



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Transport, Infrastructure and Communities

TRAN • NUMBER 021 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, April 8, 2014

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Chair

Mr. Larry Miller

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• (0845)

[English]

The Chair (Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC)): I call our meeting to order.

I'd like to welcome and thank our witnesses for being here today, and with no further ado we're going to turn it over to VIA Rail for their presentation of 10 minutes or less, please.

Mr. Del Bosco.

[Translation]

Mr. Steve Del Bosco (Interim President and Chief Executive Officer, VIA Rail Canada Inc.): Mr. Chairman, members of the committee and members of Parliament, good morning.

On behalf of my Via Rail Canada colleagues, it my pleasure to speak to you today about the action we have taken, the progress we are continuously making and our overall safety record.

[English]

Safety is by far the most fundamental component of our operation. Our passion for travelling by train and the development of the rail passenger industry are intimately linked to our dedication to mitigating risk, improving our performance, and demonstrating to our clients and the public that train travel is reliable and the safest means of travel in Canada.

In this regard, we have performed very well over the past five years. My colleague Jean will present an overview of our action plan related to safety. She'll be followed by Denis, who will explain how a strong safety culture and sound governance practices have become the foundation of what we do. Denis will also say a few words about our initiatives and investments that have contributed to improving our performance.

Allow me first to say a few words about who we are and the particular operational environment in which we oversee safety. Almost four million passengers travel every year on board one of our trains across our 12,500 kilometres of network. We operate over 500 departures per week to hundreds of destinations, through remote areas such as Churchill or Prince Rupert, and in the popular Quebec-Windsor corridor.

We also offer two long distance trains that run east and west: the Ocean and the Canadian.

[Translation]

Our trains travel through 450 communities. Further, there are thousands of ties, crossings, bridges and tunnels that are located in

places where sometimes only a train can get through, and this often happens in vary challenging weather conditions.

[English]

The context in which we operate is particular for two reasons: first, because our network runs across the country's unique geography and changing landscape; second, because 98% of the railroad we use is owned by the freight industry. Only 255 kilometres of the railway we roll on—located between Coteau and Smiths Falls—belongs to VIA. We therefore have to mitigate the risks associated with our operations without owning the railroad on which we travel. We must share the responsibility for prevention, track surveillance, and risk management. Despite these challenges, train travel is safer today than it was when I started my career 36 years ago.

I'll now welcome Jean Tierney to talk about some of the highlights of our safety programs.

• (0850)

Ms. Jean Tierney (Senior Director, Safety and Corporate Security, VIA Rail Canada Inc.): Thank you.

Good morning.

A part of the basic principles of our safety management system is that it has helped us to develop and maintain a very good, strong safety culture. All of our employees contribute to our safety management system. Both the unionized and the management levels are fully involved.

It clearly identifies responsibilities and accountabilities for all safety leaders so that we know who does what and who is accountable. It promotes the safety, security, and health of all of our employees, our passengers, and the general public. It helps us to comply with all applicable laws and regulations and even to exceed those.

Also, it provides us a framework for setting goals and targets and for planning and measuring our safety performance.

We have a structure that is headed off with corporate policies and SMS standards at an overview level. Then it works down into an annual corporate safety plan that is communicated throughout the organization. There are regional department plans so that everybody knows what their piece is and how they contribute to the overall success. Then we produce checklists and job aids and such to make it easy on a day-to-day basis. We clearly identify what those expectations are, and then we implement through various initiatives and programs. Then the cycle continues and feeds back up and down and around again.

How do we monitor the performance? We do this daily, weekly, monthly, and quarterly on an annual basis through the reviews of various reports and safety performance items to look for trends so that we can conduct risk assessments and prevent any risks that surface.

How does this lead specifically to our safety culture? One of the first things is that we had our SMS, our safety management system, in place at VIA Rail a year before it became a regulatory requirement. We saw the value in having such a system in place, and we worked closely with our regulatory partners, who helped us develop and implement our safety management system.

It's a differentiator for us in our culture. It's quite evident in the leadership that is displayed from our president and CEO in chairing safety meetings on a monthly basis. With front-line investment priorities, we've invested a significant amount of moneys to improve our infrastructure, our equipment, and our various systems, and in technology to help us improve. The continuous focus on risk management and performance management, and on the partnerships that we have with our union partners, the communities, and the regulators, is a joint effort, and we appreciate very much all the support we've received.

If you'll permit me to, I'll share two excerpts about our safety culture from outside sources. The first one was from a statement during the Railway Safety Act review:

Among major rail companies, VIA Rail has a respected SMS system and entrenched safety culture...the Panel also noted that VIA takes safety management seriously by making it important to everyone in the company.

We discuss this daily. An extract from a third-party auditor that we had come in and audit the resiliency of our safety management system observed that a safety culture is well embedded throughout the organization. This isn't an easy thing to do, so we feel that our efforts have been well worth it.

I'll invite my colleague Denis to add more specifics on some of our safety initiatives that have helped.

Mr. Denis Pinsonneault (Chief, Customer Experience and Operating Officer, VIA Rail Canada Inc.): Thank you, Jean.

[Translation]

There have been some incidents, such as the one which happened last summer in the Lac-Mégantic region, which lead us to rethink the way we do things. These incidents also help us to bring down our tolerance to risk, which is sometimes too high.

For several years now, Via Rail has developed a real safety culture which involves each and every member of the organization.

[English]

My background is in human resources. I've spent most of my career in human resources. One of the main aspects of my job is not only to make sure that compliance is part of our organization, but that we bring a safety culture. It's easy to say that we have a safety culture, but bringing a safety culture is something that takes years. It takes strong dedication from everybody, especially the top management.

● (0855)

[Translation]

We have therefore been proactive in adopting measures to prevent tragedies like the one in Lac-Mégantic, from happening.

[English]

For instance, prior to the Lac-Mégantic event we never left unattended trains on the main line or a siding. Every train that starts its journey has two locomotive engineers in charge, and that practice has been in place since the foundation of our corporation. Every locomotive is now equipped with an outward-facing camera, and we have just started testing some voice recording devices.

The major reason for train accidents, unfortunately, is human error. We spend a lot of time with training, performance management, mentoring, coaching, etc., to reduce human errors across the organization. But it is imperative that we continue to invest in technology that will not only help us do a good investigation after the fact but will mainly and more importantly facilitate the job of locomotive engineers. We are right now working on different technologies that we believe will make very significant steps in that direction.

We are determined to raise safety standards even more. We have invested, thanks to the economic action plans of the Government of Canada, \$80 million to do so by introducing various improvements to our infrastructure, more efficient procedures, and new technologies.

For instance, we've raised the maintenance standards of our locomotives to meet the highest international level. We've made countless improvements, from security fencing to signage, crossing upgrades, and targeted public education. We've closed, on our own infrastructure, 70 private crossings in the past three years. These are crossings on farms and parkland, many of them unprotected. We reach out to each landowner and encourage them to apply for a Transport Canada grant to close their crossing.

We recently began installing train telemetry systems and GPS technology aboard our trains. They are already providing us with rich data about train handling that will help us not only reduce fuel consumption, but more importantly, improve safety. Using a combination of telemetry, wireless communication, and GPS technology, we're developing our own form of assisted train control. The goal is to provide assistance to the locomotive engineer during critical tasks and minimize the risk of human error, as I said.

[Translation]

Let me give you an example.

In collaboration with the local health and safety committees, and along with the Teamsters Canada Rail Conference, whom I am happy to see here today, Via Rail has helped to identify throughout the country many higher-risk zones in order to help prevent the higher potential for incidents in those areas.

[English]

Furthermore, we have integrated and extended our safety culture into a comprehensive, risk-based approach. VIA Rail is today highly committed to risk governance. The risk includes train accidents, railway crossings, trespassing incidents. It is a testament to VIA Rail's safety culture that in addition to having an already sound and proven SMS or safety management system, VIA Rail's management and board of directors decided to put this risk at the top of their priority list in the organization.

[Translation]

These decisions and interventions have helped to improve safety throughout our operations. The combined effect of the initiatives I have just described have allowed Via Rail to record its best safety record in 2013.

In 2009, there were 3.6 incidents per million miles involving our trains. In 2013, there were only 1.3 incidents per million miles. This means that, throughout our network, there were eight incidents only in one year. This represents a decrease of 64 % compared to 2009.

This more positive record happened because every day we try to find ways to prevent accidents from happening. The entire *raison d'être* of our actions is to never have any victims or serious injuries, or at least the fewest number possible.

There was another encouraging result in 2013. Since 2009, the number of incidents at ties or crossings fell by nearly half. Put another way, we saved lives and would like to do better still.

The main reason is because we focus on prevention and because we managed our safety systems only through solid partnerships with stakeholders who are just as dedicated. The enviable record we have today was achieved thanks to our leadership and our sustained and well-established collaborations, both internally and externally.

[English]

The Chair: Thank you.

We now move to Unifor, to Mr. Dias and Mr. Stevens, for 10 minutes or less, please.

● (0900)

Mr. Jerry Dias (National President, Unifor): Thank you, Chair and members of the committee, for inviting Unifor to discuss our union's perspective on the future of rail safety in Canada as it relates to the transportation of dangerous goods and safety management systems, or SMS.

By way of introduction, I am Jerry Dias, national president of Unifor. With me today is Brian Stevens, national rail director.

Unifor is a new Canadian union formed on Labour Day weekend of 2013 as a result of the combination of the former CAW union and the CEP. Unifor is the largest union operating in the private sector, with more than 300,000 members working in at least 20 sectors of the economy, including all stages of the economic value chain from resources to manufacturing to transportation to private and public services.

We represent close to 85,000 members who work in the federal sector in air, marine, road, and telco, and for the purposes of this committee, just over 12,000 of our members work in the rail sector. Our members are involved in performing safety and maintenance inspections and repair of all passenger and freight cars as well as locomotives at the class I railways, VIA Rail, and a number of regional carriers.

