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# Standing Committee on Transport, Infrastructure and Communities

EVIDENCE

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Chair: Mr. Peter Schiefke





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• (1000)

[*Translation*]

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

Welcome to meeting number 48 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, February 3, 2022, the committee is meeting to discuss air passenger protection.

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

[*English*]

Members of the committee, appearing before us today from 10 a.m. until 11:30 a.m., we have, from Via Rail Canada, Mr. Martin R. Landry, interim president and chief executive officer. We have Mr. Michael Brankley, vice-president, railway operations, and Ms. Rita Toporowski, chief customer officer.

I would like to thank you on behalf of this committee for your presence. We very much appreciate it, as do Canadians.

I'd also like to state on the record that invitations to this meeting were sent to CN. They declined but have expressed an interest in appearing at a later date. Invitations were also sent to the Railway Association of Canada, which also declined the committee's invitation.

Before we begin I would just like to say that a sound check has been conducted for the benefit of our interpreters.

Now I would like to turn to Mr. Landry for his opening remarks.

You have five minutes. The floor is yours.

[*Translation*]

**Mr. Martin R. Landry (Interim President and Chief Executive Officer, VIA Rail Canada Inc.):** Mr. Chair, dear committee members, thank you for having us here today on this beautiful winter day.

I would like to address my very first words to our loyal passengers, their families, friends and loved ones. On behalf of Via Rail Canada, I apologize to all of you that were on the trains that were delayed for an extended period of time or cancelled during the busy holiday season.

I am joined today by my colleagues Rita Toporowski, chief customer officer, and Michael Brankley, vice president of Railway Operations.

We would like to thank you for this opportunity to review the events that disrupted our services between December 23 and December 26.

[*English*]

We will not shy away from our responsibilities or from the fact that, when passengers choose to travel with us, they count on VIA to get them safely to their destination. We have standard readiness plans as well as winter storm protocols, and it's obvious that we need to review these plans to enhance their effectiveness.

We believe it's important to highlight that there were two distinct events that led to the disruption of our operations. First, on December 23, the storm brought trees on the tracks, prolonged power outages, frozen rail switches and significant challenges that even led us to bring trains back to their points of departure.

As many of you probably already know, we own and maintain less than 3% of the tracks on which we operate. Therefore, the majority of the infrastructure that we operate on is owned by other rail companies, mostly freight companies.

In the case of the events we are here to discuss, the tracks belong to CN. In accordance with our industry standards, it is the owners who are responsible for assisting us as quickly as possible in the event of problems related to railway infrastructure. On the night of December 23, we were in constant communication with CN's control centre, and given the extreme weather conditions, CN was facing its own set of challenges.

Then, in addition to this event, in the mid-morning of December 24 a freight train derailed just east of Toronto. Unfortunately this left us with no other choice than to cancel all of our services on our Montreal-Toronto and Ottawa-Toronto routes for three days, from December 24 to December 26.

While this issue, particularly when coupled with truly extreme weather conditions, was largely out of our control, we took immediate actions to address the impact of the disruptions on our passengers by providing them with a refund, along with travel credits to those who were on immobilized trains.

Again, I want to be clear. This is not to point the finger at other parties or to absolve Via of its role in the frustrations experienced by our passengers, their families and friends. I make this point to help committee members understand the environment in which we operate.

• (1005)

[Translation]

Also, we have hired external experts to help review our performance, and we intend to use the lessons learned to enhance our performance. We already know that there are elements that we could have better addressed. I'll give you a few examples.

Despite the fact that the situation was constantly evolving, we should have been more thorough in our communications to reassure our passengers and their families.

Despite having increased all our food and water supplies on board our trains and at intermediate stops, as per our winter protocols, we had limited success in getting additional supplies to our immobilized trains due to road closures and the location of some of our trains.

[English]

The challenges that were faced during the holiday season point to a need to increase the resiliency of our transportation infrastructure in order to deal with severe weather-related issues caused by climate change. Extraordinary weather events are becoming more and more common. We need to act quickly in order to preserve the integrity of our transportation system. We believe we owe it to our passengers to do better, and we owe it to ourselves as an organization.

In closing, I want to thank my colleagues across the network who worked tirelessly to move our passengers safely from coast to coast to coast. Their dedication and sense of duty helped us get more than 17,000 people to their destinations on December 23 and allowed a safe resumption of services on December 27.

We thank you for your time today. We welcome any questions you may have.

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

We will begin our line of questioning today with Mr. Muys.

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

**Mr. Dan Muys (Flamborough—Glanbrook, CPC):** Thank you, Mr. Chair.

Thank you to the senior representatives from Via Rail who are with us today at transport committee.

Certainly, much of the attention about the holiday travel mess that we saw has been directed at the airlines and the minister's inaction. That has been front and centre. However, we do know that there was an unfortunate incident that spanned a few days in the Toronto-Ottawa-Montreal corridor. Yes, weather, and yes, the CN derailment were factors, but our interest at the committee here is to look at passengers and dig deeper into that. What happened? What could have been prevented? What lessons can we learn from that? Where are there gaps in federal regulations that we can address?

Your input is valuable on that, and I know your desire is to see the same.

I would note on behalf of my colleagues and I think all committee members some disappointment. We had invited CN to appear. It sounds like they may appear in the future, so we look forward to that.

We do appreciate the statement you put out on January 10 and the fact that you are here this morning, so let me start with that. One of the commitments you made in that statement was to offer, as you said again this morning, a full refund along with travel credits for passengers who were on the trains that were completely immobilized.

Has that already happened? If not, when will it happen?

**Mr. Martin R. Landry:** I will invite my colleague Rita Toporowski, who is responsible for our client interfaces, to address the committee on this matter.

**Ms. Rita Toporowski (Chief Customer Officer, VIA Rail Canada Inc.):** Thank you, Martin, and thank you, Mr. Muys.

On behalf of Via Rail, as the chief customer officer, I'd like to apologize to all the passengers who were more than inconvenienced and were actually in uncomfortable conditions over a lengthy period of time overnight on December 23, and to all the passengers who experienced cancellations and disruption to their travel plans.

With respect to your specific question, yes, we have actioned all the refunds for the passengers who were impacted overnight on the 23rd and into the 24th. For all the passengers who were impacted at that point in time with lengthy delays and who finally got to their destinations, we gave them full refunds. In addition to that, we gave them a 100% credit for future travel, should they wish to use it.

As well, for any passengers who were inconvenienced due to cancellations that happened on the 24th through to the 26th, we actioned full refunds. That was completed on January 15.

• (1010)

**Mr. Dan Muys:** That's good to hear. Certainly, we've heard the stories of those who were stuck on the train for 18 hours, where washrooms were out of service and food and water appeared scarce by the end. Not just a refund but some sort of compensation or recognition of the hardships they endured is appropriate, so it's good to hear that this has happened.

I know you're conducting an investigation. You've brought in external experts, which we applaud. Where were the failures? Where was the lack of preparedness for this to happen? I mean, over the course of 18 hours, certainly one would think we could evacuate a train. Why did that not happen?

**Mr. Martin R. Landry:** A number of events led to the situation we had to deal with between the 23rd and the 24th. Weather was one of them, but obviously the power outages caused significant challenges on the infrastructure.

In terms of the initial key lessons, one that we regret is our lack of communication. When we have significant delays, I think our passengers expect us to keep them informed. I think on that front we can do far better. It was a fluid situation. I think we have to remember that a lot of things were happening at the same time. Sometimes, essentially acknowledging that we don't know all the facts, as opposed to staying silent, is reassuring. Communication is one of the key aspects.

The other aspect is improving our customer care. We have protocols to deal with winter storms where we increase our food and meals on board. Clearly, that was not sufficient in this case. Part of our lessons learned will be to build on this and look at other areas, such as operations, to see how we improve our performance and avoid repeating this poor experience for our passengers.

