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RDIMS 11046902/X 15-06

SEP 11 2015

Ms. Lori Kennedy
Director, Regulatory Affairs
Canadian Pacific Railway Company
7550 Ogden Dale Road
Calgary, Alberta
T2C 4X9

Dear Ms. Kennedy:

This is further to your letter dated August 10, 2015, regarding the filing of a notice of an exemption under subsection 22.1(1) of the *Railway Safety Act* (RSA), from the requirements of the definition “Restricted Speed” in the *Canadian Rail Operating Rules* (CROR).

The purpose of the exemption sought is to allow the Canadian Pacific Railway Company (CP) to increase the maximum allowable speed for Restricted Speed from 15 miles per hour (mph) to 20 mph where Track Class and conditions permit. The exemption would be for a period of six months.

Having reviewed the notice, including the safety measures set out therein, I am writing to advise that, in accordance with paragraph 22.1(4)(c) of the RSA, I am denying the exemption as I am of the opinion that it is not in the public interest and likely to threaten safety. I am of this opinion for the following reasons:

- The risk assessment submitted does not provide assurance that all of the most significant risks have been taken into consideration by CP. For example, the risk assessment is silent about the potential impact this change could have on other railways that intersect with CP trains, or operate on CP tracks (e.g., VIA Rail Canada Inc., the Canadian National Railway Company etc.).
- For all identified risks, the same mitigation strategy is posed, namely to educate through bulletins. Additional risk mitigation and communication measures would be required in our view.

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- CP has provided no information concerning any potential increased risk that this change could create pertaining to trains carrying dangerous goods.
- There is no description of what data will be collected during the exemption period and how this data would be used to assess safety related issues. It is not clear to TC that the short-term exemption would in fact be useful in assessing a future possible application for a rule change.
- In addition, a review of the Transportation Safety Board's database of reportable occurrences noted five occurrences, since 2010, which were assigned a contributive cause of "failure to comply with restricted speed ...".

Sincerely,



for
Brigitte Diogo
Director General
Rail Safety

c.c.: Mr. D. Ashley, TCRC

Mr. K. Jang, TSB

Mr. M. Bourque, RAC