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Chair

The Honourable Judy A. Sgro

Standing Committee on Transport, Infrastructure and Communities

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• (1535)

[English]

The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)): I call to order meeting number 9 of the Standing Committee on Transport, Infrastructure and Communities.

Welcome to all our witnesses, those who are present in the room as well as those by video conference. We'll try to get some questions for all of you.

Right now on this panel we have a representative of the BNSF Railway Company, Orest Dachniwsk, associate general counsel, operations and regulatory; and as an individual, Mary-Jane Bennett, lawyer.

By video conference from the city of Surrey, we have Len Garis, fire chief, and Dan Branscher, deputy fire chief, both from the Surrey Fire Service.

The representatives by video conference of BNSF Railway Company are Glen Gaz, Johan Hellman, Jared Wootton, and Courtney Wallace.

As you all know, we are doing a brief study on railway safety, and we're getting down to our last witnesses this week. If you wouldn't mind, could you confine yourselves to 5 minutes of opening remarks, rather than 10 minutes, if possible. Make sure that you get the most important points across to give the committee members sufficient time for their questions.

We also have Jamie Bullman, manager of transportation for the city of Surrey. It's good that we have lots of representatives from Surrey.

We will start the meeting with whoever would like to go first, Mr. Dachniwsky or Ms. Bennett.

Ms. Mary-Jane Bennett (Lawyer, As an Individual): Thank you, Madam Chair, and members of the committee, for the opportunity to present on this very important issue of railway safety in the Surrey area of British Columbia. For those unaware of the geography of that area, Surrey and White Rock are sister cities leading into Port Metro Vancouver, with a couple of communities in-between. Those cities are located along the oceanside. It's a beautiful area of British Columbia. Some have likened it to the Amalfi coast in Italy.

In any event, the rail line hugs the shore of those areas. And it's not a case of the community coming after a railway; rather, the community was there, and then the railway line installed itself when there was enhanced access to Vancouver through the New

Westminster bridge. The initial transportation of goods was benign and low volume, but since the creation of the super-port, and now with the Fraser Surrey Docks, there have been great increases in the traffic and in the commodity types. In fact, the trains are also longer. Whereas in the mid-nineties trains were 1.5 kilometres, now they're four kilometres, with increases ahead, and carrying 18,000 tonnes of goods.

There's concern in that area about landslides, bank stability, and deteriorating load-bearing infrastructure. I can describe the City of Surrey as taking a responsible and balanced approach to the matter. They have initiated a number of corporate reports from the mayor and council indicating that a railway is needed, that port activity enhances economic activity, but also warning of several safety issues.

I wanted to touch on three of them today. The first one is the UDEs, or undesired emergency brakings, that have occurred in the Crescent Beach area of that line. There were four occasions in the course of six months, and there has been little information as to the cause of the UDEs. One UDE caused a four-hour delay, another a 90-minute delay, another a 45-minute delay, and one a three-hour delay.

The concern of the city is twofold. First of all, UDEs are often described as.... When a track condition or a rail condition is unsafe, when there is undesired emergency braking, it can easily cause a derailment. Numerous reports attest to this. The second part of the problem with the UDEs is that they have the potential to cut off access to the community.

First, on the safety issue, I wanted to go into greater detail on that, but I'm feeling confined by the time. There are a number of Transportation Safety Board reports and AAR reports, and then there's the fallout from Lac-Mégantic and the position taken by the U.S. department in terms of regulating electronic brakes.

The second issue relating to this is the lack of emergency exit. The fact is that the Crescent Beach area is cut off, and the community is blocked oftentimes by the train. If there is an emergency situation, there is no other way of accessing the community, and in fact, if there is a derailment or something of that nature, there would be an inability for first responders to access the area.

The reports by the City of Surrey note that the city would like a change in the grade-crossing rules, which say that if there's alternate access within three kilometres, then access is not deemed a safety concern.

Regarding the position on advancing, I would point out that an order was recently issued to the City of Brampton under section 31 of the Railway Safety Act, just because of the delay in crossings there. The City of Surrey should be dealt with in like manner.

The last matter I want to raise is the lack of sufficient insurance. Since 9/11, insurance has contracted. BNSF has taken the lead in North America in warning that the railways are operating without sufficient insurance. I can provide greater detail on that. This is a concern to Surrey.

In the final analysis, what we're requesting is an inspection of the track to ensure that there's no safety or security of operation under the Railway Safety Act; the support of the committee for the relocation of the line under the Railway Relocation and Crossing Act; and a requirement that the cause of the UDEs be investigated. We note that at BNSF, under their air brake and train handling rules, they are required to report this to their desk as a mechanical failure, so there should be information as to the cause of that.

● (1540)

The Chair: Thank you very much, Ms. Bennett. Hopefully in the question and answer part of the meeting, you can get to some of the other points you wanted to make.

Mr. Dachniwsky.

Mr. Orest Dachniwsky (Associate General Counsel, Operations and Regulatory, BNSF Railway Company): Thank you, Madam Chair, and members of the committee.

For the record, my name is Orest Dachniwsky, and I am assistant vice-president and associate general counsel for BNSF Railway Company, in office at our corporate headquarters in Fort Worth, Texas. My job duties include providing support and counsel to our operating department on issues related to regulatory compliance and safety initiatives.

I'm joined today by our technical experts who are present via video conference. I apologize for my colleagues not being here in person, but aircraft maintenance issues this morning prevented them from being able to arrive on time. We hope this inconvenience does not detract from the value we might provide to this committee. Following this meeting, I will be available to address any follow-up questions or issues that we may not be able to address in the time provided during the formal portion of this meeting.

Let me say at the beginning that we consider it a genuine honour and a privilege to appear for the first time before the parliamentary Standing Committee on Transportation, Infrastructure and Communities. We are grateful for this opportunity, and we look forward to assisting you in your study of railway safety in Canada. Furthermore, we hope this opportunity is the first of many going forward, as we mutually seek opportunities to expand our common interest in expanding safety opportunity and stewardship, not only in the communities and provinces we serve as BNSF, but all across Canada.

BNSF traces its heritage back more than 150 years, to its founder, a visionary Canadian railroader named James J. Hill. Our railroad was the second to serve Vancouver, British Columbia, commencing service in 1891. Also, a segment of line identified in paragraph B of

the study in which you are engaged has continuously operated along the beach at White Rock and Semiahmoo Peninsula since 1909.

Although BNSF only operates about 37 kilometres of track in British Columbia, this segment serves as a significant strategic link in a trade route between Canada and the United States. In fact, BNSF's line in this area is the only direct rail route between British Columbia and the United States, and is therefore a vital link in the supply chain between customers and industries in Canada, the United States, and Mexico.

As competition between ports along the west coast of North America has increased dramatically in recent years, BNSF's service to Canada's Pacific gateway provides Vancouver with the unique strategic advantage of being the only port on the west coast served by three class 1 railroads.

This segment also serves an important role in passenger rail. This is a track that serves Amtrak passenger service between Seattle and Vancouver. It also serves the iconic success story in Canadian rail service known as the *Rocky Mountaineer*. In fact, passenger service has played a critical role historically in settling this part of the country and in establishing safe, reliable access to communities such as White Rock. It also serves an important role in the future of the region.

Speaking to the issue of rail safety generally, let me be clear that safety is the primary mission of our railroad and the cornerstone of every decision we make and every action that we engage in. Our culture of safety includes but is not limited to free railroad haz-mat response training to more than 76,000 first responders since 1996. In the last three years alone, we have trained 279 first responders in British Columbia.

Track and bridge inspections occur with greater frequency than is required by Transport Canada, with the busiest main lines inspected daily, all other sections of track inspected at least four times per week, and bridges inspected at least one time per year. In fact, the bridges in British Columbia were all inspected during the first quarter of 2016. It is important to note that as part of these inspections, we inspect for any potential signs of erosion, especially following severe weather events such as storms.

We apply rail detectors, which use ultrasonic rays, to detect internal and external flaws to rail. A track geometry car inspects every piece of BNSF track at least one time per year by measuring the track surface underload for gauge, level, alignment, and vertical separation. It then creates a computerized report of any detected flaws which is transmitted directly to field personnel, who generally address the issue within 24 hours.

We use trackside sensors, located at least every 40 miles along our line, which measure wheel heat signatures invisible to the human eye or auditory signals imperceptible to the human ear that could indicate that a wheel on a railcar is wearing inconsistently. In this way, the sensors allow railroad crews with an opportunity to move a train out at the next available siding and address potential problems before they occur.

We also participate in programs such as AskRail. In AskRail, we have more than 200 first responders currently registered in British Columbia.

The Chair: You have one minute left.

Mr. Orest Dachniwsky: Yes, ma'am.

As a result of our culture of safety, 99.998% of our trains carrying dangerous goods arrive at their destination without incident.

• (1545)

We are also happy to report that we have extremely safe conditions at each of the communities we serve. In the City of White Rock, BNSF has invested heavily in our physical plant. We've increased safety by replacing bolted rail with continuous welded rail and by replacing the bridges over the Little Campbell and Serpentine waterways. We have worked with the city to improve public safety by committing more of our resources to policing and are continuing to work with the city on fencing enhancement which would reduce the risk of injuries to citizens crossing areas that are not designated as authorized rail crossings.

Regarding the Semiahmoo, we work with them on a regular basis in order to improve conditions with safety.

The Chair: Thank you very much.

Hopefully in the questions and answers you can get in some of those other key points that relate to the issue of rail safety and fatigue.

I'd like to turn to the other representatives from BNSF railway. Who would like to speak on behalf of the group that's there?

Mr. Johan Hellman (Executive Director, Government Affairs, BNSF Railway Company): Thank you, Madam Chair.

We apologize for some unforeseen travel issues that we had, but thank you, and especially the staff, for your work in bringing us in by video conference and allowing us to participate in this way. We're happy to answer any questions in addition to the comments that you heard from Orest, and we're certainly happy to meet individually or as a group with folks as you do this important work going forward. We're happy to answer any questions today, or at any point in the future going forward.

The Chair: That's terrific. Thank you very much.

To the representatives of the City of Surrey, would you like to add some comments before we start with the questions and answers?

Mr. Len Garis (Fire Chief, Surrey Fire Service, City of Surrey): Yes, we certainly would. Thank you very much.

Just to reintroduce myself, I'm Len Garis, the fire chief, but I am also appointed as the city's emergency planner under the Emergency

Program Act of the Province of British Columbia. So there are two pieces of contacts here that are fairly important to us.

When I describe Crescent Beach, a seaside community in Surrey, it's important to know that it's about 142 acres, with about 403 properties, and home to about 1,250 people full-time. That number swells during the summer; as I said, it's a seaside resort community.

I would like to point out that Crescent Beach has two access roads from the the beach, which are intersected by the rail line at grade. The primary route runs along Beecher Street and Crescent Road. As noted, there is a map in my presentation. The secondary route is McBride Avenue.

Due to their proximity, being approximately 500 metres apart, both access points have a tendency to be blocked by passing trains. Again, the map will point that out to you. It shows two proposed emergency exit access points, from our conversations with the BNSF and the city.

The geography of Crescent Beach takes the rail tracks along the coastline of Boundary Bay and Mud Bay at about 4.5 kilometres of the portion of tracks.

For some time, Crescent Beach residents have petitioned that the rail line be moved away from the coastline, citing concerns about dangerous goods being transported too close to the community, along with the inconvenience of having eight to 10 blockages a day, which last between six and 10 minutes.

In December 2007, a mechanical failure forced BNSF to apply its emergency brake at Crescent Beach, resulting in all road access blockage of about two hours.

After this incident, the Crescent Beach Property Owners Association approached the mayor and council and requested immediate action to prevent the community from being isolated or stalled by this train. To help this access concern, Surrey Fire Services, RCMP, and ambulance services worked with BNSF to create a document called the stopped train protocol, and my understanding is that you will be receiving this shortly.

Through this protocol, when a public request for emergency services is received, the emergency provider notifies the respective rail company to either stop or delay the train. The stopped train protocol also provides a process to follow a train breakdown block at critical at-grade crossings, such as those into the community of Crescent Beach.

