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## **Standing Committee on Transport, Infrastructure and Communities**

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**EVIDENCE**

**Tuesday, October 31, 2006**

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**Chair**

**Mr. Merv Tweed**

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## Standing Committee on Transport, Infrastructure and Communities

Tuesday, October 31, 2006

• (1535)

[English]

**The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)):** Good afternoon to the Standing Committee on Transport, Infrastructure and Communities. We're studying Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts.

Joining us today, we have Mr. Phil Benson from Teamsters Canada. Representing Transport 2000 Canada, we have Mr. Harry Gow, the founding president. Offering support is the current president, Mr. David Jeanes.

Welcome. I'm sure you've probably had some experience appearing before committees before. As indicated, you have a seven-minute timeframe for presentations, and then there will be questions from the committee.

Mr. Gow, if you'd like to start, please go ahead.

**Mr. Harry Gow (Founding President, Transport 2000 Canada):** Thank you very much, Mr. Chairman.

Transport 2000 wishes to thank you for the opportunity to briefly present our points of view regarding Bill C-11. There are a few ancillary matters that constitute context, rather than directly belonging to Bill C-11.

As a general comment, we support Bill C-11, but we have some concerns with some proposed sections as the amendment now reads, because those proposed sections do not appear to serve our best interest as Canadians. There are four points, of which the middle two are really on Bill C-11. The first and fourth are contextual, Mr. Chair.

[Translation]

First of all, Transport 2000 would like to draw the committee's attention to the uncertain long-term prospects for VIA Rail. As a national business and public service provider, VIA continues to suffer from a lack of a legislative basis, which would ensure its long-term survival.

The second point concerns the national transportation policy declaration, particularly, the statement that prohibits investing in one mode of transportation to the detriment of another form of transportation. In our view, this would be highly problematic. Studies from other developed countries, and even our own studies in Nova Scotia, indicate exactly the opposite. In fact, the introduction of one form of transportation can actually increase the use of other forms of transportation in the same region. Such a catalytic effect

could reduce our dependence on private vehicles and help achieve the emissions targets set out under the new clean air act.

[English]

The Nova Scotia work we did showed that when passenger trains were withdrawn from local runs, for instance, in the Annapolis Valley and up to Cape Breton, the number of bus passengers dropped immediately by 10%. We did a survey and we found it was because people were using the two services in a complementary way to increase frequency. When that frequency dropped, the number of passengers dropped by more than the number or percentage of runs removed.

The other effect is connectivity. People can travel on from a train trip on the bus, or vice versa. Adding a corridor may actually benefit both modes, and the same may be true of other modes, although there are some highly competitive businesses where that might not be so.

While we appreciate that the new act reaffirms established principles and embraces new ones, notably the environment, this strikes us as needlessly restrictive. This may be a surprising statement, but while both economic and environmental factors are identified, we urge the committee to go a step further and add a reference to sustainable development as a guiding principle of Bill C-11. Such a reference would include social considerations as well as economic and environmental ones. This is according to the definition of sustainable development by the Brundtland commission.

Finally, Transport 2000 has been advised that some members of Parliament have received complaints regarding noise from railways. Before resorting to costly measures, changes in operating hours, large sound barriers, or even removal of track, we advise the mediation service available through Transport Canada be first used. There are numerous options for such things as noise abatement. I won't elaborate on that, but if people want details, I'd be happy to supply them at another time.

There is an annex here called "VIA Rail Service—the Importance of Investment". It was written to mark the coming of 150 years of service between Montreal and Toronto. It limits itself to a statement about the value of rapid train service in the corridor, but *mutatis mutandis*, these considerations would apply in other areas of the country, such as the Maritimes, or between Calgary and Edmonton. Indeed, the whole VIA network is valuable economically for tourism, business, and visiting families and relatives.

Finally, we strongly support giving more protection to rural rail lines. The urban lines are and will be protected to a degree. Ottawa, for example, has benefited from this. On the other hand, on Vancouver Island there's the Esquimalt and Nanaimo Railway, which is now in the hands of the Island Corridor Foundation. By the way, the mayor of Parksville, Mr. Jack Peake, sends you his greetings.

The Esquimalt and Nanaimo—the Island Corridor Foundation, as it is now called—is in the process of building its business case and would like to draw attention to a few points. First, protect rural lines the same as lines in towns. Second, the passage of a new VIA Rail act would be helpful for these people on the island. Finally, the language of a bill ought to be modified to include rural rail lines.

[Translation]

We also suggest removing from the bill any references to urban transit authorities, to be replaced with expressions such as transportation agency or similar body. This would allow such authorities, boards or agencies to be established in rural areas, as well. For example, the United Counties of Prescott and Russell plan to expand the territory served by the Clarence-Rockland Transit authority to eventually include the United Counties and even part of Glengarry County. This area is not at all urban, in a strict sense.

Thank you, Mr. Chair. I believe I have said what I had to say.

• (1540)

[English]

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

Mr. Benson, I understand you're under the weather a little.

**Mr. Phil Benson (Lobbyist, Teamsters Canada):** Just a tad.

**The Chair:** We'll try to accommodate you as much as we can.

**Mr. Phil Benson:** Thank you, Mr. Chair and members for allowing me to appear.

First, I'd like to thank the government for splitting the omnibus bill into these manageable chunks. It's rather pleasant to appear on one or two small subject matters rather than trying to deal with several at one time.

Teamsters Canada is a trade union organization representing approximately 130,000 members in Canada and, with our affiliation to the International Brotherhood of Teamsters, about 1.5 million in North America. We have many divisions—film, dairy, beverage, fashion, tourism, and on and on—but we are the choice of Canadian workers in the transportation sectors: air, rail, road, ports, mass transit, cargo air, and of course land.

We're appearing partly to support the bill in general. We also feel that quite often you hear criticism of bills when people come. We think it is part of our obligation to the general public to appear on transportation bills that affect our members and the public to voice either our support or our criticism.

In this case, we have reviewed the bill quite thoroughly. Teamsters Canada Rail Conference locomotive engineers, Teamster Canada Rail Conference maintenance of way division, and our airline division have reviewed the bill, and generally the comments coming back have been positive.

There are issues or questions regarding definitions of person and how they relate to employees versus directors or corporations. And although they're somewhat dealt with in the act, part of the issue becomes, in other acts, dangerous goods and others, that we're dealing with various issues surrounding the responsibility of an employee versus that of a corporate mind.

The other issue is constables. As was pointed out, in one of the Teamsters ports, there are the eight levels of police authorities of various description running around with various responsibilities.

The noise issue was raised by our Teamsters Canada Rail Conference, maintenance of way. One of the issues becomes, quite simply, not the level of maintenance but the difficulty of getting on the line because of the pure volume of trains; hence the issue is the times and when you can get on a track, etc.

Most of these, of course, will be dealt with by regulation. As for the bill itself, we do not seem to have a lot of concerns or problems with it. We would request, of course, that we be part and parcel of the full consultation on all regulations that are enacted.

I promised I would be brief, and I thank you for giving me the time. If you have any questions, I'd be pleased either to answer them or get back to you as quickly as I can with an answer.

Thank you.

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

Mr. McGuinty, go ahead, please.

**Mr. David McGuinty (Ottawa South, Lib.):** Thank you, Mr. Chairman.

Thank you, gentlemen, for attending this afternoon. It's good to see all of you again I think.

Can I go back, Mr. Gow and Mr. Jeanes, to your submission, which speaks to the question of VIA Rail's uncertain prospects over the longer term? I take it, given bullet point 3 on the first page and given your additional remarks on the back of the page, that you're making a strong pitch here for additional support for VIA Rail? I'm trying to connect the pitch for VIA Rail funding with this bill. Am I missing something?

**Mr. Harry Gow:** No, it's context. It's not within the bill. This is simply a plug to remind members that VIA Rail has some needs. They haven't all been met.

But for the act to operate efficiently, one has to have viable carriers. That's all. I wouldn't push this as part of Bill C-11. It's context, sir.

**Mr. David McGuinty:** I'm also curious about the comments you made, and I'm quoting you here:

Before resorting to costly measures—changes in operating hours, large sound barriers, even removal of track—we strongly advise that the mediation service available through Transport Canada be used first.

Why?

**Mr. Harry Gow:** I'll give you an example, Mr. McGuinty.

The people in Gatineau were very upset about the Quebec Gatineau Railway, and I've heard of other instances. Transport 2000 has some interests in Gatineau, and we spoke with Transport Canada. They brought forward the fact that they have a mediation service, and that even though this was a provincially regulated railway, they would be happy to mediate.

In the end, the problem was solved by moving the locomotives that were idling outside people's houses all night to an industrial yard, what was then the CIP.

We have noted that there are sometimes extremely expensive solutions to problems that would be better solved with a little thought. To give you an example, a huge wall was built along the Ottawa O Train's line for nearly a kilometre, and the installation of continuous welded rail, which was already programmed, solved most of the noise problem. A much more modest sound barrier directed at the tracks only would have sufficed. A vegetable barrier such as a hedge would have fixed the rest more esthetically and would have not permitted graffiti.

What I'm saying here is before jumping on the railways, all of us as citizens, not just as MPs or constituents, should consider the alternatives. That's all.

• (1545)

**Mr. David McGuinty:** I take it you would agree that the bill is making a quantum leap by actually setting up a dispute resolution process inside the CTA. Is that correct? It's now actually crossing the Rubicon, a threshold, so to speak. It's formalizing it and giving the legislative power to do so.

I'm having a hard time reconciling Transport 2000's stated ambition, which is to promote rail and promote public transport, when we've been hearing from a succession of witnesses that—

**Mr. Harry Gow:** All I can say, sir, is that we would be a little sad if obligations were placed on these carriers that are not placed on other transport industries. That's basically it. Some rules are sometimes used by some citizens to beat some industries over the head with a stick. It's important to set standards and to get the carriers to work toward them. There's no problem with that. It's simply a word of caution, sir. That's all.

**Mr. David McGuinty:** We've heard from witnesses who have suggested that there is shrink wrap technology available right now for braking systems on trains. It's off-the-shelf technology. It's a question of retrofitting existing rolling stock. This would go a huge distance in, for example, minimizing noise.

I know you're not suggesting that this kind of move to best available technology ought to be delayed, that we should have dispute resolution first and then delay the retrofitting of that stock to later. As I understand it, you're not suggesting that, right?

**Mr. Harry Gow:** I think your points are well taken. I will say that sometimes with a little goodwill, things can be solved a lot faster

using appropriate technology. For example, the Quebec Gatineau Railway would have saved themselves a lot of misery had they installed the Hotstart technology on their locomotives. They wouldn't even have had to move them because they don't idle at night in that case.

So there is a lot to be said on both sides of the issue, but for the freight railways in particular, they are big, they are noisy, they are part of the economy, and we're just issuing a word of caution on that.

**Mr. David McGuinty:** Do we have it right as a committee, then, that Transport 2000's principal thrust is all about promoting public transport, and rail particularly?

**Mr. Harry Gow:** Yes, I think we could say that, sir. You can detect a distinct bias on our part in favour of such things as buses and trains, and maybe a little bit of a jaundiced look at the automobile, for example. Yes, I would admit to that.

We function as a consumer group for airline passengers as well, sir.

[Translation]

**Le président:** Mr. Laframboise.

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Thank you, Mr. Chair.

I will get back to you in a moment, Mr. Gow, but I would first like to ask Mr. Benson a question.

