Kathleen Fox: We have certainly seen improvements, specifically with regard to monitoring conducted by Transport Canada. However, we want to see more marked progress in some areas. For example, all railway companies in Canada have been subjected to a safety management system audit. The idea was to confirm that these companies had a system in place compliant with regulations.

We want to know if their system is effective, if it works and if it achieves the desired results. However, we have not yet seen the evidence. That is why this is on the Watchlist.

Mr. Xavier Barsalou-Duval: The effectiveness of a system is important. Indeed, if a system is not effective, it has no utility whatsoever.

In a recent petition circulated by the Teamsters, they said that TSB investigators had their hands tied in terms of assigning fault for a rail accident.

Do you consider that TSB investigators have sufficient powers to make the necessary improvements to rail safety in Canada?

Ms. Kathleen Fox: I'm not sure I correctly understood your question.

Investigators certainly conduct investigations into railway occurrences. Reports and recommendations are produced, as needed, through the TSB.

I don't exactly know the purpose of your question and I apologize.

Mr. Xavier Barsalou-Duval: I would like to know if you do indeed consider that the TSB's powers are sufficient to make significant changes.

Ms. Kathleen Fox: With respect to investigations and data collection, for example, we have sufficient powers under the Canadian Transportation Accident Investigation and Safety Board Act.

Moreover, the implementation of our recommendations is not mandatory, nor should it be. This gives us the ability to present arguments in favour of changes without participating in decision-making, since that could lead to a conflict of interest during an investigation.

• (1610)

Mr. Xavier Barsalou-Duval: In your remarks, you said that your role was not to determine who is guilty or to assign fault during investigations into specific situations.

Does that sometimes slow down your work, in a way?

Ms. Kathleen Fox: That is not the case at all.

In fact, I see it as an advantage. We can ask people for information, because they know that their testimony is protected by the Act and we are not there to determine civil or criminal liability. That leads them to trust investigators more when they ask their questions.

If people thought that we could judge their actions and maybe lay charges, they would be less inclined to cooperate with us and give us information.

Mr. Xavier Barsalou-Duval: My next question is on...

The Chair: I am sorry, Mr. Barsalou-Duval, but you have 15 seconds left. If you agree, you can ask your question during the next round.

Mr. Xavier Barsalou-Duval: Perfect.

The Chair: I now give the floor to Mr. Bachrach.

[English]

Mr. Bachrach, you have six minutes.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Ms. Fox. It's good to see you back at the committee.

I'd like to pick up on the earlier remarks of my colleague, Mr. Barsalou-Duval, about safety management systems. When I looked at the TSB's watch-list and the concerns the TSB has had with it over time, which it hopes to see remedied, I was surprised to learn that safety management systems have been on the watch-list since it was created.

Could you speak to why these safety management systems have remained on the watch-list for so long—over a decade—and why Transport Canada hasn't been able to do enough to meet your concerns and address the things you're raising when it comes to these vital components of railway safety?

Ms. Kathleen Fox: When it comes to safety management systems being on the TSB watch-list, you are correct in saying that they have been on it since 2010. However, if we were to look at each of the different versions of the watch-list, we would see that it has evolved over the years to now being multimodal, because the concerns are different for air or for marine compared to for rail.

With respect to rail, railways have been required to have safety management systems since 2001. The SMS regulations were significantly strengthened in 2015 with the introduction of railway operating certificates and much more prescriptive, detailed regulations.

We are seeing two things, which is why rail safety management is still on the watch-list. Through our investigations, we have found that the railways are not identifying hazards and not conducting risk assessments all the time, or at least during the time of our investigations. They are also not effectively mitigating the risks in their operations, and that situation has contributed to accidents and incidents.

With respect to Transport, their oversight of the SMS has not yet looked at the effectiveness of railway safety management, although they've indicated that they've started to.

That's why those issues are still on the watch-list for railways.

Mr. Taylor Bachrach: I'll just pick up on that last point you made. Have recent Transportation Safety Board investigations identified failings related specifically to the safety management systems that contributed to the rail incidents?

Maybe I'll rephrase that. Are these shortcomings of the safety management systems contributing to accidents, and have your investigations found that?

Ms. Kathleen Fox: To be clear, Mr. Chair, they are contributing to some occurrences but not all; I don't want to say all. Certainly in some cases they are. Some of them are ongoing, and when these reports are issued, you will certainly see how Transport Canada oversight has been a contributing factor or has created a risk of such accidents.

Certainly that was evident in the Lac-Mégantic investigation that we released in 2014 based on the 2013 accident. Again, in fairness to Transport, they've come a long way. They've done a lot of things, but we are still seeing some issues in some reports, so we continue to look at that and to either make recommendations or keep it on our watch-list.

Mr. Taylor Bachrach: Speaking to the issue of effectiveness monitoring, can you break down in really plain English terms why it's important that Transport Canada monitor the effectiveness of these safety management systems? The safety management systems are very complex and opaque to most residents of the riding I represent.

Can you spell out why it's important that Transport Canada audit the effectiveness of these systems?

• (1615)

Ms. Kathleen Fox: It starts with the fact that the railways are first and foremost responsible to manage the safety of their operations, as any transportation operator is. You need a strong framework with regulations, and then you need strong oversight to make sure companies are able to identify the things that can go wrong, take steps to make sure they don't lead to adverse consequences, and make sure the steps they've taken fix the issue they've identified.

That is how you reduce risk in operations. Reducing risk reduces the chance of accidents.

Mr. Taylor Bachrach: Major rail safety incidents can have a profound impact on communities, yet these safety management systems, which are mainstays of the regulatory environment around rail safety, are entirely opaque to communities, to municipalities, to residents and to citizens. They're proprietary documents that sit within the rail companies.

Would increased transparency when it comes to these safety management systems benefit the rail safety environment in general?

Ms. Kathleen Fox: Citizens want to be reassured that the transportation systems in this country are working effectively and safely, and that if you board a plane, train or ship, you're going to arrive safely, etc. I understand that.

Trying to show somebody a safety management system is very difficult, because it's not a book on a shelf. It's got to be something that permeates day-to-day operations and mindsets.

I coined a phrase once. It's basically about looking for trouble before trouble finds you, and then taking steps to address that.

Mr. Taylor Bachrach: When you talk about looking for trouble, maybe you're referring to this safety culture. I believe that safety culture is one of the stated goals of the safety management systems.

Do you believe that the safety management system process currently in place is achieving that objective of creating a safety culture within our railways?

Ms. Kathleen Fox: It's a bit of a chicken and egg situation. You need sound safety culture to support a solid safety management system, but culture alone without the process won't be effective.

The Chair: Thank you, Mr. Bachrach.

In this next round, we will go to Ms. Lantsman for five minutes.

Ms. Melissa Lantsman (Thornhill, CPC): Thank you, Ms. Fox, for joining us.

I want to get specific and dig a bit further into what my colleagues were asking. It's about resourcing. Specifically, if you go on the TSB website, there are numerous safety incidents that have been unaddressed by the transport ministry. I'll speak about some specifics.

In August 2019, there was a fatality at the CN MacMillan rail yard, and Transport Canada hasn't, in what I've seen, scheduled a date to release the report on this death.

