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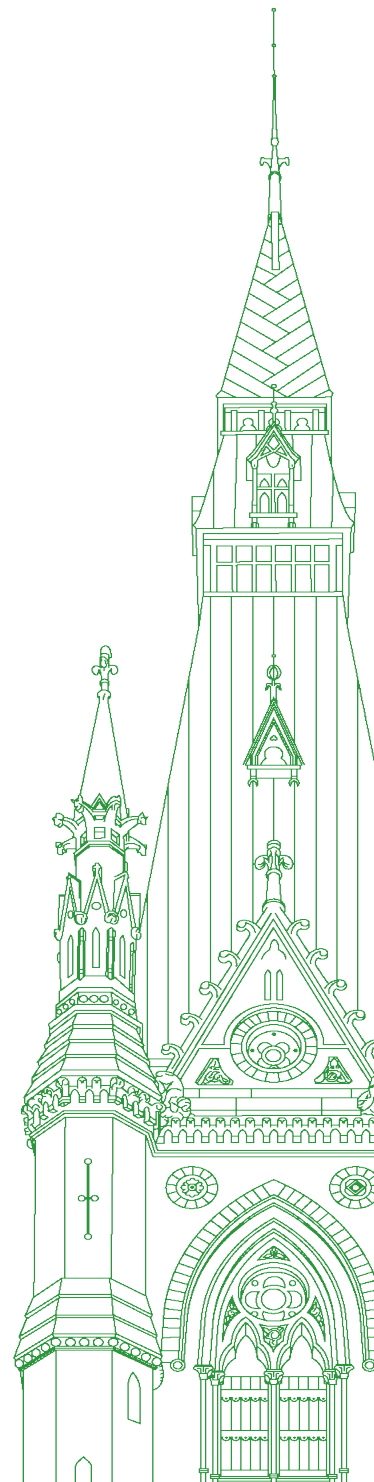
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Chair: Mr. Peter Schiefke



Standing Committee on Transport, Infrastructure and Communities

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• (1105)

[*Translation*]

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

Welcome to meeting number 52 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, February 3, 2022, the committee is meeting to discuss the Air Passenger Protection Regulations.

Today's meeting is taking place in a hybrid format, pursuant to the House Order of Thursday, June 23, 2022. Members are attending in person in the room and remotely using the Zoom application.

[*English*]

Colleagues, appearing before us today by video conference for the last meeting on our air passenger rights study are, from the Canadian National Railway Company, Monsieur Olivier Chouc, senior vice-president and chief legal officer; Monsieur Martin Guimond, vice-president, transportation, eastern region; and Mr. Hoang Tran, director, passenger services.

Thank you all for joining us today.

We will begin with opening remarks.

I will turn it over to you. You have five minutes.

[*Translation*]

Mr. Olivier Chouc (Senior Vice-President and Chief Legal Officer, Canadian National Railway Company): Thank you, Mr. Chair.

Thank you to the committee for inviting us.

As you mentioned, with me today are Martin Guimond, vice president of Operations for CN's Eastern Region, and Hoang Tran, director of Passenger Services at CN.

Before I go into details about the events of December 23 and 24 and the extraordinary circumstances under which they occurred, I would like to say that we at CN are deeply sorry for the impact that the derailment had on the travel plans of many Canadians during the holidays.

CN has dealt with the challenges of Canadian winters every year for more than 100 years. We invest annually in our network to build resilience, to keep our operations running, and to be able to resume operations following disruptions. We regularly adjust our practices

to reflect the experience we have acquired, the major investments we make in our infrastructure, the increased training we provide to our employees, and the operational changes we have made. A fluid, resilient network benefits all our partners, including VIA Rail.

By being prepared and investing across our network, we are better positioned to deal with the harsh Canadian winters.

However, the winter storm that struck in late December was in a different category altogether. Much of Ontario's transport infrastructure was affected. Hundreds of thousands of Canadians were without power for several days. Ontario Provincial Police closed a number of major roads, including highways 401 and 402. Some regions in Ontario even declared a state of emergency.

The extreme weather not only caused the events we are looking at today, but also hampered the efforts of the teams tasked with restoring train operations.

The first incident occurred on Friday, December 23, around 10:30 p.m., when VIA train 55 hit a tree that had fallen on the track near Coburg, Ontario. CN dispatched a crew to clear the tree. However, the disposition of the tree and the weather conditions made it unsafe to proceed.

So, CN and VIA Rail dispatched a VIA Rail train to tow the damaged train. This was the preferred course of action because it meant that we would not have to move passengers in the middle of a blizzard. Unfortunately, that option was also abandoned due to concerns for passenger safety.

As the VIA crew was nearing their hours-of-service limits, the VIA Rail train dispatched to train 55 was sent to Toronto, and another train was dispatched to the site of the incident. Around 10:50 a.m. on December 24, passengers and their luggage were moved to a new train and brought back to Oshawa.

At 10:40 a.m. on December 24, the second event that impacted rail service occurred. A derailment near Grafton, Ontario, completely shut down CN's corridor for three days. Train Q122 was in the process of "getting out of the way" for the rescue efforts to VIA Rail train 55 when it collided with train M305, which was parked on another track.