This bill contains a provision that allows rail companies to hire police officers, which would amend the Railway Safety Act. You said earlier that you have concerns about the use of police officers. According to the language of the bill, the aim is to protect property and individuals within the territory administered by or belonging to the company.

Why do you have a problem with that, Mr. Benson?

[English]

**Mr. Phil Benson:** Thank you, Mr. Laframboise.

It's not so much a problem. It's simply that, as I understand it from our conferences, depending on where you are, there can be up to eight groups of police at various levels running around a particular yard, especially when you get near a port.

It's not a problem at all with the constables. They've been there and we're just changing their status somewhat, as I understand it. It's just to ensure that when it comes to the regulations, what people do, how they do it, and how they fit into other schemes that are being developed...the devil is always in the details.

If you like, it's more a request that we're fully consulted when we're moving forward, so that we can see how they're actually going to apply on the property.

• (1550)

[Translation]

**Mr. Mario Laframboise:** Alright. So, you are not against the content of the bill's provision, per se, but you are wondering about future application.

Do I understand you correctly regarding your concerns about the use of police officers?

[English]

**Mr. Phil Benson:** That's correct.

[Translation]

**Mr. Mario Laframboise:** Perfect. My second question has to do with the bill's proposal concerning noise, namely, section 29. Do you have any reservations about the content of this section, which states that rail companies can be obliged to take corrective action? What sort of impact might this have on your employees' work? Would you have any difficulty adhering to this regulation, which could force companies to resort to mediation in the event of dispute? Are you and your employees comfortable with this provision?

[English]

**Mr. Phil Benson:** Thank you for the question.

I certainly didn't receive any questions about the direction of the bill. Again, it was more in the devil than the details. The one issue that was raised was simply the concern, as is raised often, about maintenance of tracks and how we go about doing things to ensure that the work can still get done so that the tracks remain safe—again, how it is implemented and how it is used, rather than any concern about the direction of the bill in doing it.

[Translation]

**Mr. Mario Laframboise:** This brings me to my question for Mr. Gow on the topic of noise. As you know, a number of complaints were filed because there was no mediation process. Consider, for example, the cases involving the Joffre yard in Lévis and another in the Hochelaga-Maisonneuve area of Montreal. Many problems concerning noise remain unresolved. In other words, despite mediation efforts, despite the fact that the parties agreed to meet, the problem was not resolved. We have reached a point where effective solutions must be found. It is all well and good to say that technical solutions exist, but those solutions must be applied. Based on your remarks, I am under the impression that you do not support any measures that are too drastic. Yet, if the citizens are pressuring their MPs, it is precisely because the companies are not dealing with the noise problem. We have reached the stage where we must take action to ensure that these problems no longer disturb the tranquility of communities bordering on railroad yards. You believe that we must continue trying to—

**M. Harry Gow:** Mr. Laframboise, this issue has been around since the days of the Champlain and St. Lawrence Railway, the first railway in Canada, which was on the south shore of Montreal, when people living along the rail lines complained that the passing trains frightened their horses. Of course the horses might be distressed from seeing something so large and noisy rushing at them. Although horses have always been there, in the south shore area, we might ask ourselves, however, if all the condominiums and posh apartment

buildings now being built near railways have always been there. I don't think so.

In the case of Gatineau, which I discussed earlier, the houses are not new, but the Gatineau Mill railway was there long before the houses. The residential area was developed after the war, with a fence that runs along the backyards for the length of the tracks. At the time, no one worried too much about it. Yet in Ottawa, real estate agents would sometimes tell potential buyers that the line was being abandoned the next year and that they should not be afraid to buy. I am referring to the transcontinental line used by VIA Rail and CN. People were being assured that the line would be out of service within a year.

Thus, this has been an issue for some time and it is not easy to resolve, but I definitely agree that standards and regulations must be established. Railways must also be held accountable for their activities. The example I told you about, the Quebec-Gatineau Railway, indicates that the carrier did not pay much attention to what people were saying.

In contrast, certain rail yards in Montreal, such as the Sortin yard and that of Côte-St-Luc, before Turcot, have been there for a very long time and the railways have made efforts to reduce noise. There are times when it is impossible to avoid noise, such as during humping operations. A rail car is taken to the top of the hill and, as it comes down, the wheels tend to squeal and so on. That is part of the operations. What we must ensure—and I believe this is where the federal government has a role to play—is that municipal zoning by-laws are respected.

There was a case in Hamilton in which a little girl was leaving her Sunday school class when she was hit by a train. People from the media were calling me and saying that it was appalling that this little girl was killed by a train. I asked them when the church was built and they said it had been built the year before. I asked them where it was built and they said it was in an industrial park. It seems to me that industrial parks are designed to accommodate industries, including railways. The fact that a church was built there seems unusual to me. There are situations such as this one, for which legislation makes no provisions.

• (1555)

**Mr. Mario Laframboise:** The fact remains that noise pollution was not a phenomenon that was as prevalent at the time of early railways. These days, we can now calculate noise levels, measure decibels and so on. The World Health Organization is very critical of noise peaks and their potential harmful effects, which is one of the reasons why this debate continues. The industry is evolving as these phenomena continue to evolve. I can easily believe that horses were once frightened, but at this time, if we are told that the noise caused by rail activities is harmful to people's health, well then, our society is facing a problem. Europe is more advanced than Canada in this area.

Have you studied what is going on in Europe? Have you had the opportunity to learn more about that?

**Mr. Harry Gow:** You are absolutely right, Mr. Laframboise. This problem is not an easy one to resolve. Certain noises are unavoidable. For example, when a long train goes into a curve and must negotiate the bend, the locomotive will lean more towards one side. This movement produces noise as the wheels squeal on the tracks. It would be difficult to eliminate all of this noise. Technology can help us, in addition to legislation that is applied sensibly.

However, if the legislation goes too far, it could destroy businesses. That is our concern. For example, the Gare-du-palais in Quebec City lost its tracks. The federal government spent \$600 million removing the tracks only to later replace them, after it realized its mistake. Thus, I am asking that the government show some judgment and moderation when applying any given measures.

[English]

**The Chair:** Mr. Julian.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** I'd like to come back to this issue of railway noise in high-density areas. I represent an area of the greater Vancouver area, downtown New Westminster, where rail shunting yards established many years ago are now very close to a lot of recently built high-density apartments and condos.

One of the witnesses we had from the area testified that when we have a roadway and afterwards a school is built, there are restrictions on the roadway. We lower the speed limit, and we make sure that trucks can't travel on that stretch of roadway. We do this in other transportation modes as well. If the population or the area has changed, we impose restrictions.

I'd like to come back to the issue of what kinds of restrictions would be appropriate to put on railways operating shunting yards in high-density areas. There seem to be two schools of thought that have come forward in testimony. One is that we restrict certain types of activities. This includes your suggestion, Mr. Gow, that we use certain types of technology to restrict activities from those shunting yards. In the case of New Westminster, this would mean that a lot of those shunting activities would go out to the Port Mann shunting yard, where there's no habitation. Another possibility is to restrict the hours of activity, so that rail lines would be restricted in their activities during business hours or during the day.

I'd like to hear from both of you whether you see any problems with either one of these approaches. If so, what might those problems be? Where railways are operating shunting yards or rail lines in high-density areas, would you prefer to restrict activities or hours of operation?

**Mr. Phil Benson:** Thank you, Mr. Julian.

Simply to make you aware, in other transport areas they are looking at things like speed limits for marshalling yards for other reasons. You talked about the humping; there are also remote control units they're pushing, which give less control over how fast things go, how hard things couple. While you're looking at Bill C-11 and talking about noise, at the same time there are what are regarded as complementary consultations and discussions going on about various technologies and uses they have to marshal. Again, that's why I said the devil's in the details, because we are aware that things

are happening in other areas of Transport Canada that kind of address some of these issues, or may address some of them.

Consider noise, one issue that was raised by our locomotive engineers. Again, if you pick an area where they have very high-priced condos or homes being built and we have a crossing that isn't a properly controlled crossing, they have to blow their whistles: there's no option, they have a requirement to do it. Of course, we can go ahead and build a proper crossing for them and put an overpass in at \$25 million to \$30 million or more a pop. So I think the devil is really in the details about how we deal with it. Certainly, having lived across from a marshalling yard in Vancouver and being awakened at three o'clock in the morning with a loud clatter and bang, I can appreciate it.

I think somehow we have to balance the needs and interests of the business with what the community needs. I think we have to respect things like sound levels, and we have to do it in a meaningful way. I think we have to look at it holistically. We can't have one part of Transport Canada creating regulations that will make noise under one act and under this act have a bunch of regulations to make less noise.

The devil is really in the details, and we look forward to working with you on them. It's something I really sympathize with.

When we talk about long trains, Transport Canada gave authority for long trains so we can move stuff out of Vancouver. As you understand, coming from there—in fact, we got together out there because it's my original home as well—we have complaints about screeching wheels going around a bend and that it's the railway's fault. Well, we had an economic problem. How do we move all that stuff off the port? Let's make one-mile or two-mile-long trains. Now we have people complaining about screeching. So are we going to use Bill C-11 to stop the screeching when some other department has said we have to do that?

Coming from Teamsters Canada, where we look at all modes of transportation—we look at everything—we tend to view it in a more holistic manner. I think that's why, as we move forward...it's how we link all of these things together to get a solution that will allow our members to do what they do very well and allow the businesses to make business and get the stuff that has to be...and also to make sure that your constituents and Monsieur Laframboise's and others' constituents can have a good night's sleep as well.

●(1600)

**Mr. Harry Gow:** Mr. Julian, I guess I'll have to give you a yea and a nay. The yea is that there are locations such as this Gatineau case that I brought out where it's quite feasible to tell the railway to quit shunting at night or quit idling your locomotive outside these nice people's bungalows, and that should be made to stick. If the railway doesn't cooperate after suitable discussion and mediation, then regulation can be brought into play.

There are other locations where I think, frankly, you'd wreck the economy of the west coast and possibly of Canada if freight trains could only operate, say, sixteen hours a day out of Vancouver. I think a lot of business would move to Seattle pretty quickly, and then there'd be a lot of people out of jobs who would follow them. And it would solve the problem because the population would be less dense around the rail yards.

I sound facetious, but these are problems that give us cold shivers when we start reading the history of the last fifty years of transport in Canada, where we see, time after time, rail lines ripped out of the centre of a city, such as Saskatoon, and then passengers such as ourselves having to spend the night, first, getting out to the station, and then waiting for the late train and being nowhere near civilization to do it. So these measures, while seemingly cost-effective and good for the urban population, in the end bring misery to a number of people.

That said, the other side of the continuum is the inconvenience suffered by the residents, and for them there are many remedies available that are not always used by Canadian railways. We mentioned in our paper in-curved sound walls along the track, as used by French national railways and the Swiss. Along TGV lines they keep the noise down. Another thing, which isn't in the power of the railways, is decent sound insulation in new construction going up near railways. Another is strict enforcement of zoning in industrial areas. Yet another is a form of lubrication of the rails, which is available but is not always applied, as well as the use of continuous welded rail to eliminate rail joint noise, and the restriction to the amount of noise that a locomotive can generate.

Oddly enough, the move towards reduced environmental pollution often also leads to sound abatement. A Euro II class engine, such as the MTU engines on the Talent trains in Ottawa—to get technical—those red O-Trains, emit almost no noise. People who live next to the track can't even hear them. The reason is that it's an extremely modern European engine that's muffled properly. There's probably a power penalty from that, but not a big one, and the emission of particulates and gaseous matter as well is much reduced.