I want to know from you if you have any further information about when we can expect the information about this. What's happening to prevent any further deaths in the meantime?

Ms. Kathleen Fox: With respect to the MacMillan yard occurrence, it's the Transportation Safety Board that's investigating it. We have completed the investigation. We are in the final stages of producing a report, and we will be releasing it imminently. I can't give you a specific date today. That is definitely one of the ones that I can tell you is done; it's a question of having to do the final steps to put it out the door.

It's important for the committee to know that TSB does not wait until we complete and publish an investigation report to provide safety feedback to Transport Canada and to the operator. We do that through other safety communications, things like rail safety advisory letters and rail safety information letters, so they receive information throughout the course of the investigation to help either the regulator or the operator take steps to reduce the risk of a similar reoccurrence, even before the investigation is completed.

Ms. Melissa Lantsman: In your view, does that generally happen? In this case specifically, do you see that any changes have been made, given that we haven't seen an investigation or any kind of statement on it in two years?

• (1620)

Ms. Kathleen Fox: I can assure the committee that safety action was taken from this occurrence and will be part of the final report, which we hope to release later in March or early April.

Ms. Melissa Lantsman: Sure. Ms. Fox, do you think you're well resourced enough to do these investigations in a timely manner?

Ms. Kathleen Fox: Mr. Chair, we're resourced for a baseline of occurrences, but when we get either a very large investigation such as Lac-Mégantic, or when we get a series of smaller investigations, it can stretch our resources.

We can't predict when these things are going to happen or how they're going to happen. As I mentioned earlier, in 2019 we had a number of investigations. We had something like half a dozen major rail investigations going on. Therefore, it does cause us to be stretched a little thin and take a little longer, but at the same time, each investigation is different and we have to do a thorough job and get it right.

Ms. Melissa Lantsman: Seeing as though the government, in my view at least, is dismantling the Canadian energy sector, there has been a downturn in railway incidents because of the lack of traffic. I want to know your view, given that oil is the most dangerous resource to transport.

In 2021, Canada moved 1.6 million barrels of oil by rail. I think the Lac-Mégantic disaster showed us that catastrophes can take place when moving oil by train. Do you think transporting oil via pipelines will lead to greater rail safety or a decrease in such incidents?

Ms. Kathleen Fox: Mr. Chair, we don't compare rail versus pipeline safety other than to say that each mode of transport has its risks and each mode of transport has to be conducted as safely as possible.

Ms. Melissa Lantsman: Do you believe transporting oil by rail is as safe as transporting it by pipeline, given that you don't make the comparison, but just on a number of incidents, if you're looking at it from a risk perspective?

Ms. Kathleen Fox: Mr. Chair, there are different ways of comparing risk. When a unit train carrying crude oil derails, it depends on a lot of factors, how much oil is lost, where it's lost, the impact on the environment and the possibility of casualties versus, for example, a pipeline, which can potentially leak more oil and create more environmental consequences. It's really difficult to compare.

Ms. Melissa Lantsman: Ms. Fox, I just want to make sure that if you are comparing them, you're comparing them from an environmental perspective to a loss-of-life perspective. My question is about safety and whether, in your view, less oil transmitted by rail would create better conditions for fewer incidents in terms of, let's say, the loss of life.

Ms. Kathleen Fox: Mr. Chair, it would be difficult to say that, because it's not what the train is carrying that causes the derailment. It's the track; it's the wheels; it's other factors. Therefore, what we say is if you're going to carry oil or any other dangerous good by rail, you need to take all the steps in terms of containment and other risk mitigation measures to reduce the risk of a derailment, and then mitigate with the tank cars to mitigate the consequences of a derailment.

The Chair: Thank you, Ms. Lantsman.

Ms. Koutrakis, the floor is yours. You have five minutes.

Ms. Annie Koutrakis (Vimy, Lib.): Thank you, Ms. Fox and Mr. Lapointe, for coming before the committee today. Your testimony is very important and I thank you very much.

Ms. Fox, in your testimony you said that the Transportation Safety Board is unsure of reasons for the decline in accidents and uncontrolled movements in 2020. How much did rail traffic decline overall?

Ms. Kathleen Fox: I don't have all the underlying activity data. That is one of the challenges and one of the initiatives we are working on with Transport Canada and the railway industry, including the major railways and the Railway Association of Canada.

If we look at a million train miles, there were 79 million train miles travelled in 2021 versus just over 80 million train miles in 2020. There's a difference in activity level, but we don't have a good way of calculating a rate.

Uncontrolled movements can happen in yards; they can happen on the main track or on a secondary track. The issue is trying to calculate a rate. We just don't have that activity data to calculate a rate when it comes to uncontrolled movements, but it's one of the issues we're working on with Transport Canada and the industry.

• (1625)

Ms. Annie Koutrakis: Do you have any recommendations for how we can find one method to calculate this? It would seem to me that it's pretty important to have that kind of data.

Ms. Kathleen Fox: Mr. Chair, we absolutely agree that it's important to have activity and volume data so that you can compare apples to apples from one year to the next. All I'm saying is that for 2020 and 2021, given the effects of the pandemic and other events, the activity level dropped off. We don't have a good enough measure to compare one rate to the next.

We can say that the numbers went down. Did they go down because of the safety measures taken since 2019, or did they go down because there was less activity? That's where we don't know the answer.

Ms. Annie Koutrakis: Recently in Montreal—not too far from where I live, actually—on the corner of Van-Horne and Saint-Laurent, there was a tragic accident. A young, 31-year-old woman was killed when she was illegally trespassing on rail lines.

I'm curious to know what more, in your opinion, could be done to prevent trespassing on rail lines. Is this problem getting worse or better?

Ms. Kathleen Fox: Mr. Chair, trespassing accidents are the highest number of railway fatalities every year in Canada. It is tragic to see so many people killed. There is a variety of reasons behind that.

It is a combination of security and public education issues. We haven't done very many trespassing accident investigations. When we have done them, we've looked at things like increased security, such as fencing. We've looked at the jurisdictional issues around building and land and what is built close to a railway track. Putting a school on one side and a fast food store on the other causes people to take shortcuts across tracks.

These are very big issues. I know Operation Lifesaver is very seized with this, as are Transport Canada and the railway industry.

Ms. Annie Koutrakis: We also know, through testimony and various stories that we hear in the news, that crews and train operators don't always follow all of the safety measures or recommendations.

In your opinion, what action should railway companies take to ensure that crews recognize and follow railway signals?

Ms. Kathleen Fox: Mr. Chair, we believe that to reduce the risk of not following signal indications, which is often not a question of somebody just blowing through a signal.... We're talking about misinterpreting or bad weather. There are a whole bunch of reasons why that may happen.

The ultimate solution to reducing that risk is technology. In fact, this past weekend Transport Canada issued a notice of intent with respect to enhanced train technology, which we have been calling for now since 2000.

Ms. Annie Koutrakis: I have one last question. This is really to educate me, more than anything.

I heard you speak about accidents versus incidents. Could you elaborate a little, please? What's the distinction between the two?

