



House of Commons  
CANADA

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

---

TRAN • NUMBER 043 • 1st SESSION • 39th PARLIAMENT

---

**EVIDENCE**

**Monday, April 16, 2007**

—  
**Chair**

**Mr. Merv Tweed**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Transport, Infrastructure and Communities

Monday, April 16, 2007

•(1535)

[English]

**The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)):** Good afternoon, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting number 43.

I know many of you have been away. What I'd like to do is bring you up to speed.

On Friday you received a notice from me basically cancelling today's meeting and then amending it to include as orders of the day committee business. There are two motions we have to deal with.

I feel it's important to tell the committee the logic behind my decision and let the committee voice their opinions and see where we go. I thought it was important that we meet as a whole committee before proceeding, particularly with this rail safety review. I don't think anyone at this table would disagree that it is an important review, which should be done.

I left it as long as I possibly could. When we left here, the labour dispute was tentatively settled, but over the break it became clear that it wasn't agreed upon. We received word mid-week last week that because of the labour dispute, CN and CP, who were scheduled for Wednesday, would be unable to attend.

Hearing that news, I thought, similar to the last time—when Mr. Bell brought this motion forward, there was a labour dispute going on, and I felt we had deferred it, to a point, to try to let it settle and then bring the parties in whom we need to bring in to discuss this important issue—that we might want to defer it.

I leave that decision up to the committee itself, but I think it's important, with the on-going labour dispute, that if we decide to proceed we set up some parameters so that we're not getting involved in the labour issues out there and are not getting involved in the disputes out there among the organizations.

With that said, I apologize. I know that some people left on Friday to come to Ottawa for a Monday presentation before I sent out the notice. I apologize for that inconvenience.

Again, I think it's important that we have a brief or a long discussion, depending on what the committee wants, as to the direction we want to go with this particular review.

I'll leave it at that. As I think I have in the past, I've always sought the will of the committee. I'll start with Mr. Bell.

**Mr. Don Bell (North Vancouver, Lib.):** Thank you, Mr. Chair.

I want to say how disappointed I was with the decision.

I heard your explanation. I found out about this... My understanding, first of all, is that there were calls made Friday afternoon between one o'clock and two o'clock by individuals interested in this meeting today. There was no indication at that time that there was going to be any change, so the three witnesses had come to Ottawa. One of them has since returned home. To get notification after five o'clock that the meeting had been cancelled was very disrespectful of the witnesses we had. They had to make personal plans to come here and had to prepare themselves for what would be questioning by this committee.

I appreciate your concern about the strike-lockout issue, but clearly with your skill as chair and this committee's general knowledge of procedure, we could have moved ahead and separated out the strike-lockout issue so that there wouldn't have been overlap. It's very easy. If a question crosses the line, the issues we're talking about here right now really relate to the two reports we have—the safety audit and phase one and phase two of the safety management study that was done by Transport Canada—and we need to begin the process. We still have derailments going on, and lives are at risk.

One of the gentlemen who's here today, Mr. Gordon Rhodes, himself had a near-death experience. He was one of the three members on that locomotive that jumped the tracks in Lillooet, and his two co-workers perished. But for the attention of one of his co-workers on another train ahead, he likely may not have been with us here today himself. It's very emotional, very stressful, for him to come here and be prepared to talk about the kinds of problems that he feels ended up happening in that situation, and other situations that he is aware of.

I think what we should do in this case.... We have Mr. Anderson, who is from Sioux Lookout, who I'm aware is in town, and Mr. Gordon Rhodes from British Columbia. John Holliday was here from British Columbia, but has since returned home, because it was advised that this meeting had been cancelled. On Wednesday the CN executives indicated to you that they would not be available. If we want them to be available, I think they would be, or they'd be in contempt if we direct them to be here—subpoena them—but I'm not attempting to agitate or inflame the current labour situation, the strike-lockout situation.

I think we should proceed, and I would suggest as a courtesy that we could proceed today to interview Mr. Rhodes, who is here, and then determine if Mr. Anderson and Mr. Holliday and indeed Mr. Rhodes wanted to come back again. If CN can't be here on Wednesday, then I'd suggest we invite the representatives of, first of all, the workers, and then we may want to ask Transport Canada sequentially, and then have CN come in if we want. I would have preferred to do the workers, CN, and Transport Canada.

I don't want to see this put off. I understand a report is being requested by the minister, but this is this committee's importance. We indicated that rail safety, air safety, and water safety were going to be priorities of this committee at the beginning of this year. We've dealt with issues on air safety, but the number of derailments that continue to carry on is incredible. It is maybe at a reduced rate, but it is still at a level that is far above acceptable to the Canadian public and certainly to this side of the committee, and I suspect most members of this committee are concerned about the safety risks that are involved in communities. We've got hazardous goods travelling through residential communities; we've got the safety of the rail workers themselves, the safety of the public, and safety of the environment, as we saw on the Cheakamus and at Lake Wabamun, situations in which, in the case of the Cheakamus River, the fish stock has been devastated for decades to come.

•(1540)

My suggestion would be that we invite the other two witnesses—and Mr. Rhodes if he wished to come back—to appear on Wednesday, and that we invite Mr. Rhodes right now, since he's here and took the trouble to appear as a witness today.

**The Chair:** Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Chairman, I will support Mr. Bell's motion. I would however just like to come back to the explanation you provided. I like working as a team, and that has always been how we have worked on the Standing Committee on Transportation. We have a minority government, and it is not an easy situation.

Mr. Chairman, I am trying to follow your train of thought. You said you discussed the situation. However, you did not talk to me. I am one of the committee's vice-chairmen. I was not present for that discussion and I want you to know that.

When Canada Post last appeared before this committee, we chose not to call its representatives at the same time as representatives for the retailers and the unions because negotiations for a collective agreement were ongoing at the time. We had to be careful with regard to the questions we asked.

Today, the Conservative Party, through Mr. Fast, is tabling a motion which will directly affect the collective agreement negotiations, and the cases I before the courts. You tell us that we should not get involved in the issue of security. I don't quite follow your argument. I just want to be sure that we understand each other.

I respected our commitments to Canada Post, I agreed to hearing the witnesses separately and at different times. I even decided not to ask certain questions so as not to affect the cases before the courts or the negotiations between Canada Post and its employees. I have tried to respect all those commitments.

But today, you, the Conservatives, are tabling a motion which completely contradicts what you said at the last meeting. You decided not to hear witnesses on the issue of security because that would lead to problems. I hope we will be able to work out a friendly understanding.

Speaking for myself, I want to get to work, I want us to move forward and I want to respect everyone. But I'm a little disappointed. I did not think you would give us the reason you did today. I thought it was because the witnesses were not available for any number of reasons, and that we found out about this at the last minute. So it's news to me when you say that you discussed the matter and that you would rather not hear from them. That is why I will support Mr. Bell's motion. I would have preferred us to discuss the issue together beforehand, on the phone, and to know the reason for the decision. Otherwise, since we have witnesses here today, I think we should hear from them out of respect.

•(1545)

[*English*]

**The Chair:** Mr. Julian.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Chair, we have an escalating derailment rate in Canada. Canadians are increasingly concerned. And we have Mr. Rhodes, who's a survivor of one of the most tragic of those derailments. We absolutely need to hear him come before the committee and testify and provide us with that information that may, in the end, help to save lives in the future.

I would like to talk about process for a moment. I support Mr. Bell's motion, obviously. I think this committee has been run effectively. I am involved in other committees that have not been, and I would hope that what happened on Friday won't happen again.

If you feel a need to change the agenda, I would hope that you would consult with the agenda committee. We're only a phone call away. I think it was a surprise and disappointment to all of us—it certainly was for me, coming in on the red-eye flight, as I'd left my office on Friday afternoon for other events and we were involved in the community all weekend—to arrive and find that the agenda had been altered. I would hope that next time you would consult with the agenda committee. I believe you're effective as a chair. I'm disappointed with what happened on Friday.

**The Chair:** Mr. Jean.

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

I do understand the reason why. I differ somewhat in what my friends have said, because I do understand the reason you were intending to and did in fact cancel today's meeting, especially having regard for what has taken place recently with CN. But I do also support the gist of Mr. Bell's motion, and I think it's a good motion. We have worked well as a committee and we've been very clear, as a government, that we take as job number one the safety and security of Canadians. All of us at this table think that is the most important job we can have, and that's why all of us on this side of the table have supported all measures to go towards that objective.

At the same time, we do have a serious issue in front of us and we do not want to see our economy stalled. We do not want to see any interference in labour negotiations between the company and labour, because nothing is more important. To that end, I'm wondering if Mr. Bell would consider a friendly amendment—and I'm not sure exactly how he would like this worded or if he would consider it—that if any issues are brought forward that refer to a labour issue or to a labour dispute, they would be ruled out of order, either as a question or an answer, by the chair. That is the government's only concern in this.

