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# Standing Committee on Transport, Infrastructure and Communities

EVIDENCE

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Chair: Mr. Peter Schiefke





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• (1535)

[*Translation*]

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

Welcome to the seventh meeting of the Standing Committee on Transport, Infrastructure and Communities.

Today's meeting is taking place in a hybrid format, pursuant to the House Order of November 25, 2021. Members may attend in person in the room or remotely use the Zoom application.

I would like to take this opportunity to remind all participants in this meeting that screenshots or taking photos of your screen is not permitted. The proceedings will be made available via the House of Commons website.

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 of January 28, 2022, to remain healthy and safe, the following is recommended for all those attending the meeting in person.

[*English*]

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'll 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 discuss railway safety and its effects on surrounding communities.

Before I begin and invite the witnesses to deliver their opening remarks, colleagues, I've had discussions with all of you. If there is

no objection, as discussed, I will go into committee business at 5:10. Are there any objections?

Seeing none, I thank you, colleagues.

Our witnesses today are from the Bluewater Association for Safety, Environment and Sustainability. We have Vince Gagner, general manager.

[*Translation*]

From the Municipality of Terrasse-Vaudreuil, in the riding of Vaudreuil—Soulanges, we have Mayor Michel Bourdeau.

We also have Marc Brazeau and Gregory Kolz, respectively President and Chief Executive Officer and Director, Government Relations, from the Railway Association of Canada.

Appearing as well are Teresa Eschuk and Mike Martin, respectively National Vice-President and Policy Advisor, of the Union of Canadian Transportation Employees.

[*English*]

We will begin with opening remarks.

I will turn the microphone over to you, Mr. Gagner. You have five minutes. The floor is yours.

**Mr. Vince Gagner (General Manager, Bluewater Association for Safety, Environment, and Sustainability):** Thank you, Mr. Chair, for having me appear here today.

Thank you to the Honourable Marilyn Gladu for her invitation to speak. It's a real honour for the Bluewater Association for Safety, Environment, and Sustainability, otherwise known as BASES, to be here today.

My name is Vince Gagner and I'm the general manager. I'm very pleased to provide this summary on behalf of my board of directors.

We know that rail safety can be studied as a stand-alone topic. We know that it can also involve highly technical, site-specific risk assessments based on different operations and different localized conditions. Within the Sarnia-Lambton petrochemical and refining scope of activities, rail operations are just one of many activities that require constant attention.

The approach to public safety here at BASES applies to many different hazards, one of which is rail safety. We have many challenges, and there are lots of best practices shared and opportunities to be realized here on behalf of our members and on behalf of our community. BASES brings groups together from across the region to look at and improve workplace safety, emergency preparedness and environmental protection. They're all connected.

BASES is just a brand that bridges three non-profit organizations. The first is the IEC, or the Sarnia-Lambton Industrial Educational Co-operative. It has a board of directors that includes leaders from industry. We have a very progressive community college here called Lambton College. Local contractors and the local construction and building trades contribute to the design of workplace safety.

The second one is called SLEA—the Sarnia-Lambton Environmental Association. That board of directors includes leaders from industry, and we have a direct line of sight on committees and different working groups with first nations, municipal governments, and provincial and federal agencies.

The third one is CAER—the Sarnia-Lambton Community Awareness and Emergency Response. The CAER board of directors includes representatives from industry, but it also includes mayors and different leaders from local municipalities and the Aamjiwnaang First Nation.

CAER has two components—CA and ER—which are community awareness and emergency response. CAER has been around for a long time. CAER was formerly coordinating emergency preparedness here in Sarnia-Lambton in the 1950s. Remember the \$10 bill? That had a shot of our site from a long time ago.

Actual events and simulated exercises at our sites activate regional emergency notifications. Those notifications go out to all of industry, all the local municipal groups and first nation responders. They're coordinated through regional dispatch. Dispatch will notify and provide updates to response teams, including, for example, requests for certain types of municipal support and/or mutual aid, because we're all working together and we all know the different resources that are shared across the area. If an emergency event were to originate from a rail operation here, then our regional systems would respond and that would ensure very quick and timely responder notifications, which are key in terms of the response, deployment of the right resources, and highly effective coordination.

In fact, CAER is planning an exercise here. All of you may know that Emergency Preparedness Week is the first week of May. On May 2 we're going to have a regional simulated fire at a refinery tank farm here. That will require site actions, response from adjacent rail operations, and activities that are going to happen through local authorities for the protection of the community.

The coordination of the exercise will occur through a staged unified command centre. Community volunteers and other observers will be at that exercise, and they will participate directly in that. The nice thing about that is that we will get their feedback directly in the debrief. The community is directly connected to our design here.

Last May there was a pretty significant development here. At BASES, we expanded our CAER model of response coordination, which was a notification process we had had since the fifties. We expanded that to include notifications directly to the public. These are called the CA or community awareness notifications. They go directly from member sites through the BASES website, but simultaneously they will go out through emails and texts to whoever would like to subscribe, and to predefined audiences such as media, political audiences and community leaders.

• (1540)

This new system can provide information for both emergency and non-emergency events, like abnormal noise, construction activity and high flaring. This approach ensures that the public receives timely and accurate information directly from the site, and it reduces uncertainty, creates knowledge in the community and really lowers that risk of public outrage.

It's important to recognize that the idea for sharing these notifications came from a small but effective community notification tool created by Aamjiwnaang first nation. We used their system as our template, and we would like to recognize them for setting that example for all of us here in Sarnia—Lambton. This story clearly demonstrates the value of sharing, learning and collaborating to improve public safety across the region.

If you'd like to receive these notifications, you're more than welcome. If you go to our website, [lambtonbases.ca](http://lambtonbases.ca), you can sign up for notifications, and you can get them directly from Imperial, Shell, Suncor, Nova and Arlanxeo, just like all of our residents here who are able to receive them.

Most companies in Sarnia that operate rail systems are part of our design, and it provides them with direct access to this network of really talented people who, as a team, study risk, understand it and control hazards posed to public safety.

Equally important to this is the opportunity provided by BASES for all rail operators to engage with and listen to the public, and that's key. This approach helps all of us better understand risk, because it requires us to look at our sites through the lens of the community.

**The Chair:** Mr. Gagner, you have 15 seconds.

**Mr. Vince Gagner:** I've been practising. Five minutes.

**Voices:** Oh, oh!

**Mr. Vince Gagner:** That's it, sir. That's all I have.

**The Chair:** Thank you very much, Mr. Gagner.

[*Translation*]

I now give the floor to the mayor of the municipality of Terrasse-Vaudreuil.

Mr. Bourdeau, you have the floor for five minutes.

**Mr. Michel Bourdeau (Mayor, Municipality of Terrasse-Vaudreuil):** Thank you, Mr. Chair.

Good afternoon, everyone.

My name is Michel Bourdeau, and I have been the mayor of the municipality of Terrasse-Vaudreuil since 2013. I was also a municipal councillor for many years before that.

First, a little background. The municipality of Terrasse-Vaudreuil is situated on Île Perrot, west of Montreal Island. Our municipality is enclaved between two railway crossings and a body of water. To enter and exit the municipality, we have only two options, both of which involve crossing the rail lines of the Canadian National, or CN, and Canadian Pacific, or CP, railways, which means we have to cross four sets of tracks every time we come and go.

The 3<sup>e</sup> Avenue is under the jurisdiction of the Ministère des Transports du Québec, or MTQ. Railway traffic has doubled in recent years to approximately 100 trains or more a day, and automobile traffic has also increased over the years. The popularity of public transit grows daily, and Terrasse-Vaudreuil station serves our residents as well as those of the neighbouring towns of Pincourt, Île-Perrot and Notre-Dame-de-l'Île-Perrot. Parking is at full capacity and buses provide shuttle service throughout the day. The level crossing at 3<sup>e</sup> Avenue is very busy, and the risk of accidents is constantly increasing.

Although Terrasse-Vaudreuil council has frequently drawn attention to the urgent need to build a viaduct at that crossing, the Ministère des Transports du Québec does not intend to pursue the project, preferring instead to wait until Autoroute 20 is completed. However, that major project is not on MTQ's agenda and will not be for years.

We find it hard to understand MTQ's inertia. A few years ago, delegates from the department met with the council and representatives of Transport Canada. At that meeting, it was confirmed for us that Terrasse-Vaudreuil was home to one of the most dangerous level crossings in Quebec. The representatives of both orders of government were also deeply troubled by the risk that our municipality's enclaved position presents.

