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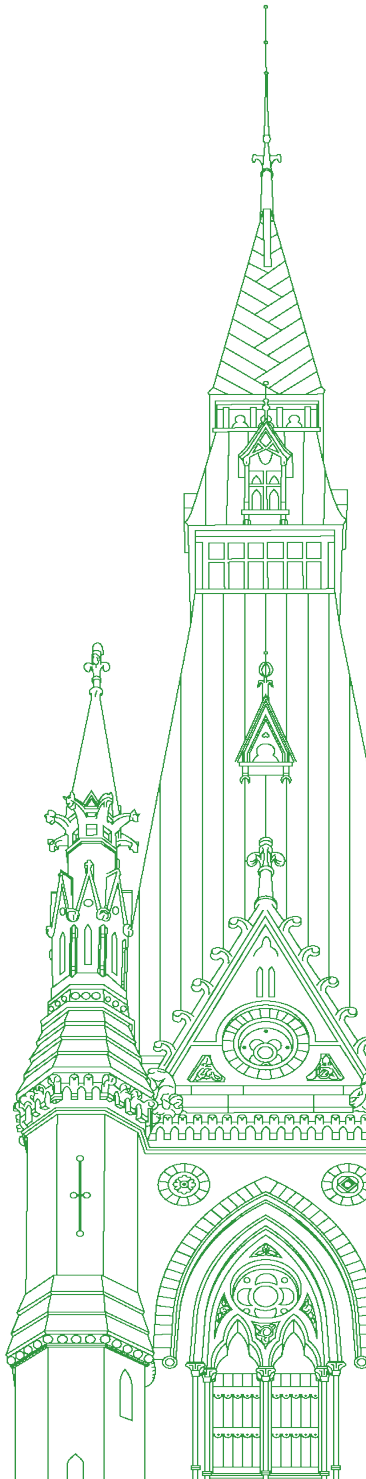

Chair: Mr. Peter Schiefke

Standing Committee on Transport, Infrastructure and Communities

Tuesday, December 10, 2024

● (1625)

[*English*]

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

Welcome to meeting number 143 of the Standing Committee on Transport, Infrastructure and Communities.

Before we begin the meeting, I want to remind all in-person participants to read the best practices guidelines on the cards on the table. These measures are in place to protect the health and safety of all participants.

Today's meeting is taking place in a hybrid format.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, November 21, 2024, the committee is commencing its study of community safety and emergency preparedness for the transport of dangerous goods by rail.

I'd like to welcome our witnesses joining us today. Colleagues, we have, from the Department of Transport, Michel Béland, acting director general, transportation of dangerous goods, and Stephen Scott, director general of rail safety. Welcome to you both.

We have, from the Canadian Transportation Accident Investigation and Safety Board, Yoan Marier, chair, and Vincenzo De Angelis, director of investigations of rail and pipeline. Welcome.

We'll begin with opening remarks. For that, I will turn the floor over to you, Mr. Scott. You have five minutes, sir.

[*Translation*]

Mr. Stephen Scott (Director General, Rail Safety, Department of Transport): Good afternoon, Mr. Chair and commitee members.

Thank you for having us today.

[*English*]

My name is Stephen Scott. I work as the director general of rail safety and security at Transport Canada. I am joined today by my colleague Michel Béland, who is the acting director general of the transportation of dangerous goods program.

I would like to begin by acknowledging that the land on which we are gathered today is the traditional, unceded territory of the Algonquin and Anishinabe peoples.

Thanks very much again for the opportunity to speak with you today about the transportation of dangerous goods by rail.

As the regulator, Transport Canada is responsible for the administration and oversight of safety and security in the federally regulated rail sector. The rail safety and security program comprises about 175 inspectors, who conduct about 40,000 inspections and 20 safety audits every year in the rail mode. In addition, the transportation of dangerous goods program oversees the safe and secure movement of hazardous materials across all modes of transport, including by rail. This program includes 112 inspectors, who conduct about 4,000 inspections annually.

Since the Lac-Mégantic tragedy in 2013, Canada's rail safety and dangerous goods regimes have undergone fundamental changes. In addition to an enhanced oversight posture through increased inspections, data-driven and risk-based planning, and stronger enforcement tools, such as administrative monetary penalties, Transport Canada has advanced a continuous cycle of policy and regulatory modernization. This includes stricter requirements related to train securement, track standards, tank cars and emergency response plans; speed restrictions for trains carrying dangerous goods; new duty and rest rules to mitigate fatigue risks of employees in safety-critical positions; elevated safety standards for train brake testing and maintenance; new grade crossings regulations that improve safety at road crossings; and assisting in the advancement of new technologies that can improve safety.