In October 2010, the city contracted an independent engineering consultant to investigate the matter of emergency access routes to the community of Crescent Beach, should these two access points be blocked again by the train. The study investigated a number of options, but as it turned out at the end of the day, they believe that it was proved to be too complex and costly.

In November 2012, a short time after the stopped train protocol was implemented, another BNSF train breakdown occurred, blocking access to Crescent Beach. During this incident, the stopped train protocol was not adhered to, nor were the Transport Canada regulations requiring any stopped train to be blocked longer than five minutes, to provide unimpeded access to vehicular traffic. This incident resulted in a comprehensive isolation of the community for 30 minutes. Investigation by a BNSF trainmaster later revealed that there had been a communications breakdown.

As a result of the second incident, the mayor and council, the Surrey emergency program, and the RCMP essentially felt a loss of credibility with the residents about their ability to deal with this critical safety issue. We we had put protocols in place to try to alleviate this.

Over the following years, both access roads in and out of Crescent Beach were blocked by a BNSF train on a number of occasions. On June 26, 2014, there was a failure and a blockage for 45 minutes. On August 2, 2014, at 09:35, a mechanical failure resulted in a BNSF train blocking Beecher access for more than 10 minutes, and McBride access for three hours. On January 5, 2015, a mudslide at mile post 125.7, one mile south of McBride Avenue resulted in a BNSF train blocking both access points for three hours and four minutes. On February 18, 2016, a fallen tree across tracks south of McBride resulted in a BNSF train blocking the points again for an hour and 39 minutes.

• (1550)

Following the January 5 incident, a complaint letter was sent to Transport Canada, which responded by saying there was not enough evidence to support the complaint or to proceed with it.

To help mitigate that, the City of Surrey installed CCTV cameras, as well as an electronic monitoring system, first at the Crescent and Beecher Street crossing, and then at the McBride Road crossing. The intent was to collect visual, time-stamped evidence in order to provide Transport Canada with documentation and proof, and to pre-empt any emergencies that were occurring in the community that we knew in real time.

The CCTV cameras monitor and record all rail traffic in contravention of the rail operations rules, specifically rule 103(d), which reads:

no part of a movement may be allowed to stand on any part of a public crossing at grade, for a longer period than 5 minutes, when vehicular or pedestrian traffic requires passage.

Following the installation of the CCTV camera, the incident on February 18 was recorded and is currently under investigation.

It is important to note that from April 1, 2011 to March 31, 2016, there have been 228 calls for emergency service in this community, and in the past few years we have seen several incidents where a stopped train protocol should have been exercised but was not.

Further, on these occasions it appears that BNSF was in violation of Transport Canada's rail operating rules. However, the city has had no indication from Transport Canada that any sanctions or consequences have been applied in order to alleviate this problem and try to encourage them to follow the rules that are in place.

It is the City of Surrey's view that BNSF and Transport Canada have failed to recognize the seriousness of the Crescent Beach community's becoming completely isolated whenever a BNSF train blocks these two access roads.

This creates an elevated life risk, should there be a request for emergency services in the community of Crescent Beach.

That is my statement. Thank you.

• (1555)

The Chair: Thank you very much, Mr. Garis. It was very important, and I am glad you got all of those points across.

We also have a copy of the study of rail safety that was done by the City of Surrey, which certainly reiterates some very serious concerns that the community has.

We will now turn to the committee for questions. Because we have short panels, we will try to get four questioners in at six minutes each.

We will start with Ms. Watts.

Ms. Dianne L. Watts (South Surrey—White Rock, CPC): I appreciate all of you being here to look at this issue and see how we can move forward.

There are a number of questions that all of us have. As the former mayor for almost a decade, I know well the issues that the community has dealt with, as well as the blockages to emergency vehicles to get to the community on numerous occasions.

Part of this is to take a lens and look at this, and see what we can do in this situation, because there may be other situations across the country that exhibit similar circumstances.

My first question would be for BNSF, to whomever wants to answer it. Given what we have just heard from the fire chief and concerns that have been expressed—and they are ongoing concerns in the community—how are you addressing this issue? It is very important that emergency vehicles have access when they need to get into a community. As I said, this has been going on continually. What do we need to do here?

Mr. Orest Dachniwsky: I'll start, and then I'll ask some of our operating folks to discuss the protocol that is in place.

To be clear, when we looked at the records, there have been seven stopped train events in the last nine years. When this situation does occur, it is clearly of deep concern to the community and to us, which is why we have put protocols in place to address it.

I don't know if one of our operating guys would want to respond with exactly what the protocols are.

Ms. Dianne L. Watts: I want to jump in there. You said seven in nine years, but our fire chief has just listed six, I think, in the past short period of time.

Mr. Orest Dachniwsky: We have to reconcile our records.

Ms. Dianne L. Watts: That leads me to a question. When you do an assessment.... Does BNSF do its own assessment? Then what do you do with that, whether it is risk assessment or whatever? Who are you filing that with, or do you keep it in house? How does that work for you?

I know that, with you being from the United States, Texas, there are different rules and regulations in the U.S. than there are in Canada. How does that square off?

Mr. Orest Dachniwsky: I'll let our operating folks respond.

Mr. Johan Hellman: Without getting too deeply into any specific event, I would start by just saying that we take these issues very seriously. As Orest said, these are relatively uncommon, and they generally occur largely as a result of an unforeseeable event, such as a downed tree across the tracks or a mechanical failure. But we recognize and appreciate the concerns of area residents.

In fact, last year BNSF met with the City of Surrey, and we offered three potential solutions to ensure continuity of emergency service in the event of a blocked crossing. Those ranged from a solution like a grade separation, which is probably the most complicated and also the most expensive.... You could potentially put in a rail underpass at that particular site. You could potentially station emergency services on either side of the track, or you could do some sort of slope stabilization, which we do proactively as well.

When we talk about issues like these, we really have to look at what the problem is that we're trying to solve and then try to fit the solution to that. For example, when people see an area like this, they think a grade separation is the obvious thing that needs to be done. That may not necessarily be the case. An average grade separation can cost \$35 million or more. Maybe what you do is to put in a pedestrian overpass across that point, where you can get an emergency vehicle across in an emergency situation.

We can talk a little bit more specifically about some of the protocols, but on this general issue situations like this, this is a specific point. There's been ongoing conversation about it. I think we need to find some way we can work as private industry, as local governments, and also as a federal government to try to resolve some of these issues and move forward on that.

•(1600)

Ms. Dianne L. Watts: Let's take a look at it from the 30,000-foot level. The issue—and we'll deal with it broadly, because I'm sure that other communities face this issue as well—is the blocking of access into communities by virtue of the fact that emergency vehicles are not able to get into that area. That is number one.

The second is the stabilization of the slope and the changing weather patterns and the number of mudslides that have occurred.

As you come across the border, you're going into the Semiahmoo Indian Band, but you're also on a flood plain. Again, I'm sure this condition doesn't just occur on this side of the country. Flood plains are affected by changing weather patterns. You have mudslides and slope destabilization. How do you address that?

The Chair: It's a very complicated question. You have about 20 seconds, so could you somehow figure out how to answer that as

directly as possible and then maybe you could add to it in response to another question by another questioner.

Mr. Johan Hellman: We try to attack it proactively. We have geotechs who focus on this. We also have a 24-7 weather service that provides us information about high-weather events that may be oncoming.

I can tell you that we've spent \$35 million in this area over the last three years, including some stabilization efforts just last month, when we put down 15 loads of rip-rap to proactively reinforce the railbed against any future events. We're inspecting the area consistently. The main line we're inspecting daily. And we're working proactively to stabilize that.

I'd be happy to talk about further issues of erosion, perhaps, later in the program.

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

The next questioner is Mr. Hardie, for six minutes, please.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Rail relocation, obviously, has been on the minds of people in South Surrey—White Rock. The people I've spoken to in the community are for it, but I don't sense a lot of enthusiasm from BNSF about it.

You're no stranger to it. You've done it in Sioux Falls, in Fort Worth, and in Denver. Why not in South Surrey—White Rock?

Mr. Orest Dachniwsky: It's a complicated issue. You're asking, why not? It's something we're willing to consider. It's something we're willing to look at.

I think the circumstances that you mentioned are substantially different. They're not of the same nature in terms of the distance that would have to be traversed or the geography that we would have to traverse. It would be very, very expensive.

Mr. Ken Hardie: I understand. You built the original rail line along the foreshore because of the grades, trying to get across inland. In terms of order of magnitude, what kinds of dollars would we be looking at, if, in fact, it were just more of a straight line from there through to Brownsville, which is where the old rail bridge is?

Mr. Orest Dachniwsky: I don't have that information. Johan or any of the folks in Seattle, do you have it?

Mr. Johan Hellman: We could only guess at what that cost would be. I think it's safe to estimate it would cost in hundreds of millions of dollars, or even billions.

You have to recognize that you're talking about major trade infrastructure. It's no more easy to move a railway than it is to move a seaport, or an airport, or a major highway. You have to deal with all of the additional issues you may encounter wherever it is you may move that, particularly in the lower B.C. mainland. You have a lot of agricultural land. You have a lot of residential areas that are being developed.

Mr. Ken Hardie: I'm aware of that, and in the interest of getting a few more questions on the table, we'll cut you off there. Sorry about that.

Along your existing corridor, have you had to lower speed because of more challenging conditions, especially climate related ones?

Mr. Orest Dachniwsky: We gauge the track speed based upon the conditions that exist, and those change from time to time. If there is a need for maintenance at a particular time, we'll reduce the speed to allow that to be done. Are you talking about a systemic reduction in the speed limits there? Is that what you're asking?

• (1605)

Mr. Ken Hardie: Yes. Have you, over time, had to progressively lower the speed of your operations along that corridor?

Mr. Orest Dachniwsky: Our operations guy would probably know that. I don't know.

Mr. Johan Hellman: I don't know that we've substantially lowered them, but I can tell you that speeds in this area average between about 15 miles per hour and 35 miles per hour. I think that would be pretty typical year in and year out.

Mr. Courtney Wallace (Regional Director, Public Affairs, BNSF Railway Company): I think one thing to remember is that just because the track speed may be a certain number or a certain limit, that doesn't necessarily mean the train is going that speed. The train speeds may vary. There may be a speed limit of 35 miles per hour, but that doesn't mean the freight train is going that fast.

Mr. Ken Hardie: It would not be more, and probably less, right?

Mr. Courtney Wallace: Correct. More often it is less.

Mr. Ken Hardie: If there's a rule that says a crossing can't be blocked for more than five minutes, what kind of crewing do you have in place to effectively brake the train at that point to allow emergency vehicles to get back and forth?

Mr. Johan Hellman: I think our general manager, Jared Wootton, can probably address that most directly.

Mr. Jared Wootton (General Manager, Operations, BNSF Railway Company): The events that we have discussed and mentioned here today are typically anomalies that are mechanical-type failures, and/or service interruptions resulting in that.

We do not have people stationed all over the railroad to be at each crossing. We do have crew vans and other resources to help deploy immediately when a service interruption occurs in order to expedite the opening of that location.

Mr. Ken Hardie: You guys signed on to the stopped train protocol. Is that correct? Did you participate in the creation and the signing of this?

Mr. Jared Wootton: I did not participate in the creation and signing of this, but we are fully supportive of it, yes.

Mr. Ken Hardie: The railway didn't sign on to this protocol?

Mr. Jared Wootton: The railroad did sign on to the protocol. Yes. Not me specifically. I apologize.

Mr. Ken Hardie: Oh, no. I understand that.

I guess the question then becomes if you signed on to it, then why are there all of the problems that our colleagues in the fire department point to where it's not being followed?

Mr. Jared Wootton: I did see a single event that occurred when we did not comply with the stopped train protocol. We did follow up with all of those individuals who were involved in that exception. Since then the exception has not occurred, and to my knowledge that exception has occurred only once, when the protocol was not followed as far as notification is concerned.