We should not be put in the middle of a labour dispute or a labour negotiation, and this venue, this committee, and this government and all members of this House should not be used as pawns in any way, shape, or form that would disrupt the labour negotiations that would move people forward towards a resolution. We do not want to be seen as being put in the middle of that. We do not believe that would be in the best interests of Canadians, nor in the best interests of the safety or security of Canadians, and as such that is our concern.

I would suggest a friendly amendment whereby if a question or answer is directed towards a labour issue and not a safety issue, it would be ruled out of order by the chair and be dealt with accordingly, because I do not think that Canadians want us involved in the middle of a dispute.

**The Chair:** Mr. Volpe.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Chairman, I'm wondering whether I'm on the fisheries committee, because I'm being asked to follow red herrings all over the place.

I have a lot of confidence in your ability to chair the committee.

I have two questions. The first one is on process and the second one is on substance. I think you have been unfairly attacked on substance—and I'll explain why in a second—but on process I think it's important for us to re-establish what everybody thought was the process by which we make decisions. It was unfortunate that the

decision to change the agenda was made without consulting the other vice-chairs. If we can re-establish that process, I think we're well on our way to solving this, because that process has obviously led to very good relationships on this committee, in which people work collaboratively—all partisanship aside. So let's re-establish that.

The second thing is a question of substance. We're not here to discuss labour issues; the mandate for this particular session was supposed to be rail safety. I have more confidence in you, I think, than some of your colleagues. As chairman, you're going to keep everybody on the issue of rail safety, so we don't need a friendly amendment to put us in that direction. The chair can make sure that witnesses are respected and that questions are respectful.

I think we need to be able to address the issue of rail safety. The minister went on TV, and I think we all know which one, and said he couldn't release an audit because the company wouldn't allow him to do so. Well, here it is; all of us have it now. So for us, it's a question of trying to address all the problems that emanate from that audit. We have three witnesses. Yes, they represent the labour side of the business. In the instance of this witness, Mr. Rhodes, we have one of the survivors of a tragic accident. As for the other two, I guess one is still here, having come from the Sioux Lookout, which is not a quick ride to Ottawa, and the other one is in Montreal.

So I think we need to recognize that these people have come here, or agreed to come here, because they want to address rail safety. When you have 100 plus accidents per year—one every three days—nobody's confused about whether this is a labour or safety management issue.

So, Mr. Chairman, I think we should go back to what we were supposed to do, and that is to at least hear Mr. Rhodes and continue.

If CN and CP do not want to come before us, too bad. We have a more important issue than their economic bottom line: the safety of people and product going through their system, number one; and number two, the infrastructure of a network that keeps the country together. So we can't be distracted by someone who says perhaps this is going to be a labour-management issue that is under negotiation. Nobody has said we're going to be involved in negotiations.

And by the way, as I said about this being like a fisheries committee, how much more of a red herring can you get when we know that our colleague, the Minister of Labour, has just said he's going to introduce legislation to get people back to work? We knew that already. We knew it about three or four weeks ago, when he said that if they don't reach an agreement, he would be seeking the consent of all parties to introduce that legislation. That's not for discussion here; that's for discussion in the House. The discussion here is rail safety. We have an expert witness, a survivor—and we had others. We should have followed the process and the procedures accordingly, and we shouldn't deviate from doing this today.

There's no need for a friendly amendment, Mr. Chairman.

And with all due respect, Mr. Jean, let him do his job. Let the chair do his job, and let's take the opportunity to hear what the witness has to say.

• (1550)

**The Chair:** Mr. Fast.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Chair, I'd like to speak in favour of the amendment proposed by my colleague, Mr. Jean. I wouldn't want to demean his intentions here. I believe the suggestion that his motion for an amendment is a red herring is wrong.

By the way, I do have confidence in the chair, and I believe all the members on this side of the table do have confidence in you, Mr. Chair. You've done an excellent job in the past, and I know you'll continue to serve us well.

As one of the three MPs from British Columbia, I, along with them, feel perhaps the most direct heat from the derailments that have occurred in British Columbia. Mr. Bell has brought this issue forward in the past. I've spoken about the importance of rail safety and that we need to get to the bottom of this.

I want to make it very clear that on this side of the table we take this issue very seriously. In fact the minister issued what is relatively uncommon, which is a directive to CN to present the government with a revised operational and safety plan. After much ado, the safety plan was submitted. It was found to be unacceptable by the minister. It was referred back to CN. CN then had to go back to the drawing boards and improve on it. It's not like the minister doesn't take this issue seriously.

I can tell you, I for one consider this to be one of the most important issues we're going to grapple with here at this committee. Having said that, though, I'm also keenly aware of the fact that the most recent disruption in rail service in my community alone caused a great deal of angst.

I can give you many examples, one being the poultry and dairy industries that rely on feed. We have three or four feed mills in our community, big ones, because we are the number one farm gate community in British Columbia. So we rely on those feed mills to keep our agricultural industry going. They were within one or two days of being out of feed because the product that comes into the feed mills that's required to make feed just wasn't available.

What was even worse is that even though this product had been ordered by those feed mills, the brokers who deliver the stuff were shopping the stuff around, finding the highest bidder for it. So even

though you were the one who ordered it, you may not have got it because someone else bid higher. Those are the problems we're facing, not only in Abbotsford, but right across the country, and that's just in the area of agriculture. So for me it's critical that we get a resolution to this rail dispute.

Now, there was a suggestion that somehow this back-to-work legislation that our government has introduced and will be proceeding with is going to solve that problem. That doesn't deal with negotiations. If we have back-to-work legislation, labour negotiations continue, because there's no contract or collective agreement that's been negotiated at that time. So you need to continue with that.

I want to make sure that as we go through our deliberations here and hear the testimony of witnesses, nothing will occur at this committee that will in any way jeopardize the process of those negotiations. As four Conservative members of this committee, we are, I think, in a way using an olive branch to say that we agree that the testimony of these witnesses is important, but let's make sure that the chair has very clear guidelines that we want to avoid anything that's going to impede the ongoing labour negotiations.

If we can achieve that, I think we're going to have a harmonized approach to this whole safety issue. I don't want to in any way diminish the importance of that issue. I don't want that message to get out there, because for me as a British Columbian, it's very important.

• (1555)

**The Chair:** Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** I have no problem supporting Mr. Jean's motion, which calls on us not to involve ourselves in labour relations. As I said, I think we should not get involved in labour relations. However, CN will have to appear before the committee, because based on what I had originally understood, CN's representatives did not want to appear for lack of time, which was probably due to the fact that managers had to fill in for other workers, and so on. So we will have to make sure that CN representatives appear, with the assurance that they will not be asked questions about the labour conflict.

**The Chair:** Mr. Bélanger.

[*English*]

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** People from other areas of the country too are interested in this issue. In the last month we've had two derailments in Ontario: one in northern Ontario, where you end up with sulphuric acid in the aquifer—or hopefully not, but certainly in the streams—and one near Kingston that disrupts the whole system. The concern goes away beyond B.C.

I have no difficulty whatsoever, as a member of the committee, supporting the motion to summon people here from CN and CP. With all due respect, I think they can walk and chew gum at the same time, and they should be here.

I do absolutely respect, Mr. Chairman, your admonition that we not go into the matter of the current labour negotiations in which CN is involved with its unions. However, I do have a difficulty with the notion that is being put forward that there may be matters of rail safety that would involve questions relating to the unions. As we've seen in our studies of Bill C-6, there have been some union positions here about whether we should be doing air inspections, or stopping them, and so forth. I absolutely have no difficulty relying on your judgment in determining when a question or a comment is appropriate or not appropriate and cutting that person off. I'd rather we stick to that and give ourselves the flexibility we need to look at rail safety.

My colleague here, as far as I know, has not put forward a formal motion. He is putting forward a suggestion on how to proceed. I suspect we should just proceed and rely on your good judgment to do it the right way.

Thank you.

•(1600)

**The Chair:** I've got Mr. Jean and Mr. Bell, and then we'll move forward.

Go ahead, Mr. Jean.

**Mr. Brian Jean:** Thank you, Mr. Chair.

I want to carry on with what Mr. Fast said. After the last incident regarding rail labour issues, I had an opportunity to meet one of Mr. Fast's constituents. I can assure you that these individuals took this very seriously, and it was close to a tragedy in the interior of British Columbia for those companies. I want to make sure everybody is aware of how important it is not to blow this issue out of proportion or to have an issue that actually comes forward out of this committee that would cause some undue strife and a breakdown of communication or labour negotiations.

I do want to carry on where Mr. Fast left off. A full review of the Railway Safety Act by an independent panel is going on as we speak. It has to have a report back to the minister by this October. In fact, he issued notices, and as Mr. Fast said, he issued orders and another order—the first time ever done by a minister in this particular area—for a safety plan for CN. In fact, I know there might be a slight bit of embarrassment for the Liberal members, because we have seen, since this Conservative government took control of this file, a 25% reduction in main rail incidents. That does speak to the success of this minister and it does speak to the success this minister wants to get to, which is to have the rail industry safe. It's not safe enough yet, but we are moving in the right direction.