Ms. Kathleen Fox: There's a specific definition in our regulations. In simple terms, an accident usually involves damage and/or injuries or death, whereas an incident would be when, for example,

a train crew didn't stop at a signal, but they didn't hit anything or derail.

Ms. Annie Koutrakis: Thank you.

I have no further questions, Mr. Chair.

[*Translation*]

The Chair: Thank you, Ms. Koutrakis.

Mr. Barsalou-Duval, you have the floor for two and half minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

Given that I have not directed any questions to Mr. Lapointe, responsible for investigations, I will seize the opportunity.

Mr. Lapointe, for a certain number of years, we have seen an increase—or at least, an upward trend—of transportation of dangerous goods, especially transportation of oil, which seems to be very popular.

If in the years to come, there were to be an increase in transportation of oil by rail going through our cities, could that lead to other disasters or increase the risk of disaster?

• (1630)

Mr. André Lapointe: Thank you for the question.

I would like to come back to a point Ms. Fox raised earlier. More attention must be given to maintenance and everything that affects the safety of the means of transportation, whether it is oil or other dangerous goods.

As for a possible increase in transportation of dangerous goods, we will have to wait and see. Right now, we are focusing on what we see. There are several accidents that we have investigated and, in some cases, that we are still investigating, where the performance of tank cars was being monitored. We will then be able to comment on changes made to those cars.

Mr. Xavier Barsalou-Duval: The TSB studied the Lac-Mégantic accident, and a report came out. Since then, the implementation of a rail bypass was announced and the government is promoting a project connected to that bypass.

We found out through the media that Canadian Pacific, or CP, wants to quadruple train speed and double the length of convoys, according to its operating plan.

Was the TSB consulted on this matter, and if not, did it give opinions on, for example, certain decisions or authorizations?

Ms. Kathleen Fox: To my knowledge, we were not consulted, nor was it necessary to do so. We have no opinion to express on the subject of the Lac-Mégantic rail bypass. I understand full well why, on a psychological level, the citizens of Lac-Mégantic want a rail bypass.

From our point of view, regardless of where the trains run, it must be done safely.

Mr. Xavier Barsalou-Duval: When a route is changed, aren't you consulted or asked to give your opinion on the greater or lesser degree of safety of that change?

Ms. Kathleen Fox: No. It is not our role to express our opinion about the safety of a route change. However, if there is an investigation after an accident or incident and we determine that certain factors were not taken into consideration during the change, we would mention it in our report.

Mr. Xavier Barsalou-Duval: Thank you.

The Chair: Thank you, Mr. Barsalou-Duval.

[*English*]

Mr. Bachrach, you have two and a half minutes. The floor is yours.

Mr. Taylor Bachrach: Ms. Fox, fatigue management has been on the watch-list for a number of years. When I talk to railroaders in the community I live in, and there are many of them, fatigue is something they frequently raise with me.

Do the current fatigue management plans of the railways reflect the most up-to-date science on fatigue?

Ms. Kathleen Fox: Mr. Chair, that would be difficult for me to answer because I haven't seen specifically each plan for each railway. It was Transport Canada's responsibility to review and approve those plans, so I can't speak to whether they meet the current thinking with respect to fatigue management.

We certainly encourage it, though. We want to see that the rules and the schedules apply, particularly in freight train operations, which are often unscheduled or at least not on a schedule that can be predicted, and which run 24-7 and can have a definite impact on crew fatigue.

Mr. Taylor Bachrach: Ms. Fox, when you talk to the companies about fatigue management, what are the barriers they raise? Why aren't they addressing this to your satisfaction, and why haven't they over the years?

Ms. Kathleen Fox: There are, I'm sure, a number of considerations. One would be that any schedule to address fatigue has to be done through collective bargaining. While collective bargaining should never stand in the way of doing the right thing when it comes to fatigue management, scheduling is an important part of collective bargaining and can have a definite impact on fatigue management.

Mr. Taylor Bachrach: Just shifting gears here, you mentioned enhanced train control technologies. I understand there was a TSB investigation following a derailment in 2012, near Burlington, that recommended these enhanced rail controls. That's almost a decade ago. Just now we have the federal government announcing that they're going to implement these.

Why did it take nearly a decade to act on this Transportation Safety Board recommendation?

Ms. Kathleen Fox: Mr. Chair, in fact it took longer than that, because the first recommendation that we made with respect to physical defences in that respect goes back to 2000, and in 2013 we updated it with the Burlington accident you've just mentioned.

We are very anxious to see what the details are going to be on this notice of intent. We feel it's very important. There are about 30-plus occurrences a year. Not all of them result in accidents and derailments, but the risk of a catastrophe is there as long as we rely strictly on a human being to follow the rules.

• (1635)

Mr. Taylor Bachrach: Perhaps I can fit one more in, Mr. Chair. Both CN and CP have these technologies installed on their tracks in the United States and have for a number of years. Why is the U.S. so much further ahead when it comes to adopting this technology?

Ms. Kathleen Fox: Mr. Chair, that's a very good question, and it's one we've asked in a recent report.

The Chair: Thank you very much, Mr. Bachrach.

For the next round we will go to Mr. Dowdall.

Mr. Dowdall, the floor is yours. You have five minutes.

Mr. Terry Dowdall (Simcoe—Grey, CPC): I want to thank our presenters on the panel today for being here.

In beginning, I know that the TSB is an independent body, but that being said, this is our first meeting in, what, six months, since "the most important election since 1945", I believe. I'm just curious. As times have changed, we have, at this moment, the most divided society I've seen in my lifetime. I have concerns. I know there are blockades and convoys here, and we're seeing trucks and vehicular travel, whether it's at border crossings or whether it's here in Ottawa. Certainly, at all the border points, it's a concern.

As for my question, I've not really heard a plan from the government on anything about how we're going to get out of where we are today, so I'm kind of curious about where you stand as a board. I'm going to ask questions like this: What are the safety protocols you have in place that deal with risks associated with the blockade? Also, I'm more concerned about the fact that whatever we thought it could be before, this is a little different. There's a lot of iron out there. There are a lot of individuals, more than than I've ever seen in my lifetime, who are frustrated.

I'm just wondering. Have you had a call from the government at all, first of all to make sure that your plan is solid? If so, has the plan changed because of what we're seeing with this type of blockade?

Ms. Kathleen Fox: Mr. Chair, we investigate air, rail, marine and pipeline accidents. We have nothing to do with surface transportation, so it's really outside of our jurisdiction.

Mr. Terry Dowdall: I'm talking about blockades at rail lines.

Ms. Kathleen Fox: [*Technical difficulty—Editor*] not aware of any current blockades at rail lines, but again, that would be for the government, for the railway companies or for the regulator to address. We investigate accidents and incidents, not those types of events.

Mr. Terry Dowdall: I'll move on to the next part. I guess it goes back to railway crossings. I was the mayor of a town for a lot of years, and I definitely saw the risks involved with a lot of those crossings. You said earlier that—I can't quite remember how many—people were in accidents. In particular, perhaps some people mistakenly.... I know of people in my community who happened to be driving, and the radio was on too loud, or whatever it possibly could be.... They could be tired, fatigued, but there are a lot of other ones where you find out later that perhaps they had mental stress or something of that nature in their lives.