Mr. Ken Hardie: Chief Garis, is that your understanding of the situation?

Mr. Len Garis: That would not be correct. Our evidence suggests that in six crossing events that met the threshold since 2010, the stopped train protocol was not followed to brake the train.

As I mentioned to you before, Transport Canada is investigating the most recent one. We have been advised that we did not have sufficient evidence, which we now do have. We have photographic, videotaped evidence, and Transport Canada is investigating that incident.

The Chair: The time is up.

The next questioner is Ms. Duncan.

Ms. Linda Duncan (Edmonton Strathcona, NDP): I particularly appreciate hearing from the fire chiefs. I had recommended my fire chiefs as well, and I know you confer across the country regularly, so it's good to hear from you.

The concern is even greater in my city of a million people, as my riding of Edmonton—Strathcona has essentially become a parking lot for tanker cars. My mayor is having to use two-thirds of his infrastructure projects to deal with backed up traffic because of shunted cars.

My question for the rail company—although Ms. Bennett may know the answer—is who decides where the shunting will be done from?

At the cottage I go to, all day and night there are dangerous cargo trains being shunted and backing up from a big trestle. That means they are blocking the only entrance and exit for our community.

If you have two trains coming from different directions, who makes the decision on where you're going to be manoeuvring those?

Ms. Mary-Jane Bennett: As to exactly where the shunting is occurring, I think I'd defer to what BNSF is required to do in its operations, but I can tell you that there are proximity laws, and the Canadian Transportation Agency will deal with any noise or vibration complaints that result from the shunting activity, and has dealt with them. But in terms of where the shunting takes place, that would be something that railway operations would be responsible for.

• (1610)

Ms. Linda Duncan: Mr. Dachniwsky, would you like to comment?

Mr. Orest Dachniwsky: I would agree. It's handled at the operational level in terms of where decisions are made about where to put particular trains and looking into all the circumstances regarding where they're coming from, where there's capacity to put the trains, etc.

Ms. Linda Duncan: So the companies make those decisions. That's something we might want to take a look at. I just have to share that I'm sorry but the issues raised by my village for 50 years have never been addressed.

I have a question for Ms. Bennett. Thank you very much for your testimony today. I'm wondering if both you and the chiefs could speak to this issue about the first responders. We had the fire chiefs from across the country on the Hill a few weeks ago, and I noticed that one of their requests is a continuation of funding for the training of the first responders, and I'm wondering if either of you would like to speak to that, and also the problems that the first responders run into when they have to be the first on the spot.

We heard from CN and CP. They said they're starting to carry some of the equipment themselves on the trains, and I'm just wondering if the short line trains are also doing that.

Ms. Mary-Jane Bennett: Before I begin, I just want to address what's happening in your community and the shunting operations going on there, and also address the question raised by Mr. Hardie regarding rail relocation and the cost.

I want the committee to understand very clearly that under the Railway Relocation and Crossing Act, the cost is not fully borne by the federal government, nor municipalities, nor whomever they can patch together to pay for this. In effect, if you are giving an efficiency gain to the railway, you are entitled to recapture that gain over a 20-year period. So if, through a relocated line, we are giving BNSF enhanced access to Fraser Surrey Docks, that transit time and the benefit that it grants is to be recaptured over a 20-year period.

So it's a huge saving, and as well there are other matters in relocation that, of all the policy statements I've read behind acts, as a lawyer, I put the Railway Relocation and Crossing Act as one of the most important tools available to communities and provinces and the federal government that I've seen.

Ms. Linda Duncan: Now, we'll go to a fire chief.

Mr. Len Garis: In reference to the City of Surrey, I'll speak to that directly. First to the question, the City of Surrey fire services are amply trained and equipped to deal with dangerous goods emergencies, whatever the transportation means, and I'm pleased

to advise you that the city has been very supportive of its fire services.

I can't, however, speak about the rest of the province. Part of the challenge is that there are a lot of small communities through which rail lines travel, and first responders are often volunteers. As a matter of fact, 80% of Canadian fire services are staffed by volunteer firefighters, which makes access and training difficult. Nonetheless, I can say that the fire services in those pockets, for the most part, are well trained and amply equipped to act as first responder initiatives, so rest assured. Also, I can tell you that our interaction with the railway companies through a consortium called TRANSCAER—which I believe BNSF is part of—has been very supportive in training and preparing us for those types of emergencies.

The Chair: Mr. Badawey, you have six minutes.

Mr. Vance Badawey (Niagara Centre, Lib.): I have just a few questions for BNSF with respect to what's already been asked, if I can dig a bit deeper into that.

You mentioned the stopped train protocol and questions related to that. I have to admit that I'm not fully aware of the area, but I do have an idea with respect to redundancy, as it pertains to protocols, especially with respect to emergency access routes.

So my first question is this. Is there no redundancy with respect to the infrastructure built in to the area, and then therefore, to an emergency preparedness plan?

• (1615)

Mr. Len Garis: Certainly there is. There are options for that type of a blockage. We have access to air support, both through the RCMP and through the BC Ambulance Service for incremental emergencies, where we could actually bypass that.

Those types of strategies and implementation—hence, the stopped train protocol—actually include the RCMP and BC Ambulance Service. Those types of emergencies can be addressed by other means. Fire safety, the other aspect of it, would likely require the City of Vancouver to bring in some of its fire boats. The delays would be incredibly unsuitable for that type of event. So our hands are somewhat tied.

The other option would be to put a fire station on the other side of the rail line. That would not likely be feasible in terms of its costs and the ratio of the citizens it needs to serve. Once again we're reflective of the stopped train protocol, which provides the request for the carrier to break the train or separate the train if it's stopped. In the interim, the issue for us is that the railway would just simply follow the protocol when it presented itself. I believe that would be a great opportunity, in the interim, in order to see that work.

Mr. Vance Badawey: This question is for the BNSF with respect to the life cycle and the cost of the replacement of the assets, namely, the track itself. Would there not be an opportunity, especially within a 20-year period, to recapture the gain, as mentioned by Ms. Bennett earlier? Would there not be an opportunity in the future, albeit not overnight, to take a lot of the capital reserves that you're putting in place to replace your track and then redirect those investments to a new location? You'd therefore not only use the same dollars that you otherwise would have to use to replace existing track over its life cycle but also create a new location with those dollars, as well as the possibility of a gain with respect to the more efficient system and as well a more updated system.

Mr. Orest Dachniwsky: The issue is very complex. First of all, I think there's an assumption being made that there will be more efficiency in a track that's moved. We have not seen specific drawings and details of how that would work, so it's not entirely clear that we would have those efficiencies.

Second, as either Johan or I mentioned, we have expended \$37 million in the last three years on these tracks, so we already have expended a great deal. Those costs would come in on the opposite side of the equation in terms of needing to be recouped. Without having the exact figures and exact engineering drawings, those may net out to nothing. We would have to look at the detailed information in order to be able to respond to that. My internal guess is that it would probably net out to zero.

Mr. Vance Badawey: That was with existing investments into the existing line.

Mr. Orest Dachniwsky: Yes.

Mr. Vance Badawey: To go back to my earlier question, with respect to that same line, you'll have basically a life cycle attached to it. There will be a need to eventually replace that line, albeit in pieces. Would there be opportunity to do that and, instead of replacing it in the location it currently exists, to actually look at a new location using those same dollars?

Mr. Orest Dachniwsky: Again, I'm not an engineering expert, but it's not a one-for-one, where I pick up a piece of rail here and put it there. When you resurface a rail, you tamp the ballast and things of that nature. It's not as simple as saying I can take my track and instead of putting my money in place A, put it at place B, and the same thing happens.

Mr. Vance Badawey: Actually it is, because besides the land purchases, you have ballast that you're replacing, you're ripping up the ties, you're replacing the ties, you're ripping up the track, you're replacing the track, you're wobbling it, and then you're moving forward with the operation.

So yes, in fact it is that easy, besides the land acquisition.

• (1620)

Mr. Orest Dachniwsky: Well, except you're having to operate someplace. At some point, the two lines overlap and cross each other, and so of necessity you're going to have waste, so to speak, where you're not going to recoup the money you've spent.

I'm not disagreeing with you in terms of the possibility of it. What I'm saying is that it requires some study and evaluation to determine if those assumptions are correct. I just don't know the answer whether they are or are not.

Mr. Vance Badawey: That is something they might consider as well, whether the original line can act as a redundant line.

Mr. Orest Dachniwsky: That's true, yes.

The Chair: We have eight minutes left and I'm going to suggest four minutes for Mr. Hardie and four minutes for Ms. Watts for the conclusion of this round.

Mr. Ken Hardie: We recognize that railways are built and that things then happen around them, that people move in, etc. That happens with a lot of infrastructure, of course, but I am concerned about the corridor that you're following along the shoreline. Residents there have sent me any number of pictures of rock falls, mudslides, and trees down, and there's a general perception that with climate change and a lot of other factors, the foreshore is becoming less and less stable.

Can you tell me how many mudslides you have had in the last five years, say, that have actually held you up? Do you keep records of that?

Mr. Orest Dachniwsky: Yes, we do keep records. I don't happen to have that information.

Do you guys in Seattle have that?

Mr. Johan Hellman: No, we don't have that. We can try to find that information and then report back.

Mr. Ken Hardie: Fair enough.

Len, do you have any information on the number of climate-related incidents that may have impacted operations along there?

While he's looking that up, has BNSF or its predecessor, the Great Northern Railway—Rocky, the great northern goat, I remember him well from the TV commercials from way back—ever seriously investigated relocating that line? Given all of the stuff that you've heard from the communities there and the concerns they've raised, have you ever really sat down and tried to develop a business case for moving the line?

Mr. Orest Dachniwsky: I'm not privy to that information. I don't know if our folks in Seattle are, but we are willing to listen to what has been said.

Mr. Ken Hardie: It was telling that earlier you weren't able to give me a ball park figure as to what it would cost. That suggests to me that it actually hasn't been done.

Mr. Orest Dachniwsky: As I said, I have not been privy to that. We can check to see if any of those studies have been done and get back to you.

Mr. Ken Hardie: That would be good, because at least it would speak to the responsiveness of your organization to what you're hearing from the communities.

Back to Chief Garis, did you have any statistics on the number of events we were talking about?

Mr. Len Garis: Yes, I can draw a reference to two events. On January 5, 2015, the slide occurred at 11:30 p.m., which is interesting, and the train arrived at 1:45 a.m., then stopped for three hours and four minutes. The other occasion was February 18, 2016, when a tree fell across the tracks south of McBride, resulting in a blockage for 1 hour and 39 minutes.

So I can draw reference to at least two occasions where it's either been a mudslide or a fallen tree across the tracks.

Mr. Ken Hardie: Thank you, Chief, and I would look forward to any records that the rail company could provide on the number of incidents along that corridor.

Ms. Dianne L. Watts: Picking up on that, because I know there have been smaller ones that BNSF has been aware of and cleaned up, I want to look at this from a 30,000 foot level. When the train comes through Blaine and then through Surrey, it's a flood plain around that entire area, then it goes up onto the foreshore and then back down onto the flood plain.

Looking down the road, knowing that those conditions exist, the rising water levels and the weather patterns and all of that, has any thought been given to of how that's going to impact that line? Or is it mainly a case of day-to-day operations and you simply deal with things as they come up?

• (1625)

Mr. Orest Dachniwsky: We look at things in the short term, the mid term, and the long term. As Johan pointed out, we have geotechnicians, and we have meteorologists looking at these issues, and we're responding. If we're being told that there are going to be climactic events going on in the area that could affect the structure of the tracks, we go in. Recently, we put in 15 train carloads of rip-rap to bolster that particular area.

I think you also have to recognize the fact that we have one track that goes through there and that we're required as a common carrier to provide service. So we have that one track. I think Mr. Hardie has pointed out very well that people are considering options to move that track. We're willing to listen to that, have a conversation, and go through that, but we can't drive that decision. There's a great deal of activity that the Canadian government and the provincial and local governments have to participate in as well.