I would suggest, finally, that the audit—

**The Chair:** Mr. Volpe has a point of order.

**Hon. Joseph Volpe:** Mr. Chairman, we were on topic and on the process. I'm looking at the audit report to which Mr. Jean makes some reference, and I'll quote: "The audit team did not find evidence indicating that data from these processes is used on a regular basis to trigger documented risk assessments." Why? It's because the reportable accident criteria are FRA accident numbers that represent only a small portion of the actual numbers of CN accidents in Canada, because they are American—so let's stay on topic.

**Mr. Ed Fast:** That's not a point of order.

**The Chair:** It's not a point of order. Can you be very brief, please?

**Mr. Brian Jean:** In relation to the audit itself that my friend Mr. Volpe alluded to that was being hidden by the government, and we weren't being accountable, I'm certain Mr. Volpe would not suggest that we take proprietary information and information garnered under the Access to Information Act and go against the privacy rights of the company to let it go. It was their decision to let it go; it wasn't up to our government.

**The Chair:** Please give your final comment.

**Mr. Brian Jean:** Yes, Mr. Chair.

Mr. Chair, I haven't heard a response yet from Mr. Bell on whether or not he would be prepared to accept the friendly amendment. If he's not, I would be prepared to move an amendment to his motion nevertheless.

**The Chair:** I am going to give Mr. Bell the last word.

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

Just as a comment to Mr. Jean's comment, I hope we don't get into partisanship on this. We're dealing with safety. We should deal with this as a committee.

I have to respond softly to the extent of saying that the reason, I believe, that the number of derailments is down is that the action initiated by the minister under the Liberal government caused these two reports to be done, and I can see the actions taken since then by the current minister to bring pressure on the railways and to give focus.

This is not just the actions of the current minister; this was a process that was started—and was supposed to be made public, and that was part of the concern we had.

What I would like to say is, I have no problem recognizing that we do not want to interfere in a labour relations process or labour negotiations, a strike or lock-out situation. In fairness, to be able to address some of the issues that are here—and they're not, as I understand it, on the basis of the current dispute.... There are areas here where reports or recommendation.... Report G, for example, in the audit says that safety culture improvements initiatives included in the safety management submission of Transport Canada have not been effectively implemented in the mechanical services department, where many employees stated that at three of six locations, a high percentage of mechanical employees stated they were reluctant to report minor injuries because it had resulted in discipline.

Those are the kinds of things. Fifty-three percent of the locomotives have faults, including brake faults. That's a question of maintenance, and maintenance may be related—in fact, obviously is—to issues of having enough staff to do the job.

I'm asking whether you want a motion that we hear the witness now. I'm happy, whether we just have the understanding that you will use your discretion as chair or whether you want to have it formally added to by Mr. Jean's suggestion, on the understanding that we will not in any way attempt to intervene in the current strike and lock-out situation at CN. Some of these issues are inescapably related to decisions made by CN as to staffing levels, inspection levels. That is not what I see as the heart of the current labour dispute, but they are issues that have been addressed here and they are at the basis of the concerns.

When over half the locomotives have minor or major problems, and a more significant number of the rolling stock, and with such things as not having lists—they call them “consists”—of what's in the train, and where in the train it's located.... Mr. Fast has talked about the impact on his community in North Vancouver. I have chlorine tanks running out of my community daily. Speaking as a former municipal politician, they would understand it's important for your hazardous team—your hazardous materials team, your fire department, whoever it is who responds—to know what's in that train and where it is, if there's a derailment or an accident takes place.

Those are the kinds of things I'm concerned about. I would like to have the opportunity to question the witnesses, I would like to question CN, and I'd like to question Transport Canada, all in due order.

I'm prepared to rely on your judgment. I would like to say, as in my comments earlier and as other members of this committee have said, that I have complete confidence in the way you chair the committee. I think the decision you made was not the one I would have liked to see made, and I appreciate your explanation, but I think we need to move forward.

I will make a motion, if you would like, Mr. Chair, that we hear Mr. Rhodes now and that we invite the other witnesses to come back for Wednesday if they are available.

I'll leave it to your discretion on the labour issue. Certainly I think it's the intention of all members on this side that we not interfere in the current labour dispute and ask questions that would do that.

• (1605)

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** He's mentioned that he's not going to accept the friendly amendment, so I would like to move an amendment, Mr. Chair.

**The Chair:** Okay. Basically, then, what I have from Mr. Bell is that the witnesses originally scheduled to appear—we wrote this from your first comments—be invited to appear Wednesday, or if they are in the room, immediately.

**Mr. Don Bell:** Yes.

**The Chair:** That is the motion put forward by Mr. Bell. Is everybody comfortable with it?

Mr. Jean.

**Mr. Brian Jean:** I have listened to Monsieur Bélanger's and Mr. Bell's viewpoints and I have made some amendments to it in that regard. The amendment I would propose is that any question or

answer that refers to the ongoing labour dispute issue be ruled out of order unless the chair considers it appropriate.

**The Chair:** I'll just ask whether everybody heard that. If they agree to it, we'll get it written and translated.

Monsieur Bélanger.

**Hon. Mauril Bélanger:** I have a question, Mr. Chairman, if I may. They identify that there are only four Conservatives here. Have they renounced your membership?

**Hon. Joseph Volpe:** You're out all by yourself.

**The Chair:** They really appreciate that impartiality.

**Mr. Don Bell:** Mr. Chair, I would accept that as a friendly amendment, on the understanding it's about the current labour dispute. If there are labour-related issues, to the locomotives or something, we can talk about that, and if it starts to get into the contract, then we'll walk away from it.

**The Chair:** I think everybody understands what has been suggested. If there's agreement, then I think we can move forward.

Is everybody in favour of that motion and amendment?

**Some hon. members:** Agreed.

(Motion agreed to) [See *Minutes of Proceedings*]

**The Chair:** If there are guests in the room who were invited to attend and were shorted by my cancellation of the meeting, I apologize for the inconvenience.

If you would like to join us, you're more than welcome to. Maybe you don't want to after hearing all this.

Mr. Rhodes, I appreciate you being here. Normally we have a seven- or eight-minute presentation and then we do a round of questioning.

I will give the committee a heads-up. We do have two motions. I'm going to allocate 10 or 15 minutes at the end of this meeting. Is that sufficient?

• (1610)

**Hon. Mauril Bélanger:** Could you delay them until Wednesday?

**The Chair:** Probably. With your permission, we could delay them until Wednesday. As we get closer to that time, I'll ask for that. I'm certainly not going to cut him short.

Mr. Rhodes, again, thank you, and I apologize for the inconvenience.

**Mr. Gordon Rhodes (Locomotive Engineer, Lillooet Terminal, Canadian National Railway Company):** We have rectified it.

I'm Gordon Rhodes. I'll give you a brief history of my knowledge on railroading. I started out in 1977 as a steel gang labourer back in British Columbia, from Jasper to Kamloops. Then I quit, and I started again in 1984 in section, and I worked section for a couple of years. Then I worked on maintenance as a track welder and production welder, and that I did from Jasper to Vancouver, and then from northern and southern Ontario.

After that, in 1988 I started in as a trainman, a yardman, in Toronto. I did that for two years in Toronto, and then I worked in northern Ontario in about nine different terminals from Toronto to Vancouver for CN, on the main line and off the main line. In 1992 I quit CN, and for some reason I decided to go back to railroading in 1993, and went to the wonderful little railroad of British Columbia, B.C. Rail, and it was like stepping back in time. I've worked there for the last 14 years, since 1993, and I started driving trains in 1994.

Based on my experience, when I say this, I have a fairly good idea. I know it. As far as the track in British Columbia from Vancouver to Clinton goes—and there are other areas up in the north—there is nothing like it anywhere in British Columbia, anywhere in Canada, that is as treacherous as it is and as challenging as it is to run a train through. I have great difficulty now that I have survived this accident even trying to even get back on a train. Right now it's a big challenge. I don't trust the equipment. I don't trust the management. I don't trust them.

I don't want to get this confused with union stuff, because—forget it—this has got nothing to do with unions. I just don't trust them, and there are reasons. Governments don't want to put more people out there to do more enforcement. They don't want to be the police for railways or for businesses. They want the businesses to do their job, right? Because they know what they're supposed to be doing, right?

Well, there's a problem here. The problem is that the Railway Act isn't making these people—and when I say “these people”, I mean CN and CP Railways—accountable for when they do not do things properly. Derailments don't just happen. There are reasons behind those derailments, and I've been in lots of them. I've been in some where I've been riding the car, and the car has jumped the track. I've been in ones where we've hit the side of another train. I've been in ones where switches broke, and we went everywhere. And then I was on the last one, which will probably be my last one. I don't know how I survived that one.

The point I'm trying to make is that there are a lot of questions that need to be asked to Transport Canada, and there are a lot of questions that need to be asked to the railways. The first question is where the regulations are. Where are the rules to make these people accountable?