**Mr. Dan Muys:** You referred to your winter storm protocols. One of the consistent things that we've heard with the airlines, as well, was the lack of communication, and you touched on that.

From what I recall, there were people still arriving at Union Station in Toronto to catch trains that were obviously not running. If there's a derailment, as there was, and if there are trees on the lines or frozen switches, you'd think you would know that further in advance to let people know, so that they're not commuting in at that time, during a storm, to Union Station to catch a train that doesn't exist.

Is that one of the things you're going to review? Communication seems to be a common gap here.

**Mr. Martin R. Landry:** Absolutely.

**Mr. Dan Muys:** What are the requirements under federal regulations to communicate with customers when these sorts of things happen? Is there a certain time period if there's a delay or a cancellation?

**Mr. Martin R. Landry:** Obviously, if we have to cancel, the sooner we can inform the passengers, the better. We had to exercise that through the derailment portion of time, when we were making sure we could advise passengers the day before if we had to cancel their trains. That was to avoid their having to potentially come to the stations, and so that they could evaluate alternative scenarios for their travel needs.

That was one of the key learnings, and it's one that we'll apply more diligently in the future.

**Mr. Dan Muys:** Are there requirements or protocols in place for the amount of food and water? We know in the air industry, for example, that even in the confined space, there's a certain amount of food and water in the front of the plane if they're stuck on the tarmac.

You run trains across the country for multiple days. Is there a review of that to make sure...? You know that 18 hours isn't that long of a period but, obviously, there was a shortage by the end.

**Mr. Martin R. Landry:** I'll ask my colleague Rita to address this.

**Ms. Rita Toporowski:** Thank you, MP Muys.

We have protocols for how we plan for the holiday season and the winter season in terms of the amount of food we put on. It's

based on the number of passengers, but over and above that, we add x per cent of the number of meals, extra snacks, extra drinks and so forth. In addition to that, because of our experience over many years, we have dried emergency snacks in case of an emergency event when there's an unexpected delay. In addition to that, we also board additional cases of water.

We try as much as possible to plan. No delay is acceptable. In this particular case, it was beyond anything we'd experienced previously—

**The Chair:** Thank you very much, Ms. Toporowski. Unfortunately, we're out of time for that segment.

Thank you, Mr. Muys.

• (1015)

[*Translation*]

Go ahead, Mr. Iacono. You have six minutes.

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

I'd like to begin by welcoming the representatives of Via Rail Canada. It's always a pleasure to see my former colleagues. I'm also a proud passenger. I took the train yesterday, and it was very good, so I congratulate them for getting back to providing impeccable service.

Mr. Landry, in your letter of apology dated January 10, you state that you should have been more forthcoming with information on the trains that were delayed and the updates. Could you clarify that point?

What specific information should you have provided more voluntarily?

How often did you provide updates?

**Mr. Martin R. Landry:** Thank you for the question.

We have a protocol for situations where we have to stop a train. We have to communicate with passengers every 15 minutes. A train can be stopped for several hours. In this case, we are talking about more than 13 hours. Clearly, the situation wasn't changing every 15 minutes. Still, it was important to maintain contact with customers throughout that period. In some cases, that wasn't done. I think this lack of communication resulted in increased stress for passengers, who in some cases were faced with the unknown, overnight, during a snowstorm.

That said, it's important to keep in mind that the passengers on our immobilized trains were completely safe as long as they remained inside. In cases where trains are unable to travel, we keep passengers on board to ensure their safety.

**Mr. Angelo Iacono:** In other words, people were safer inside the train than outside, because the storm prevented them from getting off.

Is that correct?

**Mr. Martin R. Landry:** Yes, that's right.

In some cases, it was possible to stop the train in front of a Via Rail station, allowing passengers to access the facilities if they wished. However, some trains were stopped outside of areas accessible by road. In those cases, we made the decision to keep passengers on board the trains.

**Mr. Angelo Iacono:** Has private ownership of some tracks complicated efforts to address delay issues and, if so, how?

Specifically, did the focus on freight have an impact on how quickly Via Rail was able to return to a normal level of service?

**Mr. Martin R. Landry:** In this regard, I would like to invite my colleague Mr. Brankley to address the committee.

[*English*]

**Mr. Michael Brankley (Vice-President, Railway Operations, VIA Rail Canada Inc.):** Thank you, MP Iacono.

Overnight on the 23rd, in the storm situation with the trains disabled online, I can state with confidence that no freight trains in that scenario were prioritized over Via Rail trains. We maintained contact with CN throughout the exercise.

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

[*Translation*]

During the holidays, was communication fluid enough between private infrastructure owners, such as CN and Via Rail?

Did communication happen on a daily basis?

[*English*]

**Mr. Michael Brankley:** Over the night of the 23rd, there were significant challenges throughout the railway infrastructure. We were in contact, but not always in contact to the level we would have desired. We've met with CN colleagues at this point and have identified some methods to improve those communications in emergency situations.

[*Translation*]

**Mr. Angelo Iacono:** Are you saying that private operators were not responsive enough?

[*English*]

**Mr. Michael Brankley:** I would suggest that there was difficulty in some cases for them to react, due to the magnitude of the impacts they were feeling across their network.

[*Translation*]

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

Mr. Landry, in your letter, dated January 10, you stated: "we will be reviewing our performance over the four-day period with the help of outside experts."

When will this review be completed?

Which outside experts are you consulting, and what are their qualifications?

Will the results of the review be made public?

**Mr. Martin R. Landry:** Thank you for the question.

We've started the work and hope to be done as quickly as possible. There are actually many components to this review. An obvious component is the level of communication. We also want to review everything surrounding customer service on board our trains in case they are immobilized, as we experienced over the holidays.

There will also be a component on operations management, and as you mentioned earlier, it will include the importance of communicating with infrastructure owners.

For some components related to communication, among our partners in this review, we have the Roland Berger company, which operates internationally and has a great deal of expertise with railways. We also have the company Hill+Knowlton Strategies.

We will be very pleased to send the conclusions of the review to the committee in a timely manner.

• (1020)

**Mr. Angelo Iacono:** Mr. Chair, can we ask the clerk to make sure that we receive the results of this review?

**The Chair:** Of course.

**Mr. Angelo Iacono:** Mr. Chair, do I still have enough time to ask one last question?

**The Chair:** You have 40 seconds left.

**Mr. Angelo Iacono:** You talked about lessons learned about management, communication and interactions with CN.

Did you learn any other significant lessons from these two events?

**Mr. Martin R. Landry:** There's the importance of thoroughly understanding the human aspect of it, which affects not only our clients, but also our staff. We have to keep in mind that our employees who were on board were also victims of significant stress. We offered them support after these events.

Of course, priority was granted to passengers, but we must also understand the impact on our employees and take good care of them.

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

Mr. Barsalou-Duval, happy new year. You have the floor for six minutes.

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

Thank you, Ms. Toporowski, Mr. Landry and Mr. Brankley for being here with us today.

I know the circumstances are not pleasant for you. Perhaps you would have preferred not to be here today, but I think it is necessary. When crises occur, it is often the right moment to take steps and make sure the problems don't happen again.

Earlier, you mentioned that you increased the quantities of food and water on your trains in winter, which I found interesting. We did, however, hear from many people who complained about the lack of food and water on the trains.

Everyone knows that Via Rail's trains are often late, because priority is granted to freight trains. I imagine that it's common or, at the very least, somewhat routine to increase quantities of food and water.

How do you explain that you still ran short of food and water, in spite of the winter season protocol in place and the fact that delays are common?

This happens often with Via Rail, isn't that true?

**Ms. Rita Toporowski:** Thank you for the question, Mr. Barsalou-Duval.

First, regarding the passengers who were aboard the trains,  
[English]

I offer my apologies for the extent of the delay and the discomfort that they experienced during that delay.