We are open to discussions regarding what we can do, but we are a company that's required to move freight and to move passengers for the good of the public and the good of the economy, and we do everything we can to do that within the parameters of what's available to us. Right now, the only parameter that's available to us is this track.

Ms. Dianne L. Watts: Right, and I understand that, but you own the track and you own the right-of-way.

Mr. Orest Dachniwsky: Yes.

Ms. Dianne L. Watts: So there would be some onus on all rail companies to look at the condition of the line. Indeed, I've asked this of other rail companies as well.

There have been mudslides. The residents send us pictures every time there's one—

Mr. Orest Dachniwsky: And we're very sympathetic.

Ms. Dianne L. Watts: —and it has been significant.

Aside from that, projecting into the future and looking at that, I would suggest that if nothing's done and it's just a wait-and-see attitude with any rail company, there are going to be some problems down the road, as I see it. Maybe it's something that we should have a look at in this committee: what do need to do in looking at those

conditions? I would suggest that those conditions will deteriorate. The lady who was killed on the promenade there by the train last year....

Mr. Orest Dachniwsky: The Amtrak train, yes.

Ms. Dianne L. Watts: Then a couple of years ago.... I mean, we can go on about the deaths, but I'm thinking that we need to have a different kind of lens as we look into the future. As I think you pointed out, there are short-term issues, there are medium-term ones, and then there's the long term, right? I think that if we don't start planning now, we're going to end up being down there, and we're going to have a mess on our hands.

Mr. Orest Dachniwsky: I'd just like to say that we would agree with you in terms how we need to have a dialogue that allows all the constituencies to coexist well. We have a duty and an obligation to move freight. We also have a duty and an obligation to be good corporate citizens with regard to those in the communities around us.

We like to think we're responsive. We've put forth some suggestions with respect to what to do at Crescent Beach. You're raising an issue, and we have limited things we can do because we only have one right-of-way, and trying to obtain another right-of-way is probably impossible.

Ms. Dianne L. Watts: No, not really.

Mr. Orest Dachniwsky: Well, for us to do it independently, it would be.

Ms. Dianne L. Watts: We can help.

Mr. Orest Dachniwsky: That's why I think our railroad—

Ms. Dianne L. Watts: Or they can help. I'm not there anymore.

Mr. Orest Dachniwsky: —would welcome the conversation and discussion. As I said before—

Ms. Dianne L. Watts: That was for you, Jaime.

Mr. Orest Dachniwsky: —it would be very, very expensive.

I began my comments by saying that our railroad truly appreciates the opportunity to come here to speak to this committee and to say that we are open to discussions. We will remain after the hearing to have more discussions. We will come back to Ottawa, if you so desire to hear from us, and continue these discussions.

These are serious issues. These are not things we take lightly. The fire chief mentioned a situation where we had somebody who didn't follow the protocols. Look, it's not an excuse. We take responsibility. We have 45,000 employees and somebody didn't do what they were supposed to do. Shame on us: we take the responsibility for that. But we are taking actions to address that, and we continue to listen to our communities and try to be responsive. It's not like we're saying no.

Regarding access issues, we've approached Transport Canada and asked them to become involved and work with us to find solutions. That meeting should take place here in the next several weeks. We're trying to be proactive and work with everybody.

• (1630)

The Chair: Thank you very much. We appreciate that.

Members mentioned several other reports. Could you forward to the clerk any information that would be helpful to the committee as we continue our railway study. We would appreciate it.

Thank you all for participating in this section of our meeting.

We will now switch to another panel. Thank you for your information. It has all been very helpful as we move forward.

We'll suspend for a minute while we switch our video conference.

• (1630) _____ (Pause) _____

• (1630)

The Chair: We will resume the meeting.

We have, by video conference from Montreal, from VIA Rail Canada Inc., Marc Beaulieu, chief of the transportation and safety office; and Jacques Fauteux, director of government and community relations.

By video conference from Toronto, Ontario, we have GO Transit, Greg Percy, the president.

Welcome to all of you, and my thanks to you for coming.

VIA Rail, would you like to go first?

• (1635)

Mr. Marc Beaulieu (Chief, Transportation and Safety Office, VIA Rail Canada Inc.): Yes, I would, Madam Chair. Thank you.

[Translation]

Good afternoon ladies and gentlemen, members of the committee.

[English]

My name is Marc Beaulieu. I'm the chief transportation and safety officer for VIA Rail Canada.

[Translation]

I'm delighted to appear before you today, joined by my colleague, director of government and community relations, Jacques Fauteux.

[English]

Our president and CEO Mr. Yves Desjardins-Siciliano asked me to send his greetings and regrets that he is not able to meet you today to speak about VIA Rail's perspective on rail safety.

At VIA Rail our mandate is to provide safe, efficient, reliable, and environmentally sustainable transportation services that meet the needs of Canadian travellers from coast to coast. Above, safety and security are VIA Rail's top priorities, and we are always striving to improve in this area. All 2,500 employees of VIA Rail understand that safety is a group effort and that it is everyone's responsibility.

[Translation]

That objective is at the heart of everything we do, whether in our maintenance centres, at our stations, or on board our trains.

[English]

Our two key priorities in this area are ensuring the safety of our operations and informing the Canadian public about safety around railroads.

With regard to our operations, we're constantly making improvements to our safety management system. VIA Rail's safety management system provides the framework to implement safety policy and to comply with the Railway Safety Act and safety management system regulations. It is also the reference for setting goals and planning and measuring safety performance to implement SMS and continuously improve its performance. We foster a very strong safety culture.

In 2015, VIA Rail addressed the recommendations from Transport Canada's 2014 SMS audit. We've complied with revised and new SMS regulations and maintained and fostered strong participation by all employees, all ahead of the required timeline. In addition, we consulted with external experts to benchmark our SMS leading practices within and outside the industry in keeping with our commitment to go above and beyond mere compliance.

As I am sure you can appreciate, the current work demands on locomotive engineers are very high, with a significant cognitive effort, memory load, and concentration requirements. Most current locomotive engineers of ours have many years of experience and broad knowledge both in freight and passenger trains. In our succession plan, we have to further ensure the safety of our operations.

VIA Rail has designed an innovative approach to reduce both the mental workload and the risk for human error in train operations. We've developed an in-house GPS train tracking safety system, the first of its kind in Canada. The GPS tracking system assists locomotive engineers by providing notifications of upcoming speed changes or restrictions and approaching changes in applicable rules or landmarks along the route. As you know, VIA Rail operates primarily on shared tracks owned by freight operators.

[Translation]

VIA Rail owns just 3% of the tracks used by our trains, so nearly 300 kilometres between Quebec and Ontario.

[English]

The fact that we operate mainly in a shared environment where our trains travel on freight rail lines is why we developed a safety system that could be effective on both our own infrastructure and the infrastructure of other partners.

VIA Rail has successfully completed the first live road test of a GPS-trained safety system in order to validate critical foundational system capabilities, accuracy, precision of real-time GPS feed, and track database in a real environment. This was a significant achievement, and further development and testing of the system is ongoing.

I am also very proud of the fact that in 2015, VIA Rail earned the Railway Association of Canada's safety award for our enterprise risk management system, which is designed to proactively address potential safety risks. The ERM system was honoured for its success in identifying and assessing key risks that aided the development and adoption of proactive measures to prevent potential incidents and to implement corrective measures.

As I mentioned earlier, VIA Rail puts tremendous efforts into educating Canadians about safety around rail property and trains. For many years, VIA Rail has worked with Operation Lifesaver in partnership with the Railway Association of Canada.

As a member of the board of directors—

• (1640)

The Chair: Excuse me, sir. Can I stop you there?

Mr. Marc Beaulieu: Sure.

The Chair: We're just over the five-minute mark. We're trying to make sure that the committee has sufficient time for questioning, given the fact that we have short panels.

Mr. Marc Beaulieu: Very good.

The Chair: Can I give you another minute? If there is anything pressing that you want to say in that minute, go ahead. Otherwise, you can respond through the question and answer period.

Mr. Marc Beaulieu: Well, I'd like to say prior to closing that safety is incredibly important to us.

I will leave it to the question period to make other statements.

The Chair: Thank you very much.

Mr. Percy with GO Transit for five minutes, please.

Mr. Greg Percy (President, GO Transit): Thank you.

First of all, GO Transit is part of Metrolinx. It's a crown agency of the province. Metrolinx would include UP Express, our new airport rail link; GO Transit; and Presto. I will speak on behalf of those also.

Safety is very important not just to the industry, but also certainly to major players like VIA Rail Canada and GO Transit and UP Express. We have this commitment to safety. It's part of the GO and UP culture. That's to the benefit of our customers, employees, contractors, and also for the communities through which we operate. We actually own 80% of our operating network, so that's a responsibility we take very seriously. We have been fortunate to have a great safety record since our inception of 1967, and we look forward to continuing that.

We embed the commitment to safety in our passenger charter, which was precedent-setting when introduced some six years ago. We have an explicit set of promises in terms of the safety we provide to our customers, and we look forward to continuing that process. It's one of those things where you just can't take your eye off the ball. You have to keep reinvesting time and energy to make sure safety matters.

Lastly, we have a safety management system also, as required by Transport Canada. That gets updated every year, and we make sure we live up to those commitments also.

On our community contribution, we do education outreach. We reach into the schools. That's really important. It's important to get to the kids before they get to the tracks. We take that very seriously. We did something in the last year that was quite unique—I believe a precedent to the industry. We partnered with ConnexOntario, another agency of the province, and put up signs at all of our level crossings, stations, and bridges, basically for a health line for those who are desperate with mental health issues. We have had some feedback that it has saved lives as well. We're quite proud of that, and we're hoping that it rolls out to the industry. We already have some interest through CUTA and CN, but we'd like to roll that out right across Canada.

Many of the things we do centre on safety and customer service, but safety is always first, whether in terms of how we build our crew shifts or how we build our equipment. We have been one of the first to embrace the in-cab, video-audio recorders. We have started changing our fleet over, and as soon as they're changed over, we turn them on. We expect to have our fleet turned on by the end of this year. We think this is a very important step forward for us, and we hope that the industry does it also.

As for some of the other areas, we look internationally to see the appropriate best practices of other agencies, not just in North America but outside North America, to see what the right things are, any of which we can reverse-engineer into our operation.

With respect to dangerous goods, for example, we have made some recommendations through the Canada Transportation Act panel. I won't go over those. Many of you may already have read some of them. As an entity that owns 80% of its network, we have an obligation, and it's a fairly unique one, to host such trains carrying dangerous goods. So we've had some early conversation with Transport Canada on what those obligations are.

In terms of other things we do, because we own our operating network, or 80% of it, we wound up contracting to Transport Canada to regulate us on our own network. They felt it was outside their jurisdiction, so we actually chose...and we just renewed for two more years with Transport Canada, inviting them to come onto our corridor, inspect our operating crews, inspect our equipment and the actual right of way. We think this is a good step forward. We don't think self-regulation is the level of safety that we want. We think strong safety is good public policy, and we and our behaviour support that.

For our own corridors we don't wait until we're told what the minimum safety level is in terms of lights, bells and gates. We actually go to maximum protection at all our level crossings.

We are very quick to react should there be any state of disrepair. We think this is very important.

•(1645)

The industry responds to slow orders. Should there be any track specific issues, it's important to react quickly to those also. Of course, the industry tries to do that.

The Chair: Thank you very much, Mr. Percy. If you could hold onto your last comments and include them in response to any of the questions that will be asked of you, we can then stay on track and on time.

Thank you all very much.

Ms. Block, for six minutes, please.

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): I want to thank our witnesses for joining us through video conference. It's not always easy to testify in that way, but thank you so much for joining us.

I did note it was VIA Rail that mentioned the fact that federally regulated passenger railways are subject to the Railway Safety Act, its regulations and rules. What proactive safety measure are VIA Rail and GO Transit presently taking?

Mr. Marc Beaulieu: Is that directed to VIA Rail?

Mrs. Kelly Block: Either of you can answer.