I'm accountable. A doctor is accountable. A lawyer is accountable. They all have certifications and tickets. I have a ticket. My conductor has a ticket. If we are found to be incompetent in any way, shape, or form, that ticket is taken away from us. We cannot do our job. Why does an online supervisor who makes safety-critical decisions at two o'clock in the morning or at one in the afternoon.... What kinds of qualifications does he have? What kind of accountability does he have to Transport Canada and to the people of this country?

•(1615)

What about the next person up the line, to the superintendent of a terminal who makes many decisions on safety-critical things, everything from the handling of chlorine to the handling of containers, going through people's backyards? And they go through a lot of people's backyards.

How can these people be made accountable? Because I don't see anybody being made accountable. And I don't mean to sound

vindictive or angry or anything like that. I know I'm coming across that way, but that's not how I'm feeling. I'm feeling frustrated, because this isn't the first accident and it's not going to be the last one. There are going to be more. And people need to be made accountable for these things.

When you start cutting your bottom line, you start cutting your maintenance, you start cutting back on the number of people you have out there doing the jobs to the point that they are right now, you are in a dangerous situation. And that's what we've reached here. We've reached a threshold.

And the threshold is obviously in British Columbia. The reason you're having so many accidents in British Columbia is because the thresholds in British Columbia for railway standards.... Before it was taken over by the federal government and as far as standards go, they were higher. They were higher standards. We are now working at lower standards than we had originally. Those higher standards are what we need in the mountains, for what we run through. We run through 12-degree, 13-degree curves. We're on 2.2% grades. They don't have that anywhere else. So these standards are therefore a reason, and they need to be maintained.

I have suggestions for questions. Those are a few of them. Here are some other ones. How is it that we have a situation of a labour dispute that nobody wants to talk about? I understand that, okay. I am not concerned about who is right and who is wrong in a labour dispute. I am concerned about safety. There is a safety issue that's looming right now, and everybody around doesn't seem to be aware of it.

There are conductors who are not working. Am I correct that they are all out now? I haven't been watching the news.

The last time they were out.... I can give you this, knowing this, and I'm saying this is true. There were supervisors who have an A-card qualification, which is what a conductor is required to have. My experience with CN this time around is that getting that A card is an open-book exam. To me, that is unacceptable, but that's the way they do it. So we have supervisors out there, running trains, working safety-critical positions, with zero to five days' experience. Some of these people have zero. Now, how can they be in a safety-critical position, operating or taking the responsibility of moving thousands of tonnes of equipment around, and not have any experience at all? How can that be considered safe? It's not, in my book.

There's a time when you have to go for experience. Everybody has to get out there. When I was in Toronto as a trainman, starting off, three weeks in a rules class—three weeks, intensive. When I did my signals, you had to write it out, word-for-word, 100%. You had to know the signals. Three people didn't make it just because of that. You had to have 90% on your exams to get your rules. And that's just the first step.

And then the next step was 65 tours of duty, we call them, when you go out and you work. Sixty-five tours of duty on different jobs, in different types of environments, before you were allowed to “cut loose”, which is what we call it in our trade, to go and do the job yourself.

And here we have people going out there, right now, today, with zero to five days' training. How is that safe?

I know that's not everywhere and that's not all the jobs, but they do do it. They have it. And those people are terrified. I know some of them, and they're terrified to speak out because they will lose their jobs if they do.

• (1620)

There's something wrong with this Transportation Act if that can happen. There need to be standards set so that when the railways have these kinds of problems, they ensure that the people they're putting on these trains are capable of doing the job.

Another issue is derailments. We're not hearing the whole story on derailments. They're only reporting derailments. Then there are the ones called incidents. An incident is a close call. They're not being reported, and if they are being reported, they certainly aren't taking them and learning anything from them. That's in phase two of that report. Everything that the person who wrote the assessment said, in the first two pages of the phase two report on the management end of it, in my opinion, is pretty bang on. The stuff in the phase one—I could only get through the first five pages, and I couldn't read it. It made me sick. I felt sick, because I felt like I was so set up. I work in that area that had the worst ratio of equipment. It just sickened me. We all knew something was wrong. We all knew that things weren't right. Nobody was listening.

I've got more to say, but I think maybe it's more constructive if I let you ask me any questions you want. I'm more than willing to say something.

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

Mr. Bell.

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

Thank you, Mr. Rhodes for coming, and thank you for being here and having this opportunity.

I understand in what you've said there are two things. First of all, we're talking about increased derailments—2005 being a spike year, in which there was a particularly high number, in two areas that we've seen. One is generally across Canada, for a variety of reasons, perhaps indicating that there isn't adequate attention to rail track maintenance and equipment maintenance across Canada. The second area is British Columbia, in particular, following the CN takeover of B.C. Rail.

As I understand it, the term that's used is GOI—general operating instructions—which is sort of the manual, the way they operate the railway system. The term that's used for most of Canada, with relatively flat land, is either “flatland” or “water grade”, I think.

• (1625)

**Mr. Gordon Rhodes:** It's water grade railways.

**Mr. Don Bell:** Water grade railways are more or less flatland operations. Anybody who's tried to set up a model railroad for their kids would know the difference. If you try to suddenly ramp the track up too high, what happens?

I guess the difference was that in British Columbia, B.C. Rail had a lot of experience dealing with the unusual terrain, with the steep grades—the one from Clinton coming west is 13 kilometres, I think—

**Mr. Gordon Rhodes:** No, it's 32 miles.

**Mr. Don Bell:** It's 32 miles in excess of 2.5 degree grade, and all B.C. Rail engines that operated in those areas had dynamic braking, which is—

**Mr. Gordon Rhodes:** No.

**Mr. Don Bell:** On those inclines—they didn't?

**Mr. Gordon Rhodes:** No, I'm going to correct you on that. You're right, but I'll go one step further. All engines on B.C. Rail—period—had dynamic braking.

**Mr. Don Bell:** So all engines have it. Dynamic braking is the use of the electrical motors to, in effect, reverse the polarity, which is not an ultimate braking system, but which slows the train down, and which perhaps, in the kind of accident you were involved in, in which your two co-workers passed away—

**Mr. Gordon Rhodes:** It would have stopped my accident.

**Mr. Don Bell:** —could have stopped the train. My understanding is that CN sold off those engines and brought other engines in from other parts of Canada, which do not have a dynamic braking capability now, and they are operating within B.C. Is that correct?

**Mr. Gordon Rhodes:** That's correct.

**Mr. Don Bell:** In reading the reports, both the phase one and the phase two—and my colleagues can address the different areas—I was particularly concerned about the number of loose sills, clearance of handholds, bottom safety supports rods, and defective brake beams. I know these may seem minor, but they put the workers at risk. Ultimately, if the workers are at risk, the train is at risk, and the community is.

The other thing was the issue of these N&Os, notices and orders. The report stated that there were 99 outstanding as of November 2005 that had not been satisfactorily addressed—and 24 of them go back to the year 2000 or earlier. The report says that 53.9% of the 232 locomotives inspected over that period had safety defects. Some were minor and some were major.

What I see in reading this is that it seems to be indicative of a malaise within the operation. Some of those minor ones are naturally going to become more serious. Maybe attention isn't being given to the number of safety concerns. I'd appreciate your comment on that.

**Mr. Gordon Rhodes:** My experience is that our workforce has been pared down to the point where we are at a bare minimum everywhere. There's dispatching, which is the RTCs, rail traffic controllers, and on-line supervisors. Something that should be looked at is how much territory an on-line supervisor covers. He's covering way too much territory, in my opinion. But I'm not an expert.

On the maintenance of the engines, the turnaround ratio of engines is very critical; if it sits they don't make money. I understand that. But they're pushing these people in the shops. They don't have the time to take care of everything, so they take care of the basics. They take care of the necessities, like keeping the engine running and the air brakes or whatever, and then they just send it out to shop. And we get it and it's.... Since we went to CN, it has been frustrating to go to work. You go to work and you're wondering how many of my engines aren't going to be working properly and what the problems are. It's very frustrating, and it creates a lot of challenges.

**Mr. Don Bell:** My colleague Mr. Volpe mentioned the American standards, the FRA and the ARA, I think it is, being used for the two different areas. Some of them are the standards of reporting and the others are the standards of actual maintenance of cars. It appears that CN in particular has been using the American standards, which are a lesser standard than Canadian standards. Are you aware of that?

• (1630)

**Mr. Gordon Rhodes:** I can't speak about the differences between the standards. I can speak from my experience working for CN, when it was Canadian-owned, and my experience working for B.C. Rail. Now we've gone to CN again, which is American-owned, and the contrast is immense. There's everything from safety.... When you opened up your rule books and your timecards, safety was number one when it was Canadian-owned; now it's number four.