With respect to your question on why there wasn't enough and that we should be experienced enough, as I mentioned earlier, the extent of the delay was such that conditions degraded over time. It wasn't a two-hour, three-hour or four-hour delay. It was a 13-hour immobilization on train 55, although the overall delay was 18 hours by the time they got to the destination. We have water and emergency snacks, as I mentioned, on board. In addition, based on winter readiness and also for holiday planning, we have provisions for extra supplies put on at intermediate stations.

However, train 55 was in a situation where it wasn't accessible to any station, so we couldn't access the supplies. In addition to that, although we tried—a couple of our managers who were local actually tried to drive—we couldn't get to the site. We couldn't go to a station to bring the supplies to the train.

In addition to that, a third type of contingency we have in place is that, if we run out of food and it's a lengthy delay, we actually call local restaurants and have food delivered to the station in order to accommodate. We were able to do that for two trains. We were not able to do that for any of the others. Train 55 was a unique situation. Given the protracted period of time, finally around five o'clock in the morning we started to run out of supplies.

[Translation]

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

Earlier, you told us that you communicated regularly with passengers and, in some cases, perhaps that level of communication was insufficient.

I would like to understand how you communicated with passengers. Did you use email or text messages? Did attendants go see them in their compartments?

How was that done, exactly?

**Ms. Rita Toporowski:** Thank you for the question.

• (1025)

[English]

How we communicate with our passengers and how we're expected to communicate with them on board is through on-board announcements. They should be happening at a regular frequency of every 15 minutes. In addition to that, our operations control centre sends out emails to say there's a delay to the passengers who have offered up their emails. That also offers information to passengers who are not on board the train but are catching the train at a later station.

I don't believe we fully fulfilled our expectations and lived up to our standard with respect to that. Part of our issue was gaining specific information related to the delay, which continued to change. We were reliant on CN to provide us information on how quickly we could get the tree off the train, because train 55 was the bottleneck. If we couldn't liberate that, the other trains would also be delayed.

What we could have done better was ensure that we had visibility. That's part of our protocol as well, to make sure we have visibility in the cars. Our employees walk through the cars and reassure the passengers. However, once again, we didn't give enough concrete information that reassured the passengers, most specifically on train 55.

[Translation]

**Mr. Xavier Barsalou-Duval:** You mentioned the reasons why your trains circulate on tracks you do not own, especially in the case of train 55.

How are the tracks cleared? At some point, did someone understand that a tree had fallen on them? I presume that Via Rail is not the one who removes trees that fall onto the tracks, because CN owns them.

To what extent can you exert a certain authority over railway operations?

In the event of an extreme emergency, can you choose to intervene if people's lives are at stake?

[English]

**Mr. Michael Brankley:** Thank you for the question, MP Barsalou-Duval.

There was communication through the night. In the specific case of train 55 and the tree that we struck, which disabled the train at that point, there were multiple plans in place to remove the tree. However, as the situation evolved with the weather, those plans continued to change. We had contingency plans in place on three occasions to remove the tree, and each time something occurred—or I should say CN had contingency plans in place. As the owner of the infrastructure, it's their accountability and responsibility to clear the infrastructure. We cannot intrude on their infrastructure.

Contingency plans were in place. The situation continued to evolve, so sometimes the communications we gave to our passengers were unfortunately misleading, based on the information we had received.

[Translation]

**Mr. Xavier Barsalou-Duval:** If I understand correctly, there is no case in which you would intervene on the railway, even if the lives of your passengers were in danger.

I think this is a matter of judgment. Even if Via Rail isn't responsible, if action is needed, there can be no hesitation. People's lives take precedence.

Don't you agree?

[English]

**Mr. Michael Brankley:** We would not be able to intervene on the track. In the case at hand, we could not reach the site to intervene. Emergency services later in the morning intervened and with some difficulty reached the site. Unfortunately, it was in a location that was very difficult to access, which is part of the reason we kept the passengers on the train, with heat, hydro and available washrooms, rather than putting them outside in the elements, which were very unforgiving that night.

[Translation]

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

Mr. Boulerice, you have the floor for six minutes.

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Thank you very much, Mr. Chair.

My first comment is for you, Mr. Chair.

I want to highlight that I find it rather disappointing and contemptuous for both CN and the Railway Association of Canada to refuse to testify before this parliamentary committee. I think that must be noted.

I want to thank the witnesses who came to talk to us about the unfortunate events that occurred over the holidays.

Mr. Landry, what are Via Rail's plans to ensure the well-being and security of passengers when unlikely events occur? They still happen from time to time, such as a snowstorm or a tree falling over.

How do you explain that passengers were prisoners in their train cars for hours, dozens of hours, without receiving appropriate information?

**Mr. Martin R. Landry:** Thank you for the question.

Even if we can explain the chain of events that led to the situation in which passengers found themselves, meaning aboard trains stranded in difficult conditions, one of them for 13 hours, it's still unacceptable.

I agree with your analysis. It's one of the reasons why we must absolutely learn lessons from these events to adjust our protocols in the future. Even if we hope to never experience another situation like that, we must make sure that we have protocols in place to safeguard our passengers' well-being if similar events were to happen again.

• (1030)

**Mr. Alexandre Boulerice:** I want to keep talking about this subject, because I am one of your clients.

In fact, I am a regular on the trips between Montreal and Ottawa, and I am a big fan of the train in general as a means of transportation. However, trains often have to let freight trains go by because they have priority.

Aren't you a little tired of the fact that private companies own the railways and passengers take second place to freight?

**Mr. Martin R. Landry:** Thank you for the question, which is very relevant.

Several years ago, this situation led us propose separate tracks, which would divide the railway network, basically. It was therefore a matter of setting up a network for freight trains and another dedicated entirely to passengers. We now call this project the high-frequency train.

At the outset, the high-frequency train would ensure this separation and allow us to manage our own trains, our schedules and, even more importantly, our punctuality. That's one of our challenges.

In passing, I'm grateful for your loyalty as a traveller. I think you have probably, and unfortunately, experienced our lack of punctuality several times. This often happens due to circumstances beyond VIA Rail's control. It's unfortunate because, in my opinion, the bottom line is that passengers in Canada are entitled to better service.

Proposing separate tracks, or a high-frequency train project, would offer this level of service to our passenger clientele.

**Mr. Alexandre Boulerice:** VIA Rail owns only 3% of railways in Canada, specifically a small line between Chatham and Windsor.

In your opinion, based on your data, is transportation more reliable when VIA Rail owns the tracks?

**Mr. Martin R. Landry:** Thank you for the question.

VIA Rail also owns a more frequently used line between Coteau and Brockville. According to our statistics, on-time performance on VIA Rail's network is well above 90%. In many cases, it goes over 95%.

When we share the tracks with freight transportation companies, our on-time performance falls below 50% during some months. In September, it even fell below 40%.

As a result, when it comes to our passenger trains, we can prove our ability to be on time within our own network, where we are the ones establishing priorities for the trains rolling down the tracks owned by VIA Rail.

**Mr. Alexandre Boulerice:** Thank you very much.

I rather agree with the idea of broadening public ownership of railway infrastructure.



As for the unfortunate event during the holidays, there were communication problems with passengers.

How frequently do you get information from CN? Does the contract between you and the company require them to inform you when such adverse events occur?

**Mr. Martin R. Landry:** If I may, I will ask my colleague, Mr. Brankley, to answer the question.

[*English*]

**Mr. Michael Brankley:** Thank you for the question, MP Boulerice.

During the night of the 23rd and into the 24th, I would say there was regular/constant communication by way of telephone and by way of text message between operational personnel attempting updates.