Canadian railways are moving toward that, and I think you'll find, as time goes on, switching locomotives will be more of what is now called genset, or the Green Goat, which was pioneered on the west coast actually. That's a hybrid engine that runs a lot of the time on batteries—the Green Goat. The genset puts only as much power out into traction as is needed for a specific job.

All of this means that a great deal more work has to be put into interaction between the communities, between riding offices and the railways. I think a good deal of the problem could be solved if the railways listened better, and that is probably 50% of the problem, sir.

●(1605)

**The Chair:** Mr. Blaney.

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Thank you. I will defer to Mr. Fast.

**Mr. Ed Fast (Abbotsford, CPC):** Thank you, Mr. Chair.

I would like to address the issue of noise again. It appears to have been a common refrain amongst the various witnesses who have appeared. I noticed in your comments that you suggested that rather than imposing restrictions that might be detrimental to the industry itself, current means of mediation be used to address noise concerns from the public.

Of course, numerous witnesses who appeared before us actually complained about the mediation process. They alleged that whatever mediation and dispute resolution was available didn't work. Residents became frustrated, municipalities became frustrated with the process, and they were asking for a much more rigorous regime within which their complaints could be heard.

You've suggested that mediation is still the optimal route and that you would prefer that mediation be the primary way of resolving these disputes. Could you comment on some of the statements that have been made by residents about the inadequacy of the mediation process, and also what would lead you to believe that mediation is going to adequately address noise problems without the legislation or regulations actually specifying noise levels?

**Mr. Harry Gow:** Sir, I have seen this thing go both ways. I've seen mediation that led to nothing.

I think Mr. Laframboise and others will probably be familiar with the case in Outremont, where buildings were put up near the tracks. No remedy was really ever found, and I think the problem continues today.

In other cases, such as the Quebec-Gatineau thing, with a mix of hectoring and finally getting the railway's attention and doing some mediation, the problem was solved. I can't say that mediation is a panacea. I'm sorry if my remarks in the paper seem to indicate that. I simply say, before resorting to draconian measures, try mediation.



In the case of Quebec City, where the federal government spent \$600 million on removing the track and then putting it back, mediation was never tried. There were a lot of guerilla operations: dumping garbage on the track, coming to city council and raising hell, and writing angry letters to Transport Canada. The establishment ripped out all the tracks. After ten years, everyone was tired of going to Ste-Foy to take the train. They put the tracks back. I think had a little mediation been tried between the *curé de Saint-Roch*, the parish priest and his people, on the one hand, and CP and CN, on the other, that needless expense to the Crown could have been saved.

It isn't easy for the communities where mediation hasn't worked. As a Transport 2000 person, I have been known to suggest to them ways of getting the railway's attention.

But as I say, the laws of physics apply to railways. We've had railways for over 150 years in Canada. Some of these are just part of nature. They won't go away, just like people won't stop building condominiums right up against railways. If there was a way of indicating a process in the legislation, where you try A, then you try B, and then you try C, and only then do you rip out the tracks, for example....

We at Transport 2000 have seen too many cases where passengers and shippers have been penalized because the shortcut—a quick fix—was taken: we'll just rip out the damn track, we'll fine the railway, or we'll do whatever. Then lo and behold, there's no more freight service to our community. Nobody gains from that.

That's a point of view. I can't answer your question totally, because I know how frustrating it is for some communities.

• (1610)

**Mr. Ed Fast:** Am I correct in assuming that you take the position that specific noise level restrictions should not be included in the act itself?

**Mr. Harry Gow:** I think that regulations should set performance standards, rather than forbidding this or that. Does that answer your question?

In other words, you want a result. With the TGV lines, for instance, in France, I think it's 30 metres...and they can only emit 65 decibels. They're travelling at 300 kilometres an hour. That is their objective, and they meet it. If you set objectives for quality, you're going to get a lot further than if you legislate this activity or forbid that activity.

**Mr. Ed Fast:** I believe the legislation right now refers to the term "reasonable" to describe the kind of limitation that would be imposed.

Some of the witnesses before you suggested that the actual decibel level should be included in the bill, or at the very least in the regulations. Am I correct in assuming you would oppose that?

**Mr. Harry Gow:** It seems to me, sir, that the mention of a specific standard, if done right and if people know what the objective is, might help the discussion. But as I say, I think you have to go for a performance-based regime rather than a prescriptive regime that says how to get there. In other words, tell the railway that this is their target and they should figure out a way to meet it. That is the basic stance I would take. This is from a lot of observation of how these things work out.

**Mr. Ed Fast:** Any comments from Mr. Benson?

**Mr. Phil Benson:** We sit on committees that look at multi-modal means of transportation. Holistically, we are looking at a Clean Air Act, and the issue always becomes whether trains should be used more to move things. Is it more efficient? Is it going to be cleaner air?

From the Teamsters' perspective, the Teamsters Canada Rail Conference, freight and tank haul division...if Teamsters do it, then I guess we'd say we're happy. But from a holistic approach, if we end up with a bill that says you can't make noise so you can't use trains....

There's another committee I'm appearing before that has asked me from the Teamsters Canada perspective and intermodal how we do this to use clean air. The answer again from our perspective is that you're legislators; you pass bills to meet various needs, and you do it quite well most of the time.

Looking at it again holistically, we have one part of the department passing regulations that perhaps will make things more noisy, we have another part doing something else, and we have this one here. The devil is in the details. When we go to the regulations and find out exactly what we're trying to do, we will probably have a much clearer content.

As to the actual idea, none of our leadership has expressed a concern with it.

**The Chair:** Mr. Hubbard.

**Hon. Charles Hubbard (Miramichi, Lib.):** Thank you, Mr. Chair, and thank you, witnesses, for coming.

It appears that what you've said to the committee is that the bill is okay, but you have concerns with the regulations, and we know, Mr. Chair, when the bill goes through the House, the regulations don't come back to this committee. We normally don't deal with regulations.

Are you suggesting the committee should seek permission for the regulations to be presented to the committee before they are gazetted?

• (1615)

**Mr. Phil Benson:** If I may—

**Hon. Charles Hubbard:** It's unusual, but sometimes it is done.

**Mr. Phil Benson:** Looking at the Arthurs report on the Canada Labour Code, Transport Canada's main function is to promote the efficiency of the economy of the marketplace. From a labour perspective, I could be cruel and say, if a company wants it, it gets it, and sometimes quite truthfully that may be true and other times it isn't.

The Arthurs report hit the bunny on the head about how Transport Canada deals with things like work time and all sorts of issues dealing with workers, and perhaps Labour Canada would do it best.

There is a general dearth, a lack of review of the entire regulatory scheme with parliamentarians, and more and more legislation is passed that says, "Here's our general vision and here's a bunch of regs". It would be a darn fine idea sometimes for parliamentarians to look at regulations to see how they're developed, what happens, and the entire scheme of where they go.

**Hon. Charles Hubbard:** Thank you.

Mr. Gow, when CN was here the other day, they presented a very good financial picture of what's happening with their company. I know your organization watches rail in particular very closely. Are the railways—not only CN but others—putting back into the system a proper investment to maintain a system for the future and to avoid these kinds of complaints that we're getting on noise? You talk about long rail in the marshalling yards. It seems like a very simple solution to that clack clack clack you might hear if you live next door, but apparently it's not being done to a great extent—but it could be done.

Are you satisfied, from your perspective, that railway companies, the big ones, are putting back into the system a good percentage of their so-called profits to maintain a system that can go into the 21st century?

**Mr. Harry Gow:** If you'd asked me that question two years ago, I'd have said no. About that time, Canadian Pacific announced a \$2 billion investment, mostly on western corridors. Canadian National waited about a year and a half and only announced a similar investment, practically a photocopy of the CP program, after considerable embarrassment: criminal charges at McBride for the trestle incident; long trains that people told them not to run on the B. C. Railway, which had recently been purchased by CN; spills in the canyon at Squamish; and a number of other incidents that are pointing the way to too much train on too little track, if I can put it that way.

**Hon. Charles Hubbard:** So today you are satisfied that—

**Mr. Harry Gow:** It's changing. I won't—

**Hon. Charles Hubbard:** Okay. Finally—I only have five minutes—the other question I'd like to have answered deals with light rail and VIA.

VIA in particular rents track, or usage of track, from CN and CP, and they pay on the basis of units of cars plus. There are harsh penalties with that—at least VIA considers them quite harsh—if their trains are not on time. We have sidings where they have to move for freights to go by and vice versa.

You probably follow the issue, but that's what might happen with VIA, because if VIA is not on time, they're penalized so much per car per unit. On the other hand, when the freights are not running on

time, passengers on VIA could be sitting somewhere for an hour and a half waiting for a freight to come. Is it a fair system? We heard light rail complain about 25¢ a passenger they're paying to use track in Montreal.

Should we have something in this bill giving some precedence and some motivation to stimulate passenger travel, whether it be by VIA or by light rail? There is a section in the act dealing with costing and a resolution system, but is it sufficient to promote and to have more people using rail as a means rather than cars or other modes of transportation?

I see David is giving you a few notes on that.

**Mr. Harry Gow:** There are a lot of aspects to this, sir. But the first thing I think is the time aspect. We recently had the experience of travelling to Saskatoon and finding that westbound we were held up constantly; eastbound, things were facilitated. The question of the length of sidings has not been resolved on the CN transcontinental main line, and this holds up VIA trains routinely. On the line between Montreal and Halifax, on the other hand, this has been and is being addressed.

With respect to delays otherwise, there are often delays because of, for instance, trains being concentrated on one track where there were formerly two. The Ottawa Valley line of the CN was removed, so all their trains are now run through Toronto, delaying VIA corridor service and local CN freights.

If you go back a bit to the root causes of this kind of thing, one of the problems is finance. CN has to spend its investors' money wisely, and they want a good rate of return. They have a very lengthy period of amortization in Canada for equipment—twenty years. In the case of American railways it's eight years, if I remember it correctly. This puts Canadian railways at a bit of a disadvantage in addressing problems such as those you outlined.

There is another thing. Amtrak has three things in its favour. One is a law of eminent domain, where if a railway gives it too much trouble, they can expropriate it. And they did that to Guilford on the Connecticut River valley line from Montreal to New York. There's no more problem with Guilford; they were out of the picture. Amtrak fixed the track, and then sold it to a competitor of Guilford. For quite a while they got a lot of respect out of the freight railways. That kind of thing has not happened in Canada.

Another thing that Amtrak has is a legislated mandate. There is an act, and that act gives them certain powers. One of the powers is to demand respect of the schedule, and then the sanction, which I mentioned, is the power of eminent domain.

Finally, Amtrak has better financing in the sense that the states buy into passenger services. In Canada it's a bit rare. Ontario purchased service from VIA between London and Toronto for \$250,000 a year. But just the State of Michigan spends probably five or ten times that in a year.

So those are some examples, sir. I think I've answered your question in part.

• (1620)

**Hon. Charles Hubbard:** More so. Thanks.

**The Chair:** Thank you.

Monsieur Carrier.

[Translation]

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Hello. Welcome to our committee meeting.

I would like to ask Mr. Gow a question. Your association, Transport 2000, has some interest in transportation efficiency, in general, and how citizens can make the most of various means of transportation. Under an important provision of this bill, railway companies must absolutely inform federal and provincial governments, as well as urban transit authorities before dismantling any siding or selling a rail line.