Concerning transportation of dangerous goods, there are goalposts along the railbed of every regulatory change, and the July 7, 2013, Lac-Mégantic disaster comes at the tragic cost of 47 innocent lives. Not only did this disaster test the strength and resilience of family and community, but also of our country. Public confidence in the industry and the regulatory regime has been radically shaken. Public interests are no longer seen as being satisfied in the current regulatory framework that regulates Transport Canada, as observers and auditors of the industry.

The ministerial order of December 26, 2013, in respect to unattended trains and crew size has gone some distance to set out new rules. We do not see this as the end of the road, but rather as the first of many more steps we will need to take to improve rail safety, and more importantly, restore public confidence.

In addition to reviewing grades and duration that trains can be left unattended, the following would improve rail safety and would be in the public interest.

Reclassify crude oil that is shipped by railway tank cars to reflect its volatility.

Immediately ban the transportation of railbit in DOT-111A tank cars that have not been retrofitted to the new CPC-1232 standard, as an interim measure. We anticipate that the TSB report will contain specific recommendations on tank car standards.

Lower the speed of trains carrying dangerous goods when they are travelling through municipalities.

Ensure that a qualified rail mechanic would inspect all locomotive and freight car equipment before a train can be left unattended. Transport Canada should be responsible for licensing railcar mechanics or technicians who have spent four years or 8,000 hours in the trade as a TDG inspector.

Ensure that all trains, and more importantly trains carrying dangerous commodities, receive a visual safety and maintenance inspection every 1,600 kilometres by qualified railcar mechanics.

With regard to the SMS system, SMS is an explicit set of processes designed to integrate safety considerations into decision-making, planning, and operational activities. All federally regulated railways are required to have an SMS in place. As a result of the recently amended Railway Safety Act, there is currently a regulatory working group in place developing new SMS regulations that will include some new provisions, such as defining the accountable executive and ensuring enhanced employee involvement in developing SMS. We are especially pleased to see whistle-blower protection finally being afforded to workers in this industry.

What is worrisome, though, is the increased reliance and belief of the industry that risk assessments and risk control processes are reliable and unquestionably support implementing a change in operations. While an assessment process may turn a corporation's mind to taking risk into their planning and decision-making processes, our experience in the industry is that the decision to implement the change has already been made, and the risk assessment is simply another report that goes into the file. We have yet to see a risk assessment in which the corporation says, "Wow, we aren't doing that. It's too dangerous."

● (0905)

Under the current regime, SMS risk assessments are privileged and confidential at the behest of the industry. The public will never know what factors were taken into consideration when the industry implemented a change in operations that are in the public interest.

It's no wonder that communities and community leaders like Calgary's Mayor Nenshi are skeptical of the industry. In our view, SMS risk assessments are nothing more than a lens the corporations are forced to look through when they are contemplating changes to their operations. It does little, if anything, to impact their decisions to make operational changes that serve the shareholders.

The industry also operates on the position that the SMS risk assessment is an appropriate substitute for occupational health and safety hierarchy of controls. It is not. To be clear, the occupational health and safety approach is much different in that it is anchored on a hierarchy of hazard elimination. It is about prevention.

Safe railway operation must mean just that: safe. Recognizing hazards, making extraordinary efforts to eliminate the hazards, and preventing future hazards must be first and foremost, not developing administrative measures as a way to ignore the hazards in order to find a way to live or die with the risks.

We would be happy to take your questions.

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

We now have Mr. Mark Fleming.

Dr. Mark Fleming (Professor, Department of Psychology, Saint Mary's University, As an Individual): I'd like to thank the committee for inviting me here to appear before you.

First of all, I'm an organizational psychologist, and I've been studying safety culture for the past 20 years, so I was very pleased to see the prominence of safety culture in this review process.

I've been working with a range of safety-critical industries such as offshore oil and gas, petrochemical, nuclear power, construction, and transportation. I'm currently the CN professor of safety culture. I also contributed to the National Energy Board's recent policy document on safety culture, which will be relevant for pipeline transportation.

I think it's useful, when we talk about safety culture—and a number of witnesses have already mentioned it—to define what we mean by that term. The definition I use is that safety culture refers to the attitudes, values, norms and beliefs which a particular group of people share with respect to risk and safety.

Safety culture has been around as a concept for over a quarter of a century now and was coined initially from the Chernobyl nuclear disaster. Safety culture can be viewed as the heart or the soul of an organization's safety management system, as it provides the energy or drive to bring the safety management system to life. Safety culture determines the extent to which an organization lives its safety management system. The safety management system describes how an organization controls hazards. For these controls to be effective, they need to be implemented in practice. Safety culture determines to a greater or lesser extent the degree to which these controls are implemented as intended. Therefore, an effective functioning of the safety management system requires a positive safety culture, which is somewhat different from thinking that a safety management system gives you a positive safety culture. It actually is a necessary prerequisite for the safety management system to work as intended.

There are many different safety culture models and frameworks and there is a high degree of overlap between safety culture models. Most models cover the majority of important dimensions such as leadership commitment. Much time and effort, mainly by people like me, has been dedicated to arguing which model is best and which one is better than the other. Broadly speaking, these debates have not been of much use. Most models are adequately acceptable and cover the main themes and concepts. Therefore we should spend less time arguing about which model is best and choose one that works for us and implement it.

There are many different frameworks. The one that's been adopted or developed by the rail industry is fine, yet it's different from others.

I think it's also important to have a sense of why safety culture is important. There's good evidence linking safety culture with important safety outcomes. Numerous studies have shown a link between worker-perceived safety culture and injury rates in that organization. There's also evidence linking safety culture threats to major disasters such as the *Deepwater Horizon* or the Chernobyl incident, as I mentioned before.

Recent research conducted in the nuclear industry in the U.S. links employees' perceptions of the safety culture to nuclear plant status, which is the main, primary indicator of the level of safety within a nuclear installation. There's good evidence showing that safety culture, irrespective of how you approach it or measure it, is associated with important safety outcomes.

I think it's important, though, to focus a little bit on what organizations should do when we talk about safety culture. If I were a senior leader in a safety-critical organization, I would want to have an accurate picture of our safety culture, including strengths and weaknesses. I would want to know that we had active processes to promote a positive safety culture and how these processes are working in practice. I would also want to know my role and the role of my direct reports in promoting a positive safety culture. Safety-critical organizations should adopt a systematic approach to promoting a positive safety culture. This should be a continuous improvement process that includes a clear vision of the desired safety culture, clearly articulated roles for key groups such as managers, specific activities to promote the desired culture, ongoing safety culture assessments, auditing, and program review.

● (0910)

One of the things that gets a lot of attention when we talk about safety culture is safety culture assessment. A range of different methods and tools can be used, and a lot of the work that's been done over the last 20 years has principally been in this field.

Assessment can be helpful in identifying areas of relative strength and weakness that can be used to guide improvement activities. Often there is too much focus on safety culture assessment and not enough focus on improvement. There is, I think, a naive belief that if we measure something, by definition we will be able to improve it or change it, and that's often not the case. Knowing that it's raining is often not desperately helpful unless you have a strategy to stop it raining, which we don't.

Assessment for the sake of assessment provides little or no value, and may do harm. It is therefore important that safety culture assessments are only conducted as part of an improvement strategy. Organizations should not conduct a safety culture assessment unless they plan to improve as a result of that assessment.

That's all I have for you. If you have questions, we're happy to answer them.

Thank you.

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

We'll now move to questions. Mr. Mai, you have seven minutes.

[*Translation*]

Mr. Hoang Mai (Brossard—La Prairie, NDP): Thank, Mr. Chairman.

I would like to thank the witnesses for being with us today. It is very important for us to find out what is happening on the ground.

I will first turn to the representatives from Via Rail.

I adore your service and I think it is very important. I have often taken the train and I would like to do so even more. To be quite frank, I feel safe when I am riding one of your trains. I would like

Via Rail to be in the position of providing even more services and I would like people to take the train even more often because, as you said, it is a humane way of travelling. As well, it is good for the environment.

You also talked about infrastructure. Given the fact that the rail sector is being privatized, you often realize that Via Rail does not own the tracks. So you depend on the companies which own the tracks. Sometimes these companies do their own inspections, but Via Rail tells them that the tracks are still not safe enough for passenger rail service, and so they would not travel along those tracks.

Take, for instance, the Miramichi-Bathurst line. As you know, part of that line is not in working order, so passenger rail service becomes a problem. There is also the Moncton-Edmundston line, which, for its part, would require investment in its infrastructure, since there is no train station, among other things.

What is the problem with those tracks? Why can they not be used for passenger rail service?

● (0915)

[*English*]

Mr. Steve Del Bosco: We're talking about the infrastructure on the north shore of New Brunswick, between Campbellton and Moncton. As you know, CN has applied to abandon about 44 miles of infrastructure there. We are looking at options. VIA Rail continuously looks at options, but we're not in a position to buy the line, and we're not really interested. We will operate it if it's safe to operate.

On the other hand if some arrangement can be made, we would certainly want to operate in northern New Brunswick if we can. The population base is along the north New Brunswick line more so than along the Edmundston line. There is still some time before the abandonment is effective, and we're going to take the time to see if we can make some agreement.

[*Translation*]

Mr. Hoang Mai: I really want us to find a solution because it would be very sad if the railway was abandoned; after all, they are part of the history and development of Canada. We know that every time a rail line is abandoned, it is for good and there will be no more new long-term investment.

I hope that everybody will work together to find a solution. It is very important.

[*English*]

Mr. Dias, you mentioned SMS. We know, having asked Transport Canada, having read the Auditor General's report, having heard from TSB, there are some issues with respect to resources within Transport Canada. They can't do their own follow-up because they don't have resources.