As we explained in the brief submitted to the committee on January 23, the operation was complicated by issues such as limited access to the derailment site, road closures, high winds, limited visibility, and the location of the cars and locomotive. We should also keep in mind that one of the cars involved in the derailment contained dangerous goods. While no dangerous goods were released, these conditions required a number of precautions.

We dispatched all available crews to clear the track so trains could go through, and our railroaders worked tirelessly despite the bad weather.

• (1110)

I would also like to thank local authorities and community members for their support.

Safety is a core value at CN, and we learn from every incident. After reviewing the incident with VIA, we have identified opportunities to improve our communication protocols, and we have followed through with concrete measures.

We pride ourselves on being particularly focused on serving our customers. VIA Rail is no exception. We understand the role we play in moving the Canadian economy, and we are just as keenly aware of the role we play in moving Canadians.

To conclude, I would like to thank you for giving us the opportunity to brief the committee.

We will be happy to answer any questions you may have.

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

[*English*]

We'll begin our line of questioning today with Mr. Strahl.

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

Mr. Mark Strahl (Chilliwack—Hope, CPC): Thank you very much.

It's good to have you here today. I think the Chair made it clear in one of our emergency meetings that we had hoped to have CN here earlier, when Via was here to talk about the incident. We're glad, even though it's a bit delayed, to have you here today.

I recognize the work that your crews do. I certainly saw that first-hand when we had our devastating floods and mudslides wash out the CN track. The professionalism and hard work of your crews to get that service back up and running in record time were certainly noted and valued by the community. Knowing that it was possible made it difficult to understand—you've given some context here—the reasons there wasn't access to the stranded train.

Obviously, if you have problems on both sides of the incident, there are going to be delays. I did ask Via this question. I'm going to ask it to you as well. When a train hits an object on the track, there's the risk that it could have been much more serious than it was, I think. The train did not derail. There wasn't a breach of passenger carriages, etc. After the delays in getting to the passengers and providing any additional services to them, my concern is what would have happened had the situation been worse. What would have happened had there been a significant derailment or the carriages had been breached?

You said that crews were able to get to the scene relatively quickly and were then unable provide any additional assistance. Would your protocols have been different? Would there have been more that you could have done if you had deemed the incident to be more serious than it was?

Mr. Olivier Chouc: I'll hand this question over in a second to my colleague Martin Guimond for a comment from an operational perspective.

There's no doubt that every situation is assessed on its own merit. We put priority on the safety of the passengers in this case and on our crews as well. That's a first priority. As the situation is assessed to be more or less severe, the response will be adjusted accordingly.

My colleague Martin Guimond could provide you with more context and colour on this.

Mr. Martin Guimond (Vice-President, Transportation, Eastern Region, Canadian National Railway Company): Every incident is a bit different. For this one, we needed an understanding of what really caused it and the type of situation we were working in. When our crew arrives at a derailment situation or any other situation that may impact our network and the fluidity of our network, the first thing is deciding how can we handle that in a safe manner.

In this case, because of the situation, the tree that hit the Via train was deemed not safe. Therefore, in collaboration and discussion with the RTC, which is our regional rail traffic control, it was decided to look at other means to rescue the people and to act differently in this situation. We wanted to protect the safety of our employees and of all of the passengers who were on the Via train.

Mr. Mark Strahl: Obviously, you take rail safety very seriously. There are strict protocols in place for who can access a rail line and when. Obviously, you have your own police force to ensure that occurs.

When an incident like this happens, what are the protocols in place? Is there an agreement to immediately relax them to allow local emergency services to access a train, for instance, this one? Does that require a bureaucratic chain of command decision? Are there protocols in place that kick in as soon as an emergency is declared or an incident like this happens that would allow, for instance, the Cobourg fire department to access that train to provide services to passengers without back-and-forth with CN, or is it still part of the protocol that there has to be a checkdown agreement from the CN police or CN in some way to provide those services?

• (1115)

Mr. Olivier Chouc: Again, Martin can comment, but I think the key is always safety.

Everybody is notified. We have a very strict protocol in terms of how we respond to these types of incidents and who we communicate with, including local first responders, which we did in this case as well.

The key, though, is that this is a live operation. It has certain risks, and we want to make sure that the protocol is well followed to optimize and make sure that we always protect the safety of the passengers and our crews.

Martin, maybe you have, again, more context to offer.

Mr. Martin Guimond: I think Olivier summarized really well the protocol that we have.

In terms of response time, though, it's the same. As soon as we have an incident, our team is deployed to reach the site. Once we're deployed, there is an assessment of the situation made. Based on that assessment and the situation that we have, we elaborate the next phases of the plan.

In a case like the derailment we had, because of the weather, because of the difficulty accessing the site and because it involved a passenger train, some protocols were decided to ensure the safety of the people. It was also decided that the passenger train would be a priority.

Depending—

[*Translation*]

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

[*English*]

Next we have Mr. Rogers.

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

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Chair.

Thank you to our witnesses appearing today. Welcome to the transport committee.

First of all, this storm played a major part, obviously, and a combination of factors led to this challenging time for Via Rail, CN and others. There was an advance warning and forecast.

Knowing that, what steps did CN take to prepare for potential consequences that might result from this incoming weather?