When we move forward into the events following the derailment, the timeline becomes a little different as CN assesses the derailment and assesses its ability to clear the track and its timeline. In that case, we're now in contact, I'll say, every couple of hours as the situation changes in the field.

Through that process, we continued to update our planned service. We didn't want to cancel service prematurely, but we wanted to ensure that we communicated with passengers before they left for the station or before they began travel that would take them to a Via Rail station.

• (1035)

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

[*Translation*]

Thank you very much, Mr. Boulerice.

[*English*]

Next, we have Mrs. Kramp-Neuman.

The floor is yours. You have five minutes.

**Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC):** Thank you very much.

Thank you to the witnesses for being present.

I have a number of questions. I'm going to get right to them in the interest of time.

From a timeline perspective, and from correspondence and communications that I've read from passengers who were on the train, there were points in time when passengers felt like they were prisoners. That came from a 25-year-old passenger who was on the train.

The first question I'm going to pose is this. If there was an emergency, why did it take so long to contact local authorities?

**Mr. Martin R. Landry:** Michael, do you want to touch on this?

**Mr. Michael Brankley:** Thank you for the question, MP Kramp-Neuman.

Throughout the night of the 23rd and into the 24th, there was an operational disruption. We continued to have contingency plans to resolve the disruption.

I'll pause there and say that I'd like to apologize to the people on board our trains. I understand the experience they had. It is not an experience we ever wish to deliver at Via Rail.

During this operational disruption phase, we had passengers in a safe place with light, heat and access to washrooms. We couldn't access the train to evacuate them. It was only in the early morning when passengers, unfortunately, took it upon themselves to detrain from the train that the situation became unsafe for both those passengers and then the rail infrastructure.

**Mrs. Shelby Kramp-Neuman:** If you don't mind me interrupting, it was after 12 hours when a local authority.... The local emergency services were not aware of this until someone deboarded the train and contacted the authorities.

Was there anybody contacting the local authorities? Was it Via, or was it just the passengers who ended up connecting with local authorities?

**Mr. Michael Brankley:** Via Rail police were in contact with CN police. Based on the assessment of the conditions in the town of Cobourg, the term "code black" was referenced, which I'm not familiar with, but I understand it refers to a situation when emergency services will only respond to life-threatening emergencies.

**Mrs. Shelby Kramp-Neuman:** Earlier in your testimony, Mr. Brankley, you mentioned that the train was not accessible, but just moments before that, Ms. Toporowski mentioned that you were less than a two-minute walk away from a residential area. I'm not sure if they correspond with each other or if they contradict each other.

If it's a stone's throw away from residential areas.... That's the concern that I have, because there were people who were diabetic and there were unsanitary bathrooms. There are a lot of concerns, and I'm grateful that you own them and that you're trying to acknowledge and remedy them, but from a perspective of....

From the federal ministry of transportation, is there a definition of what constitutes an emergency? Why was nobody contacted sooner?

**Mr. Michael Brankley:** Thank you for the question, MP Kramp-Neuman.

To refer back to the original portion, you mentioned houses within a stone's throw. There was a subdivision nearby where there was no hydro as well. We were on an embankment with a creek running below the embankment, and to get there you had to go through a forested area. Even in daylight, emergency services had to work to get into that location.

We did not see it as a safe environment to attempt to detrain passengers, when they did have light and heat, to an area that did not have light and heat.

**Mrs. Shelby Kramp-Neuman:** Okay.

**Mr. Michael Brankley:** We could also not access the buses or any other transportation to move those unfortunate passengers somewhere else.

**Mrs. Shelby Kramp-Neuman:** Okay.

Maybe you could help clarify this question for me. I understand that the train was struck by a tree. Can you speak to the damage from the hit, or can you comment on whether there's a federal regulation for a train to move a kilometre forward or back without a horn? I understand that the horn fell off. Is there a regulation that you can move forward or back a minimal amount if you do not have a horn?

**Mr. Michael Brankley:** Yes, we could have continued operating without a horn. The issue that kept us from moving that train was the fact that the tree came to rest on the train, with a significant portion of the trunk leaning against the train in the vicinity of the passenger windows. The assessment was that if we tried to move the train at that time without assistance from CN, the tree would intrude into the passenger compartment, break the windows, and open the car to the environment.

• (1040)

**The Chair:** Thank you very much, Mrs. Kramp-Neuman. Unfortunately, there's no time remaining.

**Mrs. Shelby Kramp-Neuman:** Fair enough. Thank you.

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

Next we have Mr. Badawey.

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

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

I'm going to concentrate on the business—the business that you're in, the business that we're in and the business of government—and with that the priorities that we both share relative to this issue, which are protecting passenger rights on a daily basis and looking not only at what happened then but probably equally, if not more importantly, at how we're going to deal with this moving forward.

With that, I'm going to get a bit granular with respect to your backup or surge capacity. What backup or surge capacity does Via have when weather incidents disrupt your service schedule? What changes do you plan on making within that surge capacity?

**Mr. Michael Brankley:** Thank you for your question, MP Badawey.

This was during the Christmas season, of course, December 23 and 24, and December 23 was our heaviest travel day of the year. All of our available equipment was in service. Of course, this impacted the next day's service, because we didn't have additional equipment to move into the cycle until the CN derailment occurred, when we could no longer provide that service.

In a situation where we did not have all capacity in use, in a winter readiness we would try to stage guard trains. We did have guard equipment at facilities, but we weren't in a position to reach those locations with that equipment at that time.

**Mr. Vance Badawey:** With that, I do want to emphasize the fact that it's unfortunate that CN isn't here, because they would be part of that surge capacity, as would CP, of course, or any other of those that are responsible for the infrastructure.

What's changed? What's changed in terms of where you're going from here with respect to equipment?

I also want to concentrate on the surge capacity with respect to your employees. Mr. Landry mentioned the employees earlier and the care for the employees as well as the passengers. With that, what's changed in terms of that surge capacity—yes from the capital side when it comes to the equipment and the infrastructure, but also with regard to the human element in terms of the surge capacity with your employees? What's the backup along with taking care of the passengers aboard your trains?

**Mr. Michael Brankley:** Thank you.

I'll take a brief moment to thank our employees, who worked tirelessly through this event to try to provide service and who ultimately achieved getting all the people who boarded trains on the 23rd to their destinations safely. We did position employees in strategic locations in order to provide backup and support. We did source crews, often travelling in their own vehicles, to trains to recrew and provide—

**Mr. Vance Badawey:** I'm sorry, Mr. Brankley. I've heard that before. What I'm getting at is this: What's changing now? How are you going to fix the challenges you had with respect to your surge capacity from both the capital side, vis-à-vis infrastructure, trains and equipment, and the human element moving forward? What's changed? How are you going to deal with this next time?

**Mr. Michael Brankley:** In terms of our capacity, we have a finite equipment capacity. We do have, as you may be aware, more equipment coming online. We have a buffer built into our staffing levels to react to situations such as this.

This did also occur over the Christmas holiday, when all of our personnel were at work and some were on vacation, which—

**Mr. Vance Badawey:** Thank you, Mr. Brankley.

I do look forward to the recommendations coming forward that we will put in place, working with you, through the report when it's concluded, to look at those capacities.

For my next question, in retrospect we see what happened, and I do want to hear your thoughts on how your planning for winter storms should have been different. It goes to my earlier question. More specifically, what could Transport Canada—or the minister, for that matter—have done to assist in addressing your challenges at the time? As well, what could any member of the team at Transport Canada have done to assist you in the challenges you were facing at the time?

Also, in looking at the future, what could have been done by Transport Canada and by the minister in particular? We hear the minister's name come up very often in this situation. What could they or he have done and what do you expect they could do in the future to help you with these challenges?