The bill also includes a provision that railway companies must prepare and keep up to date a list of their sidings and spurs that they plan to dismantle. This list will allow for negotiations with respect to the sale of rail lines, or sections, to urban transit authorities who may need them in order to provide better services to commuters.

However, railway company representatives do not agree with how the property is appraised for possible transfer to an urban transit authority. The proposed method is based on its net salvage value. They told us that this is not nearly enough.

Do you not think that, under these conditions, some railway companies might simply avoid putting certain sidings on the mandatory list, because they would not get a remunerative price? This provision of the bill would therefore become completely useless. You seem to know a great deal about railway companies. I would like to know your opinion on this.

**Mr. Harry Gow:** It seems reasonable to talk about sidings. There is even a rumour circulating that GO Transit paid large sums of money to add not just one siding, but a third track, at the request of Canadian Pacific. After a short time, it removed one of the two tracks, reducing the corridor back to just two tracks, although there were supposed to be three.

Thus, legislation is needed to protect such investments, whether old investments made by the railway, known as legacy investments, or new investments such as those made by GO Transit.

I would like to add, Mr. Carrier, that my sympathy for railways is limited with respect to net values and so on, because the legislation was different for a long time. It was a means of abandoning and getting rid of unwanted tracks. We lost a great deal of tracks because of the old legislation.

Now that the net salvage value—if that is what you were talking about—must be appraised, this at least gives communities some

opportunity to acquire tracks. This is why Mayor Jack Peake is calling for immediate action, not only to protect urban rail corridors, but also rural corridors.

From having worked on such issues with people from Gaspésie, in particular, and people from Vancouver Island, I think we need to be more strict, not more lenient. In any case, any time a railway is introduced for local purposes, this feeds the larger railway and the additional traffic brings in enough money to compensate for the money lost during the sale.

Additionally, when requirements are established, the railway company sometimes retains the track and makes money with urban transit authorities such as AMT or GO Transit. Thus, they are not exactly losers. You cannot imagine the sums of money they sometimes earn.

For example, on the west coast—

• (1625)

**Mr. Robert Carrier:** I am sorry to have to interrupt you, but as we said earlier, we only have five minutes.

Should legislation be more specific and require railway companies to keep a list of unused rail lines that are available? It would be the responsibility of the railways to keep this list up to date, but as soon as they have an unused track, the company would have to record it on the list of sidings. Would you prefer—

**Mr. Harry Gow:** I believe this protection is necessary, sir.

**Mr. Robert Carrier:** Alright.

On the topic of noise, we talked about standards that could be useful in certain cases. Current legislation states only that the board can establish guidelines. It is vague. Legislation should stipulate that the board must establish guidelines, without setting out the decibels and specifications.

**Mr. Harry Gow:** I am certain that talking about decibels will only lead to problems.

Mr. Jeanes mentioned that noise from a railway often has peaks. It can go from 0 to 100 decibels and then right back to 0 decibels. It is intermittent. Moreover, the noise coming from the Queensway here in Ottawa is at a constant 100 decibels from a distance of just one or two houses away. It is a constant background noise.

Thus, if we were to indicate an unvarnished decibel limit, this would cause serious problems. However, if we said that, in cases of complaints and so on, the board must investigate and, based on the facts, do as you suggest and adopt an approach by which it “must” set guidelines, and not just that it “can” set guidelines, then the answer is yes.

**Mr. Robert Carrier:** Would it be better if the wording said “must establish guidelines”?

**Mr. Harry Gow:** After investigation and only if the complaint is founded.

I think that granting unconditional power could be hazardous to the economic strength of railways and perhaps even to the overall economy.

[English]

**The Chair:** Mr. Blaney.

[Translation]

**Mr. Steven Blaney:** Thank you, Mr. Chair.

I would like to thank you for coming to meet with us.

I would like to address this issue's global approach and a few particular points.

The committee has worked a great deal on the topic of noise because it is a matter of concern for many communities, not so much from corridors, but more from rail yards. I believe you expressed certain reservations about this.

I must wonder about this. I think, for example, that airports are a matter of federal jurisdiction. Between midnight and 6 a.m., there is no air traffic, and I do not believe that that industry is in any danger. Now, as for rail yards, we have noted that more problems have arisen with a company since its privatization.

Lastly, if, as legislators, we impose certain standards, how might this affect the competitiveness of businesses? That is my first point.

The second point is perhaps a broader question for Transport 2000 Canada. I believe your organization has a certain vision. Which is why I would like to hear your remarks on a matter in the bill that is broader and less specific, namely, the Montreal-Toronto corridor.

What do you think of the investments? In your opinion, how much do we need to invest to have a really modern infrastructure? The purpose of this committee is to study infrastructures and transportation. We therefore have a role to play in terms of sustainable development and we must make recommendations to the minister regarding the most beneficial infrastructures, especially concerning passenger transportation. I would like to hear what you have to say about this.

Those are the two points I wanted to address, but I would first like to hear you talk about the rail yards, in particular.

• (1630)

[English]

**Mr. Phil Benson:** Thank you very much.

The issue is that often when we look at one statute, in this case Bill C-11, we tend to look at one problem. If we stand back and look at a broader concern, we could be parochial and say, "If it doesn't go by rail, it's going to go by road; fine by us." At the same time, we have a lot of social concerns. We have concerns about clean air. We have concerns about using things environmentally correctly. We have all sorts of broad social concerns.

We also have issues where, in other parts of Transport Canada, different regulations and different acts permit different ways of marshalling that, quite truthfully, we've had concerns about for safety and other reasons. They tend to make things a tad noisier. We don't like the squealing of large trains going around bends, but we permit the trains because, for the economy, we just have to have them.

So the only concern I would raise is that it's not the issue of reducing noise. People have a right, and I think as a society we

should stand up for that right, to have a certain quality of life, and that includes not being harassed by screaming noise. But quite often with government, and especially with regulatory bodies, the right hand is doing one thing and the left hand is doing another. One says we don't want noise, the other one says it's okay. One says we don't want marshalling yards close to cities; if that means there are going to be more trucks, fine. The other one says we don't want pollution, we want to have more efficient use of stuff.

That's why I say that when we go to the regulatory thing, if parliamentarians retain some kind of control and handle on it, we can actually have a holistic solution. When we just look at one thing in isolation, we come up with one answer. From our perspective, if you look at it in a global way, you end up with a simplistic solution that may in fact....

Would people like a little bit more noise and a little less pollution? This is the type of thing we have to weigh. I'm looking forward to things like the Clean Air Act coming forward so that we can discuss them.

Thank you.

[Translation]

**Mr. Steven Blaney:** Thank you.

I would now like you to address the second point.

**Mr. Harry Gow:** This situation requires further examination. Any regulation or legislative measures should include sections that say something to the effect that, when making a decree, we must take into account the needs of the public service, take into account the needs of the population and of shippers, take into account the volume of traffic measured over the course of recent years, and so on, rather than—

[English]

"You will do this and that's it."

[Translation]

In other words, I support what Mr. Benson said, that is, we must adopt an approach that takes into account hidden costs and adverse effects, and eliminates them through regulation—

**Mr. Steven Blaney:** I would like to hear you talk a little bit about the corridors.

**Mr. Harry Gow:** I would add that, in the case of the Quebec City-Gatineau corridor, two trains a day are sufficient. It is entirely possible to operate only during the day. However, if we did the same thing with Canadian National and Canadian Pacific in Vancouver, that would kill the western Canadian economy. It is as simple as that. I do not mean to be pessimistic, but I am from there and I know how things work.

That said, with regard to VIA Rail and the corridor, a study concluded that it would cost \$11 billion to renovate, rebuild or construct new sections of the line, as they have done in France, Germany, Italy or Spain. This means \$11 billion for the corridor between Quebec City and Toronto. The brilliant folks at Transport Canada immediately added another \$7 million in interest charges to frighten people. The air transport lobby took care of the rest and the project was shelved. However, \$11 billion is a completely reasonable price for a high-speed train. European and Asian countries routinely pay such sums.

In the case of that corridor, the position defended by Transport 2000 Quebec, our affiliate, is that all money invested would be paid back. In the case of Paris-Lyon, they thought it would be paid back in 12 years, but it took only eight. In the case of the first shinkansen, in Japan, the new tokaido line, it took only four years to pay for all construction and all other costs.

It would be beneficial not only in terms of social, environmental and economic aspects, but it would also be profitable, in certain cases. I think the Montreal-Toronto corridor would prove a good case in point. Then again, we could also take a more gradual approach, as they did in Sweden, where they progressively improved the trains and infrastructure, and where they travel at speeds of 125 miles per hour.

•(1635)

[English]

**The Chair:** Mr. Bell.

**Mr. Don Bell (North Vancouver, Lib.):** Thank you, gentlemen. I'm sorry I missed part of your presentation, but I did have a chance to read the written submission and I followed the discussion.

Mr. Gow, I'm going to the sheet that you handed out. You spoke to the four points of your concern. I note that in the third bullet down, you state that "the new Act reaffirms established principles and embraces new ones—notably the environment—[that strike] us as needlessly restrictive". You would suggest that perhaps there be a reference to sustainable development.

Most of the acts and legislation that I've seen at local, provincial, and even federal levels may make reference to sustainable development. They may also include the environment separately. There's a specific reference to that. Sustainability is the broader package, and I heard Mr. Benson talking about looking at the bigger picture.

Certainly the environment has risen as a major concern in the public's mind, in the railworkers' minds, and in the environmentalists' minds, as we look at the effects of derailments that we've seen, particularly the CN derailments that we'll be dealing with in a motion later this afternoon. We've had disastrous spills in Alberta and British Columbia that have had a significant environmental effect.

So I would suggest to you that the reference to the environment is there for a reason. The world is changing. It wouldn't have been there ten years ago, maybe, in the way that it is now.

I'll make my points, and then I'll let you come back. Finally, in your fourth reference, you talked about the issues of noise complaints, again something Mr. Benson made reference to. You

said decibel levels would cause problems. I'm well aware of that as a former municipal politician.

The noise bylaws that municipalities have relate to decibels measured at the property line, but they also deal with noises that are not consistent, that are intermittent. Where you can't effectively measure a continual decibel level, they refer to it as nuisance noise, because it can be short bursts.

I've had people phone me, both in my former life as mayor and as MP, at two in the morning and hold the phone up and tell me to listen. I've had them play tape recordings that they've made, showing 2 a.m., 3 a.m., 4 a.m., with the shunting. It's not so much the squealing of rail, because this is a shunting yard in north Vancouver.

**Mr. Harry Gow:** It's the bang-bang.

**Mr. Don Bell:** It's gotten worse since the changeover from BC Rail to CN. Whether that has something to do with the length of trains, the operating procedures, or the attitudes of the employees, I don't know. But the fact is, it is worse. The neighbours tell me that, and I'm aware of it. And you can hear it, not just in the adjoining neighbourhood, which is a reasonable distance from the shunting yard—it's about half a mile, maybe, or two miles away—but several miles up the hillside.

Rather than costly measures to respond to this, you strongly advise that mediation be used first. Well, this committee had a hearing not long ago, a week or two ago, at which we had both people from Quebec at the table and people from British Columbia coming in by telephone telling us that they had gone the mediation route and it had been unsatisfactory. Particularly, again, in this case with CN—CP does seem to be more responsive, not ideally responsive, but more responsive—the complaints seemed to focus on CN's lack of response in that process. The attitude that was taken was not one of attempting to solve the problem but of stating that this is what they have to do to operate.