Mr. Olivier Chouc: We have, as I said, very strict protocols. We have winter protocols as well. We have a very rigorous response structure, if you like, and we prepare. We deal with winter every year, and we prepare for winter every year.

This was an extraordinary situation. I think you heard Via's CEO a couple of weeks ago testify that this was a once-in-a-25-year event for Via. These come with their unique challenges, but we're equipped to respond to them. It will impact the timeliness of our response because, if you look at the conditions of the road and the time it took to bring the equipment under those conditions, the lack

of visibility forced us to take extraordinary precautions to make sure that we protected the safety of everyone.

We are prepared, and we have robust protocols to respond to these situations.

Martin, again, do you want to add anything?

Mr. Martin Guimond: Yes, thank you, Olivier.

In terms of preparation, when we know the specifics or that a storm will arrive, there is planning, and it's all done knowing in which department who is on duty and who is going to cover.

We also have a regular patrol that goes on our track to inspect the condition of our rail, the condition of trees or anything that might evolve during a storm and anything that impacts us or impacts the fluidity of the network.

• (1120)

We have people on duty on site who patrol the corridors and report if they see anything. They try to be proactive as well in preparation for any snowstorm.

Mr. Churence Rogers: I'm assuming, of course, that being proactive means that currently, following this difficult period, CN would be undergoing a review of emergency procedures. Have you done that in preparation, just in case this thing ever happens again?

Mr. Olivier Chouc: Yes. You're absolutely right. We do review every incident after the fact to try to see what lessons we can learn and what improvements we can make to operations and response.

In this case, our chief operating officer and Mr. Tran met with Via's CEO and their chief operating officer a few weeks ago to discuss this, do a post-mortem and assess what could be done differently. We've already identified some opportunities from a communication standpoint to have a better communication protocol.

We've also agreed to provide Via with access to some of our systems so that as events unfold, they can get a better sense of what's going on on the ground, which will help them manage, hopefully, their own communications at their end.

Mr. Churence Rogers: How long was it before CN became aware of disruptions to its rail network that would affect Via passenger trains?

Mr. Olivier Chouc: Go ahead, Martin.

Mr. Martin Guimond: Normally, within 30 minutes we are all aware. In this case, within 30 minutes we even deployed some of our engineering team to go on site. However, because of the weather in this case, and the impact of this type of snowstorm with all the road closures, it took us a little bit longer to arrive on site.

Within 30 minutes, the team was deployed to try to get access to the site. Within the next hours, they were on site trying to assess the derailment and the impact on the network we had in this case.

Mr. Churence Rogers: How long an interval was there between when the problem was identified and when Via was informed? How was Transport Canada informed?

Mr. Olivier Chouc: I can speak to the Transport Canada piece, and then maybe Martin or Mr. Tran can speak to the notification of Via.

We were in communication with the minister's office basically minutes after we became aware of the situation. We stayed in contact with the minister's office throughout the process, from the 24th all the way to the 27th.

Mr. Churence Rogers: Is there an established protocol for how...or the kind of information that's provided to Via or Transport Canada?

Mr. Olivier Chouc: Maybe Mr. Tran can speak to the Via piece.

Mr. Hoang Tran (Director, Passenger Services, Canadian National Railway Company): Thank you, Olivier.

There is a protocol whereby we communicate with Via. Our operations centres are tied at the hip, if you will. As soon as there is anything that may impact their trains, we give them as much forewarning as possible so that they can advise their customers and let them know what is going on with the infrastructure.

The success of their service, and the success of our service to them, is the exchange of this information in a timely fashion.

The Chair: Thank you very much, Mr. Rogers and Mr. Tran.

[*Translation*]

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

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): I'd like to thank Mr. Guimond, Mr. Tran and Mr. Chouc for being with us today. We appreciate it.

We had a meeting in January to analyze the events. Unfortunately, CN didn't participate, and I have to say, I was greatly disappointed. This is your opportunity to explain why you didn't attend that meeting.

Mr. Olivier Chouc: I'd be happy to do that. Thank you for your question.

The invitation we received coincided with the date of our board meeting and the release of our annual financial results. These are dates that are set well in advance. At that time, it wasn't possible, but we immediately offered to work with the committee to find new dates.

I also want to point out that even before we were invited to appear, we had provided the committee with our summary of important facts in order to inform its work.

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

During their testimony, VIA Rail representatives told us that communication between CN and VIA Rail has been difficult at times. I understand that you don't have to coordinate every day during storms like this one.

Have any lessons been learned on both sides? From your side, do you think that things need to be improved for the future?

• (1125)

Mr. Olivier Chouc: Thank you.

Yes, absolutely. Some of the difficulties that arose were definitely related to the somewhat extraordinary nature of this storm. There's always a difficult balance between wanting to communicate very quickly with VIA Rail to allow them to manage the expectations of their passengers and the need for us to do so at a time when we have enough facts to not create expectations that VIA Rail would not be able to meet.

So we adapted to the situation. We contacted VIA Rail quickly. Then we had to adjust our communication or expectations based on the conditions on the ground.

That being said, there are certainly opportunities to improve communications. We have had discussions with VIA Rail, including about the idea of centralizing communications somewhat, both at home and at home, to ensure that we have a point of contact that is quickly accessible and that we can communicate a clear message. That's something we're working on with VIA Rail.