• (1045)

**Mr. Michael Brankley:** I'll go back to December 21, with the storm coming. During the events, Transport Canada did reach out to our team. We established communication between our personnel and Transport Canada through the holiday. We maintained updates of status with Transport Canada. In meetings held on the 24th, 25th and 26th, I believe, we worked together to try to find solutions to recover service.

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

Thank you, Mr. Brankley.

[Translation]

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

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

We mentioned that there were perhaps some communication difficulties between VIA Rail and its clients, but also between VIA Rail and CN.

When it comes to its operations, VIA Rail circulates very regularly on CN's tracks. Because CN is the prime contractor, it's responsible for maintaining railways. Aside from the crisis in December, do VIA Rail and CN communicate with each other on the state of the tracks and the problems that crop up regularly on certain lines? Or does CN always work alone, without really communicating with VIA Rail?

Your trains roll on those tracks. Your conductors, the people who work at VIA Rail, must have witnessed some incidents.

Isn't that so?

[English]

**Mr. Michael Brankley:** Thank you for your question, MP Barsalou-Duval.

We have both regular contacts on a variety of topics and ad hoc contacts during operational disruptions—and operational disruptions not necessarily to the level that we experienced on December 23. With such items as disabled freight trains, there will be contact between our centres to ensure that we have information and we can plan.

I believe I mentioned earlier that we have met with CN and are actively working to improve those communication links and make sure we're more seamless in those communications.

[Translation]

**Mr. Xavier Barsalou-Duval:** My next question is also on customer service.

In the case of airlines, when a company is unable to offer its clients a flight, a rule requires it to redirect the passenger to the next

available flight leaving within the next 48 hours, no matter which airline, including competitors.

In the case of railways, I understand that a company is not able to send its client to a competitor's train, because there aren't 12,000 railway companies. However, there are still other types of transportation, such as transportation by bus or plane.

Have you considered offering alternative solutions to clients whose transportation was cancelled, so that they can reach their destinations?

**Ms. Rita Toporowski:** Thank you for the question, Mr. Barsalou-Duval.

[English]

Depending on the situation, in the past we have considered using buses when a train is cancelled and/or it's en route and it's disabled. In those particular cases, it's obviously dependent on service. Can we actually source a bus? In this particular case you're referring to, we could not have done that. In this case very specifically, on the 23rd, roads were not accessible, so busing was not an option.

On anything to do with any cancellations from the 24th to the 26th, we did have a conversation related to whether or not busing could become an option for the trains that were cancelled, because we understood from a passenger perspective that they wanted to get to their families on the holidays.

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

[Translation]

Mr. Boulерice, you now have the floor for two and a half minutes

**Mr. Alexandre Boulерice:** Thank you very much, Mr. Chair.

Mr. Landry, at the start of your testimony, you said you granted contracts to an outside firm to review Via Rail's operations.

Was it the McKinsey firm?

**Mr. Martin R. Landry:** No, we went with the Roland Berger firm, which specializes in the railway sector. This firm has very appropriate expertise in this case. We retained the firm's services to review our railway operations during the situation we experienced over the holidays.

**Mr. Alexandre Boulерice:** That's perfect. Thank you very much.

From what I understood, a problem affected train 55 because a tree trunk fell onto a car.

Doesn't Via Rail have the required resources to remove a tree trunk?

**Mr. Martin R. Landry:** We do have them on our network. We have support teams that could have acted if this had happened on Via Rail's network. However, the network where it happened belongs to CN, which not only has the responsibility to take action on its networks, but also has the support teams to do so, which we do not. That explains why we had to depend on CN to remove the tree.

The tree initially hit the locomotive's windshield, making it impossible to drive. It was no longer safe. The tree then ended up on one of the passenger cars. So we're talking here about a precarious situation.

• (1050)

**Mr. Alexandre Boulerice:** What is your assessment of CN's reaction time and response for removing the tree trunk?

**Mr. Martin R. Landry:** It took a lot longer than we hoped. Weather conditions explain part of the delay. The first CN team that was supposed to take care of the tree had an accident on the way, unfortunately, due to difficult conditions. Just accessing the accident location was problematic.

After the second team arrived, it deemed the winds too strong to remove the tree safely without damaging the car, but above all, without risking the tree piercing the car and possibly injuring passengers.

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

[*English*]

Thank you very much, Mr. Landry.

Next we have Mr. Strahl.

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

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

First of all, I want to talk about communications. In the first meeting we had with the airlines and airports, we learned that the minister had never communicated with the airports regarding the chaos that happened during the holiday season. We learned that he had not spoken with the airlines directly—certainly not with Sunwing—until January 5, after all of the passengers had returned home from being stranded abroad.

When, Mr. Landry, did you speak personally with the minister about the situation that plagued Via over the holiday season? On what date, please?

**Mr. Martin R. Landry:** Maybe I could contextualize our relationship with Transport Canada and the ministry. As a Crown corporation, as you can imagine, we have daily contacts with Transport Canada across a wide—

**Mr. Mark Strahl:** I'm aware of the context, but my question specifically is in terms of Mr. Alghabra's communication with you directly. On what date did that occur?

**Mr. Martin R. Landry:** We had ongoing communications with the minister's office. We set up a meeting with the minister post-incident, not only to review actions during the events but more importantly to review the action plan to address the shortcomings. That meeting was held on January 11.

**Mr. Mark Strahl:** That's good to know.

First of all, I'll just say that seems awfully late in the day. Again, it's a delayed response to what was an emergent situation.

Speaking of the emergency nature, having listened to your testimony, I think the passengers were actually quite lucky that the incident wasn't worse. What if the tree had been struck and the train had derailed? How long would it have taken emergency crews to access the site? It seems as though what we're hearing is that it would have been impossible for crews to get there inside of 13 hours.

It is very troubling to me to think, if the incident had been any worse—it already was terrible for the people on board—what the response would have been. How would it have been different had there been a breach of one of the carriages, or had trains actually jumped the track and the passengers were deemed to not have been in a safe environment? It seems that we were very close to that scenario happening.

It's very troubling to me that we're being told that, in what is a fairly populated part of Ontario, nothing could be done to assist the passengers on that train any sooner than service was offered. Can you explain that to me? How is that possible? How could it have been, as my colleague said, not that far—yes, the train was difficult—from civilization, if you want to call it that, yet it was so many hours, apparently, before assistance could arrive at that train?

• (1055)

**Mr. Michael Brankley:** I think at the beginning of your question you mentioned that, if the train had left the track or if the train had been breached and exposed to the environment, it would have constituted an emergency. Yes, at that point, emergency protocols would have been enacted based on the passengers no longer being safe in terms of light, heat and sanitation.

Emergency services had been contacted and did attend the train in the morning. I can't speak to what the emergency services' timeline response would have been in a greater level of emergency, i.e., the train derailed or the passengers no longer had light and heat.

**Mr. Mark Strahl:** Okay.

Mr. Landry, you talked about the refunds and credits being offered to rail passengers. In the air sector, when an airline has a delay or fails to get someone to their destination, they have to pay \$1,000 per passenger, and we've heard some difficulties in passengers getting that.

Do you believe that Via Rail should be brought under a similar passenger protection regulation where, not only would you make them whole, you would offer refunds, credits, vouchers and that, which the airlines do as well? Do you believe that Via Rail should have to pay \$1,000 to passengers who are impacted, such as those who were impacted on train 55 over the Christmas holidays?

**Mr. Martin R. Landry:** We'd welcome a discussion around better passenger protection for rail passengers, but I think, for it to be relevant, it would be important to have the host railways as part of this process. As we are so dependent on the host railways to deliver our service, I think, in order for us to improve the customer experience, part of this will come through enacting rules and guidelines that would give, for example, greater priority for passenger train services so that the schedules could be met and avoid the need for penalties, as the number of delays would be significantly reduced.

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

Thank you very much, Mr. Strahl.

Next we have Ms. Koutrakis.