The patience of drivers has its limits. It is not uncommon for drivers to have to wait 10 minutes for successive trains to pass before they can cross, and they take increasing risks at this already dangerous crossing. The accident in Dorion in 1966, in which 21 young people died, haunts people here to this day. Everyone still remembers the school bus that was mowed down by a train. Will we have to wait for another such incident to occur in Terrasse-Vaudreuil before we finally get our viaduct? Since the property required to build that infrastructure has already been expropriated, all that's left is to go ahead.

During the historic floods of 2017 and 2019, Île Perrot, which is one of the two exit ramps to our municipality, was closed due to the rising floodwaters. To the best of our knowledge, the barriers at the crossing frequently malfunction an average of 50 to 60 times a year. Freight trains often block the crossing, and the trains are so long that both access roads to Terrasse-Vaudreuil can be blocked at the same time. This is a major problem for emergency services. The municipality had no choice but to build a \$1.3 million fire station on a one-square-kilometer lot to protect our 2,000 citizens.

The safety of pedestrians, motorists and buses should be everyone's priority. Even though, as a municipality, we constantly remind

our citizens that it is important to cross safely, their frustrations often take over and they cross illegally.

I have a few brief stories for you. Last week, I was in one of the first cars at the railway stop sign. A lot of cars pulled out and passed me because the barriers were down for about half an hour and there was no train coming. We shoot videos and try to increase people's awareness, but people in a small town like ours are used to this kind of situation and don't think much of it. So it becomes a safety issue because it can be dangerous. We've had at least five accidents in the past 10 years, five of which involved buses. In one instance, two buses were stuck side by side between the two barriers.

• (1545)

We aren't necessarily asking for a huge railway viaduct, but we must at least be able to move people and stretchers under it if a serious situation occurs in our community, such as the one in Lac-Mégantic a few years ago. That's not what we want.

The number of railway cars has increased. Passing trains constantly obstruct our roads. If a train stops, no one can enter or leave. The crossings are approximately two kilometers apart, and the trains are longer than that.

Mr. Chair, I hope someone can help us solve this problem so we can improve the situation and the safety of our citizens.

Thank you very much.

**The Chair:** Thank you very much, Mr. Bourdeau.

We will now hear from Mr. Brazeau, president and chief executive officer of the Railway Association of Canada, the RAC.

Go ahead, Mr. Brazeau.

[English]

**Mr. Gregory Kolz (Director, Government Relations, Railway Association of Canada):** Mr. Chair, I'll be giving the opening remarks, thank you very kindly.

**The Chair:** Welcome, Mr. Kolz. It's good to see you.

**Mr. Gregory Kolz:** Likewise. Thank you very much, and good afternoon, honourable members.

My name is Gregory Kolz, and I serve as the director of government relations here at the Railway Association of Canada. I am joined by Marc Brazeau, president and CEO of the RAC.

[Translation]

We are pleased to be appearing before you as part of your committee's study on railway safety in Canada.

[English]

I will provide the opening remarks, and afterwards Marc and I will both be pleased to answer any questions you may have.

• (1550)

[Translation]

The RAC represents nearly 60 freight and passenger railways, which transport tens of millions of persons and goods worth approximately \$320 billion across the country every year.

[English]

Canada's freight railways move more than 900,000 tonnes of goods every day, transporting everything from the cars we drive to the food we eat. To deliver these goods, more than 3,700 locomotives pull 5.5 million carloads across the country every year.

The number one priority for Canada's railway industry is safety. Over the past 10 years, Canada's railways have invested more than \$20 billion to ensure the safety and efficiency of their networks, and they remain fully committed to fostering a robust safety culture.

Here are a few more relevant statistics. Over the past decade, from 2011 to 2020, the freight rail accident rate in Canada has decreased by 22%. In 2020, railways invested \$2.6 billion into Canadian assets, which is the second-highest level on record behind \$3.1 billion in 2019. Over the past decade, Canada's railways have invested \$20.5 billion into their networks to improve safety, resiliency and network fluidity; since 2011, the dangerous goods accident rate has improved by 46%.

In terms of transporting dangerous goods, Canadian railways move many hazardous materials that simply cannot be transported by pipeline or other means. In fact, under the common carrier obligation of the Canada Transportation Act, railways in Canada are required by law to move dangerous goods. With that in mind, it's worth noting that over 99.99% of all dangerous goods carloads moved by train reach their destination without a release.

In short, we are very proud that Canada's rail network is the safest in North America and among the safest in the world. Our members remain committed to building on their stellar safety record.

The RAC and its members believe that rail safety is enhanced by working closely with communities. Canada's railways have long shared information with municipalities about the goods travelling by rail, to help them properly train for and respond to a potential incident. In fact, Canada's railways [*Technical difficulty—Editor*] to inform communities and first responders about dangerous goods handling and emergency responses.

For instance, since 2000, the RAC's transportation of dangerous goods team has participated in more than 1,400 transportation community awareness and emergency response—otherwise known as TRANSCAER—events to inform municipalities about the products being transported through their communities. Furthermore, through the TRANSCAER initiative, the RAC's TDG team has helped train over 20,000 first responders and other personnel on the safe handling and transportation of dangerous goods.

[Translation]

The RAC remains determined to work with all orders of government and communities across the country to ensure that Canada's railway sector remains globally competitive, sustainable and, above all, safe.

[English]

This collaborative approach is also exemplified by the proximity initiative, which is a partnership between the RAC and the Federation of Canadian Municipalities. As Canada's population grows, new residential and commercial developments are being built in communities across the country. The FCM and the RAC recognize that it is in Canada's best interests to develop appropriate relationships between railways and communities. This is to promote proper planning and communication practices and offer dispute resolution mechanisms for resolving unanticipated problems.

I also want to highlight Operation Lifesaver Canada. OL is a national not-for-profit funded by Transport Canada and the Railway Association of Canada. It works to raise public awareness about rail safety and, in turn, prevent rail crossing and trespassing incidents. OL works in partnership with railways, governments, municipalities, law enforcement, labour groups, the media and other organizations from coast to coast to coast, because rail safety is a shared responsibility.

[Translation]

In conclusion, I want to ensure members of the committee that railway safety is an absolute priority for the RAC and its members.

In the past few years, the railway sector has invested billions of dollars in infrastructure, adopted innovative technologies and practices and expanded training and liaison activities so that we can operate safely across Canada.

[English]

Thank you very kindly.

Marc and I look forward to your questions.

**The Chair:** Thank you very much, Mr. Kolz.

[Translation]

We will now hear from Teresa Eschuk, from the Union of Canadian Transportation Employees.

[English]

Is it Mr. Mike Martin? Perhaps you're splitting your time. I'll let you decide.

I'll turn the floor over to you. You have five minutes.

**Ms. Teresa Eschuk (National Vice-President, Union of Canadian Transportation Employees):** Thank you.

The Union of Canadian Transportation Employees, UCTE, is a national union representing federal inspectors who review all modes of transportation, including rail, as well as those who inspect the transportation of dangerous goods.

UCTE has long been a proponent of stronger safety measures in the transportation of goods and people in Canada, regardless of the method. Since transportation by rail is a major factor for a range of materials, including many dangerous ones, our members are invested in safety issues in rail transportation, including improving and enhancing Transport Canada's safety management systems.

We will not review the many instances and incidents—some of them tragic—that have occurred in the rail sector in recent years. Sadly, many of these situations could have been avoided or prevented. Instead, we hope that this time, with your committee's work and subsequent actions by Transport Canada and the industry, things can be different.

First of all, we want to thank the committee for studying this issue and making rail safety a priority for Canadians. Our presentation today will focus primarily on Transport Canada's rail safety management system, or SMS for short. We continue to have a number of outstanding concerns that have not been addressed, despite the fact that UCTE has raised these issues in formal and informal consultations with Transport Canada and previously with parliamentary committees.

Many of our concerns are raised in a report that we commissioned in 2020, which undertook a full review of Transport Canada's SMS. This report, entitled “Transportation Safety Management Systems—Still not right” was released in 2021 and delivered to the Minister of Transport and departmental officials. We have provided a copy of this report to the clerk of the committee to distribute to you. We hope to have the opportunity to speak to your committee about this report and SMS in Canada across all modes of transportation sometime in the near future.

Last year, we made a submission to Transport Canada on its proposal to introduce a safety culture policy statement for the railway sector. In that statement, we recorded that given Canada's recent record on safety in rail transportation, it is our view that a [*Technical difficulty—Editor*] be nearly enough. It should and must be swiftly followed by actions. We would like to note that we're still waiting for those actions from Transport Canada, the regulator.