We also thought about the possibility of giving them access to our systems so that they could see what's going on in the network in real time and manage, on their end, the expectations of their passengers.

Mr. Xavier Barsalou-Duval: Thank you for your answer.

I have another question, still about the events that occurred.

There is communication between CN and VIA Rail, and you sent a statement to the committee, but it seems to me that there's been relatively little public communication from CN. Why is that? Is it an internal strategy? Did you need to coordinate?

I imagine there were journalists who would have liked to have had information, as did the public, who were wondering what was going on.

Mr. Olivier Chouc: Thank you. That's a very good question.

My colleague Mr. Tran could comment on that, but generally speaking, in these cases, there is the whole issue of the relationship with VIA Rail's passengers, and we try not to step on their toes. As far as we are concerned, though, you're right. We communicated what we could communicate, but the situation was changing a lot. Again, there was a risk of communicating information that might be inaccurate, because the situation was constantly changing.

That's certainly a reasonable comment and something we could consider on our side.

Do you want to add anything, Mr. Tran?

Mr. Hoang Tran: Thank you, Mr. Chouc. Yes, I'd like to add a little something.

With respect to the infrastructure we own, we issued fairly regular updates on the status of things, including the progress we were making and when the tracks would be reopened. On CN's side, we took the necessary steps. However, to reiterate what Mr. Chouc said, VIA Rail has primary responsibility for communications related to VIA Rail's passengers and services.

Mr. Xavier Barsalou-Duval: Thank you.

A tree had fallen on the track. There were other problems, but I think that's the one that's being talked about the most and that caused the most delays.

When was the last time you inspected that section of track?

Mr. Olivier Chouc: Would you like to answer, Mr. Guimond?

Mr. Martin Guimond: Thank you, Mr. Chouc.

I don't have the details of that information, but I can tell you that the inspection of our tracks is done according to a well-established protocol. Visual inspections are done by our employees, but we also use some form of technology to increase the number of inspections we do when trains are travelling on those tracks.

● (1130)

However, I don't have in my possession the exact information of the last inspection done on this section of track. That said, I will be able to provide it to you.

Mr. Xavier Barsalou-Duval: I could add—

The Chair: Unfortunately, there's no time left.

Thank you very much, Mr. Barsalou-Duval.

[*English*]

Next we have Mr. Bachrach.

The floor is yours. You have six minutes.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair, and thank you to the gentleman from CN for being with us today to answer our questions about what occurred over the holiday period, which were pretty troubling events that left a lot of passengers in a very difficult situation.

I'm a little bit surprised by some of the comments, especially around the severity of conditions. This is similar to what we heard from the airports at one of our previous meetings, which is that they didn't have contingency plans for the meteorological conditions they experienced. In this case, it was the rate of snowfall.

In the case of this incident, you mentioned that you figure it was a once-in-25-year event, which to me doesn't seem like a terribly improbable occurrence. I'm curious what the specific conditions were that made it so extraordinary and challenging.

You run trains in all sorts of weather conditions. I'm from northern British Columbia. I know CN operates trains in cold weather, in lots of precipitation and in all sorts of other conditions.

What was the confluence of events that made this particularly challenging?

Mr. Olivier Chouc: Thank you.

Martin, do you want to take this?

Mr. Martin Guimond: Yes. Thank you for the question.

We already spoke about the weather. What makes it difficult for us when there's an incident like this is that we need to access the site. As we know, some of the roads and major highways in Ontario, like some of the 400 series, were closed at some point.

On top of accessing the location of the derailment, the location of the derailment itself was extremely difficult. The derailment occurred really close to a creek with a narrow passage from a bridge to access the derailment site.

We have to remember that this derailment involved two trains. The cars of 122 came in contact with the locomotive of train 305. Both tracks at the time had cars and locomotives derail. Normally, when we access a site, to be able to remove a derailment really quickly we use all the space we have. In this case, we were working in a really restricted area.

As an example, we also use contractors to support us, not only people from CN. Normally we can use the contractors and the heavy equipment they have and position it at the site, so we can start working in parallel. Because of the location of that derailment, we were forced to bring one piece of heavy equipment at a time to do its portion of the work, then remove it and bring another one. We could not even use our track as a space because another train was derailed on it.

It was the location of it, the fact that dangerous goods were involved, and the fact that we were in proximity to a creek and had a really narrow space to access the point of the derailment that made it much more complicated. Of course, there was the weather, as we spoke about earlier. When you put all of that together, the effects compounded.

I just want to point out, though, that once inside, our people worked 24 hours non-stop. It's wasn't only the people of CN, but also our contractors, who did a great job supporting us. We worked 24 hours non-stop to re-establish the network as fast as we could in this situation.

Mr. Taylor Bachrach: What were the dangerous goods on board that train?

Mr. Martin Guimond: The dangerous goods were on what we call the "intermodal" train, in containers. The name of the product is pyridine. It's a type of liquid similar to fuel and diesel.

What's important to note is that at CN we have what we call our dangerous group. Our employees, our officers working in that area, are specifically trained in those types of situations. They were, of course, deployed onsite during the derailment. They also work with the local fire department. They assessed the situation, and because in this case there was no breach, no leak, and with the cold temperatures, it was decided that there was no threat for public safety. In a situation like this, we also have to wait, and they tell us which angle, or how we can manipulate those types of products.