In May 2022, this committee issued a report with 33 recommendations to improve railway safety in Canada. I am pleased to report today that of those 33 recommendations, 31 have been completed or we have actions under way to complete them. This is being done through existing legislative and regulatory authorities already available to the department.

Over the last number of years, we have seen some positive indications of downward trends in accident rates. For example, reporting from the Transportation Safety Board indicates that in 2023, there were 914 rail accidents in Canada. This represents a 12% decrease from the 10-year average. However, we know that the risk picture and the operating environment are constantly evolving and that challenges remain. We look forward to the committee's recommendations as part of the current study to inform future policy directions.

[*Translation*]

I would now like to turn to the recent train derailment that occurred in Longueuil, Quebec.

On November 14th, a Canadian National train derailed eight cars in a railyard. Of those, six were carrying dangerous goods. One tank car, which was carrying hydrogen peroxide, was punctured.

When derailments occur, railway companies are obligated by regulation to take immediate mitigation actions.

[*English*]

This includes notifying and supporting local emergency first responders, deploying resources to assist with emergency management and remediation, and advising the Transportation Safety Board and Transport Canada. In this instance, in accordance with standard operating procedures, Transport Canada was in immediate communication with the railway company involved to verify that the emergency response plan was being implemented and to provide technical advice on remedial actions.

I will conclude with a few comments on Canadian National's current operating restrictions impacting Via's new trainsets in the Quebec City-Toronto corridor, as I understand this is also an area of study for this committee. For clarity, this issue is unrelated to dangerous goods.

Transport Canada is aware that Canadian National requires restrictions at about 300 grade crossings for Via Venture trains. Based on information from CN, we understand that the rationale is to ensure consistent activation of the grade crossing warning systems at these locations. The net result is that Via trains are required to reduce their speed when they approach these crossings, which is adding travel time to Via's routes in the corridor.

Transport Canada is closely monitoring the situation and advancing its own due diligence review to ensure there is no threat to safety. If there are additional measures from a safety perspective that we need to take as the regulator, we have the existing tools to be able to do that.

● (1630)

[*Translation*]

Thank you for your time.

We are happy to take questions from members of the committee.

The Chair: Thank you very much, Mr. Scott.

Mr. Marier, you have the floor for five minutes.

[*English*]

Mr. Yoan Marier (Chair, Canadian Transportation Accident Investigation and Safety Board): Mr. Chair, members, good afternoon. Thank you for inviting the Transportation Safety Board of Canada to discuss the important topic of rail safety.

The TSB is independent and operates at arm's length from other government departments and agencies. We report to Parliament through the President of the King's Privy Council for Canada. This lets us be impartial and free from any real or perceived external influence.

[*Translation*]

As you may know, our mandate and sole objective is to promote air, rail, marine and pipeline transportation safety for modes of transportation under federal jurisdiction. To that end, we conduct independent investigations, we identify safety gaps, their causes and contributing factors, we make recommendations and we release reports.

It is also worth noting what the TSB does not do. We have no authority to determine civil or criminal responsibilities. Even if the TSB is often the first to arrive on the scene of an accident, we do not act as first responders.

[*English*]

Rail safety continues to be top of mind for the TSB. I'd like to share some rail safety statistics.

In 2023, 1,235 rail occurrences were reported to the TSB. This included 321 incidents and 914 accidents, six of which resulted in the release of dangerous goods. This represents a 9% decrease from 2022 in accidents, and a 12% decrease from the 10-year average.

There were a total of 67 transportation-related fatalities in 2023; 53 of those were trespassing fatalities and 13 were crossing accident fatalities. No fatalities were related to a release of dangerous goods.

Since its creation in 1990, the TSB has issued 154 recommendations to the regulator and the rail industry. As of March 2024, 89.6% of the responses to these rail recommendations have received the board's highest rating of “fully satisfactory”.

[*Translation*]

We are currently reviewing the steps taken by the regulator and the industry in terms of the TSB Watchlist, our program that identifies key safety issues that need to be addressed to make Canada's transportation system even safer.

Inadequate safety measures pose risks not only to the rail industry, but also to the public, communities and the environment.