I'm wondering if you could elaborate. Do you get numbers from that at all? Is there any follow-up on what we could do to perhaps make these safer?

Ms. Kathleen Fox: Well, we do have statistics on railway crossing accidents. We have done a number of railway crossing investigations through the years. We are doing one now.

A major improvement was the grade crossing regulations and grade crossing standards that Transport Canada implemented in 2014, but there are a number of issues when it comes to crossings. It's the design of the crossing. It's maintaining the crossing. It's maintaining the sight lines of the crossing. It is, as was mentioned earlier, not blocking crossings for protracted periods of time beyond five minutes, which is what the regulations say is the maximum. It is also driver and pedestrian behaviour.

We're going to be looking at a number of those issues in an ongoing investigation we're doing into a crossing accident in Ontario.

Mr. Terry Dowdall: Okay, but you don't exactly get a breakdown of perhaps the state of the individual, I guess, and why it happened. I'm just wondering whether we are doing enough, for instance, for a lot of the people who are using railways. Because of the frustration in their lives, should we be sending a message that we need to do more for mental health?

• (1640)

Ms. Kathleen Fox: Certainly, if you look at some of the trespassing occurrences—and I don't have good statistics on how many of those trespassing accidents were intentional versus accidental, if I may say—we do look at driver behaviour when we investigate crossing accidents. We don't do a lot of trespassing accidents, but we have done some. We do look at driver behaviour with respect to crossing accidents to the extent that we can, recognizing that there may be no camera and there may be no survivor, etc.

Certainly, driver behaviour is something we're going to look at in the context of the crossing study we're doing now for the increase in crossing accidents during the winter months.

The Chair: Thank you very much, Mr. Dowdall.

Mr. Iacono, the floor is yours, and you have five minutes.

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Mrs. Fox and Monsieur Lapointe, welcome to the committee. It's nice to see you again.

Mrs. Fox, in November 2020, Transport Canada approved the new duty and rest rules for railway operating employees. You've made reference in the past to the statistic that the number of casualties has gone down. Did these new rules better align with the latest

science on fatigue management? Did it represent a significant improvement over the old rules?

Ms. Kathleen Fox: I'm not in a position to compare the new and the old, but we will certainly look at it in the context of our investigations. Because those new duty rules came into effect in November 2020, it takes a while before we see the impact of that in the system, but we certainly look at fatigue as a possible causal or contributing risk factor in any rail investigation that we do, or any other mode, for that matter.

[*Translation*]

Mr. Angelo Iacono: Thank you.

How can Transport Canada improve the advice it gives to railway companies about how to collect and communicate their data on rail safety?

Ms. Kathleen Fox: That's a big question.

Railway companies are obviously required to send certain data to Transport Canada. We suggested in a previous recommendation that broadening the types of data sent to Transport Canada could improve monitoring of railway companies. For example, it is not enough to look only at breakages. Early warning signs of incidents and accidents also need to be identified.

Mr. Angelo Iacono: Thank you.

What role should municipalities and community associations play in improving rail safety in Canada?

Ms. Kathleen Fox: Municipalities and organizations like the Federation of Canadian Municipalities certainly have a role to play in the safety of grade crossings, not only in terms of maintenance, but also the development of subdivisions and community development.

For example, if we want to build a grade crossing in a very busy area, we have to ask if it wouldn't be worthwhile to instead build an underpass or an overpass to avoid the risk of collision. However, this type of construction is still relatively costly.

Mr. Angelo Iacono: I fully agree.

[*English*]

What are the best land use planning practices that enhance railway access and promote residential and commercial development and a safer community environment?

Ms. Kathleen Fox: I'm sorry, Mr. Chair, that goes a little beyond my expertise, or at least my ability to come up with a good answer today.

I've attended some Federation of Canadian Municipalities meetings where this has been a big topic of discussion. It's a shared responsibility between the municipalities and the railway operators under the overall guidance of Transport Canada, which sets the standards and the rules.

Mr. Angelo Iacono: Ms. Fox, I have some factual questions. First, is the RCMP investigating the Field, B.C. tragedy? Second, do you have any general comments about railway policing in Canada? Is it appropriate that there is specialized railway policing, or should everything be delegated to the RCMP or the local police force?

• (1645)

Ms. Kathleen Fox: To answer the first question, it is my understanding that the RCMP is conducting a criminal investigation into the Field occurrence, which is completely separate and independent from the TSB safety investigation into the same occurrence.

I have no opinion to express on the role of railway police versus federal or provincial police forces.

Mr. Angelo Iacono: Thank you, Ms. Fox.

The Chair: Thank you very much, Mr. Iacono.

Thank you, colleagues.

My sincere thanks to our witnesses, Ms. Fox and Mr. Lapointe. You can now disconnect and leave the meeting.

Colleagues, I'll ask that you stay behind while I suspend the meeting temporarily, so we can let in our next round of witnesses.

Thank you, everyone.

• (1645)

(Pause)

• (1645)

The Chair: This meeting is now back in session.

I'd like to thank the second round of witnesses for their presence today.

Appearing before us we have Mr. Gian-Carlo Carra, city councillor for the City of Calgary; Mr. Chris Apps, the director of Kitselas lands and resources for the Kitselas First Nation; and Mr. Lyndon Isaak, president of the Teamsters Canada Rail Conference.

Witnesses, welcome to the Standing Committee on Transport, Infrastructure and Communities. We will now begin with your opening remarks.

I will turn the floor over to you, Mr. Carra. You have five minutes.

• (1650)

Mr. Gian-Carlo Carra (City Councillor, City of Calgary): Thank you.

This is going to be a bit different from the first section. I hope it provokes some interesting conversation.

My position is that the railroad, and particularly the Canadian Pacific Railroad, was a P3 project that physically built the nation of Canada. Today we require significantly lower-carbon approaches to

almost every component of modern life if we are to survive and thrive as a continentally scaled project of civilization in an age of increasing climate instability. Like the bicycle, the railroad is an old-school transportation technology that must play a renewed role in this future. Put another way, the railroad must be as important to Canada 100 years from now as it was 100 years ago.

Safety is a key consideration of how to better fit this old technology into modern life at a moment of significant and contested change in what modern life actually means. If we fail to understand the change proposition that's before us, it's very likely we will get the question of safety wrong.

Our experience at the City of Calgary offers a great case study in what this means, particularly as we work to reconcile today's approaches to rail safety with the lower-carbon, transit-oriented city building of tomorrow that we need.

The same way the railroad established Canada as a series of settlements at station areas networked along the route with vast swaths of farmland and wilderness in between, our original approach to building our larger settlements followed the same pattern at a smaller scale. Streetcar networks linked neighbourhood centres to each other and to industrial working landscapes. Across Canada today, these streetcar-developed downtowns, so-called streetcar suburbs, and industrial landscapes represent some of the most productive, valuable, desirable and low-carbon parts of our cities and towns.

The city of Calgary is extremely representative of this phenomenon. Eighty-five per cent of our city has been built since the end of World War II, in conjunction with the rise of the automobile and the decline of the railroad. The 15% representing the earlier transit-oriented city built by the streetcar significantly outperforms the automobile-scaled city across the social, environmental, public health, economic and fiscal spectrums. Therefore, our approach to the future is to retrofit our automobile-scaled city into a transit-oriented city of great neighbourhoods, driven by federally supported projects like the Green Line.