• (1135)

Mr. Taylor Bachrach: Mr. Guimond, there are videos from passengers on board the Via train that showed freight trains being prioritized following the clearance of the derailment. Given how long passengers were stuck on the tracks, why did CN choose to prioritize the movement of freight trains before giving these passengers a respite from their situation?

Mr. Martin Guimond: I understand the perception. Again we're very sorry for the impact that the passengers of Via suffered during the holidays.

When we have a derailment, what's important to understand is that there is no prioritization of the trains. When we fix a derailment, the first thing that we're looking at is to restore the network and make it fluid. We don't prioritize. We have to go with the backlogged traffic that has been stopped from both sides of the derailment.

The first thing needed to be able to reinject trains on a network is to make sure that the trains that are blocking the network are able to move. Once this is done, then after that you can reinject trains. I understand the perception of people when they see that, but if you have a bottleneck and you have trains on the east and west sides that are also stuck, the first thing you have to do after a derailment and when you reopen your network is to move those trains. Otherwise you are not really able to reinject trains after that.

[Translation]

The Chair: Thank you, Mr. Guimond.

[English]

Thank you very much, Mr. Bachrach.

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

Mr. Dan Muys (Flamborough—Glanbrook, CPC): Thank you, Mr. Chair, and thank you to the witnesses from CN. You indicated that you were in touch with the minister's office, but I'm curious to know whether you heard from the minister and when.

Reportedly, it took 13 days for him to contact one of the airlines and 19 days for him to contact your rail counterparts at Via. He didn't contact any of the three largest airport authorities at all. Did you hear from the Minister of Transport himself, and if so when?

Mr. Olivier Chouc: We were not in contact with the minister himself directly. We've been in contact with the deputy ministry, his chief of staff and their team on a constant basis. They informed us that they were keeping the minister informed, but we haven't had discussions with the minister himself.

Mr. Dan Muys: During a major meltdown in transportation in the country, the Minister of Transport was absent.

You indicated that you had some commentary about a limit on hours of service. We heard testimony at the January 26 meeting from Transport Action Atlantic. One witness was on train 14, which was scheduled to depart Montreal at 7 p.m. on December 23. In his testimony, he indicated that the train only made it as far as Rivière-du-Loup because the CN repair crews had reportedly called it quits for the day.

I'm just wondering if you could talk a bit about what happens in this sort of circumstance. I understand there are hours of service limits, but what are the contingencies in place? Is there not some flexibility in the case of an emergency.

Mr. Olivier Chouc: Just to be clear, in this case, the hours of service that we're talking about were those of the Via crews that were brought in to relieve train 55. Martin can comment on this, probably way better than I can, but there is coordination and planning. Technically, schedules are planned in such a way that you don't run out of hours. There's a transition that's affected, but in extraordinary circumstances like this one, it could play out a little bit differently.

Maybe my colleague Mr. Tran could respond to that question.

Mr. Hoang Tran: Thank you very much.

There are issues related to hours of service. As you know, Transport Canada's rules mandate the maximum hours of service. In only very rare exceptions are we able to use an emergency provision to work crews beyond the 12 hours maximum. It is very clear in the regulations when that can be applied.

Perhaps this would be an opportunity for the committee to review this regulation to see if there aren't further situations where it may be appropriate to have exceptions apply.

Mr. Dan Muys: That's a good point.

With the remaining time I have, I'd just like to ask one additional question.

You talked about the fact that you have identified ways to improve communication protocols and you have followed through. Could you specify or itemize those, just so we have that as we're in consideration of what needs to be improved?

Mr. Olivier Chouc: Mr. Tran maybe.

Mr. Hoang Tran: Absolutely. We had a top-to-top meeting between our chief operating officer and Via Rail's president and vice-president of train operations. We further agreed that we would set up a meeting between the senior leadership of both our operations groups, their operation control centre and our network operations centre. That meeting will take place later on this month. We will review all of the emergency protocols and the escalation process that we use between the companies, to make sure that the right people are communicating at the right time as these situations emerge.

Mr. Dan Muys: One of the criticisms throughout this of all the players, whether it's air or rail, during the holiday period was a lack of communication to passengers and to others. Would you say, given what you've said about communication protocols and the reviews you're going to undertake, that what has happened was acceptable?

Mr. Olivier Chouc: If you're talking strictly from a communications standpoint, first of all, no.

Having passengers stranded on a train for as long as they were is not acceptable. In terms of how we go about improving our performance going forward—you're asking specifically on communications—as I said and like Hoang said, we want to make sure that there's one point of contact so that we avoid multiple messages and creating chaos where there should be clarity. I'm not saying there was, but there is an opportunity to do this better, and that's what we're focused on.

We did communicate, but, as I said, it was an evolving situation, so our message evolved as well. There's no doubt that, as I said, we are looking for opportunities to make sure that the message is streamlined, that there's one point of communication going forward when that happens.

[Translation]

The Chair: Thank you, Mr. Chouc.

[English]

Thank you very much, Mr. Muys.

Next we have Mr. Chahal.