[*English*]

There are five watch-list safety issues affecting the rail sector, including three multimodal issues. The multimodal issues are fatigue management in freight train operations, safety management and regulatory surveillance. The two rail-specific issues are following signal indications, and unplanned or uncontrolled movement of rail equipment.

In regard to following signal indications, train crews are required to identify and communicate signal indications among themselves and then take appropriate action in how they operate the train. However, when crews miss or don't follow a signal indication, in the absence of physical fail-safe defences, it could result in a collision or a derailment. From 2004 to 2021, there has been an annual average of 35 reported occurrences in which a train crew did not respond appropriately to a signal indication displayed in the field. We have seen a number of concerning occurrences lately.

The board has been calling for physical fail-safe train controls on trains for decades. In 2022, the board recommended that Transport Canada require major Canadian railways to expedite the implementation of physical fail-safe train controls on Canada's high-speed rail corridors and on all key routes. So far, the most optimistic timeline referenced by Transport Canada for the implementation of such a system in Canada, which will be called “enhanced train control”, is 2030. Until then, the rail transportation system relies mostly on administrative defences to protect against such occurrences.

[*Translation*]

Uncontrolled movements are low-probability events. When they do occur, however, they can have catastrophic consequences, particularly if they involve dangerous goods, as was the case in the 2013 derailment in Lac-Mégantic. That event caused 47 deaths and destroyed most of the downtown area.

After concluding its investigation, the TSB made five recommendations, two of which are still active and are on the TSB Watchlist.

● (1635)

[*English*]

Over the years, there has been significant progress in addressing safety deficiencies and implementing the TSB's recommendations. However, there is still much work that can be done to improve rail safety and to mitigate the potential impacts to people, communities and the environment.

Thank you. We are ready to take your questions.

[*Translation*]

The Chair: Thank you, Mr. Marier

[*English*]

We'll start our line of questioning today with Mr. Lawrence.

Mr. Lawrence, the floor is yours. You have six minutes, sir.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): Thank you.

I appreciate you all being here in person.

I want to start off with level setting in terms of.... Several of you mentioned the numbers, but we'll just go through them again. How many rail accidents were there in 2023-24?

Mr. Yoan Marier: For accidents, there were 914, and that was in 2023. We don't have the data yet for 2024, because the year is still ongoing, and we compile the data at the end of the year.

Mr. Philip Lawrence: Do you have any idea of whether it's going to be an increase or a decrease, or stay the same?

Mr. Yoan Marier: Do you have any idea, Vince?

Mr. Vincenzo De Angelis (Director, Investigations, Rail/Pipeline, Canadian Transportation Accident Investigation and Safety Board): I think it's a little early right now for the compiling. I'd say it's on track and similar to the previous year.

Mr. Philip Lawrence: In 2023, of those 914, how many involved dangerous goods?

Mr. Yoan Marier: We have the data for accidents involving dangerous goods releases. Six accidents in 2023 involved a release of dangerous goods.

Mr. Philip Lawrence: What injuries or fatalities were there as a result of the six that involved the release of dangerous goods?

Mr. Yoan Marier: None. As a matter of fact, the last fatalities that were directly related to a release of dangerous goods were in Lac-Mégantic in 2013.

Mr. Philip Lawrence: How does the incident rate compare between moving petroleum on rail versus moving it through pipelines?

Mr. Yoan Marier: It's very hard to compare the two because the two modes of transportation are so different—

Mr. Philip Lawrence: Well, according to the Fraser Institute, in 2015, shipping oil by rail was four and a half times more likely to result in an incident, as opposed to pipelines.

Does that sound like that could be reasonable?

Mr. Yoan Marier: As I said, it's very hard to compare the two.

I don't know if you have additional comments.

Mr. Vincenzo De Angelis: Yes, I can add to that. We don't normally compare the two different modes. They have different risks.

Basically, from our perspective, whichever mode of transport is used, we look to ensure that any risks or issues are mitigated, and we identify those through our investigations.

Mr. Philip Lawrence: Don't you think that would be a useful area of study? In fact, as a committee member, I might even go so far as to say that's something you should look at as a real-life comparison.

Certainly, when watching the train go through my riding of Northumberland—Peterborough South, I see oil tank after oil tank. That could have an incredibly devastating impact if relatively small things were to go wrong, whereas incidents with pipelines are four and a half times less likely.

Don't you think it makes sense to study that?