**Mr. Don Bell:** One of the American standards is that they don't report incidents under \$7,700 U.S. I don't know what that translates into in Canadian money—let's say \$8,500 or \$9,000. You're talking incidents. You mentioned 86 brake defects, 28 air-brake defects. We have problems in British Columbia in trucking, and we have regular inspections of trucks to make sure their brakes are safe. I'm concerned about that.

**Mr. Gordon Rhodes:** You should be. Everyone should be.

There is something I want to bring up, and that is the standards for conductors and enginemen. There is a qualification they should have, on top of everything else. They should be qualified like a carman is. They should be qualified on air brakes, so they are able to look at them and say they're not good. I can say that, but I'm not qualified. I think all enginemen and conductors should be certified so they can say that with no repercussions from the management; they can't intimidate you into going out with them. Because that's what's happening right now.

[Translation]

**The Chair:** Mr. Laframboise.

**Mr. Mario Laframboise:** I would like to start by thanking you for being here today. You have said some very important things, Mr. Rhodes, for this committee, which has just completed a study of the famous Safety Management System for air transportation. The example of the rail sector was given, where the SMS is in effect at the moment. We asked the representative of the Transportation Safety Board about this. We were told that there were fewer accidents in the rail sector, that is what Mr. Jean said earlier. However, the representative of the Board could not guarantee that the Safety Management System was responsible for the decline in accidents, that it explained why there were fewer accidents.

That is why I find your comments so valuable. What I find disturbing is this: you tell us that some accidents are not reported. There are some derailments that are not reported. With the Safety Management System there are no longer any inspectors in the field. So you are right, you don't see them anymore. There are fewer and fewer of them, because Transport Canada inspectors inspect the system. They do system audits with the company rather than determining whether the equipment is in good repair.

So you are telling us that there are some derailments that are not reported. That means that the Transportation Safety Board is not aware of them and that these accidents are not counted. Now I

understand better why the Transportation Safety Board representative cannot confirm for me whether the Safety Management System in the rail sector accounted for the reduction in the number of accidents. You have told us that there are accidents, that there are derailments that are not counted because they are not reported. Is that in fact what you said?

[English]

**Mr. Gordon Rhodes:** Yes, it is true.

[Translation]

**Mr. Mario Laframboise:** You said that you would have liked to have a railway police service—as far as we are concerned the Transport Canada police officers are inspectors—you probably know that for several years now, there have been fewer and fewer inspectors in the field to check out your equipment.

Is that true? Have you noticed that?

• (1635)

[English]

**Mr. Gordon Rhodes:** Yes, that's what's disturbing, because in all the years I've been on the railways, I've only seen a handful of Transport Canada or provincial inspectors, a handful of times. On the mountain alone in Lillooet, I've gone up and down it a couple of thousand times, and I might have seen one.

[Translation]

**Mr. Mario Laframboise:** You were on a particular route, as you said, which I would not describe as the most dangerous route, but it is the route with the most twists and turns in your region. Could I use the term “dangerous”?

[English]

**Mr. Gordon Rhodes:** It is definitely one of the most dangerous. We require patrols in front of our trains—and that's another issue I was wanting to bring up here. It's a safety issue, because I found out in talking to Transport Canada after an incident on the mountain that it wasn't a derailment and therefore wasn't reportable as an accident; it came so close, but it wasn't an accident, so they didn't have to tell them about it. It's as close as I would ever want to come.

I lost my focus there. What was the question again?

[Translation]

**Mr. Mario Laframboise:** I was talking about the Safety Management System when I said that the route on which you were is probably one of the most dangerous in the whole system.

[English]

**Mr. Gordon Rhodes:** Yes, I can say that it probably is. And I would highly recommend that in order for this committee to understand the scope of what's involved there, they should go there. One of the biggest problems with where I work is that we're in such an isolated area that decisions are being made in Memphis, decisions are being made in Chicago, decisions are being made in Montreal, in Edmonton, in Winnipeg, and in Vancouver, and these people are making these decisions and have never been there.

I had the top Transportation Safety Board fellow interview me after my accident. It was his first time, I believe, and he acknowledged that where we work it's another level of operating, higher than anything else he's seen. So it's very challenging.

[Translation]

**Mr. Mario Laframboise:** You say that the people who make the decisions do not come out to see what the situation is like on the ground, and that there are no Transport Canada inspectors. So ultimately, you are left here to your own devices, are you not?

[English]

**Mr. Gordon Rhodes:** You could say that we are, and it's very challenging.

**The Chair:** Mr. Julian.

**Mr. Peter Julian:** Mr. Rhodes, you and your colleagues showed great courage that day, June 29, and you're showing real courage by coming forward today to provide your testimony before this committee. We're very concerned about the issue of rail safety and the escalating derailment rate.

You mentioned in your presentation how things have changed. You've been involved in railways for almost four decades in a variety of ways and worked your way up through the system. You talked about safety being job one a few years ago, and that safety isn't a priority now. When did things start to change? And has SMS, the safety management system, played a role in things changing in railways?

• (1640)

**Mr. Gordon Rhodes:** I think there's been a definite downgrade in safety since about 1989.

**Mr. Peter Julian:** And it's been a steady deterioration?

**Mr. Gordon Rhodes:** It's been subtle, and I believe it's reached a threshold. I believe that the accidents in British Columbia are a warning, because as I said before, the standards in British Columbia provincially were higher than they were federally, so it's where it's happening first. But if everything maintains the way it's going, where the bottom line is all there is, we're going to all be bottoming out. The accident that happened close to Toronto could have been a catastrophe if it had been a few more miles farther.

**Mr. Peter Julian:** Do you think SMS has played a role as part of that, that in a sense it's downgraded safety standards?

**Mr. Gordon Rhodes:** Personally, I think there's a lack of proper enforcement going on. I think that Transport Canada has dropped the ball. And I'm not pointing fingers at individuals; it's the system. I think it hasn't been set up properly to safeguard. As I was saying before about supervisors not having any accountability, true accountability, that needs to be in place. I think this bonus system

that companies have, where it's all about bottom line, needs to be changed to where maybe they should attach safety in there to their bonus so that the bottom-line people aren't just focusing on.... You see, the thing is that in B.C. I believe there are only four inspectors for the whole province. How hard is it to figure out where they are in any one day? Pick up the phone, so you know what I can do here.

**Mr. Peter Julian:** *W-FIVE* did an excellent report, which you were featured on, about railway safety and the escalating derailment rate. Do you believe that it will go higher?

**Mr. Gordon Rhodes:** It's not going to stop. They are doing some things better. There definitely are improvements out there, but the overall resistance is amazing.

When the government put out an order telling the company to put dynamic braking on all their units going down the mountain, they appealed it right away. What was that?

**Mr. Peter Julian:** A Transport Canada report referred to the disconnect between senior management and front-line supervisors. It referenced the view of many employees and some front-line supervisors that they feel pressured—productivity, workload, and fear of discipline—to get the job done, which could compromise safe railway operations.

Are you confirming that the report indicated a very real danger?

**Mr. Gordon Rhodes:** Absolutely, and by being here, I'm in jeopardy for my job.

**Mr. Peter Julian:** Do you feel concerned that there will be repercussions for coming before this committee?

**Mr. Gordon Rhodes:** Absolutely.

**Mr. Peter Julian:** Where do you think those repercussions might come from?

**Mr. Gordon Rhodes:** Management.

**Mr. Peter Julian:** In your presentation, you asked how these people can be made accountable. Of course this is our concern, as we see this escalating rate of railway accidents. The government is pushing to do the same thing for the airlines.

What would you suggest to us?

**Mr. Gordon Rhodes:** I would suggest more auditing, not less, in the case of critical infrastructure, such as bridges. We're in the electronic age today, so how is it that a company can lose its maintenance records on a bridge? How is that? It might be convenient.

First, there should be a system in place where their engineer goes out and does the report. Then within a certain timeframe he has to send it to Transport Canada, and it has to be in their computer. It's all electronic and can be done on the spot, if you want it to be that way. He can do a report right there in his truck at the bridge, and then it can be in Transport Canada's computer.

If it's not there by a specific time, then somebody from Transport Canada should go out to inspect the bridge and bill them for it. They should also be fined: that's accountability.

How does a bridge fall down with a train on it? Sorry, I'm emotional since I've been part of something very awful. I witnessed two of my friends die right in front of me. Why? Because people don't want to hear the truth. People are afraid to talk about the truth, because the truth is going to cost money.

I'm not American, I'm Canadian, and I used to be proud to call my company Canadian National Railroad back in the 1980s. Now I'm not even allowed to do so. I'm supposed to say CNR. What's this?

They're telling us how they're going to run things. I think it's time you guys tell them how it's going to be run.

• (1645)

**The Chair:** Mr. Fast.

**Mr. Ed Fast:** Thank you, Mr. Chair.

Thank you, Mr. Rhodes, for attending today. Your testimony has been quite moving. I sense that you've been significantly impacted by the events.