We also have issues with respect to SMS. We're not sure if Transport Canada has the time to look at them. We know they don't have time to audit all the SMS. Wondering what's happening is a concern for us. How do we know whether or not the system in place is the right system? What would you recommend to make sure the public knows and feels reassured that the SMS is well in place and is valid?

Mr. Brian Stevens (Director, Rail, Unifor): I'll take that question, if you don't mind.

In terms of SMS in our industry, there are in essence two lenses.

There is one that we look through for occupational health under part II of the code. Those risk assessments and the SMS through that lens are driven, as Jerry said earlier, on a hierarchy of hazard elimination.

Under the Railway Safety Act, though, those risk assessments are trying to find a way to live with risk. When we see a number of operational changes that come through and some of them—in our view and in our union's view—are not in the public interest, that's worrisome because the public is not aware of what those operational changes are going to be because the trains are going to run through their communities.

The changes may very well be safe or reasonable, or they may not, but there's no way to have the consultation with those communities. If the regime does not open itself up to providing some transparency to those communities, then at least those risk assessments and the material that the railways provide should be made public at some point.

• (0920)

[Translation]

Mr. Hoang Mai: We will be hearing from the Canadian Railway Association about deregulation. Since the Liberals abandoned the public stake in rail transportation, it seems that the pace of privatization and deregulation has increased. Of course, some people will say that there was no deregulation because there were no regulations. However, both of you have mentioned the fact that the government allowed MMA to operate with only one operator onboard. Everyone in Canada said that this was not safe and that there should have been two operators, two conductors. The government had granted MMA an exemption and we all know what happened in Lac-Mégantic.

I do not want to extrapolate and we will let the TSB conduct a review into this matter. However, I would like to ask a question or two to the representatives of VIA Rail and Unifor.

What do you think about the fact of letting companies decide whether they want to have one or two operators onboard or not? What do you think about deregulation?

Mr. Denis Pinsonneault: At VIA Rail, we do not need a third party to bring about a culture of safety. I believe that our measures which assess whether our safety procedures are in place, are, at the very least, just as rigorous as those which could be implemented by a third party.

As you mentioned, you yourself are a client of VIA Rail. The main reason why people take the train is because they feel

comfortable and relaxed doing so. The main reason why they are comfortable and relaxed is because they feel safe.

Our clients audit us four million times a year. They tell me that they feel safe. For us, this is a business issue. Our way of working is safe. I do not want to ever lose my daily obsession with safety. In that regard, we are not bound by the law, but rather by our culture of safety, which is one of the reasons why people do business with us.

[English]

Mr. Jerry Dias: MMA was given an exemption because of money, period. When we deregulated the industry and it went into private hands, it became about a profit-sharing centre as opposed to a public service. So it's about money.

That's why the only way that we can deal with this is through specific regulations, period. We said that there has to be two in the industry, not one, and do not leave it up to CN and CP, who frequently ask for exceptions themselves, by the way. It has to be very specific. We have to be very specific that we need two. It's the only way to prevent the Lac-Mégantic of the world from happening in the future.

The Chair: Thank you.

Mr. McGuinty, you have seven minutes.

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chairman. Good morning, everyone, and thank you for being here.

Mr. Del Bosco, I want to start with you if I could. There's a local issue here that's very important to raise.

Many of my constituents are asking about the crossings at Jockvale and Strandherd roads in Ottawa. Can you tell the people who are interested and concerned about this whether this has been corrected? Has VIA Rail corrected the problem there?

Mr. Steve Del Bosco: Just to qualify it, we realize that the issues over the last few months at these crossings have been an inconvenience to the residents of Ottawa. We understand that. We just want to say that at no time was their safety compromised, because basically the default position of the device is safe; the barrier closes.

To try to appease the concerns that people have, we have worked out a communication protocol with the City of Ottawa to make sure that when an occurrence happens, information is given quickly. We've also put some people on location at some of these locations.

Again, it's not because there was an immediate danger, because if there's an issue with the circuit, the gate will come down and it's rail safe. We're continuing to work with the suppliers, the manufacturers, and a third body that will.... We're waiting for a draft report to come out tomorrow, actually, to see what recommendations they have to make them more reliable.

• (0925)

Mr. David McGuinty: Good.

Mr. Pinsonneault, you alluded to the fact that VIA's board of directors and management and the company as a whole put safety as a top priority. I want ask you and I want to ask Mr. Dias this. Have you read the Auditor General's report on rail safety, and to what extent are you both seized with the details?

Mr. Denis Pinsonneault: Sorry, I didn't get the question.

Mr. David McGuinty: Have you read the Auditor General of Canada's report on rail safety? Has your board of directors read the report? Have your lawyers read the report?

Mr. Dias, to what extent are you and your union colleagues seized with the details of the recommendations in here?

The reason I ask this is simple. We've had a series of witnesses come forward and tell us that there are safety management systems in play. No doubt there is a strong culture of safety at VIA. No doubt there's one, apparently, at CN and CP. Although I asked the executive vice-president of CN Rail this week whether or not he was seized with this report, and his answer was, "It's not my job"—unbelievable—"to worry that the regulator is given enough money to regulate."

Can you tell us if you've read the report? Because despite all you're saying, all your testimony, I think Canadians are going to believe the Auditor General before anybody else. Whether it's the management of VIA Rail, CN, or CP, or the labour movement, they're going to believe the Auditor General. I'm asking if you're seized with the findings in this report.

It's really serious business here. To what extent are you aware of what's going on here now in terms of Transport Canada's failings?

Ms. Jean Tierney: If I may, we have read the report. That's one of the reasons, though, we don't rely on anyone else other than ourselves to conduct audits to continuously monitor our safety performance. The auditors of Transport Canada have been very present with us, I must say, from a verification even on previous audits. I don't believe that was reflected in the report, all of the information, but they've been very present in our—

Mr. David McGuinty: But the main conclusion of this report from the Auditor General is that Transport Canada can't say whether or not the safety management system is actually in place and providing safety. It's really simple here. This is a conclusive audit.

In three years, carrying four million passengers a year, VIA Rail was not audited once by Transport Canada in detail, not once. Of the audits that are required to keep our private sector railways safe, only 25% were conducted, based on what Transport Canada says is required.

So you know, it's partly holding VIA Rail's feet to the fire, and CN and CP, but it's also the role of the regulator, of Transport Canada, to do its job. If you go through this report, it's outrageous in terms of the detail around what's going on here. We can't sweep this under the carpet. It's all here in black and white. It's so serious that the Auditor General said when he testified that he's coming back to look at this again in a kind of mid-term, mid-course correction way.

Have you taken this to your board? Do you see that there are only nine inspectors when they need 20? Do you see that only 25% of audits have been conducted? Do you see that they can't even conclude that there is an SMS that's worthy in place?

What are Canadians riding VIA Rail supposed to make of this? What are of the workers with Unifor supposed to make of this?

Mr. Dias, can you help us understand?

Mr. Jerry Dias: Absolutely.

He can go ahead first, and then I'll complement what he says.

Mr. Brian Stevens: In terms of the freight railways and the safety management system, the Auditor General has got it right in terms of the inability of TC to do the audits.

I think our opening comments kind of reflect our position in terms of SMS. In our view, SMS is kind of a bureaucratic process—there are probably enough documents to fill up this room—and in many instances it doesn't advance safety.

I've gleaned over the report, I've read the testimony of the Auditor General here at this committee, and I look forward to reading his comments later. Again—

Mr. David McGuinty: Let me just remind Mr. Dias, before he steps in, and I quote, "work plans are vague in terms of timelines for monitoring progress on important safety issues".

Critical information is missing. We don't have the federal railways' risks assessments. We don't have information on the sections of track used in transporting dangerous goods. We don't have information on the condition of railway bridges. We don't have the financial information of privately owned federal railways not publicly available.

There is a three-year cycle for auditing the SMS of each federal railway. They did 14 audits in three fiscal years; 26% of what they actually required themselves. VIA Rail was not audited in three years. The audit scope is very limited.

In conclusion, these findings indicate that Transport Canada does not have the assurance it needs that federal railways have implemented adequate and effective safety management systems. The report says that even the methodology used to determine the inspections is flawed.

It goes on and on. What are we to make of this? How can Canadians trust what you're saying when this is the definitive objective assessment of what's going on?

● (0930)

Mr. Jerry Dias: Let me ask you this question. Can you imagine if we regulated the airline industry this way?

You don't have a quarrel with us as it relates to regulation.

Let's take this another step further. I won't talk about VIA, but I'll talk about the transportation of dangerous crude. Five years ago we had one inspector for very five cars. Today, we have one inspector for every 4,000.

So shall we continue the discussion on a slippery slope?

The Chair: Thank you.

We now move to Mr. Watson for seven minutes.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for appearing here today.

Mr. Dias, allow me a moment to share on the public record what I shared with you just a few moments before the hearing began, my personal congratulations on your election to the leadership of Unifor. We certainly wish you well in your efforts.

Just to clarify some of what Mr. McGuinty just put on the record here, if we go back to the 2007 independent rail advisory panel report, with respect to safety management systems, they had suggested that to achieve the pinnacle of a safety management system is to increase the number of audits while decreasing the number of inspections.

I'm not sure that anyone, Canadians included, would feel comfortable if inspections were replaced by system audit. The situation now is, while we take the Auditor General's advice on needing to do more audits, the number of traditional inspections have actually increased to a level of 30,000 over what was normally about 20,000 a year. We think that is also an important thing, that we don't abandon the number of inspections simply to increase audits. So we take the correction by the Auditor General well.

Professor Fleming, your comments on safety culture.... Now I used to work for Chrysler in one of its previous iterations. They had five measurements in their plant: safety, quality, delivery, cost, and morale. If you were to talk to workers on the shop floor, they certainly felt that morale was the bottom of the heap, but if you had moved that to the front end, you'd have improved quality, safety, delivery, and cost down the chain.