Mr. Yoan Marier: Well, there are ways to transport petroleum by rail safely, which is why we have been issuing recommendations over the past years. A lot of them have been addressed as fully satisfactory.

There are ways to do it safely. It's our job to identify where there are deficiencies and push for change.

Mr. Philip Lawrence: I'm just switching subjects a bit here.

When dangerous goods go across private property, are the owners of that private property in any way given a warning?

Mr. Yoan Marier: I'm not aware of that. Do you know?

Mr. Vincenzo De Angelis: I think that would be more a question for Transport Canada, perhaps.

Mr. Yoan Marier: Maybe Transport Canada can answer this one.

Mr. Michel Béland (Acting Director General, Transportation of Dangerous Goods, Department of Transport): Yes, I can answer that.

There is no warning given to private owners of land when a train is going through.

Mr. Philip Lawrence: We're obviously doing everything we can to make sure that these derailments don't occur, but derailments happen and have happened, as evidenced by Lac-Mégantic.

If you could, go through the recommendations you've changed since Lac-Mégantic. What are the significant changes you've made?

Mr. Yoan Marier: I can talk about the recommendations. They were addressed, most of them, by—

● (1640)

Mr. Philip Lawrence: But the significant.... Why should folks, particularly in Quebec, feel safer than they did?

Mr. Yoan Marier: Well, I think one of the big ones is the phase-out of the DOT-111 tank cars. It is a recommendation that we made in the wake of Lac-Mégantic. These cars will be completely phased out as of April 30, 2025, for the transportation of flammable liquids. They were replaced by the newer standard, the TC-117. That's a big one.

Mr. Philip Lawrence: I have one minute left.

Mr. Scott, you brought up Via Rail and the slowing down issue. These are brand new locomotives. Has CN told you specifically what in these new locomotives prevents the safety mechanisms from being aware of their presence? That's my understanding of it. What is the fault there? Why do they have to slow down?

Mr. Stephen Scott: The information we have—based on CN because, as I mentioned in my opening remarks, these are restrictions from CN at this point in time—is that there's some inconsistent activation by the wheels on the trains of the sensors that activate the grade crossing warning systems that would be a mile or two miles down the line.

Mr. Philip Lawrence: Is it just a problem with the compatibility of these new locomotives with the existing rail? There's no fault, but it's just about compatibility. Is that your understanding?

Mr. Stephen Scott: I think that's a fair characterization, yes. There's an inconsistency in the way they're triggering the gates and the bells.

Mr. Philip Lawrence: Thank you very much.

The Chair: Thank you very much, Mr. Lawrence.

[*Translation*]

Mr. Lauzon, you have the floor.

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

I want to thank the witnesses for being here today.

Mr. Scott, you mentioned new technologies that can improve rail safety.

Can you tell us about current or future technological advancements that could improve grade crossing safety, including speed limitations, and overall passenger experience?

Mr. Stephen Scott: Thank you for the question. This is a very important matter.

[*English*]

Technology is a key part of safety going forward. We know that. A reference was made to train control technology, so that's something that we're advancing. These would be regulations that would compel railway companies to have smart driver-assist technologies in trains, so we're advancing on that.

There's another technology initiative under way in the department to advance what is called an automatic parking brake. This would be an automatic backup brake on trains. That's something else we're looking at.

Our role as the regulator is to ensure that whatever technologies do come online are safe and enhance safety. We can provide a level of assurance that whatever technologies are being brought in and being advanced by industry and others improve safety in rail.

[*Translation*]

Mr. Stéphane Lauzon: From what I understand, some technologies are directly linked with fatigue management and the implementation of physical fail-safe train controls on rail corridors. We use technology instead of manual inspections.

Is that correct?

[*English*]

Mr. Stephen Scott: Fatigue is one of the risks that we look to mitigate. The role of technology can come in and intervene, for example, in the operation of a train if the locomotive engineer misses a signal. There are ways that technology can be incorporated to improve the operation of a locomotive, for example. There are other technologies, as well, that will be looked at to improve the inspection of equipment and the inspection of brakes, to really elevate the level and comprehensiveness of inspections. That's also something that's being looked at.

[*Translation*]

Mr. Stéphane Lauzon: Mr. Marier, your inspection and audit reports deal with hazardous commercial products. We know that these types of products are subject to fairly stringent inspections, especially since the Lac-Mégantic accident. Adjustments were made following recommendations.