Mr. Marc Beaulieu: With proactive measures, we monitor and measure the performance of our locomotive engineers thousands of hours a month. We monitor every train speed, every day, with our PSI system that monitors all of our high-speed corridor trains. We measure speed every day.

Our performance compliance and rules monitoring system results are at 99.8%.

We also work closely with all industry partners through the Railway Association of Canada to implement all safety measures necessary.

We've implemented a new passenger specific training program for locomotive engineers that was implemented last September, focusing more on human factors, with the help of human factor experts.

We participate in studies of locomotive voice and video recording with the Transportation Safety Board to try and implement whatever we can to assist us in our safety management system.

I have more. I could keep going if you like.

Mrs. Kelly Block: We'll allow our other witness, Mr. Percy, to provide an answer, if he would like.

Mr. Greg Percy: As I said, Metrolinx embraces the whole notion of enhanced safety. We recruit APTA, the American Passenger Transportation Association, to come up and interrogate our systems for the appropriate levels of safety. They create a report, to which we respond. We do that and cycle it every three to four years.

In the last two weeks, we started a program about rail safety, sponsored by the Railway Association of Canada. The association does interviews top to bottom in the organization to get a sense of the safety culture. Then they come through with recommendations on things that should be done differently.

We are in the planning stages of rapid growth for GO Transit, where our services will increase dramatically. An assumption of this large program is enhanced train control, which is taking the positive train control that is being put in place in the United States and increasing it even further. Enhanced train control takes a certain amount of human intervention out of train management and train operation. We think that with the higher frequencies we're expected to deliver, that is a basic condition that we have to include.

•(1650)

Mrs. Kelly Block: My next question will be for VIA Rail. One of the focuses of this study has been fatigue management. How long is the average engineering crew shift at VIA Rail, and does VIA Rail use on-call scheduling?

Mr. Marc Beaulieu: The schedules, naturally, will vary, depending on the region in which we operate. For our high-speed corridor between Quebec City and Windsor, the schedules for a trip would be between three and six hours. They get a rest period between that and their next assignment, so the hours are not long. We're a very scheduled railway—80% of our crews are on very fixed schedules, which helps us tremendously in managing fatigue.

We present every work schedule to the union on a quarterly basis. We call it a safety workshop. We show every work schedule we have. We show the schedules in which we had to take remedial action because of a situation out of our control. We want to make sure that we never go over the allotted time. Locomotive engineers are permitted to book rest whenever they deem necessary, if they don't feel fit to take their trip.

In short, we're very proactive when it comes to fatigue management. We have also developed a new scheduling method to meet the requirements of section 28 of the safety management system regulations, published last year. We have also added a new technology and are in phase one of its implementation. It's a technology that will help us measure and monitor in real time the number of hours worked by locomotive engineers. They will be able to anticipate when their next schedule will be when they are on the spare board, so they can prepare themselves accordingly and get enough rest before their next assignment.

The Chair: Mr. Sikand.

Mr. Gagan Sikand (Mississauga—Streetsville, Lib.): Mr. Percy, the GO system's capacity is a million people per week. I'm curious how that compares with the volume of other cities or other systems.

Could you name a few?

Mr. Greg Percy: GO Transit is the third-largest in North America behind MTA, the New York family of commuter agencies, and behind New Jersey Transit. So we're a big player. We make 70 million passenger trips per year. This coming year, we'll grow somewhere between 1% and 2%, and look forward through our rapid service expansion to increasing our handling by between 200% and 300%. So we need the safety network we've designed.

Mr. Gagan Sikand: Do you have any figures for outside North America?

Mr. Greg Percy: I'm sorry, I don't have those numbers.

Mr. Gagan Sikand: We've identified that a lot of the accidents happen at crossings. I know there was a fatal accident in Milton this past year. I have been on a GO train when someone has lost their life, specifically on the Milton line. Could you offer some suggestions for making crossings safer for the million passengers you carry and those outside the trains?

Mr. Greg Percy: Ultimately, the correct level of safety comes from grade separation between the roads and the rails. With the embracing of commuter and passenger operations, we really need to separate cars and rail.

Level crossings have some inherent safety risk. They vary by location and by angle, but ultimately that's where we need to go. GO alone has almost 200 level crossings, and every year we chip away at separating the grades. But we need a massive program to separate grades throughout the operation. For our own level crossings, we go to the max with lights, bells, and gates. Whether or not this is warranted by the thresholds specified by Transport Canada, we do it anyway because we think it's the right thing to do.

Awareness is also important. To this end, we are working with Operation Lifesaver. It's important to work through the railway association on this. Education is a big part of what we do.

There are other types of fatalities. Level crossings are generally the access point for trespassers, people who are trying to get across the tracks before the trains arrive. That's highly risky. Again, education is really important, but the number-one solution is to separate the grades between the rails and the roads.

• (1655)

Mr. Gagan Sikand: Could you please share your thoughts on providing all-day, two-way service on that Milton line as well, because at the moment it's just one way in the peak hours.

Mr. Greg Percy: Could you repeat your question, please?

Mr. Gagan Sikand: Could you provide some thoughts on increasing your capacity—I'm talking specifically about the Milton line; it's only one way during peak hours—to all-day, two-way service?

Mr. Greg Percy: That is a corridor we do not own. It's actually owned by Canadian Pacific Railway. We are in discussions with them to look at various ways to expand the corridor to accommodate more GO service. We very recently agreed to a scope of work and a consultant who would do the capacity analysis to find the way to do that.

So I believe there are discussions in early stages between the federal and provincial governments to cost-share how that could be done, but we actually need the capacity analysis to point us in the correct direction for where that expansion needs to happen.

Mr. Gagan Sikand: Could you please provide your thoughts on the Missing Link project?

Mr. Greg Percy: Yes, the Missing Link, for those who may not be familiar with it, is the name given by the towns of Milton and Mississauga for a section of track between Bramalea and Milton. It's a straight piece of track that would allow CN, for example, to have a short distance between those two points. We've actually had some discussion with both railways as to whether there was a sharing opportunity there, and that option is not very workable for either one.

But certainly that is an opportunity that we are pursuing, and again, there's some interest, I think, in co-sharing the funding between the two levels of government to enable that to happen.

Mr. Gagan Sikand: I'd like to share my time.

The Chair: Mr. Badawey.

Mr. Vance Badawey: I'd just like to expand a bit more on the Missing Link. I did have some concerns raised by some folks in that area.

Would Mr. Percy have any more information on the work being done with his project?

Mr. Greg Percy: There are confidential commercial discussions going on with CN, and I've signed a non-disclosure agreement with them not to say too much, but I can give you a general view.

Today, CN goes from Bramalea up to Georgetown, then south. That's their main line to serve both Buffalo and Sarnia. This proposed route is about seven miles shorter, and for CN there's some commercial strategy upside to that. For GO Transit there's an upside, because that frees up the capacity that CN would otherwise use on their current corridor for future GO traffic, to increase the movement between Union Station all the way to Kitchener.

So that's what's in it for both parties. The discussion with CP continues. There's a remote possibility of some co-sharing on the so-called Missing Link, but I think the more viable option would be expansion of their current Milton corridor.

The Chair: Now we have Mr. Iacono and Mr. Badawey, who are going to share their time. It's three minutes each.

Mr. Iacono.

Oh, I'm so sorry, Ms. Duncan.

Ms. Linda Duncan: I'm usually third. I know I'm being forgotten today, but I'd really like to just have my few minutes.

The Chair: Yes, my apologies. I want you to have your time.

It's Ms. Duncan for six minutes. We wait every week to hear you.

Ms. Linda Duncan: Yes, I'm sure.

I want to thank both of you gentlemen. I particularly want to thank VIA Rail, because you got me home safely during 9/11 from Fredericton to Alberta. I wish I'd had a camcorder at the time to record all the people who had only one way to get back to the west from the east coast during that time, and that was by rail. It was quite an experience.

I just want to add, to VIA Rail, a plea from my colleagues in northern Ontario who are deeply sad to see their rail service disappearing, because in many cases it's the only link to the south for some of those communities.

I actually took the time to pull up VIA Rail's 2014-18 corporate plan. It's very interesting. I noticed that you talked a lot about rail track segments abandoned by owners. I'm presuming in many cases that was by the main lines, CN or CP. I'm troubled by what you said, that as the lines deteriorate and the main lines are not willing to upgrade those lines, then ultimately VIA Rail has to suspend service.

Could you speak to that and what kind of action you think the federal government should be taking to put some pressure on the main line companies? Secondly, what kind of process is followed to come to the final decision that you're going to cease service because of rail safety?

• (1700)

Mr. Marc Beaulieu: I'll speak to my expertise from a safety perspective. From a safety perspective, we monitor and work closely with all infrastructure owners to make sure there's a proper level of safety for us to operate passenger trains on. We did so towards the Gaspé region, and we did that on Vancouver Island. We monitor safety situations very closely. When we have any doubts as to whether a main line is safe or not for operations, we suspend services for safety reasons only.

I can't speak to what a government should or shouldn't do. That's not really my piece to say. My responsibility is to make sure that our operations are safe and efficient, and that we serve all the communities that the government mandates us to do.

Ms. Linda Duncan: Sir, who makes the decisions on the suspension of service? Does Transport Canada at some point enter in there? Do the municipalities that are along those lines do? Are they engaged in that discussion, or is that a unilateral decision? Who has access to that information on the deteriorating infrastructure?

Mr. Marc Beaulieu: That would vary from railway to railway, so it would depend on who owns the rail infrastructure, whether it be governmental or private. In the case of Gaspé, it's owned by the provincial government. In British Columbia, it is owned by a group of communities, so I can't speak on their behalf.

Ms. Linda Duncan: I have a question for Mr. Percy. I noticed a statement in your materials—and I don't know if it's specifically Metrolinx-GO—that experience has shown that one-person train operations supported by enhanced train control are safe and efficient. After the experience at Lac-Mégantic, are you still standing by the call for single operators of trains, including those carrying passengers?

Mr. Greg Percy: We always look at ways to protect safety, but also to manage costs. We would always look at that. Right now, we don't have a one-person crew operation. We are three, except on one quarter, where we're two, where we inherited the collective agreement or the parameters within that collective agreement. So there, it's a two-person crew.

We're always looking at those capabilities, and if there's an equivalent level of safety that technology can provide, for example, true enhanced train control, we would look at that to see if it would work for us.

Right now there are seven rail corridors, six of which have a three-person operating crew, and the seventh a two-person operating crew, but we're always looking at technology alternatives to enhance safety.

Ms. Linda Duncan: Have you ever submitted a request for a one-person train operation?

• (1705)

Mr. Greg Percy: We have not. Not yet.

Ms. Linda Duncan: Not yet, okay.

I'm just wondering if either of you have any additional recommendations that you'd wish to make? I notice that VIA Rail is perhaps looking for more money for security because of the terrorism threat. Are you having to put a lot of money in because of that?

Mr. Marc Beaulieu: We identified some monies in our 2016 budget to address our security strategy. We've been implementing it since the first quarter of this year, so we do have a strategy. The government recently announced some additional funding for our security strategy, so we're very happy to hear about that. Based on our strategy, we're meeting our high-level objectives of providing security.

The Chair: Thank you very much.

Now it's Mr. Iacono for three minutes, and then Mr. Badawey for his other three.

[*Translation*]

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

Thank you, gentlemen, for being here today to answer some of our questions. I will be sharing my time with Mr. Badawey.

My first question is for Marc Beaulieu.

The Transportation Safety Board identified the risk of collisions between passenger trains and vehicles, particularly in the rail corridor between Quebec City and Windsor, as one of the greatest risks to safety in the federal transportation system.

Do you think video and voice recorders should be installed in cabins and locomotives, in addition to technical data recorders, as a way to make the system safer?

Mr. Marc Beaulieu: Thank you for your question.

Right now, we are taking part in an in-cabin video and voice recorder project, in partnership with the Transportation Safety Board.