Can you comment a little bit on the importance of the employee feeling safe in the environment and how they can participate in driving the safety culture within the corporation? What are the barriers to that?

Dr. Mark Fleming: Okay.

The safety culture is in some ways hard to define away from the broader organizational culture. That's one of the issues when you talk about morale and other—

Mr. Jeff Watson: So leadership at the top drives safety culture, is that what you're concluding?

Dr. Mark Fleming: There are many components. Definitely senior leader commitment is one of the biggest components of the culture in terms of determining what that culture looks like and how people feel about that culture.

From a front-line perspective, they are the people who are at risk and they are the people who are implementing the majority of control measures that are going to be in place. So when we talk about hazard control and administrative controls, really, that relies principally on employees complying with different rules and procedures. Sometimes people can get a bit confused about what we mean about safety culture because they look at the safety outcomes and they see it's mainly somebody at the front line who has made a mistake or an error. It seems like it's an employee issue, when principally what the evidence shows is that it's a leadership commitment issue.

Mr. Jeff Watson: Actually, it's interesting you point that out because I think I heard that with respect to VIA's testimony today, that it's about human error. If I can quickly find Mr. Vena's testimony at CN, he said that they conduct 1,000 audits per day to see what

their employees are doing, as if the employees are the ones who are causing the safety problem.

• (0935)

Dr. Mark Fleming: It's always a challenge to separate these things. Clearly, the employees are the people at risk, so yes, you want to know what's going on at the front line because that is a reflection of your culture. Not to sound paternalistic, but a way to think about this in an everyday sense is to think about your children and your parenting style. We all get embarrassed when our children freak out and behave inappropriately in a public place. The reason we're embarrassed is that everybody knows it's a reflection of how we parent, whether we like it or not.

While it's not quite the same in an organization, that gives you the sense that it's important to look at the activities and behaviour of front-line staff, to judge it in terms of a reflection of your behaviour. What you're showing is important and you need to change what you do. That's the lesson. It would be to reflect it back at you.

Mr. Jeff Watson: Okay, I appreciate that. I know, Mr. Dias, you would say on behalf of your members that they're very actively engaged as much as they can be to work safely in an environment. As a Chrysler employee, I knew how to exercise a work refusal, for example, if there were components at my work station that weren't safe. I know they're actively engaged.

I want to probe a little of what you know and the union's participation on behalf of workers with the corporate organization on their safety management systems. Are you involved or do you see the risk assessments they produce? Do they share that with you at least?

Mr. Brian Stevens: Yes, during the risk assessment process, whether it be under the Railway Safety Act or under the SMS of occupational health and safety, we usually have one or two members who participate in the risk assessment process.

Mr. Jeff Watson: Are you involved in the risk planning about where to target risk assessments?

Mr. Brian Stevens: No.

Mr. Jeff Watson: You're not. Okay.

Are you actively part of the process of setting safety goals for the organization?

Mr. Brian Stevens: No, we're not part of that process. Although we sit on the policy committee, so in a sense it comes down from above.

Mr. Jeff Watson: But the pending regulations as a result of Bill S-4 will very much formalize the union in that particular process and that will be an important step forward on behalf of workers to ensure they are moving forward in the active planning and information sharing around improving safety management systems.

Mr. Brian Stevens: In Jerry's opening comments we spoke of enhancing employee participation, but again, we'll see when the regulations come out.

Mr. Jeff Watson: Fair enough. I want to ask as well about on-board video cameras. Is there a difference between your position and that of, say, CN and CP? I'm trying to remember offhand, Chair, and you'll have to forgive me here—and I don't want to misrepresent this—but I think that at least CN had suggested that they not only wanted outward-facing cameras but inward-facing cameras, and I don't know what their policy is. They say they're aligned with TSB's recommendation but I know theirs has caveats about how you use on-board video. Can you discuss your position, what you would see it used for and not used for, and whether that differs from the railway companies' perception of how we should do that? Because obviously if we're going to be making some recommendations in the report we want to be clear about what we could be recommending.

Mr. Brian Stevens: Yes, there is a difference of opinion between the rail unions and the employers in the use of in-cab voice recorders and video cameras. Our position has been, with the industry and with TC, that we're not opposed to cameras. Our position would be that the cameras inside the cab would be focused on the equipment; that is, the gauges, the rail stand to see what position the throttle might have been in, those items. There's no need to have a video camera looking at the face of the locomotive engineer. It should be on the equipment. We're not opposed to in-cab voice recorders either, provided they're used exclusively by Transport Canada to investigate accidents.

Mr. Jeff Watson: The TSB to investigate....

Mr. Brian Stevens: Sorry, the TSB to investigate.

In fact, in our last round of bargaining we came to an agreement with VIA Rail arguing in terms of allowing these in-cab cameras and voice recorders. They agreed they would not be used for surreptitious reasons, such as listening in on conversations. They would not be used for anything other than as currently provided in the TSB act, and that is for investigating accidents.

Mr. Jeff Watson: Unifor represents VIA workers—

• (0940)

The Chair: Sorry, Mr. Watson, your time has expired. Because I think it's very pertinent to what we just heard from Mr. Stevens, would VIA Rail comment on that same question, if that's okay with committee members?

Mr. Jeff Watson: How they approach the recorders?

Mr. Denis Pinsonneault: Our position on the use of inward-facing cameras and voice recordings in the industry so far has been that they should be used within the SMS, not only for investigations conducted by TSB. We believe it's a useful tool to better understand what's going on, on a day-to-day basis. We certainly understand the concerns raised by our unions. They have shared their concerns with us, and we're confident we'll be able to find a way to use voice recordings in such a way that it will improve safety and at the same time address the unions' concerns, which are mainly on privacy.

The Chair: Thank you very much. I think it was important to hear that.

Mr. Braid, you have seven minutes.

Mr. Peter Braid (Kitchener—Waterloo, CPC): Thank you, Mr. Chair. Thank you to our panel of witnesses for being here today.

Mr. Del Bosco, I wanted to start with you if I could with a couple of questions for VIA Rail. You mentioned in your opening remarks that one of the things that VIA Rail does to improve safety, to increase the level of safety, is that you engage in a public education program. Could you just elaborate on what's involved with that program?

Mr. Steve Del Bosco: Yes I'll ask my colleague, Jean, to elaborate. She's very much involved.

Ms. Jean Tierney: With pleasure, thank you.

The main avenue that we use to educate the municipalities is through the Operation Lifesaver organization, where we do outreach in various community events and through schools. We work actually closely with our American partners as well to see what are the new avenues, what are new ways to get volunteers to go out and raise rail safety awareness. We participate on the board of directors and the steering committee, the program review committees. We're continuously out.

One of the things that we did when we were able to close all those crossings is that we went and knocked on doors of people who live along the tracks just to raise awareness and to let them know about the Transport Canada program. If you're prepared to close this, it will be safer and you'll get a little bit of money.

We do everything we can. We're a small group of resources but we're out there.

Mr. Peter Braid: This important public education, this outreach component, does it receive dedicated resources as part of VIA Rail's budget?

Ms. Jean Tierney: Yes, it happens through the corporate safety and security team. As well though, we have locomotive engineers who volunteer their time, who go out and meet the people in their communities and let them know they drive the trains along those tracks and to be aware and to heed all of the automatic warning devices.

Mr. Peter Braid: Okay, thank you.

I also wanted to ask about the work that you've done with respect to improving crossing upgrades or improving rail crossings. You mentioned that you've made a very conscious effort in this regard. You've closed 70 to improve safety. Could you elaborate specifically on what you've done in this area and have you taken advantage of the government's great crossing improvement program in this regard?

Mr. Denis Pinsonneault: As I mentioned earlier, we've invested in the last couple of years more than \$80 million to improve safety on our own infrastructure. Thanks to the economic action plan, a portion of that money has been invested in making sure that all our public crossings on our own infrastructure are equipped with the most modern technology available. So they're fully protected with gates and lights.

We're also investing in what we call CTC, that's centralized traffic control, so there's no dark territory on our own infrastructure. So all the infrastructure is signalled. We've done also a lot of bridge repair, etc., but the work that we've done on our infrastructure to make sure that all our crossings, the public crossings, are fully protected, I think is the main answer.

I'd like to add to what Jean has mentioned on working with the community. For our locomotive engineers, who circulate on the network across the country every day, we have a responsibility. We initiated a program with them that I think is very unique where they identify every day if they see a fence that is broken, if they see a situation around the road that could cause a risk for trespassers who are crossing, and they report that situation to their manager, to the local committee.

Every month Steve and I attend a call and the managers have to report on situations that have been brought to the attention of the locomotive engineers. We take that and we go back to the community, the police, the school, etc., and we inform them about the situation that's been brought to our attention and we try to work with the community to reduce or to eliminate that situation. It's been done across the country.

• (0945)

Mr. Peter Braid: So this is an ongoing process, is it? Okay, very good.

Professor Fleming, I have a question for you. You draw a linkage between employee perception and the state of the safety culture within an organization. Could you just expand on that a little bit please.

Dr. Mark Fleming: Broadly speaking, when we assess safety culture, we tend to do it from an employee perception perspective. So if we're using a survey, for example, we're measuring employees' perceptions of management commitment to safety. That can give us some insight into the broader culture.

It's more from a measurement perspective than anything else. It's important to remember that it is a perception of something, not a reality, and can be influenced by other factors. That's one of the ways we try to understand what's going on and what we do know about those perceptions is that they're linked to employee behaviour, which is also linked to the likelihood of being involved in an accident.

If I'm an employee and I don't believe my manager is committed to safety, I am more likely to be involved in an accident than if I am an employee who does believe the manager is committed to safety, irrespective of what the manager actually is committed to or not.

Mr. Peter Braid: Okay.

Mr. Dias, from Unifor's perspective, I'm interested in your perspective, your comments on Professor Fleming's analysis, his work with respect to the importance of a safety culture, employee perception, etc.