That being said, should we not also bring in restrictions and inspections for passenger trains? Humans are aboard these trains, after all.

Can you explain how freight train inspections differ from passenger train inspections?

● (1645)

Mr. Yoan Marier: If you are referring to my comments about enhanced train control, we have to keep in mind that passenger and freight trains often use the same railways. It is important for train crews to be able to recognize the signals and react appropriately when they are activated.

Sometimes, for one reason or another, a train crew member misses a signal because his head is down or he is talking with someone. When it happens, there is a risk of collision between two freight trains or a freight train and a passenger train, because they often use the same railways.

We believe this is why we have to implement additional safeguards that go beyond administrative measures like regulations.

Mr. Stéphane Lauzon: Mr. Scott, am I right in saying that every physical railway inspection in Canada results in a recommendation for the easy solution, which is to lower speeds?

You mentioned railway inspections and maintenance and infrastructure investments. Are those important aspects?

Can you provide more details on the conditions of the rails and the investments that would be required to improve the overall condition of the railway system?

Mr. Stephen Scott: Thank you for the question.

[*English*]

Track speeds are tied to the condition and class of track in Canada. There are five different classes of track. The maximum speed limit on a particular corridor is tied to a progressively augmented level of inspection requirements and infrastructure requirements. That's, generally speaking, how the track system operates, and that incentivizes investment in rail infrastructure to a higher level and an increased level of inspection.

[*Translation*]

Mr. Stéphane Lauzon: Ideally, to provide service in the Quebec City-Montreal-Windsor corridor, for example, would it be beneficial to have a dedicated, independent rail system? We often hear that every rail transportation service sharing the same rail system causes a lot of issues, especially at crossings.

Can you tell us if it is always the same crossings that are problematic?

[*English*]

Mr. Stephen Scott: In the corridor.... The high-frequency rail project that others in the department are advancing is intended to deal with that issue of a mixed freight/passenger network and have a dedicated passenger network in the corridor. That's from a service perspective, but it's also good from a safety perspective as well. You have dedicated lines for both passenger and freight.

The Chair: Thank you very much, Mr. Scott.

[*Translation*]

Mr. Barsalou-Duval, you have the floor for six minutes.

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

Once again, I thank the witnesses for being with us today.

My first question is for Mr. Marier of the Transportation Safety Board, or TSB.

On November 14, there was a derailment in Longueuil involving tank cars containing hydrogen peroxide. The accident caused the confinement of thousands of people, including students of three schools, in an 800-meter radius, and the complete stoppage of train and road traffic, among other things. It got extensive media coverage. An accident like that in a densely populated area involving such a hazardous chemical is a major event.

I believe that the TSB is investigating. From what I understand, you deployed a team on the ground on November 16.

In your opening statement, you said that you were often the first ones on the scene. In this case, it took two days before your team got there.

Why did it take so long?

● (1650)

Mr. Yoan Marier: First, regarding the Longueuil derailment, the investigation is still ongoing.

As you said, we deployed investigators on the scene. They are still assessing the event. They spoke to people, examined the cars and looked at what happened. At this time, they are determining whether we will launch a full investigation and, if so, how it will be classified. The scope can range from limited to complex and the process can take between a few days and several weeks.

We expect Vincenzo De Angelis's team to make a decision on that case in the next few days.

Mr. De Angelis can provide more details on the delay before the deployment.

Mr. Vincenzo De Angelis: Actually, we sent a team on the scene on the day the accident occurred, in the afternoon. It is the deployment notice that was issued two days later.

Mr. Xavier Barsalou-Duval: Can you tell me which criteria are used to decide whether to launch an investigation?

Mr. Yoan Marier: We have a policy on event classification that was developed by my colleagues from the Transportation Safety Board of Canada and myself. It assists us in determining the scope of our investigations into each specific event.

There are a number of criteria. I will not go through all of them, but the main one is whether there are lessons to be learned in terms of safety.

Keep in mind that, year in, year out, between 3,500 and 4,000 events are reported to us for every mode of transportation. However, we cannot investigate every one of these events. We have to choose which ones to investigate further, and one of the main criteria is whether there are lessons to be learned in terms of safety to improve Canada's transportation system.

Mr. Xavier Barsalou-Duval: Would you say that accidents like the one in Longueuil occur frequently?

Mr. Yoan Marier: Toxic emissions from hazardous chemicals as we saw in Longueuil are not very frequent. As I said earlier, we had six events in 2023, and the yearly average is about four. Considering the vastness of the Canadian transportation system, that is not a lot.