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

Mr. George Chahal (Calgary Skyview, Lib.): Thank you, Mr. Chair.

Thank you, all, for providing testimony today.

My first question really goes to the communications as well. I want to clarify how regularly CN was in communication with Via during the disruption to service that occurred.

Mr. Olivier Chouc: Hoang, would you like to answer?

Mr. Hoang Tran: There are really two stages of communications when this unfurls. The first one is addressing the immediate emergency situation with train 55, and that communication was ongoing, I would say.

When it pertained to the derailment and the service disruption impacting the Kingston subdivision, the communication was less frequent, but as required. As we're re-railing equipment and we know it's going to take 24 to 30 hours, there's no point in keeping

an open phone line between the two companies and just have that go without anyone speaking. As we got more pertinent information that we were confident about, then we would absolutely share that information.

On the first part, it was constant; on the second part, it was as required.

• (1140)

Mr. George Chahal: And how about with Transport Canada?

Mr. Olivier Chouc: With Transport Canada we had communication immediately following the accident. Then we were in regular communication throughout the 24th, 25th, 26th and 27th, until such time as the tracks were reopened for traffic.

I couldn't tell you specifically the exact frequency, but I can tell you that every single time we had a meaningful enough development we would contact the minister's office and they contacted us as well on their own just to make sure they stayed informed about the situation and the upcoming developments.

Mr. George Chahal: CN was regularly providing updates to Transport Canada and to the minister's office about the progress, but also about returning the service to normal. Is that correct?

Mr. Olivier Chouc: That is correct.

Mr. George Chahal: You've said that every day from the 25th, 26th, 27th... communicating with them. Can you once again for the record state that that is correct? Go ahead.

Mr. Olivier Chouc: That is correct. I was personally in communication with the minister's office throughout that period of time.

Mr. George Chahal: By your being in personal contact with the minister's office, you had an open line of communication and dialogue to discuss all the challenges we're hearing about today. Is that correct?

Mr. Olivier Chouc: Yes.

Mr. George Chahal: Thank you. I think that clarifies some of the false assertions made by one of my colleagues earlier in this meeting.

I think this was a unique weather event, quite challenging for everybody in the transportation sector, from airlines to rail.

Are you better prepared for future events like this to occur with your communication protocol? You talked about a centralized, single point of contact with Via. Are you confident that, if we ever have a disruption again due to weather or an emergency, you're better prepared and well prepared to have all the protocols in place to deal with those challenges?

• (1145)

Mr. Olivier Chouc: Yes. As I said in my opening statement, every incident is reviewed so that we can assess opportunities for improvement. In this case it was about communication. We are working towards an improved communication protocol, absolutely.

Mr. George Chahal: I think the big challenge we've seen and that's been discussed by many of my colleagues was, particularly for passengers, not having information or not being well informed. I hope there are some good learnings from what happened this season that will prevent further failure in communications from all parties. I think one of the biggest learnings, at least for me, is that good, constant and clear communication is required. I'm very grateful that you've been in close contact with the minister's office and the minister to work together to find a solution to this challenging time.

Thank you so much for your testimony today.

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

[*Translation*]

Go ahead, Mr. Barsalou-Duval. You have two and a half minutes.

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

Mr. Chouc, earlier, when I asked you about the CN's public communications, you told me that regular updates were produced and provided.

I'm not exactly familiar with all the ways in which CN makes its communications public, but I've been on the CN website and on social media, including Twitter, and I haven't seen any communications for that particular period.

Was it voluntary? How else were the updates made public?

Shouldn't I have found some information on the website or on social media, given the exceptional nature of the situation?

Mr. Olivier Chouc: I'll let my colleague Mr. Tran answer the question, then I can round out his answer.

Mr. Hoang Tran: Thank you.

Our communications regarding the situation are made directly to VIA Rail Canada. It's up to VIA Rail Canada employees to establish their service recovery plan and communicate with passengers.

We describe the infrastructure conditions to them, then they have to make their plan and communicate with their passengers to notify them of the resumption of service and the scheduling of trains.

Mr. Xavier Barsalou-Duval: Earlier, I asked when the most recent inspection was done. You weren't able to tell me.

How often are the tracks and the area around them inspected? I imagine that there's something predetermined and that it's done on a regular basis.

Mr. Olivier Chouc: I'll let my colleague Mr. Guimond answer, but I want to assure you that we're going far beyond our regulatory obligations. We do inspections much more frequently, and we also invest heavily in technology to improve the quality of inspections.

We've developed specialized devices to discover defects that the human eye wouldn't be able to detect.

So not only is the frequency of our inspections higher than that prescribed by the regulations, but the quality of the inspections is higher because of the technology.

Did you want to add anything, Mr. Guimond?

The Chair: Unfortunately, there isn't any time left.

Thank you, Mr. Barsalou-Duval.

[*English*]

Next we have Mr. Bachrach.

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

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

Our witnesses today began their presentation by apologizing, which usually, to me, indicates that something was not done properly. I'm somewhat surprised that CN's emergency response plans don't consider an incident like this in hard-to-reach places or don't consider contingencies for when transportation routes to the site of the incident aren't available.

If this exact set of circumstances were to occur tomorrow, how, specifically, would CN address the situation differently from how it did over the holiday period?