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

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

Thank you to our witnesses from Via Rail for appearing before us today. It's very appreciated.

I, for one, use Via Rail services very frequently to come from Montreal to Ottawa, weekly, I would say. First I have to say that Via has always delivered exceptional client service. In fact, I'm sure, if you ask many Canadians who use Via Rail on a regular basis or even just from time to time, they've experienced exceptional customer service.

Past serious disruptions and situations often led to exceptional service, recovery and positive passenger feedback. I'm sure, if you look at your stats, they will concur with what I'm saying. This included timely and honest communication and giving passengers complementary food, water, beverages, blankets, etc.

Why did these things not happen pre-emptively over the Christmas holidays?

**Ms. Rita Toporowski:** Once again, to the passengers who were involved and suffered through the extended delay, I apologize.

I appreciate what you say. First off, thanks for your travel with us. You're right; we do often get many commendations as a result of our great service. I think that's why we're taking it very personally that we did not live up to our expectations. Our passengers expect better of us, and we weren't able to deliver in this case.

I think, putting in context the number of trains that were delayed, in most cases we managed to properly communicate, at least much better. Even if we didn't hit this data, we were fairly good at keeping people apprised of what was going on. We managed to get food to certain trains where we could get access to it.

I think the outlier is train 55. Given the protracted delay and given the lack of clear information that we were able to garner, there was misinformation we offered the passengers. We exacerbated the level of anxiety of those passengers on board, and that's on us for not properly and clearly communicating what we were doing and reassuring them. That's where our learning has to come from, so we're doing a deep dive and obviously an overview of everything we did with all our trains, but very specifically with train 55. What could we do differently to make it better next time?

**Ms. Annie Koutrakis:** Thank you for your response.

What we've heard through your testimony is that Via is essentially dependent on other track owners on most of its routes. These track owners also operate their own substantial businesses or services over the same tracks that essentially compete for track or station space with Via Rail.

Please quickly describe the challenges of this ownership structure. How would high frequency rail avoid the chronic problems that arise, and would it?

• (1100)

**Mr. Martin R. Landry:** Thank you for your question. I think it's very relevant to have this discussion from a policy perspective.

We deal in an environment where the host railways dictate the priorities of the trains. They provide an essential service to Canadians, moving a significant amount of goods, and they're key contributors to the supply chain. There's always this fine balance about who ultimately wins out. As long as we live in this environment where there's mixed traffic and the host dictates the priorities, we're unlikely to be able to provide the level of customer service that we would like to provide to our customers and that we believe they should be entitled to.

This led, ultimately, to the development of the high frequency rail proposal, in which we segment that traffic in order for us to be able to better dispatch passenger rail trains and in order to provide them the service that they're entitled to.

**Ms. Annie Koutrakis:** I believe it was in your comments, Mr. Brankley, that you talked about a new fleet that is coming in short order. If this new fleet had been in place, how might it have affected how well you were able to respond to these events, or would it not have had any impact in these circumstances whatsoever?

**Mr. Michael Brankley:** Thank you for the question, MP Koutrakis.

In the circumstances in question, I don't believe a new fleet would have led to any significantly different outcomes.

**Ms. Annie Koutrakis:** Okay.

We hear criticism from my honourable colleagues about Minister Alghabra not having personally communicated directly with your contact. Could you please explain to our committee and to Canadians at large whether it would have made any difference if the minister had communicated directly himself?

Did you have the support from Transport Canada and the minister's office for what you required at that very specific moment? Would it have made a difference? If so, how?

**Mr. Martin R. Landry:** I think it's important to remember that the events were really focused around operations and re-establishing operations. Most of our contacts with Transport Canada were very much focused on resuming these operations.

The solution was simple. The solution was to remove the derailed train in order for the infrastructure to be made available to Via Rail trains. That was clear from the moment the derailment happened. That's how we spent most of our energy—working with Transport Canada officials and CN to focus on enabling that solution to take place.

We believe we were, at that point, dealing with the proper contacts because, as I mentioned, these were very operation-centric discussions we were having.

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

Thank you once again, Mr. Landry.

Next we have Mr. Strahl.

The floor is yours. You have five minutes.

**Mr. Mark Strahl:** Thank you, Mr. Chair.

I understand that the Liberals get a bit sensitive when I talk about the minister being accountable and active on this file. They might think it's okay to wait two-plus weeks to engage with companies that experienced massive travel delays and whose passengers were severely impacted over the holidays. If that's the level of accountability and leadership that they believe the minister should have, I guess they can defend that. I make no apologies for saying the minister should have been more engaged, more quickly with all industry players as this crisis unfolded.

I want to talk a bit about the food and beverage situation. At what point does Via switch over from a point-of-sale situation, where you're selling food and beverages to passengers, to giving it out for free because you're in a difficult situation?

How many hours into a crisis like this does the food that's on board become available to all passengers, regardless of their ability to pay?

• (1105)

**Ms. Rita Toporowski:** Thank you, MP Strahl, for the question.

There is a protocol in place. When we have delays, after a 45-minute delay, we basically open up our emergency snacks and water and provide them for free. At that point in time, we stop the regular service and provide the free. Another 45 minutes later, we go through another run-through and provide additional snacks and food for free. After that, we start assessing how long we think the delay is going to be. Should we believe it's going to be much more protracted, we would open the carts we have on board the trains.

Next to that, should we have access to a station, we would find a way of getting to the station and getting the extra food that is in the station. Next to that, should it be even more protracted, we would order food and have it brought to the station or brought to the train.

In the case of some of the trains, we were able to do that. In the case of train 55, we were unable to do that. I understand that on train 55, we were selling food, and that is against what we normally

would have done. Once again, that's a failure on our part and it caused anxiety to the passengers on board. For that, I apologize.

**Mr. Mark Strahl:** Have passengers who had to buy food well into that delay been refunded for those purchases?

**Ms. Rita Toporowski:** At this point in time, I do not know the answer to that question. I don't believe we've been able to identify who that was. That is something we continue to look at.

**Mr. Mark Strahl:** I would suggest that this would be something that the review look at because, again, it was a bit shocking to read that passengers were forced to pay for food when they couldn't get off the train.

My next question would be regarding the washroom facilities. We heard that they obviously, over a number of hours, were perhaps at capacity. Is there anything in the regulations, anything that would allow employees in a situation like that to perhaps do what they otherwise never would do to ensure passengers were able to have hygienic access to washrooms? Obviously, as you know, your tanks are full and you're stuck for an unexpected amount of time. That doesn't change the fact that customers on board still need access to clean and safe washroom facilities.

What provisions are there to ensure that access is available? Do changes need to be made to protect passengers in situations like this in the future?

**Ms. Rita Toporowski:** Thank you again for that question, MP Strahl.

You're right. Given the protracted delay, there was an issue in terms of the number of washrooms that were available on all the trains. In every case, at least one or two washrooms were functioning at all times.

To your point, is there something the employees can do? In some cases, they actually did overrides. They walked through and had to do a manual reset on the washroom after it had been used. It's not a pretty thing to do. It's not a nice thing to do, but it's a necessity. They actually managed to do that in order to keep at least one or two washrooms functioning. The difficulty for passengers is that they were not in yellow cars, so in a larger context, having one or two functional washrooms is not acceptable.

In this particular case, that's what we were working with. This will be part of the fulsome review and then, based on any kind of benchmarking or any kinds of recommendations we have, we'll take a look at what we can do to improve.

**Mr. Mark Strahl:** Thank you very much.

I'm not sure who should take this question. Going back to the emergency services, obviously for everyone along the route, for all the communities along the route, I imagine there is a relationship with those first responder groups: firefighters, the police, ambulances, etc. Has that protocol been reviewed in light of the obvious cascading effect here, with derailments and impacts both forward and backward in terms of where the train was?