Mr. Xavier Barsalou-Duval: Do we know what, in fact, caused the accident? I do not know if I should ask the officials from Transport Canada or the Transportation Safety Board of Canada.

We have not been told much about the accident's causes. All we know from Canadian National is that the situation was under control. It feels like we are being left in the dark.

Mr. Yoan Marier: The information we gathered is in the hands of our investigators. I cannot give you anything more than what you have already learned through the media.

The investigation will need to progress a bit more.

Mr. Xavier Barsalou-Duval : Does Transport Canada have any more information to share?

Mr. Stephen Scott: Mr. Béland can tell you a bit more.

Our assessment is ongoing. We have some data, but nothing concrete regarding the causes of this particular event.

Mr. Xavier Barsalou-Duval: That is surprising. The accident occurred a month ago and we still do not know what happened.

Mr. Yoan Marier: We usually do not comment on active investigations. Things may change as the investigation progresses.

We release facts on causes and contributing factors when reports are published. That is how we operate because causes and contributing factors of accidents are determined by the TSB—by my colleagues and myself. The investigation needs to be completed first, however.

Mr. Xavier Barsalou-Duval: When can we expect to see the report?

Mr. Yoan Marier: Investigations can take from six months to a year and a half, depending on their scope. A limited scope generally means a quicker investigation. If we need to investigate an accident really in depth, it can take longer.

Mr. Xavier Barsalou-Duval: Is there no obligation on the part of railways or Transport Canada to communicate with the public to let people know what happened close to their homes?

Mr. Yoan Marier: If during an investigation we find evidence of safety concerns that absolutely need to be made public or reported to the regulatory body within Transport Canada, we do so. We have regularly done so. In such cases, we release a briefing document to the people who need to know.

We can do that while an investigation is ongoing. Our mandate clearly allows for that. If safety concerns become apparent over the course of the investigation, we will release the information.

The Chair: Thank you very much, Mr. Marier.

Next we have Mr. Bachrach.

[*English*]

Mr. Bachrach, the floor is yours. You have six minutes, sir.

● (1655)

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you very much, Mr. Chair.

Welcome, gentlemen.

I initiated these hearings as a representative of a region that has seen a dramatic increase in the transportation of dangerous goods by rail. While that development has brought with it some incredible economic benefits for communities, it also raises a lot of questions for the people who live along the rail corridor. I think people deserve answers to their questions. They deserve the assurance that their life and property are safe from the transportation of dangerous goods. Perhaps more importantly, the first responders who are responsible for responding to incidents when things go wrong, who put their life on the line and who dedicate their time to protecting their neighbours, have questions as well. I believe they deserve answers.

I was hoping that the focus of these hearings could really be on the emergency response of communities. I understand that there's a lot of information about risk reduction. That is important, for sure, but I don't think any of that reduces the need for communities to have adequate plans in place that protect them in case something goes wrong.

I see you all nodding, so I assume that you agree with that statement.

I want to open my questioning with some questions about some of the more high-consequence scenarios that could face a community that sees unit trains of dangerous goods parked in rail yards or moving through the community in close proximity to where people live and work.

I think my first question would go to you, Mr. Béland. Is a major fire involving tank cars full of dangerous goods the kind of situation to which communities along rail corridors should be prepared to respond?

Mr. Michel Béland: Absolutely. They should be prepared to respond.

We've done quite a bit. We've worked a lot with the Canadian Association of Fire Chiefs to develop some resources for communities so they can plan better. One of those resources is a document called “You're Not Alone!”. It's emergency response planning for rail incidents involving flammable liquids. The purpose of that document is to assist local communities to plan and prepare for potential rail incidents involving the transportation of dangerous goods, specifically flammable liquids, crude oil, diesel fuel and gasoline.

We also have the 24-hour CANUTEC centre, which is staffed by chemists and experts in dangerous goods who can provide real-time advice to first responders, 24 hours a day—

Mr. Taylor Bachrach: If I may, I'm going to try to get through six or seven questions. I only have six minutes. I appreciate the information.

I shared with you, prior to the meeting, a page from an emergency response guidebook to which Transport Canada contributes. The table on page 359 talks about BLEVE, or boiling liquid expanding vapour explosion. I'm sure that, as the director general for transportation of dangerous goods, you're familiar with these events. They are extremely high-consequence events with massive destructive force.