Our locomotives are already equipped with event recorders that can be checked remotely, by computer, to ascertain the circumstances surrounding an accident. I firmly believe that the addition of in-cab video and voice recorders to our locomotives would significantly improve our safety management system.

Mr. Angelo Iacono: You said it already exists. Is it used strictly when an accident occurs or all the time, in other words, from the moment the train leaves the station?

Mr. Marc Beaulieu: I'm talking about two different things. First, there is the video and voice recording system. Second, there is an event recorder, which has been in place since the 1980s and can be used to obtain reference data and information on the train's behaviour at any time. The information is also available in the case of accidents or internal investigations by Transport Canada or the Transportation Safety Board of Canada.

Mr. Angelo Iacono: Are all of your locomotives and cabins already equipped with that system?

Mr. Marc Beaulieu: Yes. They are all equipped with event recorders that provide us with all relevant data on the train's operation, such as speed and braking information. They also tell us things like whether the lights were on and whether the horn was sounded as the train approached a level crossing, in accordance with regulations.

Mr. Angelo Iacono: I would also say—

[English]

The Chair: Go ahead, Mr. Badawey.

Mr. Vance Badawey: Mr. Percy, it's great to see you again. From Niagara's perspective, we'd like to see you a lot more, actually.

I have two questions. You mentioned in your presentation that there are opportunities for greater community safety through investment in new infrastructure. Can you expand on that?

The second point is this. The review of the Canada Transportation Act chaired by Mr. Emerson recommended potential federal investment in these particular areas. Could you expand on that as well?

Mr. Greg Percy: Certainly. In my view, grade separations are the number one opportunity. They're expensive. It's civil infrastructure, but again, in my view, it connects on three key areas: communities, safety, and civil infrastructure investment.

I do believe that is a worthy investment for both levels of government. It will have a demonstrable improvement in safety for all. It has a side benefit, as I said, of the community connectivity piece as well.

As owners of the corridor, we have just under 200 level crossings. We have them prioritized based on safety. Urban has got more traffic and so I would put urban ahead of rural, notwithstanding that I would eventually get all of them done if possible. That sort of deals with grade separations.

I do think both levels of government are taking a serious look at the value of doing that and how they can work co-operatively. Hopefully they will come out with a plus overall.

• (1710)

Mr. Vance Badawey: As a last question, with respect to the strain being put on Metrolinx right now with the tracks being currently owned by CN and CP and with that the current regulations and/or protocols, if I can use the word, by which you are not receiving a lot of the information that you would otherwise have to receive for safety reasons, how much stress is that actually placing on the organization?

Mr. Greg Percy: We operate 20% of our network on CN or CP tracks. Under the Railway Safety Act, we are designated as a local railway. Transport Canada can come directly to us, should it need to, which we actually do encourage.

I think you're talking about dangerous commodities. We do work with the railways. We are below the threshold level set by Transport Canada for dangerous goods, so it's not a high issue for us. It's not a lot of stress for us. Notwithstanding that, we understand that there are other agendas that would want to look at the routing of dangerous commodities and what's best basically for urban Canada.

Those are higher level conversations, and they're not easy ones to have either.

The Chair: Mr. Fraser and Mr. Hardie, are you splitting your time as well?

Mr. Sean Fraser (Central Nova, Lib.): I think I'll let Mr. Hardie go first, if that's all right.

The Chair: Yes.

Mr. Ken Hardie: Thank you to Mr. Percy and the folks from VIA Rail.

Mr. Percy, I thought I heard you say at the beginning of your comments that the safety management system versus regulation comes up a little short.

Did I hear you correctly, or did I mishear you?

Mr. Greg Percy: I'm afraid you misheard me.

We take SMS very seriously. We create a document every year that's reviewed and approved by Transport Canada with the rigour that they exert. So, no, I wouldn't have said that.

Mr. Ken Hardie: Okay, that's fair enough.

Surprisingly, in an earlier conversation with a major bargaining unit on the issue of fatigue management, they were concerned that the safety management system, while a useful overlay, actually has gone too far in replacing government regulation as a mechanism for ensuring that the right things happen.

My question is to both you, Mr. Percy, and the folks from VIA Rail. What do you think of that assertion by the bargaining unit?

Mr. Greg Percy: I don't know if you can ever prejudge the level of safety. I think SMS is a very appropriate mechanism to get consistency of method and rigour. I support Transport Canada's priority on the SMS, safety management systems. I'm not sure I fully understand labour's position on that, but I don't think I would want to stand behind any kind of compromising of safety, at any time.

Mr. Ken Hardie: I think on the fatigue management issue, it was more that it was left to the collective bargaining process, which could lead to anomalies and perhaps not very safe conditions.

Mr. Greg Percy: Personally, I don't think safety belongs in collective agreements.

I think safety has to be very similar to what it is today. It's managed by a third party, in this case Transport Canada, who has a vested interest in the communities through which the railways operate. I actually like the mechanism that exists today, and I think the rigour, as well, is only going to benefit everybody.

Mr. Ken Hardie: Thank you.

VIA Rail?

Mr. Marc Beaulieu: Well, from VIA Rail's perspective, our fatigue management plan is very rigorous and followed to the letter, without ever being comprised. As I said, we present our fatigue management plans to the unions. We work on them together. We mutually agree to them and we implement them.

I'd be very surprised if the bargaining unit from VIA would complain about our means of fatigue management.

•(1715)

The Chair: Mr. Iacono.

Mr. Angelo Iacono: I have a quick question, again for Mr. Beaulieu.

What is VIA Rail's position on the use of inward-facing cameras? You mentioned that you have video cameras there in case of an event, but what about constant control, constant viewing of what's happening in the cabin?

Mr. Marc Beaulieu: I think locomotive voice and video recorders would bring a very important element to being able to manage safety. The current laws and regulations in place, and the current pilot project being led by the Transportation Safety Board, will take us to a different level. With that pilot project, with the participation of Transport Canada and the other industry partners, there will be a decision made from a law and regulation perspective on how locomotive and video and voice recorders will be used in the future.

I will leave that final decision to the regulators.

The Chair: Mr. Badaway, you have two minutes left.

Mr. Vance Badaway: With respect to slide 7 on your deck, Mr. Percy, you make two points. You mentioned the fact that "Metrolinx's trains must operate over some track owned by federally-regulated commercial railways". Then, "If and when these tracks are found in disrepair, host railways may impose interim safety measures such as 'slow orders' before investing in major repairs or upgrades".

How much stress does that place on your system?

Mr. Greg Percy: Putting slow orders on is an industry reaction to a risk-of-track issue. That's the right thing to do. The next measure is how quickly one recovers from that and gets the track back up to track speed. That's important, not just for safety, but also for our customers and on-time performance.

Mr. Vance Badaway: What has the record been on that with respect to them reacting? When I say "them", I mean the hosts to those tracks. How fast are they responding to that?

Mr. Greg Percy: I actually believe they respond as quickly as they can. We do not have a specific issue with the two class I railways.

Mr. Vance Badaway: My second question is with respect to Metrolinx, AMT, and TransLink, which jointly recommended regulatory changes to Mr. Emerson's review of the Canada Transportation Act to address this issue. What recommendations were those?

Mr. Greg Percy: We had a lot of recommendations to the panel with respect to ensuring that the railways take it as seriously as we do, as VIA does and as the others do, such as AMT and TransLink. It's that they respond quickly and professionally to any kind of slow orders.

I don't have an issue with that because my exposure is fairly limited; it's 20% of our business. We own 80% and we have our own protocols, which are very rigorous. I think others—perhaps VIA—might have a comment. Most of their system runs on class I lines,

and I think they have a different view than we do, because our exposure is fairly limited.

The Chair: Mr. Berthold.

[*Translation*]

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Thank you, Madam Chair.

I want to thank the witnesses for kindly answering our questions. Their input is important to us. This exercise gives us a better understanding of passenger rail safety, so it's helpful for us to hear your views on the subject.

I have two short questions for you and I would ask that you keep your answers fairly brief.

First, since our study began, we've been looking at the issue of engineer fatigue. Could you tell me, in each of your cases, how many accidents you have identified over the last five years as being directly tied to fatigue? The information can be from your own statistics. I'd like you to give us a number quickly, just to help the committee get a handle on the situation and determine the scope of the problem.

Perhaps a VIA Rail representative could answer first.

Mr. Marc Beaulieu: To my knowledge, we examined one accident that may have been tied to fatigue. It involved train No. 15, in Saint-Charles-de-Bellechasse, Quebec. That's the only accident for which fatigue was cited as a contributing factor.

Mr. Luc Berthold: Over what period of time did you identify just one such accident?

Mr. Marc Beaulieu: The accident occurred in 2010.

Mr. Luc Berthold: Thank you very much.

Mr. Percy, what about on your end?

[*English*]

Mr. Greg Percy: I've been with Metrolinx and GO Transit for about 15 years, and I cannot remember a single incident related to fatigue.

[*Translation*]

Mr. Luc Berthold: The information you provide to us matters. I wish I would've thought to ask the representatives of the other rail companies who appeared before the committee that same question.

My next question is for Mr. Percy.

Correct me if I'm wrong, but you said that you had cameras equipped with audio in your locomotives. Is that correct?

• (1720)

[English]

Mr. Greg Percy: I'll give you a quick summary. We've had externally facing cameras for probably 15 years. We have just started installing inward-facing cameras, with audio, in the last few months. We have a fleet of, say, 75 locomotives, and we have probably about 10% done. We've chosen to turn those on as soon as each locomotive is completed.

[Translation]

Mr. Luc Berthold: One of the things the committee has heard is that conductors may be uncomfortable doing their job knowing that they are on camera. We even heard that it could lead to more problems.

How did workers and unions react to that? Did you experience any problems in cases where cameras had been installed and were in use?

[English]

Mr. Greg Percy: We provide our rail service through a third party called Bombardier. They do both the operations and the maintenance. We ensured that they did speak to their union so they would understand what our intentions were.

We have yet to use them to manage the crews. That's not a method that we would choose to use. What we have them there for is to understand how incidents happen and to identify the role of the operating crew should an incident happen where we suspect their behaviour may have some cause in the accident.

[Translation]

Mr. Luc Berthold: How did the unions react? Did they accept the situation, or was it a battle to get them to accept it?

[English]

Mr. Greg Percy: Bombardier would negotiate with them, but they had reservations, for sure. That would be fair to say. They did not say that they would react strongly to it. I think their biggest concern was about how we would use it, and it has yet to be used in a way that would cause some concern.

[Translation]

Mr. Luc Berthold: Very well.

GO Transit is, after all, the one in charge of train operation. So it is you, not Bombardier, that passengers rely on to keep them safe. Yours is the name of the transit system and you are the ones they have a contract with when they get on your trains.

As far as you know, has the installation of cameras affected the attitude of conductors driving the Bombardier trains?

[English]

Mr. Greg Percy: Not at all. They know what we're doing. We've told them what we're doing, the schedule for doing it, and our intentions as to why we're doing it. By being open with that, we have not had a strong pushback from them.

[Translation]

Mr. Luc Berthold: Thank you.

My next question is for the VIA Rail representatives.

Earlier, I thought I heard that you planned to install these kinds of cameras over the next few weeks or months

How have your workers reacted?

Mr. Marc Beaulieu: We haven't installed any cameras so far. Only voice recordings are made, and we've informed workers of that. The union representative is involved in the project we are working on with the Transportation Safety Board. We are trying to figure out how we are going to proceed.

Some workers say it doesn't bother them in the least, while others have made it clear that it does. It's fairly typical for people to have mixed views in a working environment.

We are going to participate fully in the Transportation Safety Board's study and use the findings as our basis going forward. Then we will determine what the next steps should be.

Mr. Luc Berthold: Now I'd like to come back to the GO Transit representative.

You talked about your partnering with ConnexOntario to put up signs at all level crossings.

Could you give us a sense of how much that cost your organization? How much did it cost to put up signs at every level crossing? If such a measure were applied nationwide, it could really be expensive.