Are you satisfied that the emergency plans that are in place are adequate, or has this exposed gaps even in that? What if there had been a more severe incident? Are you satisfied that your emergency plans and your relationships with those providers are adequate at this time?

**Mr. Michael Brankley:** Thank you for your question, MP Strahl.

Traditionally, those relationships were entirely managed between CN and their CN police force and local communities. Forgive me, as I can't recall the date, but in my time at CN, a Via police force was created and developed, and that force has developed relationships with forces along, first of all, Via infrastructure, and then reaching out to corridor infrastructure. That outreach continues across the country so that we have relationships and communications between emergency services and our organization.

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

Thank you, Mr. Strahl.

Just to follow up on Mr. Strahl's question, Ms. Toporowski, if and when the passengers who had no other choice but to purchase the food are reimbursed, could you kindly confirm that with this committee, please?

• (1110)

**Ms. Rita Toporowski:** Yes, Mr. Chair. I will.

**The Chair:** Thank you very much.

Next we have Mr. Rogers.

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

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

First of all, let me welcome our Via Rail reps who are with us today. It's greatly appreciated.

When it comes to weather and storms, of course, I don't ride trains. I live on an island. We often experience delays and setbacks because of extreme snow conditions and weather conditions.

I can appreciate the challenges that Via was facing in this particular incident. I think back to 2020 and what we in Newfoundland affectionately call "Snowmageddon", when the entire city of St. John's was buried under not centimetres of snow but feet of snow—many feet of snow—as well as the entire Avalon region and parts of the island. This can pose a lot of challenges for all sectors.

I listened very carefully to your comments, and I read your written submission about the challenges you faced and the things you had to endure to try to keep your passengers safe. I certainly sympathize with those passengers.

Of course, in retrospect, what are Via's thoughts on how planning for such extreme winter storms can be improved, especially with regard to communications such as those you talked about with Transport Canada and, more particularly, with the passengers and CN? If you would offer some comments on that, I'd appreciate it.

**Mr. Michael Brankley:** Thank you, MP Rogers.

Yes, we are seeing evidence of extreme weather. In fact, we're at this time in the middle of our fourth winter activation of the season due to the current snow conditions in the corridor.

I mentioned previously that we've met with CN to improve those communications, operation centre to operation centre. Passenger communications are being reviewed, and our CN communications will be reviewed by our third party external review as part of our ongoing debrief and post-mortem.

I apologize, but there was another section of the question.

**Mr. Churence Rogers:** I was just wondering how communications can be improved with all parties involved—Transport Canada, passengers in particular and CN.

**Mr. Michael Brankley:** I thank you again.

I would suggest that in most cases we have been successful in passenger communications. In this particular incident we had areas where we didn't live up to our own standards, and for that we apologize to our customers. We're working internally to improve that, and then we're going to put that through an external assessment as well.

We've had—

**Ms. Rita Toporowski:** Perhaps, MP Rogers, I may add to that from a passenger perspective. I think a few things that came to the forefront were clarity—as much specificity as possible—and frequency. On those two counts, we were lacking in this particular case on a few of the trains. On the other trains we were much better at managing through it.

I think, though, we're going to focus on those particular areas, but as Mr. Brankley mentioned, it will be part of the fulsome review with our communications.

**Mr. Churence Rogers:** Thank you for that.

I was just wondering if Via has ever experienced extreme storm events in the past. How were you coping in the past versus coping with this particular incident?

**Mr. Martin R. Landry:** I can try to answer this.

We've gone back 25 years in history, and we've never had an event such as the one we had on the 23rd and 24th.

It wasn't necessarily linked to the snow itself or the snow accumulation. It was really linked to the power failures that took effect. Obviously the infrastructure depends on electricity. For example, all the grade crossings where the barriers come down obviously require electricity. Those events combined with hitting a tree.

I mentioned in my opening remarks, I think, that we as a country have to look at increasing the resiliency of our transportation infrastructure. Weather events are becoming more and more frequent. You hear about the storm of the century. Well, it arrives almost every year now. I think we have to accept the fact that we're going to have to build infrastructure resiliency into the transportation sector in order to minimize the impacts of these weather events, as they appear to be much more frequent.

• (1115)

**Mr. Churence Rogers:** I'll follow that up with a question. I know CN declined to be here today and indicated that they may be here at some later point.

Sir, would you lay some of the blame for this event at the feet of CN or the government? Why or why not?

**Mr. Martin R. Landry:** I don't think it's an issue of putting the blame, because frankly a combination of factors created this situation. I think this part of our review will be understanding all of the variables that were in play.

Without calling it blame, I think a lot of us need to take stock of what happened and address the elements that are under our control to make sure that, if ever one of these events happens again, the impacts on our passengers are minimized.

**The Chair:** Unfortunately, Mr. Rogers, that concludes the time you have for your line of questioning.

[Translation]

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

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

I find it unusual that there are no CN representatives here today to answer our questions. The tracks do belong to CN, after all. It is very frustrating not to get any answers to our questions. In my opinion, and other people have said this as well, this shows a huge lack of respect on the part of CN.

I hope some CN representatives will appear before the committee as soon as possible. It is as though the passengers were taken hostage, since it took so long to clear the track during these incidents.

I wonder if the response would have been a quicker if VIA Rail owned the tracks rather than CN. Let me explain: CN transports freight. A blocked rail car carrying grain or scrap metal might not be as problematic as a blocked passenger car.

Mr. Landry, are VIA Rail and CN discussing this?

Do you think VIA Rail might have responded more quickly if it owned the tracks itself?

**Mr. Martin R. Landry:** I will begin to answer the question and will then pass it on to my colleague.

It is hard to say whether CN's response time could have been better. Rather than the response itself, I think the issue is that there is usually no need to respond.

Given the protocols we have in place for our own infrastructure, we believe that at no time during that storm was VIA Rail's infrastructure unavailable for rail traffic.

[English]

Perhaps Michael can deal with the proactive steps we have taken to weatherproof our own infrastructure in order to enable our trains to continue to operate.

**Mr. Michael Brankley:** With our Via infrastructure, as part of our winter readiness activation, we take specific steps. In this case, I can give some quick examples. We clean the existing snow condition prior to the arrival of the new snow. In this particular storm, we distributed generators to key locations to ensure an uninterrupted supply of electricity to the infrastructure.

We also maintain very strict vegetation controls on our infrastructure to lessen the risk of tree falls blocking access, delaying passengers or damaging our equipment.

[Translation]

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

We were talking about communication problems earlier. You said that you communicate with train employees from the VIA Rail control centre, and that those employees in turn provide the information to the customers.

Was there sufficient communication? Was the issue between the control centre and train 55 or between train employees and customers?

Are there any other ways to provide information other than over the train loudspeakers?

We know that some rail old cars are old. They are older than I am. The sound quality is probably not optimal in all cases.

Have you used other ways of communicating with people or are you considering doing that?

**Ms. Rita Toporowski:** Thank you for the question, Mr. Barsalou-Duval.

[English]

Yes, there are multiple modes of communication.

I think the communication breakdown was twofold. One of the messages we sent out from central that was direct by email to passengers on train 55 was in error. We said that the tree had been removed. It had not been removed. That was due to a communication issue we had with CN. We provided the wrong information to passengers directly. Obviously, they didn't take it well, because they saw that the tree was still there. That was a failure. From an on-train perspective, we had offered the same information to our crew, so they had the wrong information and they were conveying that to passengers. That creates anxiety and mistrust on the train.



In terms of other modes, as you mentioned, instead of using the audio system on board the train, part of the effort of the crew is to actually walk through the train and on a one-on-one basis, row by row, actually be present and visible, answering questions as they go along.

We had a multipronged approach. If there's something further that we can do, we will be looking for that in our efforts with regard to the review we will be doing.