• (1150)

[*Translation*]

Mr. Olivier Chouc: Mr. Guimond, would you like to answer that?

[*English*]

Mr. Martin Guimond: Yes.

[*Translation*]

Thank you, Mr. Chouc.

[*English*]

If the exact same situation were to occur with the exact same winter conditions we had.... I think the big learning there was assessment of the situation. The site was accessible. We were able to access it about 300 feet away from where the derailment happened. Our network goes across this country from Vancouver—in fact, Prince Rupert—up to Halifax, where our infrastructures are, and there are specific locations that could be a bit more difficult to access.

In terms of what could be done differently right now, it's definitely accessing the point, accessing it by road, and communication with our contractors during that period. Our contractors needed a letter to be able to hit the road with heavier equipment, so we had to prepare a letter to make sure that they hit the road with heavy equipment for those conditions. These are places we're looking at to understand where and how we can accelerate the response time.

Again, this was a really specific derailment with multiple compounding effects that made it difficult—

Mr. Taylor Bachrach: Mr. Guimond, I'm a little bit confused. What you've said in response to my question is that you would access the site to assess the situation and that you would access it by road, but you started off your presentation by saying that you couldn't access it by road.

What I'm wondering is what you would do differently. Would you use different vehicles? Would you use different roads? How is it that you had so much trouble getting to the site to assess it, and how are you addressing those critical failures moving forward?

Mr. Martin Guimond: Let me clarify. We could access the site. The winter conditions and the snowstorm made it slower for us to access the site. It was extremely difficult to get over there, because we wanted to do it safely. We didn't want our people and our contractors to go on a highway that was closed while the OPP was asking people to stay home. When you look at all those conditions, this is one of the things that made it a bit more difficult.

On top of this—

The Chair: Thank you very much, Monsieur Guimond.

[*Translation*]

Unfortunately, time is up.

[*English*]

Next we have Mr. Lewis.

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

Mr. Chris Lewis (Essex, CPC): Thank you, Chair.

Thank you, witnesses, for coming before the committee this morning.

This is starting to sound more like CN is the airport and Via is the airline. When the airport shuts down, the airline takes the brunt of it. Everybody's upset with the airline. I say that because I realize that CN owns the majority of the tracks, and Via is basically at CN's mercy.

My first question is this: How far was train 55 from the closest railway crossing?

Mr. Olivier Chouc: Hoang or Martin, do you know the answer?

Mr. Hoang Tran: I don't know the exact distance, but certainly this is something that we could provide. It wasn't close enough for people to conveniently get off the equipment and onto buses, let's say, if that's helpful.

Mr. Chris Lewis: How close was your closest hi-rail vehicle, the kind that drives on the road and then jumps on the railroad track? How close would that have been to train 55?

Mr. Olivier Chouc: I don't know the answer, but if it would be helpful to the committee, we can find out and then report back.

Mr. Chris Lewis: The reason I'm asking is that it still completely confuses me as to why we could not have a crew in a hi-rail vehicle, with a chainsaw on the back, and with some hard hats and workboots remove a tree and not have passengers sit for 14 hours. I don't want to talk about the derailed train that was causing the con-

gestion. I appreciate that. What I want to talk about is why we had so many Canadians sitting on a train for 14 hours.

The reason this gets a little under my collar is that I served as a firefighter for seven and a half years. I drove through a lot of snowstorms, in both in my personal vehicle and a fire truck, to get to a burning house or to somebody who needed CPR. A snowstorm wasn't an excuse. We ran to the emergency. I have a hard time believing, if this was a derailed passenger train, and thank goodness it was not derailed, that a lot of emergency response crews wouldn't be there. If I'm wrong in my way of thinking, then I'm very, very scared.

We understand that the minister's office was reached, as well as his deputy minister's, but the minister himself was indeed not part of the discussion. As of today, then, a month and a half later, has CN sat down with the minister—not with his staff, but with the minister?

• (1155)

Mr. Olivier Chouc: In response to your first comment, it wasn't so much about bringing a chainsaw to the site, because that was actually done fairly quickly. The location of the tree was deemed to be a hazard to the safety of passengers. In terms of cutting it the way you're suggesting, that could have been done in other circumstances but not in this one without threatening the safety of the passengers. We would have needed a full boom truck to access the tree and do this safely. That's why it wasn't done that way.

Insofar as engaging with the minister is concerned, we have not had discussions directly with the minister on this issue.

Mr. Chris Lewis: Thank you, Chair.

That's remarkable. Thank you very much for the answer. I would have thought that after a month and a half, this being such a huge inconvenience for so many Canadians, he would have reached out.

Finally, with all due respect, Mr. Tran, you said, that “there's no point in keeping an open phone line between the two companies” when you're working on something. I'm hoping you recall that, Mr. Tran. I suppose I don't agree with that statement. I say that because when we heard testimony from Via, their passengers were getting information—I don't want to call it false information—that was old. Via was getting updates from CN. They would promise somebody an hour, and that hour would turn into three hours. They were actually sending out incorrect texts.

Mr. Tran, can you tell me if that was just something I misunderstood? When you speak about between the companies, knowing full well that Via is responsible for their passengers.... Is communication not of the utmost importance at a time like that?