Challengingly, as we began planning for the Green Line over five years ago, with community-involved, station-area, city-shaping planning exercises—and due to the Green Line's proximity to and in some cases use of active heavy rail right-of-ways—we ran amok of rail safety policies. This conflict was significantly more sensitive due to the recency of the Lac-Mégantic disaster. On the one hand, we were looking at a safety best practice of a 30-metre setback from these corridors. That's a 200-foot-wide corridor along much of the line. On the other hand, we had a lower-carbon future of mixed-use transit-served neighbourhoods that desperately needed this valuable real estate to build this future.

We had a very big conversation about safety and risk. When we ran the actual numbers, it became clear that our default setting, which would be protecting our population from high-impact but very low-frequency event disasters, like Lac-Mégantic, was actually much less safe an outcome, as we were therefore subjecting our population to a very high frequency of lower-impact events, ranging from the propinquity of automobile accidents to the long-term effects of sedentary lifestyles and a significantly higher contribution to climate change.

Our solution was to build a very thoughtful safety and risk profile all along the line, armouring against derailments where derailments might actually occur and limiting access but protecting access for emergency response and repairs. The 200 feet of dead zone shrank considerably, into a much safer and more usable corridor. Speed limits according to the environment and risk profile were also critical to these considerations.

The city of the automobile, which is the city of climate change, is predicated on a discrete segregation of uses and components of the city. A transit-oriented city, which is the city of climate action, requires a robust and thoughtful mix of uses. “The age of the 3,000-mile Caesar salad”, as James Howard Kunstler puts it, must end. Canadians need to eat food that’s produced much closer to home. We must use goods that are produced much closer to home. The railroad must play a much more integrated role in our cities and towns moving forward, much like it used to, but with much more sensitivity than we exercised in the past. This requires a better understanding of risk and an evolved understanding of safety.

- (1655)

As a final note, dangerous goods transport and conflict between trains and other users are obviously key components of safety, but air quality is also critical. Hydrogen and/or electrification offer longer-term solutions, but diesel blends that reduce total fuel consumption and complex hydrocarbon emissions are a critical short-term path that we must explore as well.

Thank you. I'm happy to answer any questions.

The Chair: Thank you very much, Mr. Carra.

Next we will go to Mr. Apps.

Mr. Apps, the floor is yours. You have five minutes for your opening remarks.

Mr. Chris J. Apps (Director, Kitselas Lands and Resources Department, Kitselas First Nation): Thank you for the opportunity to speak before the Committee on Transport, Infrastructure and Communities in light of its study on railway safety today.

I'm here today representing Kitselas First Nation, with whom I have worked for five years in the capacity of director of lands and resources. Kitselas Nation is located in the northwest of B.C. Amidst a territory of 1.8 million hectares that stretches 200 kilometres along the Skeena River and out to the Pacific north coast, there are seven reserves with two primary communities. These communities are located near Terrace, British Columbia.

Kitselas has had a long, troublesome history with the railroad. In many ways, the rail serves as a modern embodiment of colonialism to the people of the canyon, known as the Gitselasu, who were once

the toll-keepers of the Skeena River. After having cut through their lands, the infrastructure that alienated Kitselas from their economy remains to this day, bifurcating reserves, communities and the territory. Today, Kitselas is impacted further by Canada's largest infrastructure projects, including the LNG Canada export facility and the Coastal GasLink pipeline. Over 25 industrial projects affect the territory and subsequently our community members.

In 2019, as a result of concerns heard from our leadership and the community, we commissioned Dr. Janis Shandro, a community health and safety specialist with a global portfolio, to assess the health and safety risks associated with this unprecedented level of industry. In her technical report to our nation, she identified the need to better understand community health and safety risks associated with rail. At the time of her assessment, rail traffic was reported by local emergency services professionals to be growing considerably. Her direct observation while undertaking this work indicated that as many as three trains per hour can pass through our communities. Based on proposed industrial projects in the region, the observed growth in traffic will only increase, with the primary cargo being dangerous goods.

Industrial development in the region has had other side effects as well. Through Kitselas' participation in quarterly round tables for LNG Canada, it has been consistently noted with evidence that the capacity of the emergency services in the Terrace and Kitimat area is insufficient to meet the current needs. The implication of this fact in the event of a rail disaster is significant. We have lobbied across all facets of provincial government for improvements in this essential service area to no avail.

Based on recommendations from Dr. Shandro's 2019 report, Kitselas commissioned another investigation, again pulling on global expertise. In this case, we commissioned Dr. Franco Oboni and his team at Riskope, a leading risk assessment consulting firm, who have assessed rail-related and other risk hazards for clients around the world. His scope was to undertake an independent rail and road transportation risk assessment.

The objective of this investigation was to determine, using available information and data, if there were indeed risks to human populations that should be of concern. The scope of the investigation included three segments of track from the northern border of Kitselas territory through to Prince Rupert and Kitimat; two corresponding segments of highway, Highway 16 and Highway 37; and the local road network within one kilometre maximum of the rail line. The investigation also looked into potential interactions between rail and road traffic, as it was identified that there are significant stretches of infrastructure alignment in which the rail line is adjacent to Highway 16. The proximity of highways and railroad will likely generate further aggravation.

The study concluded that harm to people is already on the verge of international societal risk acceptability thresholds if both railroad and highway accidents are considered. This finding was made with publicly available information only. Riskope's study identified that, depending on the traffic structure, accidents and mortality rates could increase significantly. I will repeat that, at this time, based only on the information we could obtain, we were at the brink of acceptable risk thresholds. More projects are coming. These facts should foster enhanced attention, preventative mitigative measures and safety programs all along the highway and the rail line.

The study undertaken by Kitselas provides several recommendations, which we have prepared in a supplemental brief for this committee. The recommendations are not complex, actually; they're very practical. It's plain to see that they're needed to safeguard our communities.

In conclusion, I want to highlight how important health and safety is to Kitselas. We've independently been commissioning these investigations at the nation's own cost, as our federal and provincial regulatory bodies have failed to do so. I sincerely hope my testimony today does more than just provide another record of where Kitselas has formally registered concern over rail safety. We need to address these recommendations from global risk professionals, and we need to do so now. People's lives depend on it.

• (1700)

The Chair: Thank you very much, Mr. Apps.

Mr. Isaak, welcome to the committee. The floor is yours. You have five minutes for your opening remarks.

Mr. Lyndon Isaak (President, Teamsters Canada Rail Conference): Thank you very much. I appreciate it.

I'm Lyndon Isaak, and I'm the president of Teamsters Canada Rail Conference. Teamsters Canada Rail Conference represents 10,000 transportation employees in Canada from coast to coast. This includes locomotive engineers, conductors, yard persons and rail traffic controllers from CN, CP, VIA Rail and multiple short-line railroads.

To give you a little of my background, I was hired on with CN Rail as a brakeman in 1987. I qualified as a conductor in 1989 and as a locomotive engineer in 1992. I worked as a locomotive engineer until January 2019, when I was elected into my current position.