Some of those actions should include more random and unannounced inspections of rail company operations and equipment; hiring more rail inspectors to ensure compliance with outlined policies and procedures; stiffer penalties for infractions as a deterrent to not following outlined processes and policies; suspension of rail operation licences for repeat offenders; a focus on safety first as the priority of the regulator, Transport Canada, and not competing priorities that put rail company operations on the same footing as the safety of Canadians; whistleblowing protections that are enshrined in legislation to ensure that employees who come forward with safety concerns will not be harassed and/or threatened; and a full review of the rail safety management system to ensure that it's up to date and provides maximum protection for workers and the Canadian public.

This is not the first, second or third time that we have brought these recommendations to the attention of Transport Canada or policy-makers. Following the rail tragedy at Lac-Mégantic in 2014, the House of Commons Standing Committee on Transport was charged with conducting a safety investigation on all modes of transportation.

At that time, UCTE appeared before the committee and offered the following observations and recommendations about SMS and related safety measures.

SMS ought never to be a replacement for direct and unannounced inspections by Transport Canada inspectors with powers to revoke licences and impose monetary penalties.

Inspections, not SMS audits, should be the primary means by which companies are held accountable to laws and regulations ensuring safety.

SMS audits and inspections are completely different functions. Audits and inspections, and the inspectors doing them, should not be separated within each modal safety division. Without separation, audits become a substitute for inspections.

Ministerial delegations to private companies or industry associations should not be permitted.

Inspector-to-staff ratios by department and mode should be increased significantly, and new inspectors hired should have specialized safety knowledge.

Accident and incident reporting by inspectors and company officials should be mandatory for all modes. There should be a searchable online database accessible to the public—

● (1555)

**The Chair:** I'm sorry to cut you off, Ms. Eschuk. My apologies.

● (1600)

**Ms. Teresa Eschuk:** The most important multimodal principles that should be made available in Canada are whistle-blowing protections enshrined in law.

**The Chair:** I don't know if she can hear me.

Ms. Eschuk, I'm sorry to cut you off. We have an issue with translation, we believe. Can you hold where you are?

**Ms. Teresa Eschuk:** Okay.

**The Chair:** We will allow you to continue once we've established translation once again. Thank you for your patience.

**Ms. Teresa Eschuk:** Thank you.

**The Chair:** All right, Ms. Eschuk. I think we've rectified the situation.

You many continue. Thank you.

**Ms. Teresa Eschuk:** All right. Thank you very much.

The most important multimodal principles that should be made available within Canada are whistle-blowing protections enshrined in law, such as those that exist in the U.S., with an independent office established for these protections. The highest level of safety benchmarking should be required and written into transport safety law regulation guidelines and policies.

Today we look back with some of the same recommendations. On the transportation of dangerous goods, railways have made virtually zero progress in implementing alternate routes for the transportation of dangerous goods around heavily populated areas, as recommended by the Transportation Safety Board. Transport Canada needs to be more forceful in mandating company progress—for example, via interchange agreements—on rerouting, to reduce the risk of major accidents.

Since 2015 there have been seven major derailments of trains carrying dangerous goods. All occurred because of broken rails or other track infrastructure problems. The TSB March 2020 advisory noted that in key train and key route rules, there were “no provisions...to address the need for enhanced track standards for key routes”, despite the huge increase in dangerous good traffic volumes. The traffic safety standards for key routes need to be updated.

On the Transportation Safety Board, we noted with interest the comments made by Kathy Fox, chair of the TSB, when she appeared before this committee in February. She said that Transport Canada has recommendations from the TSB back to 2013 that have yet to be acted upon.

**The Chair:** You have 15 seconds, please, Ms. Eschuk.

**Ms. Teresa Eschuk:** Okay.

That should be unacceptable to this committee. Safety should be everybody's number one priority.

On behalf of the members of the Union of Canadian Transportation Employees, thank you for the opportunity to weigh in on this important matter. We remain committed to ensuring that Canada has the best safety standards in the world. We recommit to working with Transport Canada and all invested parties to make that happen. In our view, safety cannot be one of many priorities. It needs to be the number one priority for all modes of transportation in this country.

I look forward to any questions you may have.

**The Chair:** Thank you very much, Ms. Eschuk.

Thank you to all of our witnesses for being here today. I know the members are looking forward to asking you questions.

We will begin the round of questioning with Mr. Dowdall.

Mr. Dowdall, you have six minutes. The floor is yours.

**Mr. Terry Dowdall (Simcoe—Grey, CPC):** Thank you very much, Mr. Chair.

I too want to thank the witnesses today for taking time out of their busy schedules to be here for us.

My first question is for Mr. Brazeau, president of the Railway Association of Canada.

Under the transportation information regulations, as you know, railway companies are required to report specific safety data to Transport Canada on a regular basis. According to the Auditor General's report on rail safety, Transport Canada “did not provide sufficiently detailed guidance to the railway companies on how to report their safety data”.

My first question is this: What do your members tell you about these transportation information regulations?

**Mr. Marc Brazeau (President and Chief Executive Officer, Railway Association of Canada):** We actually have a rail safety data group that is working with TSB and Transport Canada to ensure that the methodology works in everyone's favour and is the right methodology to gather the information, and then to ensure that the information is interpreted and defined in the right way.

We are constantly having communication with the regulators and ensuring that if there are any gaps, or if there's any information that is not properly communicated or defined, we are working to enhance that. I'm not confirming that there are any major gaps, but I am saying that we are having dialogue to ensure that any information that we gather is the right information and is to the benefit of everyone.

**Mr. Terry Dowdall:** Do you think the information railway companies have to report to Transport Canada is clear? Are the timelines crystal clear?

• (1605)

**Mr. Marc Brazeau:** We've not heard otherwise from our railway members to indicate that this is a major issue. Again, though, we're always looking to enhance how that data is shared and used. We have a working committee made up of the railways, TSB and Transport Canada, that's tackling those issues.

**Mr. Terry Dowdall:** Would you have any suggestions that the government can make?

**Mr. Marc Brazeau:** I'll leave that up to the working group, because that's part of what they do. They make sure that if there are any recommendations or any enhancements that can be brought forward, the committee would certainly have those discussions and then it would be presented to the minister for his follow-up and his action.

**Mr. Terry Dowdall:** Is there a timeline for that?

**Mr. Marc Brazeau:** I don't believe we're working under any specific timelines.

I can confirm that the committee is meeting regularly. There is ongoing dialogue at all times between the railways, Transport Canada, TSB, and the Canadian Transportation Agency. I can certainly provide assurance to the committee that the level of communication is very high on all issues related to rail safety, policy and the regulatory framework. That's something we take very seriously. I can definitely confirm that this is ongoing and working very well.



**Mr. Terry Dowdall:** Thank you.

My next set of questions is for His Worship Mayor Bourdeau.

I have been a mayor in a community as well, and was a councillor like yourself for many years. I thank you for what you do, because you're the closest to the ground. You probably get questions put to you and feel frustration, which I can relate to. I have many lines that run through my municipality in Essa Township, from high volume to low volume, so certainly there are some concerns.

There was a long time when the train happened to be there and there were always people who felt frustrated. If they were late it was one thing, but we were always concerned that when it came to emergency services that we provided, like yourself, whether fire departments, or ambulance services, the amount of time needed for them to get around was an issue. I know you hear from citizens as well from that perspective, if they have any health issues.

What has your experience been for getting access to safety data reports provided by railway companies to Transport Canada so far?

[*Translation*]

**Mr. Michel Bourdeau:** I honestly have to say it's been tough.

The municipality's fire services receive codes indicating what goods the railway cars are carrying, but we get them after the trains have passed. We need that information before the train arrives, not afterward. We don't need that information once the train has passed. We have to know what's going on in our area if we want to protect ourselves.

I'm 52 years old, and members of my family have been in politics for at least 50 years. As far as I know, no preparedness exercises have ever been conducted with the municipality's fire services in Pincourt, Île-Perrot or Terrasse-Vaudreuil. Those exercises would help protect us. Training should be organized with CP or CN and other stakeholders, but that's never been done.

We get the information on transported goods because we keep requesting it, but we receive it long after the trains have passed. That's obviously a problem. It would be good to get it before then. CP and CN should train the firefighters who work on Île-Perrot to ensure the population is protected.

Honestly, if an incident like the one in Lac-Mégantic occurred, I'd really be afraid for my municipality because I know our firefighters aren't trained to handle that kind of event.

Some will say that other firefighters would come specifically for that kind of incident, but I definitely wouldn't feel safe if it occurred.

**Mr. Terry Dowdall:** Thank you.

**Mr. Michel Bourdeau:** You're welcome.

[*English*]

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

[*Translation*]

Thank you very much, Mr. Bourdeau.

Now we will go to Mr. Badawey.

[*English*]

Mr. Badawey, the floor is yours.

You have six minutes.