Mr. Hoang Tran: Absolutely. I may have misrepresented that. What I meant was that when we're in an emergency situation like dealing with the passengers on train 55, absolutely this line of communication has to be constant, and it was.

When we're dealing with the removal of a derailed train and talking about when the line is going to open up again, we don't receive minute-to-minute information from the people on the site. These activities actually happen on a longer timeline. We try to provide Via with accurate information on a timely basis, but this isn't continuous. This is something where we'd say, "Let's have another update in two hours, because the estimated line clearance time will be 30 hours from now." They would not get updates every 15 minutes or every 10 minutes. They would get updates every two or three hours.

Then, when we have a final line clearance, or an estimate of when the line is going to open up again, we sit together and we plan the resumption of service. How many trains can it take? When can we take them? When would you like to run them? What trains would you like to run first?

So yes, there was a lot of communication. It's the basis for our success and for their success. I can't speak for the communications they had with their own passengers. I wasn't privy to that—

The Chair: Thank you very much, Mr. Tran. Unfortunately, we will have to end that line of questioning there.

Finally for today, we have Ms. Koutrakis.

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

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

I just want to advise you that I'd like to cede a minute and a half of my time to my colleague Mr. Badawey.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Ms. Koutrakis, and thank you, Mr. Chair.

Having heard a lot of the testimony as well as the questions being asked, one of the things I'm most interested in is moving forward with updated emergency measures "management", which I guess would be the proper word, for all the partners in any given situation—all levels of government, whether it be federal, provincial or municipal; emergency services, such as fire, police, EMS; and others that may be involved in the community, such as public works operations, planning, finance, and all those that would otherwise be included in activating an emergency measures team in any given instance.

I have two questions to the folks on screen here. One, do you have an emergency measures plan there for something to activate when these instances happen? Two, would it be advantageous to have more of a formalized national emergency measures plan updated so that therefore, once again, when these instances happen, that can in fact be activated?

• (1200)

Mr. Olivier Chouc: I'll ask my colleague Martin Guimond to add to this, but I can assure you that we do have a national emergency response plan. It is also reviewed on a regular basis. It's informed by whatever experience we've had at the time of review.

Whatever we've learned from this incident will find its way into that protocol.

Martin, you may want to expand on this.

Mr. Martin Guimond: I think Olivier summarized it. For every single incident we have at CN, with the mindset of continuous improvement we analyze what happened. We incorporate that into our emergency plan so that we can learn from what we have.

In terms of communications with local authorities, I believe Hoang may be in a position to explain how that protocol works as well with what we call the "RTC" and also with the involvement of even CN police, in our case.

Mr. Vance Badawey: Ultimately, I guess my question to you folks is this: Would it be advantageous for us to sit down after this study and have it as part of one of the recommendations that this in fact be updated with the federal government, in particular with the transport ministry?

Mr. Olivier Chouc: Yes. Absolutely. We'd be happy to do that.

Mr. Vance Badawey: Thank you.

Ms. Annie Koutrakis: Thank you to the witnesses for coming to testify before the committee this afternoon.

In your view, would it have been a good use of anyone's time for CN to repeat the information directly to the minister that it was already providing to Transport Canada officials or to staff in his office, as you have already testified today?

Mr. Olivier Chouc: I can't really speak to that specific question, but I can assure you that the way our communication went, it was clear that the minister was kept informed by his staff, or at least that's what we were told. We felt confident that the information we were bringing would find its way where it belonged, ultimately.

Ms. Annie Koutrakis: How much money was this disruption costing CN on a daily basis? I mean, regardless of what the minister or Transport Canada told you, or how this was impacting Via passenger service, it's not as if you lacked incentive to restore normal service as soon as possible. Would you agree with that statement?

Mr. Olivier Chouc: Absolutely.

First and foremost, we are committed and incented to respond, especially when passengers are stranded on the line like this. We don't need anything more to motivate our actions.

You're absolutely correct. Restoring...is what we do for a living. We move trains. We have a natural incentive to do this as expeditiously as possible.

Ms. Annie Koutrakis: When CN experiences multiple problems across its rail network in the same period of time, how well equipped is it to deal with them?

I would imagine that resources can be finite at times. What I'm specifically looking for is how you decide which problems to prioritize resolving first.

Mr. Olivier Chouc: Martin, do you want to jump in?

Mr. Martin Guimond: In terms of resources, you need to understand that CN is split by region, by subdivision and then by territory. Every territory has access to some of the resources that we have.

It's important to understand that when we talk about our employees, we're well equipped to answer to multiple incidents at the same time. When you start working at the railroad...there's a culture within our company. Our employees know that they're always a phone call away. It's not because they're on their day off, on their weekend, or in this case, it's not because it was a holiday.

People understand that they can be called at any time. All of our employees understand that. It's a part of the reality of working in the industry and they're pretty proud of interacting quickly to restore the network.

We're well equipped in terms of resources and our employees.

• (1205)

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

That concludes the line of questioning for today. In fact, it concludes the witness testimony for our study on air passenger protection regulation.

I would like to thank our witnesses from Canadian National for joining us today.

With that, I will suspend the meeting for 10 minutes as we move in camera.

Thank you.

[Proceedings continue in camera]

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