**Mr. Gordon Rhodes:** I'm so affected it's not funny. To ride in anything moving is very hard for me.

**Mr. Ed Fast:** I'd like to go back to what you said earlier. Since around 1989, safety within CN, at least, and I think we have to focus our discussion—

**Mr. Gordon Rhodes:** No—

**Mr. Ed Fast:** Is it generally so?

**Mr. Gordon Rhodes:** I would say the railways.

**Mr. Ed Fast:** Safety in general has been declining on the railways.

**Mr. Gordon Rhodes:** Yes. I think that ever since the cabooses, the culture of railroading has been disregarded, disrespected. I think there's been a lot of disrespect in the sense that people don't understand what's going on out there, and they just think that everything's okay. They don't understand the dynamics that are involved, that when a train has to stop fast, it just can't do it. And when it does do it fast, it's horrific. I've been at a derailment where cars were spread out wider than this room, and I walked away.

**Mr. Ed Fast:** So if that has been happening since at least 1989, have there been any public reviews, whether by way of a formal inquiry or an informal inquiry or proceedings under the Railway Safety Act, to perhaps review the whole issue of safety within railways during that period of time?

**Mr. Gordon Rhodes:** I think there has been, but I'm not privy to their...

**Mr. Ed Fast:** Have you been involved in any of those procedures?

**Mr. Gordon Rhodes:** No, I never have.

**Mr. Ed Fast:** Have you ever been asked to provide input, other than to the Transportation Safety Board?

**Mr. Gordon Rhodes:** Other than for my accident?

**Mr. Ed Fast:** Yes.

**Mr. Gordon Rhodes:** No. For my accident I had to go through a hearing with the company—180 questions. I had to give testimony to the Minister of Transport, which he has. It's a 53-page transcript.

**Mr. Ed Fast:** I assume that you're prepared to assist, if requested, in the review the minister is presently—

**Mr. Gordon Rhodes:** I have a copy. If you want it, you can have it. I don't have it with me.

**Mr. Ed Fast:** A copy of what?

**Mr. Gordon Rhodes:** I have a copy of my testimony. Four days after my accident, they interviewed me.

**Mr. Ed Fast:** Yes, that was the Transportation Safety Board. The minister has actually established an independent review of railway safety within Canada. I'm assuming that you're willing to participate in that if we—

**Mr. Gordon Rhodes:** Absolutely.

**Mr. Ed Fast:** So you're telling me that since 1989 there's been a progressive decline in railway safety but there have been no firm actions taken.

**Mr. Gordon Rhodes:** None that I can see. Basically, the Mississauga mishap was the last watershed event. I call them watershed events. We've had two in my lifetime, that I know of in railway history. The two were Hinton—I was working out of Jasper at the time as a section man—and that was horrific, and then there was the Mississauga mishap. Those are two watershed events. I'm hoping that my friends' deaths make it another one where real change happens, because that was when real change happened in railway culture.

Since we've gone away from cabooses and to SBUs there's been a steady decline in respect for what we do—a downgrading, I call it, of what we do—as far as management goes. I have a hard time when a direct-line supervisor gets on an engine with me and he doesn't even know what a knuckle is. That's the part that joins the two cars together, and he doesn't even know what that is, yet he's my boss.

• (1650)

**Mr. Ed Fast:** How many years have you been involved in the railway industry?

**Mr. Gordon Rhodes:** I'd say 24 years.

**Mr. Ed Fast:** Just for the record, in those 24 years have you seen any concrete actions taken to improve safety within your industry, that you know of?

**Mr. Gordon Rhodes:** Yes.

**Mr. Ed Fast:** Can you give me some specifics?

**Mr. Gordon Rhodes:** The alerter that we have on the head end of the engines—that is basically what people would know as the dead-man switch, the alerter—was a good improvement.

The rules on rest were a big improvement. There is now an attempt to erode them, and that is a big concern to me, because in B. C. Rail we're only allowed to work 10 hours. On CN they can work 12 hours. Where we work, if you were to put these guys out there for 12 hours, you'd be looking at serious situations, like they have in the States, with fatigue. They just finished a report on a head-on collision that it was deemed to be due to fatigue. That's because down in the States, their crews—their spare boards and stuff—are only eight hours rest at their home terminal and only six hours rest at their away-from-home terminal.

CN fine-lines their crews so much that if you're on a spare board, when you wake up and get up, you're going to work.

**Mr. Ed Fast:** Do you consider the provincial regulations in British Columbia to be adequate, or do you believe even they have to be beefed up?

**Mr. Gordon Rhodes:** I consider the regulations that we had in B. C. Rail to be far superior to Transport Canada's regulations, but as with anything, there can always be improvements. There are some shortfalls, but they're far superior, generally speaking.

**Mr. Ed Fast:** I'd like to just touch on one other thing you mentioned, and that is the whole issue of you being truly afraid of consequences for speaking out about some of these safety issues. That concerns me, and it should concern every member of this committee.

**Mr. Gordon Rhodes:** Personally, I think it should concern every Canadian, because I don't think it's right when a company can fire you for what they call “conduct unbecoming of an employee”. When you're not at work and you speak out and try to say something is wrong, they fire you because of that and they call it, in their generic terminology, “conduct unbecoming of a CN employee”.

**Mr. Ed Fast:** Are you aware of that concern in other railway companies?

**Mr. Gordon Rhodes:** Absolutely.

**Mr. Ed Fast:** Can you name them?

**Mr. Gordon Rhodes:** Do you mean other railway companies?

**Mr. Ed Fast:** Yes, or are you just talking about your experience with CN?

**Mr. Gordon Rhodes:** It used to be culturally really bad in the CPR, but my understanding is that management there changed its style, going away from the adversarial management system. Although I don't know the proper terminologies, they changed their management style, and I think they're finding out that they're much more successful.

**Mr. Ed Fast:** But CN has not done that.

**Mr. Gordon Rhodes:** No, CN has gone in the opposite direction. They're very adversarial. I call it the poisoned work environment, because that's what it is. Nobody wants to go to work there. Everybody's counting the days, the months, and the years until they're gone, until they're out of there. That's not the way it was, and that's not the way it was at B.C. Rail.

**The Chair:** Mr. Volpe.

• (1655)

**Hon. Joseph Volpe:** Mr. Rhodes, thank you very much for making the effort to come here. I, too, watched that particular

program. I won't mention the name of the television station, for fear of being considered a panderer, but it was quite an interesting program. It must have been a very traumatic experience for you, so I really do appreciate the fact—and I know everybody else probably feels the same—that you did come here to give us your perspective on what's happening in the railway industry with respect to safety.

On two occasions that I counted, you made a reference to when the government took over from B.C. Rail. I'm just wondering whether it was me who made that connection or whether you really meant when CN took over B.C. Rail. Or did you mean when the Government of Canada and Transport Canada became responsible for safety management practices?

**Mr. Gordon Rhodes:** I meant Transport Canada. I feel that Transport Canada dropped the ball with the sale of B.C. Rail.

The way I look at it is this: CN is a big multinational corporation with railways going from Mexico to Canada; they have bought and absorbed many railways into their system, and they're experts at doing that. The problem here is that they absorbed one railway they had no expertise in. They thought they did, but they don't. Their arrogance is what happened, in the sense that they came in and took our GOI, general operating instructions, of probably some 50 years of railroad knowledge on how to run trains on that track, but they were going to do it their way because they wanted it all homogenized. They wanted it all one way, and that was it. They didn't listen to anybody, but just plowed ahead with their system.

Transport Canada didn't have anybody in position to have the knowledge to recognize that—or maybe there's just no legislation. I don't know. But they fell short in ensuring there was a proper transition going from the provincial regulations to the federal regulations. They fell short in recognizing the differences and what was needed, and because of that we've had all these accidents. Those accidents were preventable.

You're talking about a piece of track where we used to run five to seven trains a day, and CN ran two mega-trains. They tried to run two trains, and if you look at the accident ratio they have to the accident ratio we had—meaning B.C. Rail—it's night and day. It really is.

They can come in here and say all the fancy stuff they want, but the numbers, the realities, are there.

**Hon. Joseph Volpe:** Mr. Rhodes, I took your statement comparing B.C. Rail running five or six runs per day and CN now doing it with two—because I guess they economized on three trips.... While each of the two are more expensive, it really does save them, because they're forgoing the other three. But there are experts in the field who say that's really not a problem. Even though I pointed out the issue you raised—i.e., the dynamic brake system—they say—

**Mr. Gordon Rhodes:** What experts are you talking to?

**Hon. Joseph Volpe:** They're from the railway industry.

**Mr. Gordon Rhodes:** What experts? Because the reality is that if they haven't worked the track there, they're not experts; they are people who have knowledge, but they're not experts. You've got to work that track to be an expert, and they're not. That's why CN had those derailments, because the experts said they could do it. Their experts tell me I can take a train up the mountain with all these units. Then, gee, when I can't do it, I've got to double the hill. What I say to them is yes, your computer says I can do it, but my engines say no. That's the difference between a virtual railway and a real railway.