**Mr. Vance Badawey (Niagara Centre, Lib.):** Thank you, Mr. Chairman.

Thank you to all the presenters this afternoon for coming out and giving us your valuable time.

I want to start out with Mr. Bourdeau.

I'm going to concentrate on the effects, somewhat from railway safety, but more of railway operations on neighbouring communities.

I have this question for Mayor Bourdeau.

Do you find that railway operations have an impact on your community's health and safety?

• (1610)

[*Translation*]

**Mr. Michel Bourdeau:** There are definitely all kinds of impacts. Motorists experience long waits before they can cross the tracks and that stresses them, and trains frequently obstruct the level crossings for an hour or two. So people have to leave home earlier. Their stress levels rise, and that can exacerbate the situation.

Motorists sometimes decide to use the other exit and speed down the town's streets, but they're trapped when they get there too. That raises danger levels in the town. People roll the stop signs and want to drive as fast as possible from place to place to make sure they can enter or leave the town.

People are used to the noise, but the situation has an impact on them from a safety standpoint.

[*English*]

**Mr. Vance Badawey:** With that all said, Mr. Mayor, what is your expectation of the railway companies themselves—their operations—for alleviating these health and safety concerns? How do you feel they should be alleviating these concerns?

[*Translation*]

**Mr. Michel Bourdeau:** In the 1990s, my uncle, the mayor of the municipality of Terrasse-Vaudreuil at the time, went to war over the crossing. Now it's 2022, and the issue remains unresolved. Railway transportation is highly profitable, and it would be good if the railways could help construct a viaduct over the crossing or an underpass to improve safety.

There are four railway lines to cross, not two, and that often causes a lot of problems. The first thing to do would be to build a viaduct over the crossing or an underpass.

I would also request training for our firefighters. The number of trains that go through stresses them too. They wouldn't know how to react to a railway incident.

[*English*]

**Mr. Vance Badawey:** I want to pivot over to the Railway Association of Canada. I would appreciate if Mr. Brazeau would answer these questions. Once again I'm going to concentrate on the effects of railway operations on neighbouring communities.

Mr. Chair, I want to go on record to state that CN declined the committee's invitation to attend this meeting. To say the least, I'm very disappointed about that. It's extremely unfortunate, as I would have only assumed—as a matter of fact, I would have expected—that CN would be interested in working with this committee on behalf of the communities that we all represent, to ensure community health and safety.

Therefore, Mr. Brazeau, you're the closest in attendance today who may remotely reflect on the questions I'm going to ask and perhaps attempt to deliver a response on behalf of at least one of your members.

With that, I will preface my comments by stating this. I represent a community that has been dramatically affected by railway operations—those of CN rail—specifically in the city of Thorold, in the Port Robinson hamlet, where they have a switching yard that's, quite frankly, a lot larger than the operation's geography allows. There is noise, diesel smell and vibration, and there are blocked roadways, 24 hours a day, seven days a week.

Mr. Mayor, I feel your pain, hence the reason for my questioning to you in trying to come to some resolution for the residents who go through this on a daily basis.

I have to ask the association this. You mentioned that you encourage collaboration within communities that are affected by railway operations, so I have to ask you a simple question: How do you do that? More importantly, how do you come to a resolve to ensure the health and safety of residents who are being affected by railway operations?

• (1615)

**Mr. Marc Brazeau:** Representatives from CN and CP were not available to join us today, but I just want to note that they did appear in April of last year. We also attempted to appear in May. However, we had some technical difficulties and unfortunately could not present. We are pleased to be here to discuss what the railway industry as a whole is doing to help mitigate noise and disruption in communities we operate in.

Really, what it comes down to is a program that's been around for a number of years. It's a program that needs to get more municipalities and provinces to adopt those standards; that is, the proximity guidelines and the proximity initiatives.

The railways have been around for a long time. In some cases, the railways ran through land or territory first, and then there was

buildup around the railways. In co-operation with the Federation of Canadian Municipalities, the Railway Association of Canada put together these proximity guidelines, which was really to help municipalities ensure that any growth or urban development near and around railways was done in a safe, responsible way—

**Mr. Vance Badawey:** Mr. Brazeau, I apologize. The question was, what are you doing about the problems? I know how they've evolved over time, but what are you doing about the problems that exist right now within municipalities and within communities, in terms of noise, vibration, smells, etc.? What does your association actually encourage railway companies to do to deal with those problems?

**Mr. Marc Brazeau:** They work with the municipalities and the urban developers to make sure the proximity guidelines are respected, to make sure there is enough distance between the railways and residences, and that any development and growth around railways is done safely so that we can minimize the risk of noise and trespassing incidents. That's what we are doing.

I can't speak to specific cases, because those would have to be addressed specifically by the railways on a one-by-one basis involving specific examples. The CTA is also engaged in this. If there are noise complaints, residents obviously have an opportunity to go to the CTA, and then there are standards and procedures put in place.

**The Chair:** Thank you very much, Mr. Brazeau.

[*Translation*]

Mr. Barsalou-Duval, go ahead for six minutes.

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

I thought the testimony was very interesting, and I very much appreciate the questions asked so far. I want to note that at the outset.

Mr. Bourdeau, railway lines also cross my riding. Representatives of the town of Boucherville testified before the committee, and my impression after hearing their testimony and yours is that the situation in the two places is quite similar. It's hard to solve rail line problems, and the railway companies don't seem to pay any attention to them.

Do the railway officials listen to your problems when you go to them for solutions? Are you able to make sure the problems get solved?

**Mr. Michel Bourdeau:** We're getting results by continuing to talk about them.

However, it isn't always easy to find someone who can give us an immediate answer. Sometimes it takes a week or two for people to call us back or to get a solution to the problem.

**Mr. Xavier Barsalou-Duval:** Do you think the legislative framework should compel the railway companies to cooperate with the municipalities?

**Mr. Michel Bourdeau:** Yes, I completely agree with that.

Consider the length of the trains, for example. The distance between the two exits in our town is at least two kilometers. It takes a very long train to obstruct both at the same time.

**Mr. Xavier Barsalou-Duval:** So, for safety reasons, you think limits should be placed on the length of trains.

Is that correct?

• (1620)

**Mr. Michel Bourdeau:** Yes, that's correct.

**Mr. Xavier Barsalou-Duval:** You also said you'd like the municipalities to be informed of the nature of the goods being transported within their boundaries. The Boucherville representatives also raised that point when they testified here.

When you submit that request to the railways, what reasons do they give for not informing you?

**Mr. Michel Bourdeau:** The excuse they often give us is that they can't do it. They also raise safety issues associated with the goods carried by the trains.

**Mr. Xavier Barsalou-Duval:** I'm going to the Railway Association of Canada now.

Mr. Brazeau, could the railways take additional measures to provide the municipalities with this information so they can equip their fire services?

**Mr. Marc Brazeau:** Good afternoon, Mr. Barsalou-Duval.

The first responders can use the AskRail mobile app, which provides information on hazardous materials transported by the trains.

The information in question is quite confidential and is forwarded only to first responders who have completed the training provided by TRANSCAER, which is an awareness initiative offered to first responders. The training is free of charge and organized by the Railway Association of Canada and the Chemistry Industry Association of Canada.

I can confirm that training was provided to first responders in Mr. Bourdeau's municipality in 2019 and 2021. Our association believes it's important to work with the municipalities and first responders to give them the training they need in the event incidents occur.

The program has been around for many years, and we'd be prepared to work with the mayor and the municipality to provide further training in 2022.

**Mr. Xavier Barsalou-Duval:** Thank you.

I seem to recall that the railway company representatives who came and testified before the committee in 2021 had also mentioned the existence of these applications.

I am nevertheless wondering about access to these applications. When the residents of Boucherville came and testified, apparently

one only one or two people in the city had access. It's therefore very difficult to use them in practice to monitor things.

Should the railway companies perhaps be more proactive about training users in these applications and making them more available?

**Mr. Marc Brazeau:** More can certainly be done in terms of training. By providing proper training to as many first responders as possible, their capacity to respond directly to incidents would be strengthened.

As for information sharing, there is in fact a security component that needs to be protected. We don't want this information in the hands of people who should not have access to it.

The mobile application definitely makes it possible to train more people. Those who have received the training would be able to access it when required. That too would be part of the training.

**Mr. Xavier Barsalou-Duval:** Everyone remembers the Lac-Mégantic tragedy. This major disaster in Quebec was traumatic not only for the population of Lac-Mégantic, but for all Quebecers.

Beyond what Transport Canada may have asked for, or what major legislative amendments may have been made, what have the railway companies and the Railway Association of Canada done proactively to ensure that we do not limit ourselves to the regulatory aspects, which are not always fully complied with, and to make more of an effort to ensure that it never happens again?