February 4 of this year marked the three-year anniversary of the CP Field Hill tragedy. A runaway train descended uncontrolled down a mountain grade in British Columbia, resulting in the death of three of our members. After initially allowing CP's police force to investigate the accident, as mandated by the Railway Safety Act, almost two years following this tragedy public pressure compelled the RCMP to conduct a criminal investigation.

It is crucial that we amend section 44 of the Railway Safety Act. This section of the act grants exclusive jurisdiction to corporate private police forces on railroad property and within 500 metres of "property that the railway company owns, possesses or administers". The scope and jurisdiction of corporate and/or private police forces must exclude investigations involving accidents and/or fatalities. These types of situations should be investigated through the TSB, Transport Canada and/or the RCMP.

As additional information on the Field Hill accident, the TSB has not released a final report to date, three years after the incident.

The second subject of concern I'd like to address today—you were touching on it briefly when I came on this Zoom—is the issue of fatigue in the rail industry. In December 2018 the Minister of Transport issued a ministerial order to tell rail companies to amend the railway work/rest rules. After the first submission was rejected, the second set of work/rest rules proposed by the Railway Association of Canada on behalf of the rail carriers was accepted by Transport Canada and released by Minister Garneau in November 2020. To date, we are working with Transport Canada to clarify the application and intent of some of the language contained in this document.

Our concern now lies in the fatigue management plans, which were to be completed by the end of 2021. We have recommended that Transport Canada reject the draft fatigue management plan submitted by both CN and CP as insufficient. We contend that the fatigue management plans must address the stipulations contained in the ministerial order that are absent in the work/rest rules—specifically, the impact of deadheading on the maximum duty period and advance notice for work schedules to employees.

Another item that woefully needs to be addressed is the away-from-home rest facilities utilized by the railroads. Currently, some locations contain trailers or structures as rest facilities that are up to 60 years old and woefully insufficient for meaningful rest. Many rest facilities currently in use are built on railroad property, in close proximity to rail yards or our main lines, resulting in excessive noise and vibration issues within the facility. I believe the rest facilities should be governed by separate standards legislated by the federal government. Employees cannot be blamed for insufficient rest and fatigue when there is no real opportunity for meaningful rest.

I thank you for the opportunity to bring some of our concerns forward today.

The Chair: Thank you very much, Mr. Isaak.

We'll now go forward with the first round of questioning.

Mr. Muys, the floor is yours.

Mr. Dan Muys (Flamborough—Glanbrook, CPC): Let me address my first question to you, Councillor Carra. I'm glad to see there's a chinook arch in Calgary today. I lived in Calgary for almost 10 years and I rode the LRT on a regular basis. That was prior to the Green Line.

One of my colleagues on this committee asked the previous panel about the interaction of municipalities and rail companies, and where that overlaps in terms of rail safety. From your perspective on municipal council, where do you see that? Can you comment further on that?

• (1705)

Mr. Gian-Carlo Carra: I represent the east Calgary communities of Ward 9. It is the home to a lot of the rail infrastructure and also home to CP Rail's world headquarters. I'm also one of the longest-standing members of council, now four terms in, elected alongside Mayor Nenshi in 2010. I've spent the last 11 years of my life developing a more robust relationship with CP Rail than the city has ever enjoyed. I would suggest that relationship is really like diplomacy, because they are effectively another government altogether that we have absolutely no control over and no tangible means for interaction with. I think there is a historic legacy of the thinking that we are operating mutually conflicting projects, with our building a city and their running a railroad. It's been 11 years of advances and setbacks, but I can say that we have a better working relationship with them now than we have had in decades, and that's due to actor-to-actor relationships rather than to any systemic framework that would really help to build the kinds of relationships that we need between our railroads and our municipalities.

That's a very key thing that needs to be addressed if we are going to accept the proposition that I put before you that the railroad is critical to our long-term success in a low-carbon future. When the railroad was established, the idea that the majority of Canadians would be living in big cities and towns was impossible to consider, but that's now exactly where the majority of Canadians live, and they need to have a much better working relationship with the railroad than we currently have. It can't be based on the suburban model of segregation. It has to be based on the thoughtful, mutual integration of this critical, continentally scaled transportation infrastructure with a whole suite of mobility choices.

I would encourage anything the federal government can do—as you think about rail safety and about the relationship to the kind of future we need to have—to consider and explore what kind of framework can be built for better relationships, because it cannot rely on actor-to-actor relationships.

Mr. Dan Muys: I'm going to switch gears, because this is a discussion and a reference to the study on rail safety. I'd like a couple of people on the panel, if not everyone, to comment on this. When we talk about rail safety, one thing is that we've seen a reduction in accidents in the past few years, with less crude oil being shipped by

rail than by pipeline. Pipelines are a safer way to ship natural gas and crude oil. We saw what happened in Lac-Mégantic.

What are your comments about the appropriateness or safety of pipelines versus that of shipping by rail?

Mr. Gian-Carlo Carra: I believe that some goods should be shipped by pipeline, because doing that is way safer than shipping by rail. Some things should be shipped by rail, and I would also suggest to you that the majority of things we ship are shipped by truck. The estimates are that shipping something by rail is 250 times more efficient and less carbon intensive than shipping something by truck. We need to create an apples-to-apples comparison to determine which is a more dangerous mode.

The problem with rail is that it's a point source of pollution. It's like when a plane goes down. That makes international news, but we know that people die in car crashes way more often. No one gets freaked out about stepping into a car, but everyone has angst about stepping into a plane even though it's a much safer thing. Exactly the same analogy can be drawn about rail.

We should absolutely be shipping things in the safest way possible, and we should also be wending our concepts of safety into climate. For the foreseeable future, until we reach a low-carbon or a zero-carbon environment decades in the future, we will be shipping energy products that are carbon intensive, and we should do that in the least carbon-intensive and safest way possible.

If you're asking me as a Calgarian, and a Calgarian who is very environmentally forward, to talk about shipping, I think that shipping by rail, in terms of chemical products and petroleum and gas, is definitely—

• (1710)

Mr. Dan Muys: Let me ask a question of Mr. Isaak before my time is up.

You talked about fatigue management. I don't think we've talked enough about that. That's obviously important to rail safety. Can you elaborate more on what you talked about in terms of best practices you'd like to see, what Transport Canada has done, what Transport Canada has not done, and what we should be looking at going forward?

Mr. Lyndon Isaak: The big gap that you're referring to in the work-rest rules right now is that they're in a three-year incorporation. That's how Transport Canada designed them. We're not going to know the complete impact until three-plus years from now.

The fatigue management plans, we were told, were going to address the shortfalls in the work-rest rules approved by Transport Canada. We were supposed to be included in this process with the carriers. That didn't really happen. I believe that Transport Canada is going to reject the draft fatigue management plans put forward. The plans are very incomplete, from what I've seen.

We are hoping that with our input we can make those fatigue management plans much more robust, and cover off the shortfalls that currently exist.

The Chair: Thank you very much, Mr. Muys.

I will now turn it over to Mr. Chahal, for six minutes.

Mr. George Chahal (Calgary Skyview, Lib.): Thank you, Mr. Chair. I'm going to split my time with my colleague, Jaime Battiste.