Mr. Jerry Dias: There's no question that for the safety culture, everybody has to be involved in it, whether you're running the company or you work for the company.

I'm not sure I share the same sentiment that somehow the employees' input as it relates to safety, or their version of events, is somehow skewed. I'm not sure I agree with the terminology that somehow our perception may be based on a variety of different factors. I would suggest to you that whether or not it's safety as it relates to the individual employee's job that is performed that day, or the issue of safety as it relates to the running of VIA or CN or CP, or safety related to the community, the employees who do this 40 hours a week have a much broader understanding than consultants and

people who may sit in offices as opposed to working in that environment day in and day out.

Mr. Peter Braid: This is my final question for you, Mr. Dias. If you could do three things to improve rail safety in this country, Mr. Dias, or if Unifor could do three things, what would those three things be?

Mr. Jerry Dias: Both of us are going to answer that question.

Number one, I think the regulations have to be very specific. I believe that in an industry that's profit driven—and I'm not suggesting, by the way, that “profit” is a nasty word. I'm not suggesting that at all. But what I am suggesting is that companies, like MMA, which have opportunities because the larger players have spun off the non-profitable routes, are therefore looking to cut corners in order to make a profit. The only way that those issues can be resolved is by very strict regulation. An example, and I talked about it earlier on, is two-person inspections. I would suggest to you that the regulation would be the key piece.

Mr. Brian Stevens: Deal with the DOT-111As. Eliminate the uncertainty. Deal with that. That has to be dealt with. Public confidence is being shattered because of this indecision on DOT-111As. That's one.

Put an end to the exemptions to the railways. We have a regulatory regime, and then there's a back door to walk themselves out of the exemptions. That's two.

In terms of our mechanics, license our mechanics in a similar fashion to how they are in the airline industry. When our mechanic says, “Our locomotive or that freight car is not safe to go; there's a maintenance issue, there's a safety issue”, that freight car or tank car or locomotive should be repaired, and it's not in this industry.

• (0950)

The Chair: Thank you.

We'll now move to Mr. Sullivan for five minutes.

Mr. Mike Sullivan (York South—Weston, NDP): Thank you, Mr. Chair.

Thank you to the witnesses.

For VIA Rail, the issue of positive train control was expressly referred to in the report on the Burlington collision. It sounds as though you're down the road a little bit towards positive train control, but you have a long way to go. CN and CP are implementing positive train control, but only in the United States. There is no regulation yet in Canada with regard to positive train control. Do you think there should be?

Mr. Denis Pinsonneault: That's a good question. Whether there should be a regulation or not, VIA Rail decided two years ago to work on the implementation of technologies that will achieve a good proportion of what a PTC system could bring at a much lower cost. We're in that route right now. We expect that within, let's say, probably four years we'll be able to put in place technologies that not only will help us understand the accidents but will mainly facilitate the job of our locomotive engineers by providing them with more information on what's going down on the track, and provide us with information on the reaction of locomotive engineers so that the system has the capacity to intervene if there's a reaction that is not in line with what it's supposed to be.

If there's a regulation, that's fine. But right now VIA Rail is not waiting for a regulation. We're working on implementing some technology that we believe will have a significant impact on safety in the short term.

Mr. Mike Sullivan: Mr. Dias, you suggested that for the public interest three things need to happen. We need to reclassify crude oil, we need to immediately ban the DOT-111s, and we need to lower the speed that dangerous goods are travelling at through municipalities.

Last week CP suggested that lowering the speeds was not something they would consider, but the Transportation Safety Board told us that even at 20 miles an hour the DOT-111s will break, will fracture. It sounds like there's going to be a conflict between what the railroads want and what the public wants. You're recommending therefore that, like we did after the Mississauga train derailment, we lower speeds in urban areas.

Mr. Jerry Dias: That is correct.

Mr. Mike Sullivan: With regard to the DOT-111s you're recommending that we make a decision and just do it, get rid of them.

Mr. Jerry Dias: That is correct. You will find even Hunter Harrison is saying they should be eliminated.

Mr. Mike Sullivan: This is the first time I heard that we used to have one in five crude car inspections. Now we have 1 in 4,000. That is an astounding number.

Coming back to the issue of risk assessment do you suggest, Mr. Dias, that the risk assessments conducted by the railroads are kind of after the fact? They make a decision and then they do a risk assessment and put it in a drawer somewhere.

Mr. Jerry Dias: Correct.

Mr. Mike Sullivan: We asked CN and CP specifically last week whether or not they had done risk assessments for the 400 times multiplication of the transportation of crude oil, and they didn't know.

We also asked if they had done a risk assessment for the abandonment of the northern Ontario lines that would have avoided going through heavily populated areas, particularly southern Ontario and Toronto, and they didn't know. However, the good news is that CN at least said they would provide their corridor risk assessments to this committee, which is the first time I think anybody said that they're going to provide a risk assessment that they've done.

What is your view of these risk assessments, and are they like project and defend? In other words, we'll do something and then we'll defend it with a risk assessment. Is that really what's going on?

Mr. Brian Stevens: Certainly that's our experience in terms of the freight railways. The decision is already made that they're going to implement an operational change, whether they want to leave westward trains out of Winnipeg, for instance, or give them about seven miles so that they're braking and come back up to 100%, but those decisions have already been made. Operationally then they just send out the crew, their team, to conduct the risk assessment and the risk assessment once it's completed gets thrown in a file and off we move.

In the risk assessment process, as Jerry said in his opening comments, there's never been one in my experience where the railways have done the risk assessment and said, "My goodness, this is way too dangerous. We're not doing it". They simply don't do it. It doesn't matter whether it's even in the face of prior events, all the risk assessment does is just provide a bit of a lens and they say, "Well, let's try to do these items to mitigate the risk."

● (0955)

Mr. Mike Sullivan: The other example is the abandonment by CN of the railroad that VIA would like to use will in fact cause a risk, in that only one freight railroad will be available across the Maritimes through Plaster Rock, and we know what happened recently at Plaster Rock with the explosion of an oil-carrying system. If that had been the case there would be no way across the Maritimes. That's a risk, apparently, CN is willing to take because they're going to abandon it.

Is the Canadian public willing to take that risk is the next question. I'm going to ask Mr. Del Bosco from VIA. If in fact you are not planning to purchase the CN line, why is it that you are willing to spend half a billion dollars on lines in Ontario, but nothing in New Brunswick?

Mr. Steve Del Bosco: Right now the Ocean is a train that loses somewhere between \$12 million to \$15 million a year. So we're ready to operate the train, but we also have to act in a commercial way as well and look at the fact that if we invest money to purchase a line, and we're investing just to continue at an operating loss, there's a little bit of a disconnect. So we're interested in moving on that northern line, but we'd like to find a way other than purchasing a line to do so.

The Chair: Ms. Young, you have five minutes.

Ms. Wai Young (Vancouver South, CPC): Thank you.

Thank you very much for being here today. It's been very interesting hearing your testimony.

As you know, we're embarking on this study because of certain incidents. Being a new person on this committee as well as being a Canadian who's observing all this, I think the general public was quite surprised to see where the gaps were in terms of safety on the rail systems.

I'm a sociologist and I've studied communities across Canada. Of course, we recognize the fact that communities have actually grown around the railway system, the railroad tracks, the stops, and that sort of thing. We have a certain history in Canada, of course, with the railway system.

How much work do you feel has been done, not just because of this recent study perhaps but over, say, the last 5, 10, or 20 years, to gather that information and to actually look at the entire rail system and what can be done to protect it? Or has nothing been done and we're just responding to a situation here?

Perhaps Mr. Del Bosco can answer that question.

Mr. Steve Del Bosco: I'm not aware of extensive studies that have been done. I think often municipalities take on that role. As you mentioned, communities build themselves around tracks, and eventually traffic and congestion develop and other safety issues may develop. Part of it has to be the community itself reaching out to the railway. Obviously, the railway also has to reach out to the community. If we are seeing, as Jean explained before, incidents and we measure them and we know when they happen and how often they happen, we will reach out to communities to do something to help us, whether that means programs, as Jean described earlier, or whether we have to start looking at better ways of protecting citizens and better ways of ensuring that traffic flow is safe and can move.

Ms. Wai Young: Right.

Because I have a number of questions for you, I'm going to ask you to keep your responses as brief as possible.

What you're saying to me then is that for over 100 years we have not done, say, every decade, a review of the entire safety railroad system in Canada to say, look, there's this community or these poor practices over crossings here because they're in family areas, or whatever it happens to be. In itself, the rail system monitored or developed these kinds of safety risk assessments. So there's no yearly review or anything like that.

Are you saying to me that there's none in place?

•(1000)

Ms. Jean Tierney: Through the Railway Association of Canada we're monitoring that continuously. We're working more closely now with the FCM, the Federation of Canadian Municipalities, a lot more strategically. They're helping to introduce regulations. Montreal was one of the first cities, I'm pleased to say, that adopted it, because there are a lot of high-risk areas. We're working very closely and doing lots of outreach. The week of April 28 is Public Rail Safety Week.

Minister Raitt has offered to do a presentation in the greater Toronto area because of the dense population, and we're hoping to raise awareness even more so. We are continually looking at this and studies are ongoing. Everyone is doing as much as they can to try to keep raising awareness.

Ms. Wai Young: Would it be possible—because I have very limited time here—for you to submit some kind of a report or an update on this whole aspect? How closely are you working with the communities? How current is that? What systems are being put into place to protect things? We've all seen those pictures of people

running across the tracks with two or three kids. It blows my mind, because I have kids.

Ms. Jean Tierney: We see that every day. It's very distressing.

Ms. Wai Young: That is my point. I guess what I'm saying is that instead of being distressed about seeing those pictures, we need to be doing something about them.

I would like to know, on this committee, what it being done about them. What kinds of plans are being put into place?

I have a final question for you, very quickly. It's a yes or no question. Is the \$80 million that you put in enough?