I would throw that to you. You can use the remainder of my time to answer, gentlemen.

Mr. Benson, you talked about, in effect, trying to have an overall balance, a—what's the term—holistic approach, I guess, if you want to call it that, to deal with these issues. And you talked about costs going up for railways if you do these things. For the alternate sources, the reality is that when we're starting to deal with the environment or with pollution, all industries are facing increased costs to deal with these things. That's demanded by society now. They don't accept the argument of cost when there's a detrimental effect on quality of life, a significant detrimental effect on quality of life, if it's applied to all the railways equally when they're causing this problem.

Second, the alternative, which would appear to be trucking, has its problems. I can tell you, again, as a municipal politician, a regional district politician, that we had the trucking industry come in and say that what we were imposing, in terms of load limits, in terms of a variety of things, was causing increased costs for them.

So I would leave it to you, gentlemen, to comment.

• (1640)

**Mr. Phil Benson:** Just briefly, I was talking about a holistic approach. It's not an argument about costs. We'll let the companies argue about that. It's simply that when we make one series of regulations that may in fact be counter to another series of regulations or another regulation.... It's just the simple fact that everything in this room came in the back of a truck, and if we're closer to a train, it's less of a truck trip, that's all.

I agree with you, hence the reason we're talking about the environment; we're talking about noise. I probably did that ten years ago, but I doubt if anybody was listening as much. It is a really important issue. That's why we're looking at it globally. Probably no other organization in the country is more interested in multi-modal, because we're not just roads and trucks, we're air, roads, trucks, and ports. We're everywhere. We view it as green is green, green is cash. We view it as a great opportunity as well, and how we can build it together.

As to your question on BC Rail, I will make some inquiries. I do not think the employees' concerns will have changed. However, perhaps some of the means of production may have changed. I will make some queries and I will get back to you, Mr. Bell.

**Mr. Don Bell:** Mr. Gow, just as you were answering Mr. Hubbard's question, you were cut off at the end because he was moving on to something. You indicated that derailments had been unusually high and that they were getting better, and then you started to say "but". You didn't finish. I'm going to make the assumption that you were going to say that they were getting better but that they're not yet good enough. I don't know if I'm putting words in your mouth, but I'll let you put in your own words.

**Mr. Harry Gow:** That's basically it.

**The Chair:** If I may, Mr. Gow, just before you answer, we are very limited for time, so please be as brief as possible. Thank you.

**Mr. Harry Gow:** Yes. The magic word for that last one is "deferred maintenance", and there's going to be catching up to do.

On the environmental concern, our concern was not that the environment is mentioned. It could be emphasized. But we think the social concerns should be included in the legislation.

Finally, as to the noise issues, I certainly agree with Mr. Benson's remarks. With respect to the specific noise you mentioned, I think we had the Union Pacific syndrome when BC Rail was taken over. If you review the history of takeovers of railways by Union Pacific...it was pretty catastrophic in one way or another for a while when they took over C and NW and Southern Pacific. I think the purchase of BC Rail led to some changes that were maybe a little hasty—long trains that mountain railways couldn't support, for example.

**The Chair:** Mr. Storseth.

**Mr. Brian Storseth (Westlock—St. Paul, CPC):** Thank you very much, Mr. Chair.

Thank you very much for the presentation. I found it very interesting. You're clearly very knowledgeable on the issue of rail, particularly when it comes to noise.

As you know, last week, Mr. Gow, we had CN in and we talked to them a little about new technologies that can be utilized to mitigate

the noise factor, which is becoming an increasing problem, as we've heard on this committee.

I was very interested to hear you speak today about things like the Euro engines and some of the other newer technologies that you've seen and experienced in Europe. In your opinion, can our rail companies adapt some of these technologies successfully here in Canada?

**Mr. Harry Gow:** Sir, that's a huge question, but to a degree, yes. I have seen transfer of European technology to Canada and I've seen it in the other direction. This has been going on since the beginning of railways on both continents. On the other hand, there are cultural barriers that slow down the transfer. For example, Transport 2000 was shocked and amazed to see that the City of Ottawa would build on its railway a superhighway type anti-noise wall, which any engineer experienced in railways could have told them would have been ineffective, and it was.

The answer is, there is transfer of technologies, but it's a bit slow. Everybody reads the same journals. We all read *Railway Gazette International*, *International Rail Journal*, and *Railway Age*, and people know this stuff if they read that. They don't all, but most do. But then getting permission to bring in this new and strange thing can cause headaches.

For example, there were people in Transport Canada who didn't want European couplers to be used on the O-Train. Unfortunately, if you didn't use those couplers you couldn't run them in a multiple unit. There was a fellow in Mr. Collenette's office who phoned up and raised a little hell and the Scharfenberg couplers were retained.

There is an anti-European bias in the railway culture here, just as there's an anti-North American bias in the railway culture in some countries in Europe. That is a barrier to technical transfer in a timely manner.

• (1645)

**Mr. Brian Storseth:** In real terms of being able to transfer that technology over here to get a better service or better end product for the environment, safety, or noise, it is completely doable?

**Mr. Harry Gow:** The field is open, but there are regulatory and legal difficulties. For example, and this is just taken out of the air as one of many, North American regulations require 800,000 pounds crash resistance at the ends of railway cars. This was very wise at the time when that was the only defence. Now Europeans have what's called crumple zones at the end of their passenger cars and locomotives. This collapses progressively just like on an automobile. It's the devil's own job getting those standards accepted in North America. It's coming, but a lot of this depends on our relationship with the United States. Many Canadian regulations are simply photocopied from the Federal Railroad Administration's standards in the United States. There are reasons for that, but it does hinder innovation. So there are paper barriers.

**Mr. Brian Storseth:** Thank you.

I want to switch gears a little here. Your organization does do a lot of work when it comes to research in the transportation industry. With regard to the prairie region of your organization, would you be able to give us an insight into any research that has been done, or is being done, in regard to rail safety and the environment?

**Mr. Harry Gow:** From the point of view of our organization?

**Mr. Brian Storseth:** Yes, particularly within the prairie region.

**Mr. Harry Gow:** Our organization is based largely in Regina and to a lesser degree in Melville and Saskatoon. Their involvement in the safety aspect—is that what you said?

**Mr. Brian Storseth:** Safety and the environment. I'd like you to comment on both.

**Mr. Harry Gow:** Safety and environment. They're very strongly involved in environmental issues in railways and transit. They have incorporated in their membership a number of fairly well-known environmentalists, particularly in Regina. Their approach is to promote a kind of holistic thing that Mr. Benson was talking about; that is, attempt to take account of all factors—social, environmental, and economic—before making a decision.

The prairie group has been extremely active in trying to promote the use of green transport, such as the use of buses, even in a prairie city where it is very convenient to use the car. That has an impact on safety, because as we all know, the number of deaths in buses is very low compared to the passenger car, where it's a permanent bloodletting. They have not taken an active role lately in rail safety issues, perhaps because most of the issues have been occurring in British Columbia and not in Alberta, Saskatchewan, or Manitoba. It's been pretty quiet on the safety front, with exceptions—derailments like the Lake Wabamun incident, etc. There were flurries of activity, but there is not, I'm afraid, on the prairies a sustained approach to railway safety in our group.

**The Chair:** Thank you, Mr. Storseth.

We have a few minutes left, so as previously done in committee, we'll start a short round.

Mr. Carrier.

[Translation]

**Mr. Robert Carrier:** Thank you.

My question is for Mr. Benson. You said earlier that your organization extends across Canada and the United States, that is, that is throughout the continent.

To your knowledge, does the United States have any legislation similar to this bill that places restrictions on the amount of noise caused by railways? If so, what impact did such legislation have on businesses and the public?

• (1650)

[English]

**Mr. Phil Benson:** I will consult with my colleagues in our international headquarters and get an answer back to you.

[Translation]

**Mr. Robert Carrier:** Alright.

You cannot answer immediately?

[English]

**Mr. Phil Benson:** I will get it as soon as I can. I will get a message to them tomorrow and see if I can get an answer back to the committee.

Thank you.

[Translation]

**Mr. Robert Carrier:** Thank you.

[English]

**The Chair:** Mr. Benson, they can send it directly to the clerk.

**Mr. Phil Benson:** I'll send it directly to the clerk.

I'm sure there are laws, but the question is whether they are specifically similar to Bill C-11. So I will pursue that matter.

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

Mr. Julian.

**Mr. Peter Julian:** Thank you, Mr. Chair.

I want to touch on the issue of airfare advertising and air travel complaints within Bill C-11. You mentioned, Mr. Gow, that your organization represents air travel consumers as well.

Mr. Benson, when we talk about the Teamsters we're talking about all modes of transportation. I wonder if you have any comments to offer on either of those elements of Bill C-11—transparency in airfare advertising and air travel complaints going to the Canadian Transportation Agency.

**Mr. Harry Gow:** Transport 2000 has cooperated with the Public Interest Advocacy Centre on these files. With respect to fares, we and our affiliates, like the PIAC, would like to see a kind of truth in advertising standard, where all costs are laid out before the consumer. What we've been treated to is, "Fly to Toronto for \$79". There's no mention of all the other fees, and there's no mention of getting back. So we have a stripped-down one-way fare given. People think they're going to Toronto for \$79, but when they've finished paying, it's \$230 or something. So it's a bit of a surprise for the consumer. We think there shouldn't be any surprises. So our firm position is that Transport 2000 and its allies, like PIAC, would definitely like to see this resolved.

What was your other question?

**Mr. Peter Julian:** The air travel complaints.

**Mr. Harry Gow:** Yes, that's a big one.

Transport 2000 and other bodies militated long and hard during the merger frenzy between Air Canada and Canadian International Airlines. We were afraid of a duopoly becoming a monopoly. We advocated rather hard for an airlines complaints commissioner to be named, and we surprisingly got the support of Gerry Schwartz, among others, who was somewhere in that time looking at buying the whole caboodle. He didn't buy it, but the idea gained some credence. Minister Collenette appointed a commissioner for a six-month period, Bruce Hood. Another commissioner was appointed after his term, and then the position disappeared.

The firm position of Transport 2000 is there should be an airline complaints commissioner. This position should be established and made permanent. It's not good enough to simply send a letter to a faceless bureaucrat at the Canadian Transportation Agency, see it disappear into the maw of the bureaucracy, and for the public not to get feedback as to where this is going.

Madam Kenniff and Mr. Hood both published reports periodically outlining the trends. This is something you get in the States, practically without asking. We think Canada should join nations like the U.S.A. that require reporting on complaints and the number and types of complaints. We should go back to our good habit of having a commissioner who reports back to the public as to what was done.

Air Canada has a person who is responsible for complaints, but again, that's inside the company and it's not good enough. So we strongly believe that the Government of Canada should appoint an airline complaints commissioner on a permanent basis.

**The Chair:** Thank you, Mr. Gow.

Mr. Benson.

**Mr. Phil Benson:** Our employees don't set the freight. In anything we do, it's the companies that do that, hopefully under market conditions.

We didn't really have a comment on that, but I realize we're looking at transportation. Try to figure out your cable, phone, or power bill, or the advertising for a car—I mean, come on.

I'm just wondering whether or not, when you're looking at transportation and picking out an airline company.... Perhaps one could be looking at Consumer and Corporate Affairs and truth in advertising for a whole bunch of things.

So when you're picking on one—and I'm not defending Air Canada or anybody else—I understand the frustration, but as a consumer I see it in almost anything I pick up. That would be the comment.