As the member for Calgary Skyview, I have heavy rail. CP Rail runs right through my constituency. I have a CN line on the edge. I have the Blue Line, with high passenger-pedestrian use. The Green Line is also being built. Rail safety is extremely important for my constituents and all Calgarians.

Councillor Carra, you talked a lot in your presentation about climate change, climate action, land use, planning and practices. What are some of the best land use and planning practices that promote commercial and residential development in our communities, and provide community safety?

Mr. Gian-Carlo Carra: It's been proven across North America for the last three decades. The fiscal, climate and social challenges of the automobile-scaled city were identified, and we started moving more toward transit-oriented development. The reality is that public investment in transit infrastructure is the single biggest driver of tax base, walkability, climate action, social inclusion and social equity.

Your cousin, the minister of transportation for the UCP government, recently spoke, and it was a really amazing turn. She said that access to mobility and transit is a social determinant of health, which was a really refreshing thing to hear from a UCP minister.

We know this is true. Whether we're talking about regional rail solutions between Calgary and Edmonton, whether we're talking about being able to step off a plane and take primary transit to any destination in the city, or whether we're talking about being able to visit the mountains in Calgary with a Calgary to Banff train, we know this creates incredible value. It's very marketable, but it's also an incredibly climate-forward way to go.

Does that answer the question you were going to ask?

Mr. George Chahal: It does, and I really appreciate your mentioning the opportunities for connections to Edmonton from my constituency and the mountains. The hub would be right in my constituency.

Before I pass it over to my colleague, Councillor Carra, when we think about the impacts of climate change.... We saw a devastating hailstorm hit my constituency, and there were floods in 2013, the same year as the Lac-Mégantic disaster.

Can you tell us about the impact of the floods in 2013 on our rail infrastructure and on the safety of Calgarians? What have we done to improve that, and can you also tell us about your role on the emergency management committee?

Mr. Gian-Carlo Carra: There is a lot to answer there.

Climate change is going to affect every ecosystem in Canada in a very different way. We are on a high-plains desert in Calgary and a river runs through our community that is 160 kilometres from its

glacial source. The Bow River is one of the hardest-working water courses in Canada. It's 4% of the fresh water in the province of Alberta and it supports 40% of the population and a tremendous amount of our industry.

We know that as we move into climate change we are going to see more extreme weather events like the hailstorm that buffeted Calgary—and unfortunately saved its biggest hailstones for George Chahal's riding—and also increased incidence of both flooding and drought. In 2013, as you know, we got hammered by the flood. I think it's now only fourth in the most costly natural disasters in Canadian history.

One of the things that happened is that our rail bridge collapsed. What we are working on now to protect Calgary, and the economic engine and the engine of opportunity that it is, long into an uncertain future, is upstream mitigation. The federal government has generously supported SR1, a flood protection upstream dry reservoir on the Elbow River reach, and now we are turning our attention to the Bow River. We have plans at a much greater cost than SR1 to create a wet dam that will both serve as flood mitigation for the city of Calgary and really protect the city and all its critical infrastructure systems such as the rail, as well as protect us from drought, which is going to be just as nasty an occurrence on this high-plains desert that we've situated ourselves on.

• (1715)

Mr. George Chahal: Jaime.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Mr. Carra, just quickly, you mentioned that rail must play a renewed role in Canada. I believe that's something we need to do from coast to coast.

Moving forward, Canadians support a green economy. I've heard especially from Scotia Rail Development Society, which has been a strong advocate for green transit in my riding. I think one of the things you have mentioned is that rail is much better for the environment than other means, like trucking.

I wonder if you could speak a bit about how we could balance the important need to seek green and smart technology and the potential safety concerns they cause.

Mr. Gian-Carlo Carra: The safety issues associated with rail are very much like the environmental issues associated with rail. It is a point source of pollution, absolutely, and we have to make sure that we green that point source of pollution and we have to make sure that as we cluster development around the rail we're a lot more thoughtful about how we do that.

It's a lot like a highway. If the standard rule is that nothing can be built within 200 feet of the rail, you have a big distance of valuable real estate that is a dead zone. However, if you treat it more like highway engineers do, highways do not have barriers and fences along every stretch, but they do on curves; and where you could go off a rail, they do armour that bank. They have different and varied speed limits, because in some places, derailment or going off the highway could occur more.

You really have to create an environment that's much more catered to the environment. Setting things back in lower-density, rural environments makes a ton of sense, but when you come into big cities and towns, the urge to segregate is an old-school approach. The urge to integrate is going to be critical to a climate-forward and safety-forward approach. You have to develop an approach to safety that's critical to that.

The Chair: Thank you very much, Mr. Chahal and Mr. Battiste.

[Translation]

Mr. Barsalou-Duval, you have the floor for six minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

My first question is for Mr. Carra.

Mr. Carra, I was very interested in what you said about the communication problems that exist between municipalities and railway companies.

Municipalities in my riding complain about it too. They feel helpless when they see that railroad companies don't meet their demands or their requests.

It's as though railway companies had the power of life and death over everything. This is especially frustrating because citizens ask elected officials to be accountable for those demands. At the end of the line, when it comes to railway companies, we hit a wall. Citizens' frustration increases when they realize that elected officials are not able to get things moving.

Mr. Carra, has the city of Calgary experienced the same kind of situation?

• (1720)

[English]

Mr. Gian-Carlo Carra: Yes. I have massively, a lot. I share the frustrations of your constituents.

I would suggest to you that the current relationship between municipalities and the railroad is one that's based on unhelpful conflict. The understanding is that the business of railroading is essential to the success of the nation and that it is in fundamental opposition to the project of living well within a community. I think that if we reject that fundamental framework and suggest that these two projects are fundamental to our long-term success, then we need to build a different framework that responds to that. That is fully within the federal government's purview.

Communities and railroads would be more willing to work together if their relationship weren't precast as oppositional, but if it were understood that the success of both was fundamental. I can point to so many other places in planning where previous opposi-

tions have been recast in the emerging world as actually being in each other's same best interests.

[Translation]

Mr. Xavier Barsalou-Duval: That brings me to the next question.

In your opinion, would it be relevant to review the legislative framework to add a minimal level of accountability for railway companies, or to require them to work with municipalities, which does not seem to be the case right now?

[English]

Mr. Gian-Carlo Carra: There has to be a much more collaborative environment established. Railroads would be more willing to come to the table if it were understood that their success is a municipality's success, rather than their being fundamentally in opposition.

There are still conversations ongoing today. There are dreams of taking the CP rail mainline outside of the city of Calgary and just bypassing the city, at the cost of literally billions of dollars that they don't have. I think it's to the long-term significant detriment of the city of Calgary if we're talking about a lower-carbon future.

The current legislation is based on mutual incompatibility. If we built a new framework that understood the essential role that both play in each other's success, you would find a better way forward for both municipalities and the railroad. If we try to give more of an upper hand to one or the other in a conflict-based system, you will see a lot of push-back from both sides and more conflict.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you very much.

Mr. Isaak, in your presentation, you spoke of a certain incongruity that still exists today in the world of rail. Railway companies actually have their own police and lead their own internal investigations.

Has your organization had discussions with Transport Canada about this?