Ms. Jean Tierney: It's never enough.

Ms. Wai Young: Railroads are getting old. The ties.... Everything is getting old.

Ms. Jean Tierney: Those are maintained to standard, though. Safety is not an issue in that sense. However, there are communities growing along the tracks. Every day new buildings are going up as well as new housing communities. It's a continuous challenge to stay on top of it. There's been a lot of outreach from the railways. It's not only VIA Rail, because we're fairly small, but we do knock on the doors of people along our tracks. CN and CP have been very present in the communities in recent years trying to raise awareness through the Railway Safety Act review. There was a request by the industry to have joint risk assessments with communities. If they are considering building, they should talk to us. Let's find a way to do it safely for everybody. There has been outreach.

Has the Railway Association of Canada spoken? We'll reach out to them to get the studies for you.

Ms. Wai Young: Well, just very quickly, I think it's a really important thing that communities recognize, or that it's somehow put to them, that they have a responsibility too. It's not just the railways

Ms. Jean Tierney: It's partnerships.

Ms. Wai Young: The partnerships have to happen.

Thank you.

Ms. Jean Tierney: Yes. If I may say so, the Railway Association of Canada has been on the agenda of the Federation of Canadian Municipalities to speak about rail safety awareness. At every opportunity, we're trying to get out there.

The Chair: Thank you.

On that, Ms. Tierney, just to add a little more substance to it, basically what you're saying is that you would like to see a little more input from or better planning by communities around existing rail lines, etc.

Ms. Jean Tierney: That's correct, and anything we can do together....

The Chair: Thank you very much.

We'll now move to Ms. Morin for five minutes.

[Translation]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Thank you very much, Mr. Chair.

Mr. Fleming, in your presentation, you said something which I found very interesting. You said that if you were a manager, you would not ask yourself which method to use, but rather whether what is being done works, how this can be promoted and assessed, what the objectives are and how to assess strengths and weaknesses. I found that very relevant.

I would like a representative from VIA Rail to answer these questions. You really insisted on the fact that VIA Rail's standards are higher than those contained in current regulations. People usually do not engage in self criticism. People usually do not ask themselves what their weaknesses are, nor how they can be overcome. But when you do not know what your weaknesses are, you cannot overcome them. Can you answer these questions?

Mr. Denis Pinsonneault: I will answer your question with pleasure and I will give you a very current example.

We have 23 local health and safety committees all over the country. Each of these committees is comprised in equal parts of unionized members and management members. These committees meet each month to go over what happened in their area. Every month, we receive the minutes of these meetings. We read these reports every month.

Each month, we have meetings with all of our managers, who report on situations which were brought to their attention in the course of that month. With those managers, we look at how we could have done even better. This week, all of the people who are jointly responsible for the local and health and safety committees from across the country were invited to participate in the annual conference in Montreal. We will have the pleasure of welcoming Mr. Dias, who will open the session with Steve Del Bosco.

As Mr. Fleming said, in the course of that meeting, we have the opportunity to assess our culture of safety with members of the union-management local health and safety committees. After the meeting, safety objectives are established by both the union representatives as well as those from management. Every three months, when these committees meet, reports have to be filed following up on the objectives.

• (1005)

Ms. Isabelle Morin: Thank you very much.

I know it is hard to say this publicly, but can you tell us about one weakness VIA Rail has in the area of health and safety? If you cannot admit to your weaknesses, how can you make progress?

Mr. Denis Pinsonneault: Our success could be our greatest weakness and our greatest enemy. If we start to become complacent because we were successful in recent years and because we are good at what we do, we might become our own worst enemy.

Ms. Isabelle Morin: In your presentation, you indicated, as did Mr. Dias, that the greatest concern when it comes to health and safety was the human factor. CN and CP said the same thing last week. We have heard a lot about the new technologies which will be brought in and the way these technologies will help us improve

safety. However, we were not told about any indicators relating to the human factor.

What resources are you specifically allocating to improve safety in terms of the human factor? Perhaps a representative from Unifor could also answer this question.

Mr. Denis Pinsonneault: I am very pleased to have the opportunity to respond.

Human error is the main cause of accidents, but this does not mean that the employee is the direct reason an accident happens. As managers, we are responsible for providing employees with training, good equipment and we must also do good risk analysis, so that these risks are managed in a safe environment. Yes, human error is the main reason accidents happen, but it is not necessarily a person who is directly responsible for that happening.

As it now stands, we are implementing new technologies to reduce the number of accidents. In collaboration with our union partners at the TCRC, we spend a lot of time trying to find out which human factors might help bring down the number of accidents on board of trains.

Ms. Isabelle Morin: Can you please tell us about these?

Mr. Denis Pinsonneault: Training, the ability of people to react to sometimes unclear information, new information which arrives along the way, signage which might be misinterpreted or mistransmitted to a locomotive, the ability to react to a sudden event on a moving train; these are all factors which might influence the safe operation of a train.

Ms. Isabelle Morin: Thank you.

Mr. Stevens, do you want to add something in that regard?

[English]

Mr. Brian Stevens: Yes, I will.

There's an overreliance in the industry on technology and the technology, I've often said, is not proven. An example of that would be in the coal train system that's running from Sparwood in British Columbia out to the coast and back.

We used to perform a safety maintenance inspection on that train at a number of locations. CP was able to convince Transport Canada for an exemption on a number of safety and maintenance inspection rules and the no. 1 air brake test rule because they said we have this technology. They ran a six-month test and the technology proved to be 83% effective. With eyes and boots on the ground, we're 100% effective. The exemption said it will ensure railway safety and it's in the public interest.

It went from arguably 100% effectiveness with our rail mechanics doing the safety inspection maintenance to 83%. This has now been in place for about 18 months and the evidence is showing that it's declined. It's gone from 83% down to almost touching the 60% effectiveness. But our mechanics are still going out.

Also, the overreliance on WILDs, hot box detectors, and cold wheel detectors, those are tools that would assist our mechanics, not replace the mechanics.

CN has wayside detectors about every 12 to 15 miles. CP has them between 15 and 20, and say they're the greatest thing in the world. We still have bearing failures, cracked wheel failures, dragging equipment failures, and all of those would be captured at a safety inspection location. But most of them, for the most part, have been eliminated. That's why we're saying we should have a safety maintenance inspection at least every 1,600 kilometres, so we know that those cars are travelling from one distance to another in a manner that's safe.

In terms of the technology, there's an overreliance and my fear is that there is going to be more and more reliance. The railways are saying that they're not going to fix cars that they don't own. They're in the business of moving cars, not in the business of fixing them, and that's the mentality that drives this technology.

•(1010)

The Chair: Mr. Komarnicki, you have five minutes.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Mr. Chair.

One of the previous witnesses talked about safety management systems and obviously, there are regulations and we know that's important, safety management systems being sort of an augmentation of that. The statement was made that the safety management systems in a lot of cases are yet maturing or still maturing. I know when you look at VIA Rail, CN, CP, or perhaps larger operations, their safety management systems may be in a different stage.

Is there a maturation process in safety management systems? What might that look like and are there disparities among operators that need to be looked at?

Would anyone care to answer that? Perhaps, Mr. Fleming.

Dr. Mark Fleming: I think it's true that how an organization approaches a safety management system develops over time. When you go from a prescriptive regime to a goal-oriented or safety management system regime, there's often a big challenge in that transition.

In terms of maturity, in 2000 I developed a thing called the safety culture maturity model, which was to describe that process. It was used as part of the previous railway act review. For your safety management system to work, it needs to be supported by a mature safety culture. As that process evolves, then your safety management system will become more effective.

At the bottom end of a safety culture, we have what we call a pathological culture where organizations don't care about safety. It's all about getting around the rules and not following them, and that, obviously, is not good for safety. When we get toward the top, the companies live their systems and go beyond any requirements and rules, and are very effective and safe. What's important is to see that, really, it's the maturity of the culture that underpins the effectiveness of your safety management systems.

Many times you can have two companies that on paper have the same management system but very different outcomes, and that's because of a poor underpinning culture. It's the maturity of the culture that is important rather than the maturity of the documentation of the system.

Mr. Ed Komarnicki: Fair enough. I suppose there'd obviously be variances depending where we are on that—

Dr. Mark Fleming: Continuum. Yes.

Mr. Ed Komarnicki: —continuum.

The other thing that I'm looking at is that a safety management system requires buy-in by employers and employees, management, and the whole operation. I know that there are things that you need to deal with, like there's a certain way of thinking about things. There's a resistance to change by many of us even when change is good. We've done things a certain way and want to continue to do that.

You've mentioned that monitoring the performance is one thing and looking at trends and risk assessments. But actually going to the next stage and doing something about that in terms of improvement, is there resistance to that and how can you address the resistance to change that may mean improvement?

Mr. Brian Stevens: If I may, the risk assessment deals with risk, not the hazard. So the improvement from a perspective of in the workplace, which Professor Fleming was talking about, when there is a review, has got to come back to eliminating the hazard, dealing with the hazard as opposed to just continuing to find ways to mitigate the risk and get better at it.

People who are involved in SMS are true advocates of it. They're believers of it and they believe they're doing a wonderful job at it. As Professor Fleming said, no matter how well the documents read, it's the organization itself. So there has to be—

•(1015)

Mr. Ed Komarnicki: Are you saying there's some resistance? How do you address any resistance to change for improvement?

Professor.

Dr. Mark Fleming: Different groups have resistance for different reasons. There are a number of different strategies that can be employed. In general we would try to engage people in the process. If they have control of the process, they tend to be more likely to buy into that change process. In a case where that's not working, then you may want to use external controls. If an organization isn't buying into a process, then you may use regulatory controls to say, "You must do something." Sometimes you can frame it as a stick or a carrot. If you engage people in the design of the process, they're more likely to comply with it and buy into it. If that's not the case, then at a regulatory level you would use that process to move people along.