• (1655)

**The Chair:** I think you might find a lot of agreement around this table on that particular issue.

**Mr. Phil Benson:** I would hope so.

**The Chair:** Mr. Jean, very briefly.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** Thank you, Mr. Chair.

I appreciate the opportunity to ask a question today.

I'm curious as to the European models that have shown how in essence trains can run more quietly, and I had the opportunity to ask CN about that. I know Mr. Benson is always worried about employees and working in safe conditions. We've even heard that the World Health Organization put forward recommendations on decibel levels, which are the only objective measurements of noise, in my mind.

I was wondering what you think about the European model of noise control being adopted here to some degree. Anybody?

**Mr. Harry Gow:** If I may answer to a degree, it depends on what regime, because before the European Commission started setting

Europe-wide standards for things like air pollution, engine emission, noises, etc., each country had its own set of rules. Some seemed very slack, while others were pretty tight.

In general, I think we would do well to move towards European standards. However, I have a qualifier. While European Commission standards have been very helpful in establishing new benchmarks for locomotive emissions, for example, and for noise by railcars—and the silent talent we have in Ottawa is a result of the European Commission's rules—this country is different. We have a lot more freight traffic, and the freight trains are infinitely longer. A long train in France might have 35 or 40 cars. A long freight train in Canada might be 150 cars.

So while I think we should inspire ourselves by European standards, particularly in the area of the environmental limits—noise, pollution, and so on—there is a limit to what the Europeans can offer us.

There are two things. Some countries such as Holland are much more densely populated than Canada, while others such as France have about the same number of people per square kilometre as we do—in most regions of France, other than Paris.

So I think we should inspire ourselves by the European standards, but adopting them slavishly might lead to trouble in some areas.

**Mr. Brian Jean:** According to what I'm hearing, is it possible that an implementation stage—some period of time over which it could be implemented—might be the accurate choice, so that businesses would know where to go and what their expectation is? Or are you suggesting that because of the density of the population here in Canada, at 1.1 persons per square mile, we should put up with more noise in some major centres than the Europeans have to put up with?

**Mr. Harry Gow:** Sir, I think that's a point where we have suburbs, for instance, in which there's a house per acre. I live in one like that, Chelsea, and we have a train that goes by. Frankly, no one is very bothered by it. It's two locomotives a night with passenger cars. It could really tick people off, but it goes by at a moderate speed and it brings economic benefits to the region. People appreciate that.

The same appreciation might not be found in, say, Etobicoke or Mississauga, where it's very densely populated and people might react very differently to this assemblage.

That's one aspect. The other is to go towards these things progressively, rather than setting a draconian goal for now.

**Mr. Brian Jean:** An implementation period?

**Mr. Harry Gow:** Yes, staged.

**Mr. Phil Benson:** Thank you, Mr. Jean.

I want to reinforce that Canada is a different-sized country. What we carry is different, and our needs for international trade are different.



As a general comment, although not necessarily an endorsement, anywhere we can have technology that will work safer, better, and more economically, and that fits within our marketplace and meets regulations—any improvement that makes work life better, makes for more efficient use of products, and makes them cheaper to the consumer—is a worthwhile goal.

I will say that with some of the technology—and I will not mention it here—which they tried, the feedback was that it doesn't work very well. It could be a cultural thing, or it could be that it doesn't work very well here, because the needs of what they have to do are so different.

Again, why not use something new that's going to make life better—and by all means quieter—for workers, society, and our companies, so they can grow and thrive—super stuff?

• (1700)

**The Chair:** Thank you for your attendance today and your presentations, Mr. Gow, Mr. Jeanes, and Mr. Benson. We appreciate it, and we hope some of the wisdom you've offered us will be reflected in the bill that's brought back.

We'll take a two-minute adjournment, and then we'll come back to committee business.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1705)

**The Chair:** I'm calling the committee back to order. As promised and confirmed at the last meeting, we have a motion to be put forward by Mr. Bell. I know there have been some negotiations back and forth, but I will let Mr. Bell have the floor to present his motion.

**Mr. Don Bell:** Thank you. In response to comments by Mr. Jean and Mr. Fast, as well as a request that there be a reference to the Alberta derailment in Lake Wabamun, I am suggesting that there be a friendly amendment. I'm not sure whether it could be accepted as friendly or if it needs to be moved by someone.

The motion would read:

That the Standing Committee on Transport Infrastructure and Communities conduct an in depth inquiry into rail safety and particularly the recent CN rail accidents in British Columbia and western Canada including the 2005 derailment that caused the disastrous spill into Lake Wabamun, Alberta, and in B.C. caused an environmental catastrophe in the Cheakamus River, and a locomotive accident resulting in the deaths of two rail workers in June 2006.

I've given you all copies, complete with arrows. If this flows, I think it responds to the issue with respect to Alberta that was raised by the members opposite.

**The Chair:** Any comments? Mr. Jean.

**Mr. Brian Jean:** Mr. Chair, I am not moving that this be amended in any friendly way. I have an amendment to the original motion that I would like to propose. I would suggest that with this amendment we would not necessarily have to include Lake Wabamun in Alberta. The last sentence would read: "deaths of the two rail workers in June 2006 and whether there is any correlation to the increase in rail accidents as a result of the transfer of B.C. Rail to CN".

**The Chair:** So you're asking to add an amendment to the motion that was already presented?

**Mr. Brian Jean:** There would be no changes to the original motion except for the last sentence. There would be no reference to Lake Wabamun or Alberta, but simply "two rail workers in June 2006"—

**The Chair:** Just for clarification, where would that amendment start?

**Mr. Brian Jean:** At the very end. It would just be an addition.

**The Chair:** Then would it be just the way it stands right now?

**Mr. Brian Jean:** And in that last sentence, just take out the period and add in the other 23 words.

**Mr. Steven Blaney:** Could you repeat those words?

**Mr. Brian Jean:** Certainly. Shall I repeat it one more time, Mr. Chair?

**The Chair:** Right now we're talking about Mr. Bell's motion as it currently sits, not as he has suggested it be amended.

**Mr. Brian Jean:** Absolutely.

**The Chair:** We're dealing just with this. Okay.

**Mr. Brian Jean:** I will read:

...in the deaths of two rail workers in June 2006....

— then take out the period and add—

...and whether there is any correlation to the increase in rail accidents as a result of the transfer of the BC Rail line to CN.

**The Chair:** Mr. Julian, do you want me to read the amendment?

**Mr. Peter Julian:** No, I think I have it, Mr. Chair.

I support the amendment. I don't understand why Mr. Jean is not offering as well the amendment that Mr. Bell had suggested, because in this case, if we're looking at the deaths in the Fraser Canyon of the rail workers, it was not a BC Rail track, so it's not as if Lake Wabamun would be excluding definitively BC Rail track.

I think Mr. Bell's amendment should be accepted by this committee, and I would support this amendment as well. I don't believe they are mutually exclusive. In fact, they reinforce each other.

• (1710)

**Mr. Brian Jean:** Absolutely, Mr. Julian. I have no problem with it, but I wasn't the one putting forward that friendly amendment. If it's the will of the committee, then it would stand as is.

**The Chair:** Mr. McGuinty.

**Mr. David McGuinty:** Mr. Chairman, I'm just trying to get the import of the additional sentence. Can I get some indication of what the motivation is behind the additional sentence, and that it isn't the fact that this would be an in-depth inquiry into rail safety?

Wouldn't this necessarily look at questions with respect to BC Rail? What is the import of this additional sentence?

[Translation]

**Mr. Mario Laframboise:** Mr. Jean's amendment proposed that Mr. Bell's new request be included and that Mr. Jean's text be added. Were you willing to accept it? Personally, I am OK with it. We might as well, it is not a problem. If that is what everyone wants, we should analyze it and do it. I agree with Mr. Bell's amendment and with Mr. Jean's.

[English]

**The Chair:** If only for clarification, Mr. Jean is suggesting that the motion that was put forward, without any amendment from Mr. Bell—the motion that we read, without any changes, plus Mr. Jean's....

Is that what I am to interpret you to be saying?

**Mr. Brian Jean:** I am saying that, Mr. Chair, but with respect, Mr. Laframboise and Mr. Julian would like it to include Lake Wabamun, and I have no difficulty with that. But that would be on motion from them, sir.

**The Chair:** Okay.

Mr. Fast.

**Mr. Ed Fast:** In answer to Mr. McGuinty's question, if you look at them, the first two lines of the motion are general in scope. It was Mr. Bell who specifically requested that it become more particular, in terms of CN Rail accidents in B.C. and western Canada. Since the motion is becoming a little more specific—because most of these accidents are in western Canada and have been somewhat grave in their consequences—we want to make sure, especially given that today Mr. Gow raised the whole issue of the sale of BC Rail to CN as resulting in the consequence that we had safety issues that weren't addressed properly.... He made that very clear, and there's an acknowledgement in the industry generally that it is the case. That's why it is so important that we include this in the motion, so that it doesn't slip through the cracks.

We want to make sure we have a representative here as a witness who can shed some light on that whole transfer.

**Mr. David McGuinty:** I appreciate the clarification, but I'm simply referring to Mr. Secord's—from the transportation union—listing of only Ontario derailment history. I'm trying to clarify here. Is the government side trying to indicate that this inquiry would be limited to the British Columbian or western Canadian scene, or will this inquiry actually examine rail safety across the country?

**The Chair:** Mr. Fast.

**Mr. Ed Fast:** Mr. Chair, since the motion came from Mr. Bell and he did focus his initial motion on British Columbia, surely he can shed some more light on it. What I'm saying is that since we became somewhat more specific—

**Mr. David McGuinty:** But you're proposing the amendment.

**Mr. Ed Fast:** That's correct. Again, we're focusing on something that is to be included in a greater discussion of railway safety across Canada.

**The Chair:** Mr. Bell.

**Mr. Don Bell:** Thank you.

When we discussed this at the last meeting, I in fact indicated—and I forgot to reference it this time—that on the second line, after the word “rail safety”, I would add “in Canada”. That was in response I think to Mr. Fast's question about whether I was talking Canada-wide. Yes, I am. I'm not saying only western Canada or only B.C. I don't have a problem with the amendment, because, as I understand it, you want that included. I don't know whether it's BC Rail's sale—or the acquisition by CN of BC Rail, is maybe a better way of putting it. The reason I say that is because it sounds as though

it's a BC Rail problem, and it wasn't a BC Rail problem; it was after CN acquired BC Rail that we started to have the problems.

**Mr. Brian Jean:** That's why I referred to it as a “transfer”.

**Mr. Don Bell:** Yes.

I would like to see the words “in Canada” added into that second line after the words “rail safety”, so it clarifies that we are talking of the pan-Canadian experience.

● (1715)

**The Chair:** Monsieur Laframboise.

[Translation]

**Mr. Mario Laframboise:** I would oppose the addition of the word “Canada”, not because it is not important, but because we will run out of time.

We must look at what is going on. Mr. Bell's first motion had to do with problems in British Columbia and western Canada. I agree with that. If we are going to resolve what is going on in the west, we might as well add the problems with BC Rail and resolve this entire section.

I have concerns about safety at Montreal Airport and I am still waiting for some of their people to appear before the committee. Let us not draw it out by trying to resolve all the problems, or we will end up not solving anything. I am not against adding extra days for debate. I would be happy to take part.