Can you tell me more about the reasons that make this a problem?

Have you gotten the impression that Transport Canada or other stakeholders you've spoken with were somewhat open minded?

[English]

Mr. Lyndon Isaak: On the issue of the private or corporate police forces that both CN and CP currently use, we haven't really discussed that a lot with Transport Canada. We would have to rely on a legislative change to the Railway Safety Act in order to either change their jurisdictions or curb their powers.

The whole history of the Field Hill investigation has been felt over the last three years, with TSB investigators coming forward and talking about the need for an independent investigation and for the RCMP to look into this. The fact is that when CP had their corporate police investigated, they said there was no liability on CP's part. Just that alone should tell us what the issue is.

I can't think of any other place where a body investigates itself. The rail police forces are something that came out at the beginning of the railroads back in the 1800s. Their powers and jurisdictions should have been curbed decades ago.

It's absolutely mind-blowing to me that they investigate themselves for responsibility, when we have our members dying. It's crazy.

● (1725)

The Chair: Thank you very much, Mr. Isaak.

[*Translation*]

Thank you very much, Mr. Barsalou-Duval.

[*English*]

The remaining six minutes goes to Mr. Bachrach.

The floor is yours.

Mr. Taylor Bachrach: Thank you very much, Mr. Chair, and thank you to all of our witnesses for your time today.

I have some questions for Mr. Apps. Thank you for your presentation.

To start, why was Kitselas First Nation in a place where it felt it had to perform its own safety assessment at what I assume was considerable expense?

Mr. Chris J. Apps: The decision was certainly a strategic one for a lot of reasons. Most saliently, the community observed the growth in rail traffic in the area due to, obviously, growing and industrial development. We also saw interest groups beyond other first nations in the region starting to voice their concern.

Kitselas is engaged on a bunch of these projects. A lot of them have rail components, so we've gotten to know them throughout the consultations around these projects. We began to grow frustrated at the fact that these significant aspects were not being assessed or incorporated into federal or provincial assessments.

The way we saw it, the cumulative growth in traffic could only lead to a greater probability of disasters. We knew that quantitative risk assessments were legally required for large-scale industrial projects. We had seen that shipping assessments were undertaken for marine shipping. TERMPOL studies had gone from a sort of honorary system to a standard expectation.

We asked ourselves why this wasn't similarly done for incoming cargo on rail. That fact, in conjunction with the recommendations from Dr. Shandro's report, really led us to do the study.

Mr. Taylor Bachrach: When the leadership of Kitselas First Nation received these independent studies and read their contents, did the contents of those risk assessments give the leadership a sense

that rail transport through their communities was safe or did it raise significant concerns?

Mr. Chris J. Apps: It was validating to get the information and hear these findings, knowing that we are on the precipice of something and that growth is coming. It's one of those multi-faceted things where we know there are a bunch of things at play.

Kitselas looks at the industrial development in the region as a really big opportunity, but it also needs to know that its community members are kept safe. How do we balance that?

Mr. Taylor Bachrach: You mentioned earlier that the environmental assessments for the port expansions and the terminal projects on the coast do not include within their scope the rail transport.

Should that change? If so, how?

Mr. Chris J. Apps: It's definitely something that needs to change. We're doing all sorts of scoping and analysis on all sorts of effects from these projects, big and small. Our 2019 determinants of health report was a part of these studies. The potential of the effects resulting from increased traffic, both real and possible, as well as environmental and socio-economic, are not assessed or addressed in any legislation.

In our experience, the rationale for including that into the scope relates to a lack of jurisdiction. Proponents typically lack care and control over products being transported by rail. The province has to defer to Transport Canada's as the lead regulator of transportation, but Transport Canada's legislation and regulations exclusively govern safe operation of traffic, typically in the form of these emergency response plans—the ERAPs.

The potential impacts resulting from these, including increased noise, wildlife strikes, air emissions and impediments to access for community members to vital sources, like the river where they're fishing, are all overlooked.

For Kitselas and many other communities in this area—both indigenous and otherwise—that are intersected by the rail, this represents a huge regulatory gap for our community.

● (1730)

Mr. Taylor Bachrach: Mr. Apps, I have one more question here.

I know that when the volume of liquid propane shipped through the rail corridor increased significantly, it triggered a federal regulation called “key trains and key routes”. This required the railroad company to conduct its own risk assessment.

Did the rail company consult Kitselas on that risk assessment? Have you ever received consultation on rail risk, either by the federal government or the rail company?

Mr. Chris J. Apps: The short answer is no. Consultation, whether it has a big “C” or a small “c”, has a lot of implications, especially in 2022. However, we were informed that we would be able to be a participant in that process. It was very difficult for us to go through, because we had an opportunity to submit a letter and provide input, and we were informed that CN had a website that we could submit our comments.

My team and I drafted a response to flag and say we would like to participate as a nation that's affected as a stakeholder on this line, because we know that this key route assessment is going to be undertaken. However, once we went to submit it, we were limited to 500 characters, so we were more or less “tweeting” our request to be included in the consultative process. We submitted that and never received a response.

I will be including both a screenshot and the letter that we wanted to submit in our briefing note to the committee.

Mr. Taylor Bachrach: Thank you, Mr. Apps.

This is my last question for you. When you talk to the rail companies, how would you characterize their engagement with first nations along the rail corridor? Would you say that they've been responsive to the concerns that are raised by these first nations and first nations communities?

Mr. Chris J. Apps: I would say that it's extremely difficult for them to be responsive. Their response has been hot and cold over the course of my tenure working with Kitselas and trying to engage with CN.

I am unaware of their staffing abilities and their ability to reach out and discuss across the line. Indigenous groups becoming more and more aware of the risks and threats that are posed by the rail represents a very scary reality for CN.

No, the relationship-building process has not been a truly consultative one, particularly in this regard.

Mr. Taylor Bachrach: Thank you very much, Mr. Apps.

Mr. Chair, I have one question for Mr. Isaak, if I may.

Mr. Isaak, you spoke to some of the concerns around the fact that railways have private, corporate police forces that investigate them when there are major accidents, including those involving fatalities. You alluded to the need for that situation to change dramatically in the future.

How important is it that legislative change is made to ensure accountability for rail disasters? What would that legislation look like to make the investigations into these accidents more accountable, more transparent and more effective?

The Chair: Give a short response, please, Mr. Isaak. Thank you.

Mr. Lyndon Isaak: It's extremely important. We have three dead people at the bottom of Field Hill because of what, so far, has been described as brake failure. Like I said, we still haven't received the TSB final report, but that's their initial take on it.

We have had something like 12 fatalities in the last three years across Canada in the rail industry. I don't know in what world we think a railway company is going to investigate and find itself criminally liable in court. What world are we living in?

This is going to require an amendment to section 44 of the Railway Safety Act to curb or change the jurisdiction and the power of these corporate police forces. That's what it's going to take.

The Chair: Thank you, Mr. Isaak.

If you want to expand on your response, we encourage you to submit the response in writing.

I would like to thank you all, colleagues, for your thoughtful questions and to thank our witnesses on behalf of all committee members for your testimony today. That concludes today's meeting.

The committee is now adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>