My framework—this is dealing with managers rather than front-line staff—is that if the person doesn't change, the person is changed. You either get rid of the person or you get the person to change.

Mr. Ed Komarnicki: I notice the on-board voice and video recording devices being used. Maybe you're doing a pilot on that. I know there may be some resistance as to what they can be used for, whether it invades employee privacy, or whether they could be used as a punitive measure potentially, but really, safety, I would say, trumps all of that. There has to be a way that you can figure to address both the privacy issues and the punitive measure issues and use them for the purposes that they're intended to be used, regardless of how invasive they may be.

The legislation, the Canadian Transportation Accident Investigation and Safety Board Act, says it can only be used for investigative purposes for accidents. There has to be a way you can work that out.

The Chair: Thank you very much.

We'll now move to Mr. Watson for five minutes.

Mr. Jeff Watson: Thank you, Chair.

Dr. Fleming raised one valuable tool, which is surveying the safety perceptions of employees as one of a number of different tools to assist in evaluating safety culture.

Let me ask VIA. Do you do surveys of your employees on how safe they feel in the environment, and how often do you do that?

Ms. Jean Tierney: If I may, one of the things we do as part of the Canada Labour Code's occupational safety and health regulations is to have a joint national health and safety committee, so high-level union, high-level management.

Mr. Jeff Watson: I mean surveying grassroots members, not that structure.

Ms. Jean Tierney: Correct. Absolutely. I'm going to get to that, if I may.

We actually have two. One deals with the issues that are important to our Unifor colleagues, and one is important to our TCRC colleagues. Denis made reference that we're hosting our annual conference this week.

Our unionized employees help develop the survey questions that we send out to employees across the country through the workplace committees, so we make sure they're highly involved.

Mr. Jeff Watson: How often do you do those surveys? Annually?

Ms. Jean Tierney: We do them annually—

Mr. Jeff Watson: Okay, very good.

Ms. Jean Tierney: —and we debrief the results together, everybody in the room.

Mr. Jeff Watson: Mr. Dias, you don't just represent VIA workers, but also workers in the CN and CP environment.

Have your members on the CN and CP side of it ever received any kind of survey, annual or otherwise, about how safe they feel in the environment?

Mr. Jerry Dias: Yes. We do the annual surveys, but we do it every day. The preoccupation of health and safety is something that's really driven. I'm in a joint program, but it's something that's discussed every single day with our shop stewards, with our union leadership, and with our membership. This isn't an issue that somehow takes a backseat to anything. I think VIA and our union will absolutely agree that when it comes to health and safety, there's a preoccupation and there's a hell of a lot of time spent dealing with it.

Mr. Jeff Watson: You represent membership both on the passenger rail side and on the freight rail side.

Mr. Jerry Dias: Correct.

Mr. Jeff Watson: I want to come back to Dr. Fleming's measurement tool, if you will. It was used by the independent rail

advisory panel in 2007, when they were measuring progress toward a safety culture. At that time, on a five-point scale—one being very prescriptive, rules-oriented, with adherence to rules, and a fully functional SMS safety culture, being number five—they had CN ranked at one, CP at two, and VIA at four out of five. The regulator, Transport Canada, incidentally, was a three out of five.

In your experience, what are the differences with respect to the freight rail side that you deal with, and VIA? You give us a window into that on their safety culture, and if you don't mind keeping it reasonably brief, I do have another follow-up question.

• (1020)

Mr. Brian Stevens: All right, just quickly, then.

CN and CP, in our view, have flipped. CP has taken a step back; they're one. CN has advanced to two. TC is still at three, and VIA is at four, and improving.

Mr. Jeff Watson: Okay.

Dr. Fleming, earlier when questioned you said that leadership drives culture to a large degree. As a result of Bill S-4, and pending regulations, we'll have an executive who is accountable with respect to culture and who is appointed, and prevalent whistle-blower protection. The unions are structurally involved on the front end in a joint fashion about driving safety culture. Those are aspects that, in and of themselves, while they may represent accountability, don't necessarily drive safety culture, if I understand your presentation correctly. Is that also true? That's not to say we don't want to have them.

Dr. Mark Fleming: I think they can facilitate it, but having an accountable officer just means there's someone who is accountable. If they don't do a good pretty job of it, then it's going to make things worse, not better.

Mr. Jeff Watson: On the exercise of this committee, if we're looking at further improvements, the improvements themselves don't necessarily... Are there any that could further facilitate safety culture? Let me ask that question first.

Are we suggesting there may be some practical limits on the regulatory and SMS side of driving safety culture that we just have to understand as we go through this? What can help facilitate it?

Dr. Mark Fleming: What I recommend for organizations is that they adopt a systematic approach to safety culture improvement. It's a journey, not a destination. The idea, really, is that you continually work to improve that through self-reflection and criticism. I think that could be facilitated through external support and from a regulatory regime that recognizes that and encourages that sort of activity. Having an expectation that organizations are actively working toward promoting a positive safety culture, I think, is important. Doing surveys is helpful. Probably what's more important, from my perspective, is what changes are occurring for that. What have we learned? What are we doing differently? I think that's something—

Mr. Jeff Watson: Does external criticism work? If so, how far should that extend? Should it just be the government? Should it be the public?

Dr. Mark Fleming: I think that getting external input is always helpful. Whether it's an external auditor or an external regulator, all of those things are helpful for organizations in terms of safety improvement. I think what's important, though, as well is that you have a well-resourced and well-educated regulator. I think that facilitates efficient and effective management of safety. A poorly educated regulator is not helpful for loads of reasons.

The Chair: Thank you very much.

We're nearing the end of the meeting, but we do have enough time for one from the NDP and the Liberal, and two here to even it out. This is just a forewarning that I have to cut everybody off at the five-minute mark, including questions. So try to use your time accordingly. Thank you.

Mr. Mai.

[*Translation*]

Mr. Hoang Mai: Thank you, Mr. Chair.

[*English*]

I'll be very brief.

We mentioned that regulation is one step, but what we need to do is look at some of the factors, some of the issues, especially in terms of the technology. It's also something that will help.

But we have to look at the human factor. Two conductors, one conductor, I raise the issue. But now what we hear about is conductor fatigue. Can you tell us a bit about it? From your perspective, how important is that in terms of safety?

Mr. Brian Stevens: We're talking about fatigue management and there's a working group involved in that now. We're looking at the different sciences in terms of crew fatigue. I think what's important would be to have schedules as opposed to the system where the crews are on call and once they're on call, then they're available for duty.

I understand TCRC will be here in another week, so you'll get a little bit more information in terms of fatigue management. But it's critical to rail safety.

[*Translation*]

Mr. Hoang Mai: Do the representatives from VIA Rail want to say something about that?

Mr. Denis Pinsonneault: Indeed, all fatigue-related issues are important, not only as regards to the number of hours spent on board the locomotive, but also the working environment for these employees.

We work with the TCRC policy committees. We have regular meetings to examine these issues.

Unlike other industries, I think that the work schedule problem at VIA Rail has been resolved. We are now focusing on the working environment for these employees and not just on the number of hours they work.

•(1025)

[*English*]

Mr. Hoang Mai: So I'll leave my time to Mr. Sullivan, please.

The Chair: Mr. Sullivan.

Mr. Mike Sullivan: Thank you.

I really only have one question. CN, CP, MMA, and Transport Canada have refused to release the entirety of the safety management systems of those corporations on the basis they have some kind of corporate competitive advantage to keep them private and secret. That's not the case with VIA Rail. So can we see your safety management systems?

Mr. Steve Del Bosco: Certainly, we don't have any objection to showing them.

Mr. Mike Sullivan: Thank you, and will you table it as part of this?

Mr. Steve Del Bosco: Sure.

Mr. Mike Sullivan: That'd be great.

The Chair: You have a few minutes left, if you want.

Mr. Mike Sullivan: I do have one other question for VIA Rail and that is on the other recommendation of the Transportation Safety Board, coming out of the Burlington incident, to create survivable locomotives. Is VIA Rail moving on that recommendation or is the federal government helping you move on that recommendation?

[*Translation*]

Mr. Denis Pinsonneault: We are currently examining the issue. Our locomotives were renovated thanks to a recent program. We obviously believe that they are very safe. We are looking at how we can make sure the locomotives comply with the recommendations, at the feasibility of the procedure, and when we would be able to start using them. We are currently looking at that very seriously. A decision has not yet been made, but we are looking at it very seriously.

Bear in mind as well that the incident with train 92 occurred in a specific environment. I am not an expert in the field. I do not know to what extent the measures advocated by the TSB would have reduced or minimized the risk of death, because the accident occurred in a very specific environment. It is certainly in our interest to examine the matter.

[English]

Mr. Hoang Mai: Mr. Fleming, you mentioned that the regulator needs to have all of the information in order to make good rules and things like that.

We know from the auditor general that Transport Canada is not getting the internal risk assessments conducted by railway companies. Aren't those important for us to understand what's happening and make better rules?

Dr. Mark Fleming: I don't necessarily know about their rules. What I was actually referring to, particularly when we're talking about safety culture, was that the regulator needs some people internally who actually have some competence and some knowledge in that domain. Also, if we think safety culture is important and we think SMS is important, they need the capacity to deal with that.

The Chair: Okay, thank you very much.

Mr. McGuinty, you have five minutes.

Mr. David McGuinty: Thanks, Mr. Chair.

Folks, I want to go back to the Auditor General's report, and I want to go back to the human capacity, the capacity challenges inside the department. Here's what the Auditor General says, and it's in stark contrast with some of the things I'm hearing.

First, the Auditor General said that in 2009 Transport Canada estimated it needed 20 system auditors to audit each railway once every three years. Then the Auditor General says they have 10 qualified inspectors, on top of which they now have to oversee 39 additional non-federal railways. The Auditor General then says that Transport Canada doesn't know whether its current staff of inspectors—get this—“has the required skills and competencies” to do their jobs.