Has anything concrete been done to address this?

**The Chair:** Could you answer in 15 seconds, Mr. Brazeau?

**Mr. Marc Brazeau:** It's a tragedy that still affects us today. However, it gives us guidance too. Over 40 recommendations have been implemented since the tragedy.

Industry stakeholders want to make safety an absolute priority. We have all kinds of programs that support this initiative and the recommendations that have been made.

• (1625)

**The Chair:** Thank you very much, Mr. Brazeau.

[English]

Next we have Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have six minutes.

**Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP):** Thank you very much, Mr. Chair.

I'd like to start with some questions for Ms. Eschuk. Thank you so much for your presentation.

I wanted to start with the topic of safety management systems. This committee has heard quite a bit about safety management systems. They're a tool that the government is fond of employing to manage safety, yet I'm not sure we really understand what they are. In a previous meeting, I described them as safety plans and was corrected by the chair of the TSB.

Could you briefly describe what a safety management system is and the role it plays in regulating rail safety?

**Ms. Teresa Eschuk:** Safety management systems are meant to be an additional layer of safety. They're supposed to be an additional layer as a tool for our inspectors to have in their tool box. Transport Canada is not applying them that way; it is making them the main focus of monitoring safety. For years now, we've been calling on Transport to do a review of the safety management systems. What we see is that Transport is devolving its responsibility more to private operators, rather than focusing on prevention, safety and what is dangerous through the SMS inspections. I'm not sure if that makes sense to you.

Transport Canada has been moving towards using audits, but audits only reveal what went wrong; they don't prevent accidents or incidents. Again, safety management is supposed to be there as a tool for our inspectors, to help the companies, not to be the only thing companies rely on.

We'd like to see more random and unannounced inspections of rail companies, operations and equipment, and the hiring of more rail inspectors to ensure compliance with outlined policies and procedures. We feel that Transport Canada has really gone backwards in this regard, rather than forwards.

We would like Transport Canada to have a single, number one priority, and that is safety. It's the safe transport of goods across the country on our rail systems and the safest possible passenger train service in the world. Right now, they work under competing priorities, one of which appears to be reducing the regulatory burden on operators. For Transport to be focused on reducing regulations would appear to be a conflict of interest in terms of what their role as a regulator is.

I'm not sure if that helps.

**Mr. Taylor Bachrach:** That's great.

In your view, are safety management systems a form of self-regulation?

**Ms. Teresa Eschuk:** Yes.

**Mr. Taylor Bachrach:** That's a very simple and short answer. Thank you.

You talked about unannounced on-site inspections by Transport Canada. Why do you feel that is so important?

**Ms. Teresa Eschuk:** I'm going to give you an example of when I was with Transport Canada in the civil aviation world. I looked after their operating certificates, mainly the same as with rail.

When our inspectors used to go out and do these inspections, that's when they would catch, or find, issues with the companies' safety programs. When they announce that they have to go, and they have to give them so much notice, it gives the companies time

to, for a lack of better words, clean up and hide some of the problems they have been dealing with.

That's why it's so important that the random and unannounced inspections are happening. That's when I used to see a lot of notices of suspensions towards the company—operations were suspended until they fixed these problems. Right now that tool is no longer in place, and it doesn't give me the warm and fuzzies when it comes to the safety of rail.

**Mr. Taylor Bachrach:** Okay. Thanks, Ms. Eschuk.

I would like to switch now to Mayor Bourdeau.

Mayor Bourdeau, I found your testimony very interesting. I also come from a small community that has a rail line going through it. We have heard from others in the municipal sector with similar concerns to the ones you expressed.

Around the issue of fire protection, should the fire departments of small communities such as yours be responsible for responding to major fire incidents related to rail transport?

[*Translation*]

**Mr. Michel Bourdeau:** We definitely need to do it, but it's important to have the expertise and training required to deal with incidents like these.

Mr. Brazeau said earlier that in 2021, training had been provided in my region. For the four towns I mentioned earlier, nothing was done in terms of training. I'm sure about that. Maybe in Vaudreuil, but nothing was done in Terrasse-Vaudreuil, Île-Perrot or Pincourt.

It would be helpful to contact Mr. Brazeau to have this training given to our firefighters, because they are the first responders whenever an incident occurs.

● (1630)

[*English*]

**The Chair:** You have 40 seconds, Mr. Bachrach.

**Mr. Taylor Bachrach:** I have a related question with two parts.

Should municipal taxpayers be on the hook for funding fire protection related to rail transport? Secondly, are the taxes paid by the railway to your community sufficient to deal with the risks and impacts that rail transport poses?

[*Translation*]

**Mr. Michel Bourdeau:** Definitely not. I can assure you of that. We need only look at the invoice for the Lac-Mégantic tragedy. Forget about it.

At Terrasse-Vaudreuil, We have a budget of \$2.5 million. Our fire services alone need \$250,000 to operate.

Because the railways go through the municipality, we can't share with another town because we never know what might happen. I have to use my municipality's funds.

[English]

**The Chair:** Thank you, Mr. Bachrach.

[Translation]

Thank you, Mr. Bourdeau.

[English]

Ms. Lantsman, the floor is yours. You have six minutes.

**Ms. Melissa Lantsman (Thornhill, CPC):** Thank you very much, Mr. Chair.

Thank you to all of the witnesses for making the time today. I know you're busy.

I'm going to start with Mr. Gagner.

Thank you for joining us.

I look at your opening remarks, and your experience, and I want you to talk a bit more and take a little more time on what's lacking from your perspective for the government to ensure rail safety. I'm not sure we got there in your remarks, but I would like to hear your view on it, given where you are in the country.

**Mr. Vince Gagner:** Sure.

I'd start with the strengths of what I see here in Sarnia. You can use that as a baseline to compare. Here, if there was a noise or some kind of a nuisance complaint with the system we have set up now, our member companies would share that information with the newspaper. They share that with the public, and anyone like you who wants to subscribe will get those notifications coming across.

That model was based on consultations with first nations. They had a system already set up in their community to do that, and we followed their example and set that up for all of our member companies, including obviously here in Sarnia. There are lots of different things that we have going on here in terms of risk, and definitely rail operations are right in the middle of a lot of our sites and our operations. That connection with the community is really important.

The management systems piece is key, you're right, in terms of due diligence and non-prescriptive law, but it's also important in terms of its risk piece. Sarnia was the birthplace of responsible care. It started here in the 1980s. The big piece with responsible care and management systems is understanding that the more you understand risk, the better you can control it.

There are different ways to assess risk, and there are very technical ways to do that. Sometimes the best way is to go and listen to a worker and go and listen to the community. You get a lot of information there, and that continuous improvement loop that happens over time is the due diligence. It is the polish, over time, of the improvement.

I would say here in Sarnia we do that deliberately, and we have third party auditors who come in and verify that in our companies. It's just the general culture here. There's a lot of practice here; there

are lots of different risks, and our community is very in tune with that. We have to be, because the people who work at our sites, including rail operations, also live here. When we talk to the mayors, the warden, the chief of the Aamjiwnaang, and we connect, we're all working together to manage risk.

I think if you start with that foundation, it's a key point. How you write that in the law is a tough one, but it's simply just listening and responding when people give you feedback.

I hope that helps.

• (1635)

**Ms. Melissa Lantsman:** Yes, it is helpful.

I wanted to ask you about this. Given your experience in the area, can you give us your assessment on the different risks related to rail versus pipeline and dangerous goods, and how that interacts with some of what you've seen or with your system?

**Mr. Vince Gagner:** Sure. If you look at the portfolio of Sarnia, you see that we have refining, petrochemicals and different manufacturing. There are transport trucks going in and out of these and rail operations going all around them. When you look at these fundamentals about listening to the public and controlling risk, you see that it's all pretty much the same.

Like I said, we're rolling out an incident that we have, again, by design, in the region on May 2, and you're welcome to come down and see it. We're going to have a tank fire that's going to be responded to by the refinery, and then it's going to evolve into a cloud that goes over and affects the rail operation, and then it extends beyond into the community. We're all working together and developing and injecting these scenarios to test.

I guess the important part is that that can happen just as a matter of fact with industry, but we are directly engaging the public in this. We're actively getting their feedback, but what's important is that we don't just get their feedback.... By the way, in terms of organized labour, the president of the Sarnia-Lambton construction and building trades is participating directly in the drill, because there could be workers at the site. We want to make sure he sees what we're doing and his members understand that we care. We want their feedback on this, not only on the prevention side, but also to minimize any impact if there is some kind of an incident.