It is fine with me that we are tackling the problem raised by Mr. Bell concerning western Canada. Which is why I oppose adding the word “Canada”. It is not that I do not agree. It is simply that, if we attempt to analyze all of Canada, we will have to drop what we are currently working on. I think Mr. Bell raised an important problem, so, let's resolve it. I agree with extending it to include British Columbia, in response to the requests made today.

[English]

**The Chair:** Mr. Bell.

**Mr. Don Bell:** Mr. Laframboise, the intention of the original motion was that it be Canada-wide. And if you'll notice, the phraseology said “into rail safety and particularly”, not “selectively” or “only.” But the words “in Canada” were simply to clarify that.

What I envisage is that we would gather statistics—we wouldn't do it, the statistics would be gathered for us—as to the experience, and we have some of it now in Ontario and other areas, in Quebec and the Maritimes. If there aren't problems beyond the ordinary, if there doesn't seem to have been a particular rise or the level appears to be okay in the other areas, that's one thing. But particularly in western Canada—and I have a list of incidents in B.C., Alberta, and Saskatchewan—where the number seems to have risen. In one instance, it's suggested that there have been ten so far this year in Saskatchewan; in 2005 there were nine. So it does not seem to be dissipating. It may well be that the primary focus of the inquiry would be on the west. But I did not want to exclude the other parts of Canada that might think we were not interested in rail safety in those areas as well.

Certainly, it is not meant that this would queue-jump over some of the other work this committee is already proceeding with. The one mentioned is your concern about the airport. Originally, when I first drafted this motion, I made a reference that it would follow Bill C-11 and some of the other priorities of this committee. This would fit in with the priorities of the committee, and it's not meant to supercede them. It's meant to ensure that when we do this, we establish some baseline information that can be used in future, so that we can reference back to it. If we do the reference work now, it's there. Five years from now or two years from now, this committee can go back and say these were the facts in 2006—the history. It can then determine...because we've had statements from presenters who have said things are getting better, particularly the railways. I'd like to see how much better they are getting—or, as Mr. Gow and some of the others made reference to, they're getting better but they may not be getting better fast enough.

[Translation]

**Mr. Steven Blaney:** I tend to agree with the last few speeches. There are some problems with railway safety in Quebec, and I think it would be unfortunate to overlook them. As for Mr. Laframboise's first motion, I think it is important that our chair follow up on that. Then there is Mr. Bell's motion. It is also possible to have a bill aimed specifically at work on railway safety.

In my opinion, it would be in our best interest to consider railway safety, including problems with railway safety in Quebec and the Atlantic provinces.

**Mr. Mario Laframboise:** I do not want to be misunderstood. It had already been determined, in the context of future work, that railway safety would be included in the work of our committee. However, if, because of a motion, we change the order in which we deal with the files, we run the risk of everyone presenting motions on specific files and then having to deal with them. For this reason, I would say that, if Mr. Bell believes that safety problems are worse in the west than in other areas, I am not opposed to dedicating one meeting to that issue and calling upon experts.

If I were told that this is one of the issues that the committee should study, I would reply that we should have a meeting on future work and make a clear decision. Do we want Bill C-11 to pass or do we want to talk about safety? If we talk about safety, we must set the bill aside, send it back, and give priority to safety issues.

I do not want a motion to divert the work of the committee. We already agreed to study safety issues. For me personally, Quebec is just as important, if not more so, than other regions, but if there are specific problems at this time in western Canada, as is the case in Montreal regarding air safety, I am prepared to support the cause and opt to study safety problems. If we want our committee to focus on studying safety, I would suggest to Mr. Bell that we hold a meeting on the committee's future work, that we organize ourselves accordingly and that we leave nothing out. I am not against proceeding in this manner. For now, however, I am having a hard time following.

● (1720)

[English]

**The Chair:** What I'm going to ask the clerk to do is to read the motion, with Mr. Bell's changes and also the amendment from Mr. Jean. We'll then make a decision on that.

I also have some information to address in regard to your motion, Mr. Laframboise.

Is that good with the committee?

**Mr. Don Bell:** Does that include the reference to “in Canada”?

**The Chair:** Yes, and I will have Mark read it. We can then vote on it accordingly.

**Mr. Don Bell:** If I can make one final comment very briefly to Mr. Laframboise, I supported his motion on the airport study for that reason. It's a priority, and I'm suggesting that this wouldn't interfere with that. That's all I wanted to say.

**The Chair:** Mr. Hubbard.

**Hon. Charles Hubbard:** Mr. Chair, just on this, I'm a little bit taken aback that we have not had some reports from the subcommittee on agenda. I think I asked a few times ago that we would like to have a timetable of what our work is. We still don't have that.

**The Chair:** I believe you do.

**Hon. Charles Hubbard:** I know we have a lot of things on the table, including Mr. Laframboise's motion and Mr. Bell's that is coming. We have the estimates that should be looked at sometime within the next week. All of these will have to be somehow built into our work.

When we vote on whatever comes out of Mr. Bell's motion, we're really acknowledging the need for that inquiry or study of railway safety. It's then up to the subcommittee to come back to our overall committee and determine how we're going to proceed with all of these. For example, when do we see the final date for Bill C-11? Somebody says that's next week, but it would be good to know, Mr. Chair.

**The Chair:** If I may, you should have received the calendar that lays out the agenda for Bill C-11.

**Hon. Charles Hubbard:** Has that been approved by the committee or by the subcommittee? Where did that come from?

**The Chair:** I was given the direction by this group to deal with Bill C-11. What I did was arrange the witness list and dates. As of Thursday, we will have heard the last witnesses on Bill C-11, as is indicated on the schedule.

**Hon. Charles Hubbard:** And we're all satisfied with that? I don't know. I just ask.

**The Chair:** I have it down here to discuss that, but I felt Mr. Bell's motion was on the floor and should be dealt with first.

I would ask the clerk to read the motion, with the amendment, and then we'll call the question.

**The Clerk of the Committee (Mr. Mark D'Amore):** The motion reads as follows:

That the Standing Committee on Transport, Infrastructure and Communities conduct an in depth inquiry into rail safety in Canada and particularly recent CN rail accidents in British Columbia and Western Canada, including a derailment that caused a disastrous spill into Lake Wabamun, Alberta, and in British Columbia that caused an environmental catastrophe in the Cheakamus River, a locomotive accident that resulted in the deaths of two rail workers in 2006 and whether there is any correlation to the increase in rail accidents as a result of the transfer of the BC Rail line to CN.

**The Chair:** All those in favour of the motion as amended?

**Some hon. members:** Agreed.

**Mr. Peter Julian:** Which amendment?

**An hon. member:** We just voted on the amendment.

**An hon. member:** The global one.

**The Chair:** All the amendments—

**Voices:** Oh, oh!

**The Chair:** —if that's agreeable.

Okay.

So now we will vote on the entire motion, as amended by Mr. Jean and by Mr. Bell.

(Motion as amended agreed to)

**The Chair:** Mr. Julian.

**Mr. Peter Julian:** I want to give a notice of motion for the Thursday meeting, if I may. This is regarding an issue we talked about two weeks ago.

The notice of motion reads as follows:

That the Standing Committee on Transport, Infrastructure and Communities study the Roger Tassé review of the Toronto Port Authority following its release at an upcoming meeting of the Committee.

This will be presented on Thursday.

• (1725)

**The Chair:** Thank you.

Mr. Jean.

**Mr. Brian Jean:** I would actually speak to that now, if I could.

**The Chair:** Very briefly.

**Mr. Brian Jean:** Very briefly. I'm always brief, sir.

The Tassé report is going to be released on November 2. Indeed, Monsieur Tassé is going to provide a technical briefing that day to any members of Parliament who would wish it and to answer any questions you or any other member would have. I'm not certain what time it will be held, although probably it will be in the morning at around ten. But the date is November 2.

We will make sure that you and Ms. Chow—and all members of Parliament, even reporters—have that information.

**The Chair:** All we have at this point is a notice of motion. If Mr. Julian feels the need at that time, he still has the ability to bring forward the motion.

Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** I would like to ask the same question regarding procedure.

Mr. Duchesneau had the pleasure of appearing before a Senate committee yesterday. Why did he appear before the Senate committee when he has not yet appeared here?

[English]

**The Chair:** The clerk has sent out the information that we talked about at the last meeting with regard to how we can force or request Mr. Duchesneau to attend. I believe the committee has that information.

I can tell you that the original motion called for both Mr. Cherry and Mr. Duchesneau. As of today, we have confirmation of their both being available on November 30 but not before. I would just put that to the committee. If there is another direction we want to take....

Mr. Cherry, to his credit, gave us a series of dates. We were trying to match up the dates and his calendar filled in. He has now confirmed with us that, if still required or asked for, he would be available on November 30 with Mr. Duchesneau.

I know that doesn't satisfy—

[Translation]

**Mr. Mario Laframboise:** But the 30th did not suit the Liberals.

Mr. McGuinty, you mentioned to us last time that you would be absent on the 30th. Is that correct?

[English]

**The Chair:** Mr. McGuinty.

**Mr. David McGuinty:** Thank you, Mr. Chairman.

That's a good point. Everyone recognizes that the Liberal Party of Canada is going to have its leadership convention in Montreal on those dates. It is possible, but we'll have to see how it goes on November 29 and 30, if we're all here or whether there will be substitutes. I think the committee was made aware of that—and you were made aware of that, Chair—but still it's showing up in the schedule of meetings here. That was not approved, in my recollection, at the last meeting.

But we can come back to the schedule. I want to go back to Monsieur Laframboise's concern about Monsieur Duchesneau.

I had my staff call the clerk of the Senate standing committee on national defence today. We were informed by the clerk that Monsieur Duchesneau's request to attend that committee, and his date given, was a maximum of thirty days, and that the reason he was not available sooner than thirty days was because he was travelling internationally.

I read his transcript yesterday, word for word. I'm now of the belief that, with regard to the former president and CEO of a crown corporation, there's a deliberate delay here. I cannot understand why the man cannot appear here, in front of this committee, in a two-hour drive from Montreal, when he's available to come to the Senate within thirty days. Clearly the message is not getting through to Monsieur Duchesneau that this is of such import and of such urgency that he should show.

Now, I don't know why there's a continuing delay, why we would wait sixty days or....

When did we ask him to come, Monsieur Laframboise? Was it October 3?

[Translation]

**Mr. Mario Laframboise:** On October 3, we asked—

[English]

**Mr. David McGuinty:** We're now at November 30. We're talking sixty to seventy days.

I can't understand it.

**The Chair:** I'm not going to defend Mr. Duchesneau's position. I do know that the original request asked for the availability of both of them on that particular day. I think that may or may not be part of it, but again, we do have the information presented to us as to how we proceed if we want to invite Mr. Duchesneau in a more forcible way. I believe that each committee member received that information.

Mr. Jean.

**Mr. Brian Jean:** Mr. Chair, just very quickly, this side of the House is wondering as well, because of course, Mr. Duchesneau was appointed by the previous Liberal government, of which Mr. McGuinty was a member. Certainly, if the committee wishes to take other steps, I would suggest that Monsieur Laframboise would receive support from this side.

• (1730)

**The Chair:** I don't think we want to get into who did what. I think the idea is we want Mr. Duchesneau here as soon as possible.

Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** Nevertheless, we could decide today to summon Mr. Duchesneau and Mr. Cherry to appear on Thursday November 9. Pursuant to the instructions you sent us regarding the calling of witnesses, it is within our powers. As such, it would be resolved.