Then the Auditor General says, and I quote, “Inspectors and managers were not trained on a timely basis”. Then the Auditor General says that Transport Canada can't even warrant that inspectors are objective and independent, that they come mainly from federal railways. So what are Canadians to make of this very detailed, brutal report on the state of rail safety? VIA Rail, as I said earlier—I'd like to get a response from VIA—was not audited once in three fiscal years and carries four million passengers a year.

I'm no fan of the Republican administration, but I like one line from the United States, which is “trust but verify”. At the end of the day, most Canadians believe the ultimate responsibility for rail safety is with the federal government, not the partnership between the regulator and the regulated manifested in SMS, not the regulated body, not VIA Rail, not CN, not CP, not any of these other railways. I think most Canadians believe it is the responsibility of the Government of Canada to regulate and make sure that rail is safe.

What are Canadians to make of this factual, objective third-party report?

Maybe we can start with VIA Rail.

•(1030)

Mr. Denis Pinsonneault: We've taken this very seriously. We welcome any inspections that are being made on top of the audits made by Transport Canada. There is one actually going on right now,

and as we mentioned earlier, we believe that inspection audit verification and the involvement of all employees is the key success factor for us in addition to everything that's being done by the regulator.

I don't know if I answered your questions on the capacity to—

Mr. David McGuinty: Would you say, Mr. Pinsonneault, that in the SMS structure it's a partnership between two groups here, the regulated and the regulator? It's a partnership.

Aren't you concerned that your partner isn't living up to their obligations?

Mr. Denis Pinsonneault: I feel that I work as though I would be inspected every day, every week.

Mr. David McGuinty: But you're not.

Mr. Denis Pinsonneault: I know, but the way we work at VIA Rail is that we don't wait for inspections. We work as though we were to be inspected without any notice every week, every month.

Mr. David McGuinty: Fair enough.

Mr. Dias.

Mr. Jerry Dias: Look, you're not going to get any disagreement with us on the role of the government as it relates to regulations, inspections. Think about it. I live in Milton. I live about two miles from a government truck inspection station. Sprinkled right across the country in every province we have inspection stations. People can't drive a truck without going by an inspection station.

You're not going to have a quarrel with us relating to regulations, the role of government, and the desire of government to implement the regulations. So if we're talking about inspections, then there is no question, inspections have to be done. The question becomes how are we going to make sure they are done.

There is no question, we spend a lot of time in the railway industry related to health and safety, related to a preoccupation with safety, but there have to be checks and balances in every system.

The Chair: Thank you.

Ms. Young, you have five minutes.

Ms. Wai Young: Thank you very much.

I find it interesting that we've heard from different organizations, obviously. Is there a safety fund set aside for the railway system that communities also feed into? If they do developments across tracks, and so on, everybody needs to organize and fund their little piece of that. Or is that just too “pie in the sky” and it's never going to happen?

It sounds to me as though there are some very distinct, great initiatives happening, because, as you can see in your charts, safety has increased, which is excellent. However, there still seem to be a number of gaps you've identified today, and thank you very much. I would strongly encourage each of you to go back and submit to us... because we are very serious about this study. We want to see results, suggestions, and solid recommendations that we can implement. So, please go back—because there's always a time problem here—and submit something in writing to us to further explore and expand on some of the comments you've made today.

There seems to be a real gap between the owners of the cars and the people who identify some of the issues, as both Mr. Dias and Mr. Stevens were saying. The inspections happen but then they're not followed up on, or because you don't own the cars, you're not going to do the actual safety or fix those cars. There seems to be this loose system in place, but nobody is actually, at the end of the day, fixing those cars; or, there's not enough money to fix those cars, because you rent them or you're on the rail system but you don't own the system. As for the ties or the railroad lines themselves, then you're going through communities that want access, and who's paying for that?

There seem to be a lot of players. I would say, to build on Mr. McGuinty's concept, that it's really not just the railroads and the unions. It's the communities and the owners taking a look at the whole infrastructure to see where the weaknesses are and where there can be improvements. Would you say that's true?

• (1035)

Mr. Jerry Dias: Let me give you a correlation. I just participated in a settlement for the port of Vancouver in which there were 180 owners, 1,200 or 1,300 non-union truckers, 350 unionized truckers, the provincial government, the federal government, and the port of Vancouver. Now, try to find a solution.

Just as we are here, we were spending a lot of time talking about who owns what and who's responsible for what. If you're really looking to resolve the numerous issues, you have to take a look at how things have changed in 20 years. You spend a lot of time talking about the community, as you should, but you need to also understand that with deregulation and privatization, a lot of the lines that went around the communities have been eliminated through contracting, leaving the option of going through the middle of the town.

We can talk about how communities are being built around the tracks, but because of a shift from having railways that serve the country serving communities that assist them based on profitability, a lot of the solutions that were in place are now not in place. So you need to look at that piece as well.

Ms. Wai Young: I have just one final comment. That's exactly my point—

Mr. Jerry Dias: I know.

Ms. Wai Young: —and that's exactly my concern, because we are sort of on this cusp of... I'm from Vancouver, actually, so thank you very much for helping—

Mr. Jerry Dias: Not a problem. I rent out my services cheap.

Ms. Wai Young: —with that strike.

The point is that we need to look at this total picture and resolve that, because the strike in itself, I think, emphasized to Canadians across the country how important our rail systems are and how integral they are to our economy and to people's homes and lives and all of that.

You are the experts here. Please help us with this.

The Chair: You're taking the last five-minute round, as well, Ms. Young.

Ms. Wai Young: Oh, am I? Excellent. Thank you.

I see some hands here, so I'm going to let you guys speak.

Brian, do you want to start?

Mr. Brian Stevens: Just to top off on the contraction, when that started back in 1995-96 and all of these rail lines got converted into walking paths, what happened then was that the issue of grade separation increased because we had more trains going through these high-density areas. So that automatically increased. Then the issue becomes—and it goes to the point that the railways aren't interested in slowing down the trains. The reason they're not interested in slowing down the trains is that now they're running longer trains through these communities and the last thing they want is to have the communities up in arms because they're split. The fire station is on one side of the track and the fire's on the other side of the track and they can't get across because they have a 10,000-foot train. So it all kind of melds together.

So if there was anything about a risk assessment... The thing about doing risk assessments in New Brunswick and those areas is that the risk assessment probably should have been done in 1995 or at least in 2005 to say, what are we doing as a country here in terms of our infrastructure? That's part of the task of this committee. But in terms of infrastructure we're not building it. We've been facilitating a system that allows abandonments and tearing down.

Ms. Wai Young: So Mr. Stevens, and to all of you again, I would like to challenge you all to think a little bit more beyond SMS and all of these wonderful things that are being put in. I think we need to take a longer-term view at how these changes over the last 20 years have impacted the safety of our rail system, the efficiency of it today, and going forward, what we need to build or what we need to do, as a government—but not just as a government, as Canadians. What do we need to do together to ensure that we build a modern, safe railway system to ensure our needs and to keep our communities safe at the same time?

Somebody else had their hand up as well. Someone had a comment....

Mr. Steve Del Bosco: We support what you're saying. I think VIA's developed its own vision of what it wants to be 10 years from now, 15 years from now. There's no question that infrastructure is part of that vision. To achieve that vision not only do you have to make sure that you have a safe operation but also an operation that Canadians will use. But safety's always paramount, even in those long-term visions. We can't develop them alone. We do need help from communities and from other organizations to ensure that those safety standards are built into it and at the same time allow us to perform, whether it's a passenger railway or a freight railway, in a way that we're competitive and we can do our job.

• (1040)

Ms. Wai Young: Thank you.

I have just one final question then. Given the complexities, as we just said, about where the rail systems are, the complexities around not just the small systems, a SMS, but throughout Canada on rail safety, are there systems currently in place, some sort of national organization or national conference where all of you guys and all the stakeholders can go to try to resolve this issue? Or is there more that the federal government could do to facilitate a longer-term view discussion, and bringing all the players together to resolve this issue so that we have a modern efficient system?

Ms. Jean Tierney: I think there is an opportunity for that. I think we need to get into the education system as well so that rail safety awareness is taught at a very young age and reinforced. You know how most high schools have community program volunteers. We think rail safety awareness should be something that's accepted, an Operation Lifesaver-type volunteer. I know my children are out there doing things. I'd rather they were out raising awareness about safety.

Ms. Wai Young: So are you saying, Ms. Tierney, that there's no current body in place, or group, where you all come together to discuss these bigger issues?

Ms. Jean Tierney: Through the Railway Association of Canada... however, I don't know if it's having the impact that you're talking about. I think there's more that can be done.

Ms. Wai Young: There's no safety fund then in place that communities or unions or people can tap into. I know that we had put into place, for our world tanker safety program, that they had to have a certain amount of insurance and the money is there in case there are incidents. Is that not in place with the rail system?

Ms. Jean Tierney: The only one that we've been aware of is the Transport Canada grade-crossing improvement program. That's a way for a railway to bring to the attention of citizens in the various communities that there's money available to them if they close a crossing or do these improvements. But other than that...

Ms. Wai Young: Is this program embedded into the FCM?

The Chair: I'm sorry, Ms. Young.

Ms. Wai Young: Are we out of time?

The Chair: Yes, we are out of time.

Ms. Wai Young: Thank you.

The Chair: If you want to have a quick comment to that, Ms. Tierney, go ahead.

Ms. Jean Tierney: I had finished, if that's okay.

The Chair: Okay, that's fine.

Ms. Wai Young: Could you comment on the record if this program or another one like it is embedded into FCM, if they're aware of the fact that they can work with this program?

Ms. Jean Tierney: I'm not aware, sorry.

The Chair: We never have enough time, but I'd like very much to thank all of you for being here today and for participating in our study. At some point the committee will have a report of it. Your input has been very valuable.

Thank you very much.

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