It's really quite a holistic look at risk, keeping the tolerance for it very low and keeping the culture open so that we all listen to and respect each other.

**Ms. Melissa Lantsman:** Thank you, Mr. Gagner.

I have a quick question. Do you know of anywhere else where this exists across the country?

**Mr. Vince Gagner:** No, I don't.

**Ms. Melissa Lantsman:** Is this unique to Sarnia? Is there anywhere else, perhaps, given your location, on the other side of the border?

**Mr. Vince Gagner:** No. I've been in this game for a long time and have worked in the States, out west and out east, and I'm very proud of what we have set up. This level of transparency that we've built here is definitely worth a look from this group, and I would be happy to help in any way I can.

**Ms. Melissa Lantsman:** Thank you very much for making the time for us today.

**The Chair:** Thank you very much, Mr. Gagner and Ms. Lantsman.

Next, we have Ms. Koutrakis for five minutes.

The floor is yours.

[*Translation*]

**Ms. Annie Koutrakis (Vimy, Lib.):** Thank you very much, Mr. Chair.

I'd like to thank the witnesses for their testimony and for being with us this afternoon.

My question is for the representatives of the Railway Association of Canada, but the other witnesses can comment if they wish.

Could you describe some of the measures taken by railway operators to restore our supply chain after the weather disasters that occurred on the west coast last year?

I'm thinking in particular of the uncharacteristic cooperation between companies that are normally competitors.

Had these measures not been acted upon so quickly, what impact might there have been on safety?

**Mr. Marc Brazeau:** Thank you for your question, Ms. Koutrakis.

I'll answer your question in English, because honestly, my recollection of everything that happened out west is in English.

[*English*]

The supply chain disruptions in British Columbia and, in fact, in western Canada this past summer, as a result of raging forest fires and then the atmospheric rivers that we saw, really tested the railways. However, I think everybody read in the news and saw the Herculean efforts put forward by the railways to, first of all, work together to ensure that essential supplies were able to get in and out of the port of Vancouver. That speaks volumes about the fact that we have two class I railways that, yes, compete with each other, but also work with each other. That's not just during times of need like that, but also, in their normal working times, there's co-operation between the two railways.

In terms of the ability of railways to respond as quickly as they did, their ability to repair their infrastructure as quickly as they did, they did that in concert with the British Columbia government and in concert with the municipalities. We worked with a number of other key supporters and contractors who obviously worked very closely with the railways. It really was an impressive feat.

It does, however, speak to the need for us to have a more robust climate change action plan, because we have to protect our infrastructure. We have to protect our supply chains. That is something

on which we've started having some conversations with Minister Alghabra and other jurisdictions.

It's incumbent upon all of us, whether it be in the private sector or the public sector, to work together with all members of the supply chain, including our customers, to ensure that the integrity of Canada's supply chain is maintained, because we are a trading nation. We depend on our national trade corridor and we have to make sure that the infrastructure investments and the build-out will be able to withstand some of the challenges that we'll continue to see on a climate change front.

• (1640)

**Ms. Annie Koutrakis:** Mr. Chair, do I have time for one more question?

**The Chair:** You do.

[*Translation*]

**Ms. Annie Koutrakis:** I now have a question for Mayor Bourdeau.

Mr. Bourdeau, last year, we heard testimony from representatives of the Canadian Transportation Agency, the CTA. In some instances, the CTA ordered the railway operators to suspend activities at night. I would like to see the CTA use this power more often.

As the mayor of a small municipality, what do you think about this?

**Mr. Michel Bourdeau:** At night, there is less noise and people can sleep better. And if there is an accident at home, they know that the ambulance will be able to come quickly and won't have to stop to wait for a train to go by. Of course in daytime, many people are not at home because they have gone off to work.

There are also fewer train horns being sounded when the trains go by. No more horn noise. That's good and people have commented on it.

It would be nice if there were fewer trains going through at night. It's not easy to do that, but other methods could be considered. At peak hours, it might open up some areas of the municipalities, particularly in the morning or at dinner time, around five p.m.

And CN and CP are renting their tracks to passenger train companies. It's not always easy to manage both at the same time.

**Ms. Annie Koutrakis:** Thank you very much, Mayor Bourdeau.

[*English*]

Mr. Chair, I don't have any further questions. If one of my colleagues would like some of my time, I cede the floor to them.

**The Chair:** Thank you very much, Ms. Koutrakis. I'll take the time if you would like to cede it to me.

Thank you. I appreciate that.

My question is for both Mr. Brazeau and Mr. Kolz.

I did some research. It looks like the industry is doing quite well. Many of your members have record profits, which I think is a great thing. It shows that more people are using rail. It's an environmentally sustainable way of shipping goods, which is something that is near and dear to my heart.

However, given that there are record profits for many of your members, why is it that mayors like Monsieur Bourdeau and others across the country aren't given the support they need to build the kinds of overpasses and underpasses that would help ensure that citizens are safer? In Mr. Bourdeau's case, in Terrasse-Vaudreuil, he said it's been over 30 years that the city has been trying to get this overpass and underpass.

Why is it they're not getting that kind of support, if financing is not an issue? What do you propose, on behalf of your members moving forward, to ensure they're given expedited support to provide that kind of infrastructure and to keep our respective citizens safe?

Thank you.

**Mr. Marc Brazeau:** I'll begin, and then I'll turn it over to my colleague.

First of all, I think Greg, in his opening remarks, pointed out that there are billions spent by the railways. In fact, if you go back to, I think, 1999, there's been 33 billion dollars' worth of investments put back into the rail infrastructure directly by CN and CP. This is a significant capital investment made year over year by the railways back into their infrastructure, rolling stock and equipment. It's all with the aim of ensuring the safety, efficiency and fluidity of the network.

All these investments have certainly paid dividends, but there's more that could be done. That's why we've advocated for the federal government to provide more support to municipalities and private landowners when it comes to the new grade crossings regulations that are going to come into effect. Those are significant investments. We believe the rail safety improvement program, RSIP, is one way there could be additional funds—

• (1645)

**The Chair:** I appreciate that, Mr. Brazeau, but directly to my question, why is it mayors are waiting 30 years in some cases to get the kind of infrastructure they need to keep their citizens safe? That's a direct question that I would like answered, as well as the second question with regard to what you propose to do moving forward to provide more of the support that is necessary to these kinds of communities that need it badly.

**Mr. Marc Brazeau:** I'm going to try to be as direct as I can. Firstly, there needs to be more public funding made available to municipalities. The Federation of Canadian Municipalities has asked for the same. We have asked for the same. Safety is a shared responsibility. The railways certainly have made that commitment, but we're also looking for governments to make additional commitments to support those initiatives.

Secondly, the railways, again, if we look at the grade crossings regulations—and I think that's really what the issue is for Mayor Bourdeau, that grade crossing—there are new regulations coming into place, but those new regulations are going to require more in-

vestments. I think that's really what it comes down to, as well, is that there needs to be more public funding made available—

**The Chair:** Thank you, Mr. Brazeau. On the record, you're stating that the tens of billions of dollars amassed in profits by the companies you represent over the last three decades isn't enough, and that the taxpayers need to do more.

Thank you very much.

[*Translation*]

Mr. Xavier Barsalou-Duval, the floor is now yours for two and a half minutes.

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

My next question is for Mr. Bourdeau.

Mr. Bourdeau, there was a brief discussion of problems tied to the railways in your municipality. After the accident in Lac-Mégantic, a decision was made to build a railway bypass. It has not yet been completed, however. People in other towns would also like to have government assistance.

The location of the railway tracks is problematic in other cities too. Some have asked for alternatives to determine whether it would be possible to move them. However, it does not seem that these towns are likely to receive funding for this.

Your municipality does not necessarily want to move the railway tracks, but if federal organizations like Transport Canada offered assistance to assess the costs, would that be of interest to you?

**Mr. Michel Bourdeau:** Any options that would bring the entire municipality together again would certainly be an asset.

About five years ago, there was discussion about building an overpass or underpass within the following 10 years. Then a traffic light was installed at that location. Drivers stop at the railway crossing when there is a train and are now required to stop whenever there's a red light. That's how they decided to make the crossing safe.

Our municipality was identified as one of the most dangerous locations in Canada, but Transport Canada chose to have a traffic light installed to solve the problem. Before that, if there were no trains, you could drive through without a problem, but now there's a traffic light. In other words, even when there's no train, drivers have to wait for the red light to change.

• (1650)

**Mr. Xavier Barsalou-Duval:** So according to you, it would be appropriate to fund railway development studies through federal programs. Is that right?