[English]

Mr. Greg Percy: If I may say, there are two separate things. Our partnership with ConnexOntario was targeting mental health illness and the impacts of people coming on the right-of-way. Putting up that type of sign in the GTHA did not even cost \$25,000. In terms of saving one person's life, you have a very good return on investment there, and we actually know that we did. We felt very proud of that and we hope that carries throughout all of Canada and, frankly, North America.

• (1725)

The Chair: Thank you very much, Mr. Percy. I'm going to have to cut you off.

We have five minutes left.

Mr. Hardie, Mr. Vance, and Mr. Sikand, three quick questions. I have only that time, and when it's up, it's up. Oh, I'm harsh.

Mr. Ken Hardie: Looking at the Transportation Safety Board stats from 2005 through 2014—and I think you both need to be congratulated—the number of incidents they report, the number of accidents, has trended downward in a very healthy way.

This is just a quick technical question. Is there a metric you use in terms of incidents per kilometre operated or hour of service that is standard in terms of being able to compare one operator with another?

Mr. Greg Percy: GO Transit doesn't have a metric like that. We don't do that. We're a little bit different from VIA in terms of the type of network we have. That's not a metric we choose, but that is not to say that we don't have incredible focus on the importance of safety.

Mr. Marc Beaulieu: Yes, we have metrics at VIA Rail, and we monitor them very closely. The metric is total incidents per million miles for main line incidents.

The Chair: Mr. Badawey.

Mr. Vance Badawey: Quickly, gentlemen, I'm sure you were both involved in the creation of the Emerson report on the CTA and with the conclusions that came out of that. It speaks of an enhanced global economic presence, if, in fact, transportation were further integrated.

My question for both of you is this. As we move forward with the next steps with the CTA and the Emerson report, would it be your opinion that we, as Transport Canada, and transportation in general, as a further step of the CTA, should be moving towards a national transportation strategy?

Mr. Greg Percy: From my perspective, the Metrolinx perspective, any time you shed a more comprehensive light on transportation, it can only be a good thing. It's not our place to pre-judge the value of federal versus provincial. That's not my commentary, but we need to all take safety very seriously, and that would be one method. Therefore, I would support it.

Mr. Marc Beaulieu: Anything that would support connectivity in this country and take cars off the road we would certainly support.

A good example of that would be our dedicated high-frequency rail plan.

The Chair: Mr. Sikand.

Mr. Gagan Sikand: With regard to the VIA derailment in Burlington, the train was going at excessive speed, and human error was the reason. I think it was a signalling problem.

Was fatigue also mentioned or addressed or recognized as a factor?

Mr. Marc Beaulieu: Fatigue was not recognized as a factor. It was a missed signal that the crew interpreted differently, or during the station stop they did not recall what the previous advance signal would have been, so they were not expecting to take a turn when they did.

There was no mention of fatigue or any other human factors at play, but three people were in the cab, and that was a question mark.

I'd like to clarify that we immediately implemented a procedure that whenever you do a station stop after an advance signal, you must remind each crew member of the last signal before departing that station, and the cab red zone has helped focus vigilance on the upcoming signals by the crews ever since.

Mr. Angelo Iacono: I have a quick question for VIA. You mentioned earlier that you had a new GPS system on board your trains.

What was the reaction of the union to this system, and have you received any grievances with respect to this implementation?

• (1730)

Mr. Marc Beaulieu: The union has participated with us from the conception of that project. They are thrilled about that project.

We have only tried it as a prototype in November between Montreal and Ottawa. They have even participated in the design of the screens. Our strong safety culture and relationship with the

TCRC has proven once again that together we can manage safety far better than we can without their help.

The Chair: Thank you very much to our presenters. We appreciate that information very much. I think it's very valuable to all of us on the committee.

To the committee members, we'll suspend for 30 seconds, and then we have committee business. Is it the wish of the committee to go in camera for the committee business?

I'm going to suspend for 30 seconds.

Okay, the meeting is called back to order.

Ms. Linda Duncan: We've received a notice that the new deputy ministers have been appointed for Transport and Infrastructure. I think it would be useful to all of us to have both of those deputies come. We could meet them and ask them some questions.

The Chair: It's a great idea. It's just a question of timing. If we can find even half an hour to slip them in, I think it would be nice to meet. We're talking about Wednesday's meeting. We have Transport Canada coming and who else? The Transportation Safety Board. So we're having two one-hour panels, but they are both filled.

Would you like us to stay an extra hour, or...?

Ms. Linda Duncan: Is there a deadline for meeting them?

The Chair: Not for meeting them.

Ms. Linda Duncan: I'm not saying immediately. I think these are important appointments, and I think it would be helpful for us to ask them about their background and their priorities and so forth.

The Chair: I think it's a great idea.

Ms. Linda Duncan: Before our next study commences after we have finished rail safety, I would suggest we slot them in, unless the budget gets thrown at us.

The Chair: Exactly. And a few other things.

Can we discuss the Lac-Mégantic trip? I did go to the Liaison Committee last Thursday and received the wholehearted endorsement of everybody on the committee for the funds we require to make the trip. It was reported to the House, so the funds are there.

I'm going to ask the clerk if he would tell us now some of the things he has as far as transportation, and then Mr. Berthold will tell us a little more about the trip.

The Clerk of the Committee (Mr. Andrew Bartholomew Chaplin): The House agreed to a motion ordering the committee to travel on Friday, and it's expressed in terms of "the spring of 2016".

I've roughed out an itinerary along the following lines. On Wednesday, April 20, there will again be food at the meeting, so that members are able to eat during or following the meeting. There will be a bus available for boarding at 6:30 pm. We would bus to Sherbrooke and arrive, in my estimation, around 10 p.m. We'd stay overnight in Sherbrooke, have breakfast there, and then depart at approximately 8:45 am for Lac-Mégantic in order to arrive at 10 a.m. There would be time for informal meetings or site visits. We'd have lunch in Lac-Mégantic. Then we should be ready for further informal meetings or departure formalities.

I'm hoping to get input and further information from Monsieur Berthold.

• (1735)

[Translation]

We have to figure out where we are going to meet up with you and where we are going to meet with the people of Lac-Mégantic when we arrive.

[English]

After departure formalities, we'd head to Montréal-Trudeau Airport, so that members intending to travel by air could disperse from there. The remainder of the party would head back to Ottawa, probably arriving in the evening.

Ms. Linda Duncan: Do we have a better idea of the timing? I have to be in Edmonton to do something with the Minister of Infrastructure and Communities on Friday morning. There are not very many flights to Edmonton. I'm going to have to use special points because I'll probably have to fly from Montreal to Edmonton. I need to find out when the last flight is from Montreal to Edmonton.

The Clerk: Perhaps if you could get us the information about when the available flights are that suit your itinerary, we could then shape the departure from Lac-Mégantic accordingly.

Ms. Linda Duncan: What's the distance from Lac-Mégantic to Montréal-Trudeau Airport?

The Clerk: In Montreal?

[Translation]

I think the trip is about three hours.

Mr. Luc Berthold: It's a three- or three-and-a-half-hour drive. It will probably take closer to three and a half hours by bus.

[English]

The Chair: I'll just try to make it work. We'd like very much to have all of the committee members there, if possible. Let's see if we can be as flexible as possible so that Ms. Duncan is able to return home in time for her meeting.

I haven't asked who wants to go yet. Maybe I should ask that question right now. Who is able to go?

Mr. Hardie, are you able to go? Mr. Badawey is not. We have Mr. Iacono, Mr. Sikand, and on this side Mr. Berthold of course.

Are you able to go, Mr. Fraser?

Mr. Sean Fraser: No. I was actually going to say, when I see some hands not going up, that because of my own family circumstances, I am unable to attend.

I was going to propose a friendly motion that we don't pass motions when the group can't be there, or entertain other committee business. We should go to focus on the information that we collect while we're there, and to meet the affected members of the community, rather than conduct official business.

The Chair: We won't be doing that. It's an unofficial visit. There won't be any motions passed. I guess I shouldn't say that, but there won't be a formal meeting as such, at this point.

The Clerk: We don't have an order from the House to conduct hearings.

The Chair: We're not going to be conducting any hearings there at this time.

Ms. Block.

Mrs. Kelly Block: Madam Chair, I know I had indicated as soon as the dates were chosen that I wasn't able to attend.

Do we have to take this trip this week? Would there be an opportunity to take the trip at another time?

Given that we have Bill C-10 to address, which is probably going to be referred to this committee, we may not get to the report on this study as soon as we thought.

The Chair: Certainly, if it were the wish of the committee, we could look at postponing the trip to another date.

Mr. Badawey.

Mr. Vance Badawey: I'd like to make a comment on that as well because I really wanted to go on this. Actually, I think I was the one who recommended it, but something has come up, and Minister Carr has me doing an announcement in my riding early on Friday morning, so it's next to impossible with the timing. I'm in the same position as Linda. For that reason, I would support Kelly's direction because I know we all want to go. If we can make some arrangements to go at another time so that we could have more people there, that would be very much appreciated.

• (1740)

The Chair: Mr. Berthold.

[Translation]

Mr. Luc Berthold: I'm thrilled to see that so many members want to go on the trip. I think it would be worthwhile to wait given that so few committee members will be able to take part as it stands now. It would be a shame if regular committee members had to be replaced by individuals who could not help with the writing of the report afterwards.

I would remind everyone that, even though the meetings are supposed to be informal, the goal is for parliamentarians to better understand a tragedy that occurred two years ago and the ensuing reality. I hope we can schedule the trip at a time when the greatest number of committee members are able to take part.

With that in mind, it may be a better idea to postpone the trip. Seeing as the meetings are informal, anyway, we wouldn't necessarily gather a lot of input for the report. Nevertheless, I would like the committee members to keep those comments in mind when it comes time to write the report.

It has been suggested that we hear from the two deputy ministers, which could give us enough time to reschedule the trip and to get ourselves better organized. Truth be told, I had just two days to rally all the participants, so it was a bit tight. But, if I were to have a bit longer, the trip would be all the better for it.

[*English*]

The Chair: All right. How about if we ask the clerk, then, to canvass all of us when we come back after the break week and see when we might be able to put it together, so we can put enough hours into it.

Is everybody in agreement with the committee?

Some hon. members: Agreed.

The Chair: The transportation reports that the committee had asked for were just been sent to us a half an hour ago. All of the documents that we have been asking for have finally arrived, so they'll all be in there. It's interesting; we finally got them. That's that part done.

I was going to move to discuss what we know is coming down the pipeline probably fairly quickly, Bill C-10. Here I would just make a couple of suggestions on how we might deal with that, given that I think all of us want to complete the railway study—but legislation takes priority every time. I'd like to get some suggestions or direction from the committee on how you'd like to deal with that, and how many meetings we plan to have on it, and so on and so forth.

Ms. Block, you had your hand up, then Ms. Duncan.

Mrs. Kelly Block: It's my understanding that we will be voting on that to refer it to committee probably tomorrow or Wednesday. Is that correct?

The Chair: It could be.

Mrs. Kelly Block: Okay. Then I would suggest we finish hearing from our witnesses on the rail safety study, and then could move into reviewing Bill C-10. It's a very short amendment to the act, and so I'm not sure how many meetings we want to take to discuss that—one or two.

The Chair: Ms. Duncan.

Ms. Linda Duncan: Madam Chair, on the rail safety study, I want to thank you. I think you put the request to the clerk to contact the community organizations, including the FCM that I'd recommended appearing. I'm very concerned that we've just heard from one community, but we haven't heard from the representatives of all the big city mayors and the other communities. I know that at least one of the witnesses, Dr. Winfield, has submitted an extensive brief in which he analyzed what he thinks should be done post the Lac-Mégantic disaster. I want to just make sure that, first, he could let us know if he's contacted them, and that when people have contacted the clerk that they want to testify, we should be informed. I'm just wondering if any of them have said that they will submit something because, if they have, we need to have that information before we start discussing the final report.

The Chair: The clerk had notified FCM and a variety of other witnesses in particular on your list at the last meeting.

Have you received any response yet?

• (1745)

The Clerk: Not that I've noticed, no. I haven't seen it.

