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SENT ELECTRONICALLY

August 21, 2015

Ms. Brigitte Diogo
Director General, Rail Safety
Transport Canada
427 Laurier Avenue West
Ottawa, ON
K1A 0N5

Ms. Lori Kennedy
Director, Regulatory Affairs
7550 Ogden Dale Road
Calgary, AB
T2C 4X9

Dear Ms. Diogo and Ms. Kennedy:

RE: Canadian Pacific – Subsection 22.1(1) of the Railway Safety Act - Notice of an Immediate Exemption of Short Duration Increase maximum allowable speed for Restricted Speed from Slow Speed (15 mph) to 20 mph

The Teamsters Canada Rail Conference is opposed to CP's request to increase the maximum allowable speed in the application of Restricted Speed. We do not believe this is conducive to safe rail operations or in the public's best interest.

CP states the benefits gained from this exemption will result in;

1. Less complex rule application for cross-border crews resulting in enhanced safety
2. Reduced crossing dwell

.../2



Looking at the first point, the application of restricted speed is not consistent in all versions of the operating rules used in the United States. CP has provided the definition of restricted speed as contained in the US General Code of Operating Rules which does permit the maximum allowable operating speed of 20 mph in the application of restricted speed for railways which have adopted these operating rules. These operating rules are used by Class I railways operating west of the Mississippi River. However, many US railways operating in the northeast use the Northeast Operating Rules Advisory Committee (NORAC) rules, which allow for a maximum allowable operating speed of 20 mph outside of interlocking limits but reduce the maximum allowable operating speed to 15 mph within interlocking limits. Furthermore, the CSX Railway and the Norfolk Southern Railway, both of which CP has cross-border crew interactions with, utilize their own operating rules which both restrict the maximum allowable speed to 15 mph in the application of restricted speed. There is also as many or more instances of crew interactions with other Canadian railways operating under the current CROR application of restricted speed where this change will not be harmonious with their operating practices. We believe this increase will further complicate the rule and will not result in enhanced safety.

Regarding the second point we fail to see any significant reduction in crossing dwell that would result from the allowance of this exemption. The operating crew regardless of the maximum allowable speed must still proceed prepared to stop within one-half the range of vision. The range of vision can change rapidly taking into account hills, grades, curves and other obstructions and the crew must be mindful of the equipment they are handling; length, tonnage and the placement of loads and empties to ensure good train handling techniques and practices. In-train forces from stopping quickly can easily result in equipment damage and derailments. Careful consideration of the circumstances and surroundings must be evaluated before occupying a crossing when operating at restricted speed to ensure compliance with other legislative requirements.

As for the Risk Assessment CP conducted we still have concerns with the controls to be put in place to mitigate the identified risks. The same control has been identified for all the risks, which is to *“educate through bulletin on the importance to comply with all the requirements of the rule not just the 20 mph maximum speed and increased stopping distances would increase”*. We have not seen a draft of what this will look like nor have we been consulted as per sections **16(1)** and **19** of the *Railway Safety Management System Regulations, 2015*.

In conclusion, Restricted Speed is a warning that something ahead could conflict with the safe operation of the train and extreme vigilance is required. It is not a posted speed that should be strived to maintain and the circumstances regarding the operation of the train can only be determined by those in the locomotive cab to ensure safe operations. We believe the pressure to operate at increased speed in these circumstances may compromise this vigilance. Furthermore, given the heightened public awareness regarding rail safety since the tragic events of Lac Megantic, a twenty-five percent increase in the maximum allowable speed for trains operating in these circumstances would not be well received by the general public. For

Ms. Brigitte Diogo and Ms. Lori Kennedy
August 21, 2015

3

these reasons we do not believe allowing this exemption is conducive to safe rail operations or in the public's best interest.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ashley", written in a cursive style.

Don Ashley
National Legislative Director

cc: Doug Finnon, President, TCRC
Stephanie Lines, Transport Canada
Bryan Dreika, Transport Canada
Keith Shearer, GM Regulatory & Operating Practices, CP
Brad Thiede, Director Operations Standards & Rules, CP