**Mr. Michel Bourdeau:** Yes, that's right.

**The Chair:** Thank you very much, Mr. Barsalou-Duval.

[English]

Mr. Bachrach, the floor is now yours. You have two and a half minutes.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

I'd like to pick up where I left off, with Ms. Eschuk, about some of the legislative changes. You mentioned whistle-blowing protections as a key legislative change. Are there other legislative changes that you feel would strengthen the rail safety environment in Canada?

**Ms. Teresa Eschuk:** I'm going to defer to my political adviser, Mike Martin, to answer that.

**Mr. Mike Martin (Policy Advisor, Union of Canadian Transportation Employees):** We would see the changes necessary that could be done administratively first, before you even went through legislation. There are many things that can be done right now, such as increasing the penalties for operators and incidents of violations. Those can be done without legislation.

The unannounced inspections versus audits can be done without legislation. The alternate routing for shipping by rail that the mayor talked about, with municipalities needing alternate routes for rail traffic to go through, could be done without legislation.

Quite honestly, there needs to be a partnership, and the partnership needs to be with the railway operators and the levels of government. The reason it hasn't moved is that the funding isn't there to make that happen.

Finally, the last piece I'd say around the changes that can be made without legislation is that we need more specialists in terms of the inspections we do in this country. Transport Canada has moved into multimodal inspections, and that's particularly true in the transportation of dangerous goods. TDG inspectors are now expected to inspect all different modes, so they do rail one day and they may do civil aviation another day. What happens is that the expertise gets watered down, and even though these people are very good at their jobs, we need to focus back in on getting experts and specialists to be able to deal with some of the issues that are there already.

There are many things that can be done inside the existing practices that are happening right now. Quite honestly, we've been making the same calls for 20 years, and very little has happened. The changes on the alternate routes have been going on since communities were built and railways were going to go through the communities.

Changes need to be made at the funding and administrative levels, and they can easily be made to improve rail safety in this country.

**The Chair:** Thank you very much, Mr. Martin, and thank you very much, Mr. Bachrach.

Next we have Mr. Muys. The floor is yours for five minutes, please.

**Mr. Dan Muys (Flamborough—Glanbrook, CPC):** Thank you very much to all the panellists who are here today, and thank you for your time.

I just want to echo some of the comments made by colleagues here. Certainly, as a new member of Parliament, I've not had the opportunity to participate in the entirety of this discussion on rail safety.

I, too, am disappointed that CN was not able to accept the invitation, because I think they have an important voice in this, given their footprint across the country, including in my own communities at the western end of the GTA.

Ms. Eschuk and Mr. Martin, we look forward to digesting the report that you've sent as we consider rail safety. In your opening remarks, Ms. Eschuk, you had a number of recommendations, a long list, and you just elaborated on some of those, Mr. Martin.

Just to summarize, if there are maybe three things we could focus on immediately to make up for that gap of 20 years without improvements, what would they be?

**Mr. Mike Martin:** Maybe I can start and Teresa can back me up on it. There are so many things that can be done.

I would say that Transport Canada needs to shift back to inspection versus audit. That's what safety management systems did in Transport Canada. As Teresa said earlier, an audit is when you look at what happened after. An inspection helps you prevent things. There's still the same role for the company; it's simply that there's another level of oversight. That was the intention of SMS, and it never happened in the last 20 years.

Also, inspections should be unannounced. Regularly scheduled audits are really good, but unannounced visits.... Let's say your family is coming to visit, and you know they're coming, so you clean your house, but if they come unannounced, then your house is what it is, and people get to see that. I think it's as simple as that.

Also, on the transportation of dangerous goods, that's where people are really worried about the safety of the system. We ship a lot of dangerous goods, and we're very good at it. We have a very good track record on it. We just need to be as good as we can be, and that means we need to focus in on alternate routes. It's a big issue, a big problem and lots of money.

Those are two of the things that can be done easily.

Maybe the third that I can add, and Theresa can add what she needs, is increasing administrative penalties. If you're going to hold people to standards, then they have to pay a price if they don't follow them. They need to be substantial, so that there's an incentive to not make mistakes and people will focus on preventing the mistakes so it doesn't cost them any money.

● (1655)

**Ms. Teresa Eschuk:** If I could add one more thing, it comes down to the Transportation Safety Board. Why do we have them if their recommendations aren't going to be implemented?



Kathy Fox testified in front of you in February. In all modes, the recommendations that are made to Transport Canada by the Transportation Safety Board aren't being implemented. Those are the experts at the Transportation Safety Board. Those are the inspectors that go out in all modes; they inspect and they find out why the accident happened.

In order to prevent the accidents happening, Transport Canada needs to seriously take into account the recommendations of the Transportation Safety Board. If it doesn't implement the TSB recommendations, it needs to be accountable and explain why it hasn't.

Thank you.

**Mr. Dan Muys:** We have probably only 10 more minutes of this discussion before we move on.

I wanted to ask Mr. Gagner to weigh in again, having observed this entire conversation so far today. As we've heard, BASES is a unique model in Canada, and perhaps in North America. Sarnia leads the way, as it did with responsible care. Good for you.

I'm intrigued by all the things you talked about in terms of emergency preparedness, notification systems, collaboration with the community and the description of the practice events that are going to take place with the cloud of smoke. That sounds like a very good initiative.

What would you say, having listened to all of this conversation, are the frustrations of the mayor and others? How do we take that BASES model and apply that across Canada?

**Mr. Vince Gagner:** You look at what is causing the frustration. Typically, that's when people feel like they're not being heard. When there is objective information that people believe is.... When workers, members of the community or first nations believe they have really solid evidence and their opinion says, "This is what we should do," and there's no response, that's when people get frustrated.

I want to be careful to say that Sarnia is not perfect. However, there are some fundamental things here that I see culturally with our member companies. I see also what you did at the federal level with the E2 regulations that you brought in. That very much aligned with the responsible care and IEC tools that they have, this reaching out to the community.

Regarding my previous comment about it being hard to come up with laws that say you need to listen, that is an example of where you reach out and connect with the community, and the environmental emergency stuff under CEPA is quite effective—

**The Chair:** Thank you very much, Mr. Gagner.

Thank you very much, Mr. Muys.

Next we have Mr. Iacono. You have five minutes. The floor is yours.

[*Translation*]

**Mr. Angelo Iacono (Alfred-Pellan, Lib.):** Thank you, Mr. Chair.

• (1700)

[*English*]

I thank the panellists for being present.

To respond to Teresa, Transport Canada has completed 90% of the recommendations. The last 10% that have not been completed tend to be accounted for with respect to jurisdictional problems and technological obstacles.

[*Translation*]

My first question is for Mayor Bourdeau.

Mr. Bourdeau, given that several railway companies run trains on the tracks that run through your town, do you know how safety is ensured and can you provide us with details?

Do you receive details on this from the various companies?

**Mr. Michel Bourdeau:** No, not really.

The only information we get comes once a year under the Operation Lifesaver program. People come here one fine morning and hand out brochures about driver safety.

**Mr. Angelo Iacono:** Thank you.

Have you ever asked for information?

**Mr. Michel Bourdeau:** Yes we have, but we've never had a reply.

**Mr. Angelo Iacono:** Thank you.

My next question is for Mr. Brazeau.

What new measures in particular should be taken by the regulatory bodies to improve rail safety?

You said earlier that there was a shortage of funds. Can you tell us what specifically should be done?

**Mr. Marc Brazeau:** As the mayor pointed out, Operation Lifesaver is an awareness program that has existed for years. It's a partnership between the industry and Transport Canada designed to make people aware of the importance of safety near railway tracks. It's an example of a program that would get municipalities and provinces across Canada more engaged in such initiatives.

We also discussed the safety management system, or SMS, a program that we continue to support through the safety culture initiative.

All these programs are accessible, and we are working closely with all the railway companies in Canada, who have been working closely with the municipalities.

**Mr. Angelo Iacono:** I apologize for interrupting you, Mr. Brazeau, but my speaking time is limited.

Could you send us a list of your suggestions in writing?

When we think about railway companies, we generally think of the giants like CN and CP.

What specific or frequently occurring safety problems arise among the smaller operators, such as those that operate secondary or tourist railways?

**Mr. Marc Brazeau:** That's a very good question.

We have been asking the small companies that operate regional and tourist railways for increased and more tangible support.

There are specific programs in the United States for regional railway operators, but there are no such programs in Canada. Small railway operators do not have the same capacity as the major railway companies that operate Class 1 railways. They don't have the same level of resources and they can't reinvest in their systems to the same extent.

These small railway operators across the country need help, and we have been asking the government to support them.