The Chair: What actually might be helpful is if we shift to Bill C-10 and then go back to the railways. I will have had a chance to receive more written submissions by the time we get to doing our actual draft report.

Ms. Linda Duncan: My understanding is that Dr. Winfield submitted his report to the clerk last week.

The Clerk: I just can't recall having seen it.

The Chair: Knowing that we'll have Bill C-10 coming to us very quickly, and in order to continue to be as efficient as we have been with our time so far, can I suggest that committee members submit their witness lists by this coming Friday?

I'm sorry, Mr. Fraser. I will get to you.

Second, I suggest that we direct the clerk to invite the minister and departmental officials to come before committee at the first meeting on Bill C-10. This way, if it comes on Thursday, we'll still have a motion that we can get all of this started as soon we come back on May 2. Is everybody in agreement?

We'll give direction to the clerk to notify the minister that we'd like to see him at our first opportunity when we're dealing with Bill C-10 and that the committee members will submit by this coming Friday a list of any witnesses that they would like to have come before committee.

Ms. Linda Duncan: Is that on the budget?

The Chair: No. This is on Bill C-10.

The third point would be that if we have a lot of witnesses, should we look at having late meetings—if necessary—in order to be able to accommodate Bill C-10?

An hon. member: Why not?

Some hon. members: Oh, oh!

The Chair: I'm asking the committee.

Mr. Fraser, I didn't get back to you yet. I'm sorry.

Mr. Sean Fraser: Chair, I was going to speak to the need for efficiency in inviting the minister, which I think you've covered.

On the question of going later, given that we have a jam-packed schedule, that there's a need to turn this around quickly, and that we have an absence of time blocks, I would rather extend into the evening an extra hour or two, if we need to, while we're already here, rather than trying to find another time slot that's available in everyone's schedules.

I'm open to suggestions of the group, of course, but if you're seeking our availability, that would be my preference.

The Chair: It would only be if necessary.

Mr. Sean Fraser: Certainly.

The Chair: Ms. Block.

Mrs. Kelly Block: Thank you, Madam Chair.

I know that my colleagues and I have other committees that we have a commitment to right after this committee meeting every Monday, so we're not able to stay late on a Monday.

I guess my suggestion would be that since we've been given four hours a week to get our committee business done, we just take the meetings we need rather than trying to extend the meeting times, because it then gets into a lot of other scheduling issues that we have.

The Chair: It's very difficult. It's just a question of how many meetings we plan to have on Bill C-10.

I was just looking for a possible way for all of us to try to expedite it and to get back to the rail study and get it finished.

Ms. Linda Duncan: I think that certainly we're going to want to hear from Montreal, from Mississauga, and from Winnipeg. We're going to want to hear from three municipalities and the workers in those maintenance yards. We're also going to want to hear from the officials, so I would say that there would be four meetings at least. We need to hear from the witnesses, and then we have to do the line-by-line.

The Chair: If everything is ready for May 2 when we come back from the break week, we have meetings on May 2, 4, 9, and 11. That would be four meetings. On May 16 we could do the clause-by-clause and then get back to the rail study.

Mr. Badawey.

Mr. Vance Badawey: Thank you, Madam Chair.

On that, my concern is that we get through this so that we meet the time frame of the minister. If he's going to set a time frame and we miss it, that's not productive.

That said, if Mondays are problem for you and your colleagues, Kelly, is there a possibility that Wednesdays would work?

• (1750)

Mrs. Kelly Block: I think Wednesday could work. At this point in time, I know that Mondays don't.

The Chair: Is it the feeling of the committee that the clerk should try to schedule some additional witnesses for the Wednesday night meeting so that we can complete the agenda sooner rather than later? How many meetings should we have, then? Ms. Duncan suggested four. That would wrap it up on the 11th, and then we would have clause-by-clause on the 16th. We could use the Wednesday night, both on the 4th and the 11th, for extensions if necessary to accommodate the witnesses. Would that be all right? Is everybody in agreement with that?

Ms. Linda Duncan: I'd like to suggest, Madam Chair, that we stop being so cut and dried about the amount of days. We're going to for sure want to hear from representatives of those three cities, and there may be additional people who'll be contracting the clerk and saying they want to be heard on this. I would say a minimum of four days, because if people really want to be heard on this bill, I don't think we should be saying, no, we only set aside four days. That's my suggestion.

The Chair: We're certainly prepared to stay over and above our regular time. We've got two Wednesday evenings here when we could stay until whatever time was necessary. Let's see what kind of a response we also get. If we could move this along, if we could do

clause-by-clause on the 16th, then we could get back on our rail study and still fit in our trip to Lac-Mégantic and get a report into the House by the beginning of June. We can still do all of these things, we just have to be tight and move the agenda along.

All right? If everybody's more or less okay with that, the clerk will use Wednesday evening—

Ms. Linda Duncan: If the witnesses are willing to stay later. I don't think we can presume that.

The Chair: We won't, but certainly I'm sure if they are not prepared to—

Ms. Linda Duncan: If they're coming from Manitoba it's okay because it's earlier, but we can't presume that witnesses are willing to testify—

The Chair: We'll be using our teleconference abilities. Anybody who can't come can communicate with us by sending us a brief.

We'll do everything we can, Mr. Clerk. We'll try to be as accommodating as possible, because it is important that we make sure that everybody is heard.

Mr. Berthold.

[*Translation*]

Mr. Luc Berthold: Madam Chair, at our first meeting in May, you could take a few minutes to update us on those discussions. It would be a matter of figuring out whether we had enough time to hold four meetings. We would just have to see where we were at and determine whether an extra meeting was needed. We could give ourselves that flexibility.

[*English*]

The Chair: Great idea.

Ms. Block.

Mrs. Kelly Block: Lengthening the meetings on Wednesdays will essentially add another meeting day if we lengthen them by an hour. Clause-by-clause, it's one clause, right? It's not going to take us a long time.

The Chair: Exactly. Terrific. Okay, that would be wonderful, just one clause.

Is there anything else? It's all done?

Sorry, Ms. Block.

Mrs. Kelly Block: I have one other suggestion, Madam Chair. I'm wondering if we could discuss or entertain an idea of establishing an ad hoc subcommittee to discuss Bill C-30, and the opportunity that there may perhaps be to extend the four provisions in that act that are due to sunset during the summer. The minister has indicated that he's going to be taking the summer, and possibly into the fall, to review the Emerson report. We know that this other legislation is going to sunset. Many stakeholders have indicated that it would be really good to have those provisions extended, and then, depending on what happens with the review of the Emerson report, you could turn around and do something different. But I asked the minister a question about this in the House last week and he indicated that he was looking at it very seriously. So I think that might give us an opportunity to provide some input to the minister as he makes his decision.

•(1755)

The Chair: Ms. Duncan.

Ms. Linda Duncan: I just want to speak to the Emerson report.

I would like to suggest that we have a steering committee meeting, because I think we need a strategy on the report because it's so huge. I'm not sure how many here are aware of what's been going on in the agriculture committee, but there have been some proposals for a separate subcommittee of us with agriculture to look at the agriculture parts of that report. The problem is only I and my colleague are the representatives, and that means we're doing quadruple duty. Another committee just probably wouldn't work, but I think we should be thinking about that. We should be taking a look at that report and saying, okay, we're not going to be able to talk about the whole report and bring in witnesses on every aspect, so I would suggest that maybe we should have a steering committee meeting just to talk about our strategy and how we're going to grapple with the Emerson report.

The Chair: If we are able to keep to our very tight schedule here, and get both of our issues dealt with, we will have several days that we could decide what....

We need to do our planning for September. We have the drones. We have a few things that we've approved that we'd like to do. I think we'll have either the steering committee or the whole committee talk about where we want to go in September so that when we come back we're fully prepared and the staff has everything that we all need to move forward, whether it's the Emerson report or the issue of drones or something else that we want to come up with.

Ms. Linda Duncan: On the issue of drones, I wasn't aware that there actually is a regulatory notice out there right now for comments on the proposed drone regulations. I'd like to suggest that it's a little premature for our committee to be grappling with that. I think it makes more sense to find out who responded to those proposed regulations, to give us an idea of who witnesses might be.

I think we need to also think about, maybe at the steering committee, our role in the drones versus the review the department is undertaking. We may just end up duplicating. I think it would be interesting, but we have so many important things to do, I'm not so sure at this point we can do things that are just interesting.

The Chair: Right: we don't have enough time.

Ms. Block, Mr. Badawey, and Mr. Hardie.

Mrs. Kelly Block: I guess my hope would be that with the timing that the minister has indicated with the Emerson report—I guess my colleagues across the way would have the opportunity to find this out—his hope is that this committee, reviewing Emerson and perhaps bringing witnesses in, will aid him in the consulting that he's doing. I think perhaps being able to do that before the end of this session would be more helpful to him than the time he has indicated he's going to be wrapping it up, which is the fall. We probably won't be back until mid- to late September. I just think that if it at all is part of his review to also have this committee doing some sort of a study, then it probably should happen before the end of June.

The Chair: We'll do some communication and see what we can find out as to where we go.

We'll go back to your Bill C-30 issue, Mr. Badawey.

Mr. Vance Badawey: Thank you, Madam Chair.

May I suggest with Bill C-30 that you sit down with the chair of the agriculture committee and come back with a report to the committee with next steps?

Second, with respect to the Emerson report, I'm just dying to get into that report. I think we all are, after reading it. It's quite an exciting time for the country with a lot of the recommendations and/or discussion and dialogue that will happen with respect to next steps. I don't think it's all that realistic to think that we'll get into that before we rise in June. I think the fall time frame will be more realistic, and I think it allows us that. Nevertheless, I think it will take a lot of our time, as it very well should. It very well should because it's very important to get through it. I personally would like to see a national transportation strategy come out of that, and I think for the most part the minister is very aware of that.

To repeat myself, Madam Chair, I would suggest, if I may, that Bill C-30 be dealt with by your meeting with the chair of the agriculture committee and coming back with a report to the committee. Second, we can look at the Emerson report following all this, more than likely in the fall, and we can proceed then.

The Chair: All right.

Ms. Duncan.

Ms. Linda Duncan: Where in our schedule are we putting in infrastructure and transport from the budget?

•(1800)

Mr. Vance Badawey: We're going to be working through July and August.

Voices: Oh, oh!

Ms. Linda Duncan: Not me. No July for me. I won't be here.

The Chair: Mr. Hardie.

Mr. Ken Hardie: I think we have a couple of time-sensitive things. On the drone issue, I get the sense that there is a sense of urgency, because the use, and misuse, of these things is creating some hazardous conditions in a variety of areas. Whether or not we weigh in right away or later, certainly I've heard that there's an expectation that this committee look at this.

The other time-sensitive issue we're dealing with, not so much with respect to the Emerson report, although it's tied to it, is the issue of the interswitching on the prairies, which is due to be sunsetted in August. It's due to go away, and the people that I've spoken to, the grain farmers, the pulse folks, the chemical movers, and everybody else, all really like this. They like what the past government did as an interim measure and would like to see it more permanent, whereas Mr. Emerson would like to see it dispensed with immediately or entirely. Again, it is sort of tied to the Emerson report, but it may need to be something that we drill into very specifically.

Ms. Linda Duncan: Is that agriculture or is that us? If they're looking at that too, we shouldn't duplicate.

The Chair: It affects both, and it's so important to get that transportation....

Mr. Ken Hardie: It's not an Alphonse and Gaston thing.

The Chair: The suggestion by Mr. Badawey is that I talk to the chair of the agriculture committee and see what we can put together, but it is an issue. Thank you for raising it. It is requiring some action so that this doesn't sunset, because it's too important.

Ms. Linda Duncan: When's the vote on the budget? Does anybody know, because that's going to supersede everything? I don't think we should be planning anything else.

The Chair: So our tight plan here may change yet.

Have we covered everything off?

Mr. Clerk, is there anything you need in order to complete your responsibilities?

The Clerk: I don't think so.

The Chair: All right.

I'm going to move adjournment of the meeting.

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