• (1700)

**Hon. Joseph Volpe:** Are you telling us that in making the decision to go to the mega-trains, the mega-trips, the management did not consult with people who had been making those runs over a course of, I think you said, 25 years?

**Mr. Gordon Rhodes:** No, they didn't. And if they did, they didn't listen.

**Hon. Joseph Volpe:** I mean, did they?

**Mr. Gordon Rhodes:** No, they didn't listen to us. We tried telling them those trains were too big. Various people tried telling them their trains were too big, that you can't run trains that big. We tried all of that, and that's what our GOI were all about. We have right in our GOI the maximum number of cars that can go up the Cheakamus, the maximum number of cars that can go up Kelly Lake, and there are reasons for it, because of the dynamics of the track in that area; it's so unique.

**Hon. Joseph Volpe:** But did you or any of your colleagues speak with the inspectors you had from B.C. Rail or Transport Canada at any time?

**Mr. Gordon Rhodes:** I'm sure they did. I know Don Faulkner wrote letters. Don Faulkner is one of the fellows who died.

**Hon. Joseph Volpe:** Was this to B.C. Rail or to Transport Canada?

**Mr. Gordon Rhodes:** He wrote them to everybody, anybody who would listen. He wrote to Transport Canada and to anybody who'd listen. There are people in New Westminster who know who he was.

**Hon. Joseph Volpe:** Can I interrupt for a second, Mr. Chairman? Can I ask you and the clerk to ask the department whether we can get a copy of those letters, or whether we have to go through the Access to Information Act?

**Mr. Gordon Rhodes:** You could probably phone Don's wife. If she has kept them on her computer, I'm sure she would give them to you.

**The Chair:** We're out of time.

Monsieur Carrier.

[Translation]

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Good afternoon, Mr. Rhodes.

I would like to thank you for being here and congratulate you on your sincerity, even though it could jeopardize your job, as you told us. I think that all members of Parliament will benefit from your testimony today.

I would like to go over a few details. When you say that there seems to have been a reduction in safety since 1995, does that

correspond with the time at which the Safety Management System was introduced? My colleague was saying earlier, this is a system that officials want to use more in the air sector, and rail is mentioned as an example. Is there a connection between the two?

[English]

**Mr. Gordon Rhodes:** I really am not sure. No, I couldn't tell you. I think there are other people you can ask who would be more qualified to answer that, probably somebody like John Holliday.

[Translation]

**Mr. Robert Carrier:** You also said that there were fewer inspectors now. The principle of the Safety Management System is that the company develops its own safety system, which means that the inspectors will check the system, rather than going to check the situation on the ground. You said that you had not heard that the company had introduced a safety system. You have not seen any improvement in this regard?

[English]

**Mr. Gordon Rhodes:** No, the only safety that's been improved on.... I tried to be on the safety committee in Lillooet after we were sold, and we were stonewalled for months and told no, you can't be on it; you don't have a big enough terminal, and there's no need for you. It took the accident and my friends to die before I was on the safety committee. That's where I am now: I'm on the safety committee and trying to effect change.

I have some serious concerns about my area. It just seems as if they're addressing them to some degree, but very grudgingly.

• (1705)

[Translation]

**Mr. Robert Carrier:** You also mentioned that the safety standards were higher in provincially-run companies than in those run by the federal government. I think the opposite should be true — namely that the federal standards should be higher, and set an example for the provinces.

I know you are from the west. I am from Quebec. What information do you have about Quebec railway companies, such as the Quebec-Gatineau Railway Inc.?

[English]

**Mr. Gordon Rhodes:** I have no knowledge or experience with the Quebec northern railway there. I have worked with people who have come from there, who worked in B.C. Rail. They feel that it was very similar, the way it was operating in B.C. Rail. CN is a totally different kettle of fish. It's a different way of running things. Transport Canada needs to step up its standards.

I know people who run trains out of Kamloops on CPR. They cooperate with each other and they use CN track to run the loads down to Vancouver and then they run the empty trains on the other track, on the CPR track. One friend told me that CN's track is scary, and he's a former B.C. Rail engineman. He says that CN's track is scary to go on through the canyon.

[Translation]

**Mr. Robert Carrier:** Earlier, you said that CN was an international company, that trains left Mexico, crossed the United States and came all the way to Canada.

Are safety standards not more stringent in the United States, as one might think? Would that not mean that the CN trains or locomotives would be safer because they're going through the United States. Is the situation just as bad in the United States?

[English]

**Mr. Gordon Rhodes:** It's worse. In the United States they are not required yet to have a safety alerter on the head end of the train for the engineman—a dead man's switch. In the United States—it could have changed by now—there was no requirement for the SBU. It's the replacement for the caboose.

Transport Canada insisted that there be an emergency release feature, which means that I as an engineman can release the air brakes, set the brakes up from the tail end, release the air out of the train, and the brakes will all set up. That could be from the SBU on the tail end. In the United States they don't require it, because it's an extra \$1,000 a unit. So they don't require it. Six men died back in the 1990s in the United States because of that.

I persisted with the company here, with B.C. Rail, for two years, to get the rules changed for going down our mountain with that SBU not working, because before they'd just say you slow down and you keep going, and I'd say no, I have to have that feature on the tail end. It took two years of fighting with them to where I got it so that they'd do it. That's a rule now. I don't know if it's been changed. I don't think it's been changed by CN and by Transport Canada. I sure hope it never is, because that feature will save lives.

So, no, it's not better in the United States than here. We are better than them.

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** Thank you, Mr. Chair.

Thank you very much for coming today. We've learned a lot and it has been a very moving testimony, something that sticks in everybody's mind here in this committee. Quite frankly, I want you to know that this Conservative government and I think all members of this committee want the truth, and we appreciate your being able to give us that truth, because that's what we want and that's what we have to do as parliamentarians.

First, you are familiar with the fact that the Minister of Transport announced a full review of the Railway Safety Act, by an independent panel, on December 14 of last year.

• (1710)

**Mr. Gordon Rhodes:** Yes, I was aware that he announced that on December 14. I was thrilled; I was relieved. To me, that is something

that is way overdue. It's needed big time. I don't know what other adjectives I can come up with.

The reason I came here is because I did read the information on the Internet about this committee and I felt that this committee can be very constructive. I'm hoping that positive change can come out of this for everyone. To me, it's not just a matter of safety for me, for the workers, or for the public; it's also a matter that you operate safer, it's more profitable for the company to... I just don't understand their logic of what they're at. It's like B.C. Rail. As efficient as they were, we workers could always see they could be better. Because they could be better, we were always pushing them. We ended up being the most productive railway in North America, number one. That was because we all worked together.

I don't understand this poisoned work environment. I don't see how it's profitable.

**Mr. Brian Jean:** I think most members of this committee would agree, and I certainly agree. I come from an environment, Fort McMurray, where safety is number one. And I can assure you that the companies there take it very seriously. It's actually a culture in that area.

It's easy to blame people, and I think all of us can go around this table and blame previous Liberal governments or previous whatever. The reality is, though, we want to find solutions.

You've mentioned quite a few things. You've mentioned the equipment. You've mentioned the environment, such as mountains and curves, 12-degree curves that cause tremendous problems. You've also mentioned administrative issues, such as inspectors and training and experience.

If you could pick three things that you would change, Mr. Rhodes, what would they be, as far as changing the environment to be much safer?

**Mr. Gordon Rhodes:** If I could pick three things to change to make the environment much safer, I would make the front line and the superintendents—all the head, top officials—accountable. I would make them certified. They would have to have a certification. You can't just be anybody to go and sit down and run trains, so why should it be that anybody can just sit down and manage trains? No, these are not virtual railways. This isn't a little toy, here. These are real things that can have devastating effects. So those people should have to be qualified. That would be my number one thing, because if you do that, you get rid of a lot of the other stuff, because those people will be in a position to make the right decisions and will be doing that because they're going to be accountable. That's number one.

Number two, I would hire more people. The railway is understaffed. They don't have enough people to do the jobs they're required to do. They have overworked people.

Go and talk to rail traffic controllers. Have one of them come in here and talk to you. That's what you guys should do. You should talk to RTCs. If you want to talk about a stressful job, those are guys who have stressful jobs.

**Mr. Brian Jean:** And what would be the third one?

**Mr. Gordon Rhodes:** Transport Canada needs more teeth. They need more teeth. I've talked to quite a few individuals who work for Transport Canada, and they are frustrated by the fact that they can't do anything.

I used to work in the forest industry years ago. I used to be a forest technician. I would go into the bush and audit logging sites, and stuff. There's nothing more frustrating than when you walk up to a company official and you tell him, "This isn't right, and you'd better do something about it", and they just laugh at you and say, "We'll pay the fine".

**Mr. Brian Jean:** There's no penalty, is what you're saying.

**Mr. Gordon Rhodes:** Yes.

**Mr. Brian Jean:** There should be more consequences and accountability.

**Mr. Gordon Rhodes:** That's right.

It's not enough to just make sure that they are qualified. You've got to have some real teeth to the penalties so that they sit up and take notice, because \$80,000 is nothing to them. Two million dollars is nothing to them.