**Mr. Angelo Iacono:** Mr. Brazeau, Once again, I would appreciate it if you could provide these details to the clerk.

**Mr. Marc Brazeau:** Okay.

**Mr. Angelo Iacono:** I would also ask you to give us details about what else we could do to improve rail safety.

What do you think are the most relevant criteria for measuring rail safety, and why?

• (1705)

**Mr. Marc Brazeau:** As I mentioned earlier, we have set up a working group. We have been working with the Transportation Safety Board of Canada and Transport Canada to obtain information that might be useful.

Apart from that, there is other information we could perhaps share. All of this would help us obtain a better overview of the situation and develop programs that could improve safety.

**Mr. Angelo Iacono:** Thank you.

Are railway police services replacing other police services, or are they complementary

Is there something that prevents the police, like local police services or the Royal Canadian Mounted Police, from investigating railway accidents where warranted?

**Mr. Marc Brazeau:** Railway police services have the same capacities and powers as municipal and provincial services, and receive the same training. They work together with other police services when required.

They exchange information and they collaborate, but the work done by the railway police services is important because their members are very familiar with everything affecting railways and they are on-site to deal with situations and to ensure that there are no trespassing or other incidents. They work closely with the other municipal police services.

**Mr. Angelo Iacono:** Thank you.

**The Chair:** Thank you very much, Mr. Iacono and Mr. Brazeau.

The floor is now yours, Mr. Jeneroux, for five minutes.

[*English*]

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Thank you, Mr. Chair.

I'd like to take a quick 30 seconds at the start, if I may, Mr. Chair. We had the minister here last time, so I didn't get the chance to say thank you for the kind welcome I received from a number of colleagues on the other side of the table, and of course from my current colleagues, for officially rejoining the committee.

I know I worked with a number of you from our previous time on the transport committee. We haven't gone very far. Mr. Badawey, Mr. Iacono, Mr. Rogers—it's good to see you all again.

My first questions are for you, Mr. Brazeau. It seems to me that the concerns from Mayor Bourdeau, and what I can only suspect are other mayors around the country, are curious with regard to that data piece. You mentioned that you're looking for a lot more funding and a lot more supports from the government, but that data piece seems, to me at least, a reasonable ask from the municipalities.

You've been working with FCM since 2003 on a number of other initiatives. Again, it would seem to me that this type of ask would be something that it would be fairly easy for your association members to provide to certain municipalities. As I go through this, can you explain to me, I guess, why it's obviously not as simple as Mr. Bourdeau and I, and I assume many others, seem to think it is?

**Mr. Marc Brazeau:** Thank you, Mr. Jeneroux. Just to be clear, are you referring to the transportation of dangerous goods data, so that municipalities have information at their fingertips?

**Mr. Matt Jeneroux:** Yes. Mayor Bourdeau let it be known earlier in this committee that often railcars come through his municipality, as they do through other municipalities, and he doesn't know what's on them until after the fact. It seems to me that you guys obviously know and the company obviously knows. Why can't you let the mayor and other municipalities know?

**Mr. Marc Brazeau:** There is a protective direction that's in place for the sharing of that information. Again, as I mentioned, there's a program called Transcaer. Transcaer provides free training to first responders in municipalities across the country. When that training is received, and the individuals who have it need to have that kind of information, that information is shared with them by the railways through a mobile app. That information is available.

On the question of whether there is a delay in getting that information, there may be some information that needs to be delayed for whatever reason. You have trains coming in from all directions. Sometimes they're transferred from one company to the next company. That's something we could look into, to see if there are some efficiency gains to be had there, but generally that information is available. That training is available to all first responders across the country.

**Mr. Matt Jeneroux:** You have a tough job here today, Mr. Brazeau. You're defending all of your members. I get that there were some other members who were invited and weren't able to show up. That's acceptable, in my opinion, but to think that the mayor of a town, someone like Mr. Bourdeau, who would be responsible if anything were to go south with whatever was on that type of railcar going through.... To me, it would seem reasonable that he and his municipality, or members of his team, would know what was on that car, just for that proactive piece.

Is it simply that a mayor of a town isn't considered to be on a "need to know" basis when it comes to what's on the railcars?

• (1710)

**Mr. Marc Brazeau:** I just want to be clear here, because there's probably some missing information.

First of all, I extend the invitation to the mayor, Mr. Bourdeau, again, because we've provided training in Baie-D'Urfé, L'Île-Perrot and Vaudreuil to first responders. We provided training as early as last year, and we're available to do it again in this year.

CN and CP and the railways have ERAP, the emergency response systems plan, which they need to have. It is in place. If there is an incident, you have experts who come through the railways and deal with those situations. Certainly, as a first responder on site, we provide intensive training. That training is available at no cost. We work with other jurisdictions to provide that training. I just want that to be clear.

There's mock training as well, put on by both CN and CP with municipalities, to ensure that there are good communications—

**Mr. Matt Jeneroux:** I think I understand that training piece, Mr. Brazeau. Thanks for clarifying some of it. You're saying training is being offered. That's great. You guys show up if something happens—great. In my opinion, and it sounds like it's Mayor Bourdeau's opinion, there's still that missing piece of information where the mayor has no idea of what's coming or going through his town.

I can appreciate that you probably go through a bunch of towns, but to me, the data of what's coming through the town would be a reasonable position for your rail companies to take.

Maybe I'll turn it over to Mayor Bourdeau in my last few minutes to see if he has any comments on what that would look like as a data piece, from his perspective. He made some comments earlier.

**The Chair:** Give a 30-second response please, Monsieur Bourdeau. Thank you.

[*Translation*]

**Mr. Michel Bourdeau:** That would certainly enable me to contact my fire safety service immediately so that they could be prepared in the event of danger, rather than have to react to a situation

after it occurs. For example, if we know that there are certain types of products, the head of our fire safety service would already be aware of it and could take measures with his counterparts in the other four municipalities to prepare action plans ahead of time. That could certainly be useful.

I have taken note of Mr. Brazeau's comment and will be contacting him soon.

**The Chair:** Thank you very much, Mr. Bourdeau.

[*English*]

Thank you very much, Mr. Jeneroux, for your questions.

Thanks, colleagues, for your thoughtful questions as well.

To all of our witnesses who appeared today, I thank you on behalf of this entire committee for sharing your responses.

Witnesses, you are now free to disconnect. We will wait for you to do that before this committee goes into committee business.

Matt, hopefully we'll be able to get to see you in person at some point, when you can join us here in Ottawa.

• (1715)

**Mr. Matt Jeneroux:** Yes, I was trying to this week, but I couldn't make it work.

I forgot to give you a shout-out, Schiefke. It's good to see you in the chair.

**The Chair:** Thank you very much, I appreciate that, Matt.

I'm going to confirm with the clerk that we no longer have any of the witnesses on with us. Is that confirmed?

Great. There was a motion presented by Ms. Lantsman. As I stated earlier, after discussions with all of you, we wanted to ensure that we had an opportunity to discuss that motion, as it is timely and I believe quite important.

Ms. Lantsman, I'll turn the floor over to you to explain the motion and perhaps the discussions you've had with other members to come to a consensus.

**Ms. Melissa Lantsman:** Sure. I think you'll find consensus on the committee.

I'll read the motion into the record:

That, pursuant to standing order 108(2) and in light of the presence of Russian vessels on Canada's east coast and the violation of prohibited airspace by Russian aircraft, the committee immediately undertake a study of Canada's preparedness to respond to Russian threats to Canadian waters, ports and airspace; that this study include two meetings; that the committee invite the Minister of Transport to appear, as well as other witnesses, at the request of the committee; and that the committee report its findings to the House.

We saw late yesterday that the Department of Transport confirmed that an aircraft detained in Yellowknife was a charter carrying two Russian foreign nationals. Transport Canada is working with CBSA to assess the matter. Given the recent events, I think this is a timely study. It should precede any committee business for a couple of meetings if there is agreement from the committee.

**The Chair:** Thank you very much, Ms. Lantsman.

Is there any discussion on this?

*[Translation]*

Mr. Barsalou-Duval, I know that you've received comments on this matter and that an amendment was put forward this morning.

Does Ms. Lantsman's motion include the changes you wanted to make to the wording?

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

Yes indeed. I appreciated reading Ms. Lantsman's proposal and am happy to see that the changes I wanted are now included in the motion she presented.

**The Chair:** Excellent.

Thank you very much, Mr. Barsalou-Duval.

Are there any other comments on this motion?

*[English]*

Okay. Can we have a vote on this?

(Motion agreed to)

**The Chair:** Thank you.

Thank you for that, Ms. Lantsman.

Just to be clear, we will be starting this when we return after the break, and we will be pushing all the committee's business forward as needed. Does that sound good?

Thank you, colleagues. It was a great meeting.

The meeting is now adjourned.

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