[English]

**The Chair:** I do think that one of the original comments, when we talked about our ability to bring Mr. Cherry in through a summons, was that because he doesn't report directly to government, we can only make a request of him. Was I correct? I would put it out there to the committee.

Is it the will of the committee to summon Mr. Duchesneau and Mr. Cherry for November 9?

Mr. McGuinty.

**Mr. David McGuinty:** I have a question, Mr. Chair.

As you know, Mr. Chairman, I have distributed a motion with respect to the estimates, which would, hopefully, convene the Minister of Transport and Infrastructure to attend this committee next week on Tuesday and Thursday. That motion, obviously, has a 48-hour time requirement to follow, and obviously I'm asking now. I think most members of the committee have received a copy of the motion, and it would conflict, potentially, with that motion if we were to book it for November 9.

We had agreed at the last meeting to find an extraordinary hour, outside of sitting times next week, to get Monsieur Duchesneau here, and to consider having the deputy minister and ADM from Infrastructure Canada attend in front of this committee.

None of this is showing up in the work plan for November. I would respectfully submit that we need to hold November 9 in abeyance until we discuss the question of the attendance of the Minister of Transport. I think it's of such importance that I'm sure the government would be very pleased to see, from an accountability perspective, that the minister show the estimates and address questions around them.

**The Chair:** I do think we have to deal with Mr. Laframboise, appreciating—and I guess as you had stated—that we would have to have unanimous consent for this motion to come forward today. But I do think the first order of business would be Mr. Laframboise's suggestion of November 9, so I look to the committee for some direction.

Mr. Julian.

[Translation]

**Mr. Peter Julian:** Mr. Chair, Mr. McGuinty is asking that the minister appear next week on the topic of the estimates. Of course, after a delay of a month or month and a half, Mr. Laframboise would like Mr. Duchesneau to appear as a witness. It seems to me that a good compromise would be to call both to appear. We could ask the minister to come next Tuesday. If would like him to come back, we could plan that for after the November break, after Remembrance Day, for example. As for Mr. Laframboise and next Thursday's meeting, we will finally have the opportunity to discuss airport safety.

[English]

**The Chair:** Mr. McGuinty.

**Mr. David McGuinty:** As a point of information for Mr. Julian, we have to have a report back on the estimates by November 10. So it would be next week. Beyond next week, it is assumed reported as printed.

**The Chair:** Mr. Julian.

**Mr. Peter Julian:** Might I suggest we have an extended session on Tuesday, November 7?

**The Chair:** I was going to make a suggestion, and we will deal with Mr. Laframboise's request.

In the note we sent out to members of the committee, we did ask what extra time they would have to allow us to set up some extra committee meetings. To date, one committee member has responded, so please put that in to us.

I was going to ask the subcommittee to have a meeting—and I agree with my colleagues on this side—to lay out the agenda beyond Bill C-11. It would include some of the motions that have been put forward and would also deal with future bills that are coming down the pipe.

I know everyone has a busy schedule, but from a selfish point of view, I would like to have a subcommittee meeting tomorrow. I would suggest from 1 p.m. to 2 p.m. Perhaps we could put some detail around the outside meetings we want to have and also the order of the motions that we've taken.

I felt I was under the instruction of the committee to organize the witness schedule and the clause-by-clause consideration, and I'm certainly prepared to listen to other suggestions, but beyond that, I think the direction of the subcommittee should make those decisions.

• (1735)

**Mr. Ed Fast:** Do we have a motion on the table right now?

**The Chair:** We have a revised motion from Mr. Laframboise suggesting that we bring Mr. Duchesneau and Mr. Cherry before this committee next week, on November 9.

**Mr. Ed Fast:** Can we deal with that?

**The Chair:** First I need to have unanimous consent for him to bring that motion forward.

**Mr. Brian Jean:** I thought it was already—you don't need unanimous consent.

**The Chair:** No? Okay. All right, then. Apparently we do not, so I would.... Go ahead, Mr. Scott.

**Hon. Andy Scott (Fredericton, Lib.):** I don't want to be obstructionist here at all, because I think we want to do this. I think we have some statutory timelines here that we have to recognize, but we have to line them up.

We want to do this. We want to do this with urgency. We have to do estimates before they're deemed. I would even go so far as to argue that...maybe I missed it, but I don't think the committee has really gotten into the infrastructure side of this committee's work yet at all, in terms of bringing in officials and doing the infrastructure programs.

I think it's going to be very difficult for us to do estimates without having a better understanding than most of the members of the committee would have on the infrastructure programs. It's a lot of money. It's policy-driven. I think it's an important thing for the committee to get its mind around.

I don't think these are impossible things to accomplish either, frankly, but I think we should charge the subcommittee to lay that out so that you can go back to the committee with a program to get the things done that need to be done, and we can just inform you for your deliberations— whoever is deliberating—and come back and see if that satisfies everybody.

There are some real deadlines here. There's a huge one looming in terms of estimates.

[Translation]

**The Chair:** Mr. Laframboise.

**Mr. Mario Laframboise:** I would like to maintain the date of Thursday November 9 for the appearance of Mr. Duchesneau and Mr. Cherry. As for the rest, we should meet tomorrow in subcommittee.

There is also the minister's appearance. As you know, we cannot oblige a minister to appear. The parliamentary secretary must therefore confirm when the minister will be available to appear before the committee to discuss the estimates. Even if Mr. Cannon's schedule is very open, it is unlikely that he would be able to come two days in a row. That would be a first.

I would be happy to give my time and have other meetings, perhaps on Wednesday November 8, for example. That is not a problem. What is a problem for me, however, is the appearance of Mr. Duchesneau and Mr. Cherry. I have just about had enough. Which is why I hope we will summon them to appear on November 9 and that they will be present. If two hours must be added to the meeting to address other files, I would have no problem with that, but after 3:30 p.m., on November 9, those two men must appear before our committee. These are my concerns.

[English]

**The Chair:** Mr. McGuinty is next.

**Mr. David McGuinty:** Mr. Chairman, why don't we agree, if we're going to support Mr. Laframboise's legitimate concern to get Mr. Duchesneau there on November 9, to commit now as a committee to sit at least three hours, if not four, on November 9? That gives us the flexibility to be able to convene the minister if he's not available for one reason or another next Tuesday. I don't know why the minister would not make himself available to his standing committee with respect to his department's estimates; I'm sure he'll be there. It would give us flexibility, then, if we commit to that period of time, as opposed to having the subcommittee meeting tomorrow and having to go back and juggle twelve or fourteen different schedules, which I respectfully submit won't work.

If we're going to vote on Mr. Laframboise's good idea, I support what my colleague from the NDP said about extending the sitting next Thursday so that we can accommodate Mr. Duchesneau and hopefully Mr. Cherry, if he'll show—and if need be, we can even bring in the minister that day.

• (1740)

**The Chair:** I'm not trying to be difficult, but you are asking people to sit extra hours on the 9th but asking the committee to excuse themselves on the 30th. I think we have to deal with the motion that's here first, and then we have to deal with yours to see if there is unanimous consent to bring it forward today.

**Mr. David McGuinty:** With respect, Mr. Chairman, I don't see the connection at all, because we're off November 30. We're actually talking about next Thursday.

**The Chair:** Are we?

**Mr. David McGuinty:** Yes, because we're now talking about a vote to get Mr. Ducheneau here with Mr. Cherry on the 9th.

**The Chair:** Right.

Mr. Jean.

**Mr. Brian Jean:** We have a motion in front of us. We're debating a motion that is not here before us—

**The Chair:** I am going to call the question on Mr. Laframboise's motion that on the 9th we invite Mr. Ducheneau and Mr. Cherry, and I will use a word stronger than “invite”.

With that, Mr. Bell, very briefly.

**Mr. Don Bell:** The question in voting on this.... I had raised with you a question before on the issue of us having meetings in the morning rather than the afternoon, and I'm wondering if, ultimately, the members have been polled about that idea. This committee in prior years met Tuesday and Thursday mornings.

That would give us the flexibility, if we have a heavy work schedule, to also schedule meetings if we needed to on Thursday afternoons, if something came up that was a priority.

**The Chair:** I have that actually on my agenda for tomorrow for the subcommittee, so it will be there.

Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** I would like to make a clarification, Mr. Chair. I would like to specify that we would “summon” Mr. Duchesneau and Mr. Cherry to appear on Thursday November 9, not merely “invite”.

[English]

**The Chair:** Yes, and when I said “invite”, I said a stronger word. I'll use “summon” to clarify it.

So the motion is on the floor from Mr. Laframboise that we summon Mr. Ducheneau....

Mr. Hubbard.

**Hon. Charles Hubbard:** The minister is probably a very busy person. I know in committee work in the past it's always been difficult for a minister to fit his time in with the committee's time. By voting this way, we certainly are limiting the possibility of the minister coming.

So I would say you should be cautious in all due respects in passing this, because then we have the minister literally boxed in by what we're doing, and I don't think it's fair to the minister or fair to this committee that we're....

**The Chair:** Unfortunately, we're talking about a motion that isn't on the floor. We're talking about something that is out there, and I think we have to deal with Mr. Laframboise's motion.

**Hon. Charles Hubbard:** But the motion, Mr. Chair, is that the 9th of November will be taken up by...which means that the minister will not have that date available to him if he wants to come. That causes me—

**The Chair:** Mr. Julian, last point.

**Mr. Peter Julian:** Mr. Chair, I think what we're doing is making a summons *de comparaitre*, but we are not excluding having other sessions on Thursday. So we are still allowing some flexibility for

the reason that Mr. McGuinty mentioned, and potentially for Tuesday as well.

**The Chair:** Can I call the question now? All those in favour of Mr. Laframboise's motion that we summon Mr. Ducheneau and Mr. Cherry to appear before the committee on Thursday the 9th of November at 3:30?

**Mr. Brian Jean:** I move for a recorded vote.

**The Chair:** Okay, go ahead.

(Motion agreed to: yeas 10, nays 1)

**The Chair:** Now I would like to ask if Wednesday, tomorrow, from 1 p.m. to 2 p.m., the subcommittee would be available to plan the next part of the schedule beyond the clause-by-clause and the motions that have been put on the floor that we've approved that we have to schedule.

Mr. Laframboise.

• (1745)

[Translation]

**Mr. Mario Laframboise:** I agree that we should meet tomorrow. Will the parliamentary secretary be present?

[English]

**Mr. Brian Jean:** I think he's supposed to be somewhere else.

**Hon. Andy Scott:** I appreciate the interest the members opposite have in making sure we honour and support Mr. Laframboise; however, it shouldn't be at the expense of having the minister appear before the estimates are deemed.

Whatever flexibility will be required of this committee to entertain the minister on the estimates.... I don't care when you have the meeting, but we have to meet the minister before we deem the estimates. Ultimately it takes the power away from the committee to speak to the estimates if they are deemed reported as they stand.

**The Chair:** The subcommittee will meet tomorrow at 1 o'clock for one hour. The clerk will find a room for us. Please book your schedules for that one hour.

If Mr. Jean can't be available—

**Mr. Brian Jean:** I'll be there.

**The Chair:** Then it's agreed.

Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** Perhaps Mr. Jean could confirm by tomorrow afternoon whether the minister is available at that time. It would be easier that way.

[English]

**The Chair:** I'm sure Mr. Jean will check that out for us.

**Mr. Peter Julian:** Since there's only one Conservative, we could entertain all kinds of motions and all kinds of things.

**The Chair:** I adjourn the meeting.







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