You guys should look into how much the railways had to pay in the United States for the environmental catastrophes they've caused down there, and what they've had to put in trusts to rehabilitate environments that they've damaged. It's in the millions. It's not \$2 million; it's in the millions.

• (1715)

**Mr. Brian Jean:** I want to thank you, Mr. Rhodes, for your testimony. We really do appreciate it. You've been excellent. Thank you.

**The Chair:** Mr. Bell.

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

I have just a final question. I noticed that in the phase one report they talked about contributing factors to the CN mainline derailments as being track and equipment. The primary cause in 37% of the mainline track derailments in which CN was both the track owner and train operator was equipment. That was followed by track—and you've talked about the maintenance of the track—in 27% of those derailments. So that's one thing that just reinforces what you've been talking about.

The other question I have is, from your knowledge... These audits were done in 2005, and you've had a chance now to read them, to see them?

**Mr. Gordon Rhodes:** Yes.

**Mr. Don Bell:** Do you think if these audits had come out earlier, it would have made a difference, for example, in terms of—and it may be an unfair question, but you can choose to answer it or not—offsetting, maybe, the accident you were involved in?

**Mr. Gordon Rhodes:** I don't think the audits should be tied into the company and having them say it's okay to release them or not okay to release them. That's a fault in the Railway Act, and I was surprised when I read it. I understand they're involved, and it's greatly embarrassing to them, but the reality is that public safety should be number one. Since we pay for these audits, we should

decide what we do with them, not a company. And yes, it may have prevented some accidents from happening if it had been released earlier.

**Mr. Don Bell:** One other thing that I noticed—and we'll have a chance to ask CN about it when they come—comes from your experience. There was the suggestion that there are, to some degree, adequate reporting processes in place for reporting incidents, whether or not they're done on the basis of the U.S. system, which has a lower standard. Nevertheless, there are these incidents reported, and derailments. When these are reported, it seems there is a question of the follow-up in terms of whether it's in the safety management system or in the actual.... There seems to be a disconnect between the adequate reporting system—it's challenged sometimes in this report, but at least it's there—and the follow-up to make sure corrective action is taken.

**Mr. Gordon Rhodes:** I find that's true. There doesn't appear to be. If it wasn't true, accidents like the one I was in wouldn't have happened. I still don't understand. Those are questions that need to be asked.

There are three questions to which I personally would like answers, but I've never had an answer. I asked the superintendent who was at my hearing a question, off the record. I said to him, "How is it that those engines were removed from our terminal? What criteria did they use to do that? What criteria did they base things on to bring in the engines that they brought in off the prairies, in order to give them to us?"

Those questions need to be answered. I think you'll find a lot of interesting problems that come out of the replies, because anybody who has any sort of knowledge of mountain railroading knows those weren't the right units for the area. They were prairie units. They were supposed to be on high-speed passenger service.

**Mr. Don Bell:** Thank you. I appreciate your testimony very much.

I agree with Mr. Fast about the concern that was related to the culture of fear—if you want call it that—that seemed to be there among some of the employees. In the report, I made reference to the threat that if you reported too many bad orders or defects, you would in fact get penalized by virtue of your bonus or promotion, and to the fact that the risk of dismissal was ultimately there. I think that's something we'll have a chance to question the company on.

Thank you very much again.

**Mr. Gordon Rhodes:** There's one other thing I wanted to point out. CN is a big company, and B.C. Rail is a branch line. It's not a main line from their perspective. My experience with branch lines within CN is that they get all the junk.

• (1720)

**The Chair:** Mr. Watson.

**Mr. Jeff Watson (Essex, CPC):** Thank you, Mr. Chair.

My thanks to the witness for compelling testimony today.

Just for the record, there's a difference between an incident and an accident. You seem to indicate that there's a very fine line between the two sometimes, but you didn't illustrate with anything specific. Could you perhaps illustrate what would still be regarded as an incident, but is so breathtakingly close to an accident?

**Mr. Gordon Rhodes:** There's what happened on the mountain just about two months ago. A boulder came down. It smashed the rail. It broke the rail, shattered ties, and moved the track over. The train came down, with no patrols.

Because they don't have patrols on that mountain, the crew was bringing the train down more slowly. They came upon this broken rail. Rather than throwing the train into emergency, which means you put all the brakes on, but which can risk causing the rail to shift and lead you to end up going all over the place and derailling, the engineman handled the train and brought it to a stop with dynamic breaking. Because there were two units on it that had dynamic breaking, he was able to bring the train to a stop, but not until they went over the broken rail by 24 cars.

They had to separate the train and rebuild the track, and then the train moved on. Since then CN has put patrols on that mountain again. That was never reported to Transport Canada, because it was only an incident.

**Mr. Jeff Watson:** Thank you.

**The Chair:** Mr. Volpe, final question.

**Hon. Joseph Volpe:** Actually, we could probably be here a lot longer.

I'm intrigued by some of the things you've said, Mr. Rhodes. I take you completely at your word. It sounds to me as though you are genuinely distressed that an authority, whether it be the company or Transport Canada, would be aware of what needed to be done, was told what needed to be done, and then would refuse, essentially, to do it.

**Mr. Gordon Rhodes:** Well, I can't say that Transport Canada would refuse. They're aware of some things, but it's...

I brought this incident up to Transport Canada, and that's how I found out it wasn't reportable. He says that under the Railway Act, they're not required to report it. That's the underlying issue, I've found, with a lot of different things at Transport Canada.

As for the management, they don't want to hear it.

**Hon. Joseph Volpe:** I guess the question I'm leading to—from my perspective, it's a very heavy question and one I'm loath to utter—is that if people don't want to hear about it, or they are unable to do anything about it even when they are told what must be done, then we're no longer talking about accountability, we're talking about liability. We're talking about negligence.

**Mr. Gordon Rhodes:** I would hate to say that, but it certainly could be looked into.

In Lillooet right now there's a serious problem going on with this shuttle that we have. They got rid of our passenger service. We used to have what we called the “baby buggy”, a unit and one coach. I used to run it out to a place called D'Arcy, along a lake. The lake is extremely treacherous, at rock-wall, always with stuff coming down. Basically we were a school bus. We'd go out there, pick up all the kids at these different little stops, and bring them into town every day.

The Government of British Columbia decided they didn't want that. They got rid of it. They replaced it with.... I don't even know what you'd call it. I don't even know how it got certified to be out

there. It's a homemade—I'm serious, homemade—shuttle. They have two of these shuttles out there shunting people from one point to another along one of the most treacherous pieces of rail you could possibly go on. And they're using section people, maintenance-of-way people, to run it.

As I said to the MLA at the time, they should be using the most qualified people. Wouldn't you want the most qualified people operating something that's handling people?

• (1725)

**Hon. Joseph Volpe:** Children in particular.

**Mr. Gordon Rhodes:** You now have maintenance of way people running it, which is problematic in a lot of ways. First of all, their standard of training isn't there. They're not anywhere near as qualified as I am. Second of all, when it comes to the culture of railroading, they're the least trained people, so the most vulnerable. If they lost their job, they would have a hard time finding another one, right? As the most vulnerable, they're the least likely to stand up and say anything. They'll just do as they're told.

And they're running these things. One time, backing up across a bridge, they knocked a woman into the river. She's never been seen since.

**Hon. Joseph Volpe:** You're not going to be able to answer this question, but you can see what I was leading to. If there's a deliberate effort to keep going in an environment where the kindest thing one can say is that somebody is negligent, I think the line of questioning this committee probably will pursue—and if it won't, I will—is whether the word “criminal” should come in front of the word “negligence”.

**Mr. Gordon Rhodes:** That's for you guys to decide. You need to ask some tough questions with the superintendent of Prince George.

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

I suggested to the committee that I would ask if we could defer the two motions before us to the next meeting's agenda.

I want to thank you for your frank and open debate. The discussion has been very valuable. It's been wonderful. I again apologize for the confusion.

**Mr. Gordon Rhodes:** I appreciate that you people did this, because for me to come back out here would be very challenging. It's going to be challenging for me to go home. I can't even begin to explain to you how it feels. I hope that no one here ever has to go through what I go through. I have faith that you are going to do a good job, because.... I just believe that you will.

**The Chair:** That's very much appreciated. Thank you.

Monsieur Laframboise.

[Translation]

**Mr. Mario Laframboise:** Given that the testimony we were supposed to hear on Monday will be postponed until Wednesday, are we going to get in touch with the people who were supposed to have appeared on Wednesday? We have to let them know. I know that some of them were coming from Quebec. We have to make sure that that is done.

[*English*]

**The Chair:** We're going to notify the people who were unable to be here today because of my decision. We also have the mayor, and a

couple of other people have been added who we're going to try to contact. We'll have a full squad on Wednesday.

The meeting is adjourned.

---





**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**