• (1120)

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

[*Translation*]

Thank you very much, Mr. Barsalou-Duval.

Mr. Boulerice, you have the floor for two and a half minutes.

**Mr. Alexandre Boulerice:** Thank you very much, Mr. Chair.

Canada is a G7 country. Unfortunately, when it comes to rail lines, we are literally a 19th century country, and it seems as though the legislative and regulatory framework has not changed either.

There is competition between providing a public service to enable Canadians to travel within Canada, and private companies whose focus is shipping containers. These private companies have the upper hand.

In this system, freight is more important than people. I think this bears mentioning. Ownership of the rail tracks is a big part of the problem, and I think that some day we have to consider nationalizing our rail infrastructure in Canada.

The problem with trees in Quebec and Canada is nothing new. Snow storms are nothing new either. Tree branches falling on a train and slowing the train's progress are nothing new.

Why doesn't VIA Rail have equipment on board such as mechanical saws that employees could use to remove trees or tree branches that are blocking the train's path?

[*English*]

**Mr. Michael Brankley:** Thank you for the question, MP Boulerice.

I'll go back to our infrastructure during this storm. To my recollection, we have not had a fallen tree that has blocked our access or impacted passengers.

In terms of having equipment and personnel on board to cut trees down in that circumstance, this is not something that we have considered. Our employees are certainly not trained for that. They're experts in other areas. I would suggest that it may not best serve to have them act as maintenance of way personnel. There are specific people in the railway industry who are trained for that task.

[*Translation*]

**Mr. Alexandre Boulerice:** It seems however that those experts do not arrive at the site when needed, and passengers suffer as a result.

[*English*]

**Mr. Michael Brankley:** I also, again, apologize to our passengers for the extended delay that they experienced due to that tree fall. I can say, in regard to our infrastructure, that we would respond. I can't speak on behalf of other infrastructure owners.

[*Translation*]

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

[*English*]

Thank you very much, Mr. Brankley.

Next we have Mr. Lewis.

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

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

Thank you to the witnesses for coming out here this morning.

I'm going to ask some very pointed questions purely to wrap my brain around why it took so long. The reason I'm going to ask them this way is that there were railroad tracks behind my house and my parents' house, and I lived there from—boy, did I just age myself—1980. I think the railway ran for about 15 years.

In the very early 1980s, at two o'clock in the morning, a train derailed behind my house. There was a hundred years' flood and storm, one of the wildest storms you ever saw. Anhydrous ammonia tankers flipped over on their sides right in our backyard. I will say that the first responders were there fast, super-duper fast. We had a lot of people running around in our backyard to stop the leaks and so on and so forth.

Because I lived with the train tracks for so long, I know that there are always maintenance vehicles. They're pickup trucks that drive down the road, get to a cross-section, put the rails down and drive.

I realize this is a question for CN, so I appreciate the fact that you could defer to them, but could you explain to me why they couldn't get a maintenance truck from a road either from the front of the train on the tracks or from the back of the train on the tracks to the train to cut the tree off?

• (1125)

**Mr. Michael Brankley:** As I think Mr. Landry previously mentioned, one CN crew had a road accident in the snow conditions, and it was delayed in responding. Another crew did respond to the site via a vehicle referred to as a hi-rail, but at that time, due to the winds, they determined that they couldn't cut it at that time.

There was another tree down in front of train 69 at this point, so that crew relocated to move the tree they could to advance train 69. All of this is to say that CN was attempting to move the tree and did access the train on at least two occasions via hi-rail, but those emergency crews were performing activities to keep the network fluid, and that allowed our other trains to proceed.

**Mr. Chris Lewis:** Thank you for that.

Does the rail system mandate from Transport Canada mirror the mandate for the aviation system? I don't know the exact amount of time that airliners are allowed to leave people on the tarmac, but I know there's a number to it. Is it the same for trains?

**Mr. Martin R. Landry:** I don't believe we have a similar framework to the airlines.

**Mr. Chris Lewis:** Do you believe, then, if you had that type of framework in place, that it would have been easier for your folks to make the decision that you were past this amount of time and, therefore, you had to put these emergency responses in place? Is that something that you believe would have been helpful?

**Mr. Martin R. Landry:** We've developed our own protocols to deal with unusual circumstances or these service disruptions. I think it also loops back to the discussions we had earlier about passenger rights, because it is linked to an ecosystem view and our ability to work in this ecosystem. This is not solely a Via Rail discussion. I think it has to include the host railways in an integrated fashion so that we don't solve a part of the problem and then have no solution for another part that creates an additional friction to the passenger experience.

**Mr. Chris Lewis:** Thank you.

I'm glad that you brought up passengers' rights. Canadians are very passionate and compassionate people. They're very understanding folks, but they still want their freedoms. I can only imagine being on a train for 13 hours, sitting there. I appreciate the fact that you talked about the communication, but I'm not surprised there were a couple of folks who said, "You know what? Enough is enough. I have to get off."

I think it would be very helpful, and I really think that the minister's office should be the one driving this forward. I think that, if the aviation and all of our rail systems mirror each other, it makes the jobs of the companies to make the decisions at tough times a lot easier, especially over Christmas.

Thank you very much for your testimony and for your answers.

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

[*Translation*]

We have three minutes left.

Mr. Lauzon, you have the floor.

**Mr. Stéphane Lauzon (Argenteuil—La Petite-Nation, Lib.):** Thank you, Mr. Chair.

I would like to begin by thanking Mr. Landry and his entire team for being here today to discuss this matter.

In your responses, you talked a lot about supply and communication with your customers, their families and your partners. Have

you considered providing information about known circumstances, before the train even leaves?

I know you cannot predict a tree falling on a train, but in your protocols do you have to make any decisions before a train leaves the station?

**Mr. Martin R. Landry:** Thank you for your question.

That is something we will be looking at with our consultants, namely, the need to inform customers proactively of disturbances or potential problems.

It would then be up to the passengers to decide whether they still want to take the planned route or make a change, in which case we would refund their ticket, of course.

**Mr. Stéphane Lauzon:** In a similar vein, you said it was the storm of the century and that these events were becoming more and more frequent.

In view of the climate change we are experiencing, do you agree that you need to update your protocols?

**Mr. Martin R. Landry:** Thank you for the question.

Indeed, this has been happening more often, and not only in the winter. I am thinking about the fires in western Canada, as a result of which we had to interrupt services.

I said that we need to increase the resiliency of our transportation infrastructures, broadly speaking. I am not referring to rail transport alone; there are also challenges in air travel. It is time that we, as a country, take a look at this to reduce the impact of climate change on transportation in general.

• (1130)

**Mr. Stéphane Lauzon:** Thank you.

I am trying to understand. From the outset, you have stressed the importance of protocols, which will also be reviewed by a firm. We know that if passengers want to leave a train of their own accord, that is a last resort. Could you improve the protocol for passengers wanting to leave a train in such a situation?

Will you establish a clear and specific protocol, with all community actors taking part in its development, including the rail line owners, rail passengers and your executives?

**Mr. Martin R. Landry:** The short answer is yes.

**Mr. Stéphane Lauzon:** Have you already started thinking about this?

Could you tell us today about areas to be improved, or are you waiting for the recommendations from this study?

**Mr. Martin R. Landry:** We are not waiting for the results of the study. We have discussed this with CN representatives and executives as regards operations specifically. We want in particular to update our protocols so as to respond more effectively in situations where we have to do something to infrastructure that we do not own.

Those are among the procedures that are already being reviewed, but they will also be part of the complete overhaul of our protocols.

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

On behalf of the committee, I would like to thank Ms. Toporowski, Mr. Landry and Mr. Brankley for being with us today. On behalf of Canadians, thank you for taking the time to answer our questions.

That concludes our meeting.

Thank you.

The meeting is adjourned.

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