I'm wondering if you could, based on the table—the way I read it—share with the committee the minimum time to BLEVE failure for a tank car experiencing full torch conditions. This would be a tank car with 140,000 litres of dangerous goods, such as propane, on board.

Mr. Michel Béland: I'll have to take that back to my experts.

Mr. Taylor Bachrach: It's in the table the experts created. From full torch conditions, it's nine minutes until that tank car turns into a bomb.

Now, according to the table, what is the minimum evacuation radius for a potential BLEVE involving a tank car carrying 140,000 litres of propane?

Mr. Michel Béland: The minimum evacuation distance is 1,715 metres, according to this chart.

Mr. Taylor Bachrach: That's 1.7 kilometres. Am I reading correctly that you would have to evacuate a 1.7-kilometre radius to avoid a BLEVE, which can occur within nine minutes of a car reaching full torch conditions? That's what the table says.

Mr. Michel Béland: Okay.

Mr. Taylor Bachrach: How quickly after a derailment could full torch conditions occur?

Mr. Michel Béland: I couldn't answer that.

Mr. Taylor Bachrach: Okay. They can occur very quickly after a derailment.

Is the capacity of communities to evacuate rapidly in such a situation evaluated as part of approving emergency response assistance plans?

Mr. Michel Béland: Yes. In an emergency response assistance plan, you are looking at the equipment available, along with the technical advice that—

● (1700)

Mr. Taylor Bachrach: Specifically, I'm asking about evacuation plans.

Mr. Michel Béland: I'd have to consult with my experts on that one.

Mr. Taylor Bachrach: If you could get back to the committee, it would be appreciated.

One of the techniques for reducing the risk of a BLEVE is to spray it continuously with water. Does Transport Canada evaluate municipal water supplies to ensure there is adequate flow to maintain that cooling spray of water on a tank car for the amount of time required to empty the car of dangerous goods during an incident?

Mr. Michel Béland: I'll have to confirm that with my experts.

Mr. Taylor Bachrach: If you could get back to the committee, it would be wonderful.

The BLEVE table is based on events involving a single tank car. Is it fair to assume that a BLEVE event involving a train composed of dozens of tank cars would be of greater consequence than the numbers indicated in the table?

Mr. Michel Béland: I think that's fair to say, yes.

Mr. Taylor Bachrach: The emergency response distance is also indicated in the table for a potential BLEVE involving the same tank car. That distance is 457 metres.

Do I read correctly that first responders should not get within 457 metres of a tank car at risk of a BLEVE?

Mr. Michel Béland: That's what the chart says, yes.

Mr. Taylor Bachrach: How do first responders put water on the car to cool it if they can't get within 457 metres? I've seen our fire departments work. They do incredible work, but they can't spray water that far. How do they do it?

The Chair: Mr. Bachrach, that is a phenomenal question, and I'm sure we're going to get a response to it in the next round.

I'm also going to provide a mirror to all of our witnesses so they can hold it up and get a visual of me holding up the red flag for the last two minutes.

Voices: Oh, oh!

An hon. member: You could make a little chirping sound, Mr. Chair.

The Chair: I could.

Thank you very much, Mr. Bachrach.

Next, we have Mr. Muys.

Mr. Muys, the floor is yours. You have five minutes, sir.

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

Thank you to the officials who are here.

The train that was the subject of the tragedy in Lac-Mégantic travelled, if I'm correct, through Windsor, Detroit, Toronto and Montreal before its tragedy.

I want to pick up on the questions from my colleague Mr. Lawrence.

We can talk all we want about the phasing out of cars, producing some guide or document that I suppose you look at when a tragedy has occurred and the number of recommendations that have been implemented, but it seems obvious that, longer-term, the answer is that oil and gas in particular should be travelling by pipeline and not on rail. I realize that there's an issue with the capacity of pipelines, certainly because the current government has an aversion to building pipelines, but, longer-term, that is a better answer than all the risks that are being taken.

I wonder whether the department has voiced that concern to other federal departments or to the respective ministers of transport, that there is a better way to do things and that we need to move away from this.

Mr. Stephen Scott: Thank you for the question. I think it's an important question. I don't know if I have an answer for you.

Our colleagues at Natural Resources Canada are the lead for pipelines and oil and gas policy. The role of Transport Canada as the safety and security regulator touches air, marine, road and rail, so we're focused on the safety and security regulatory regimes for those modes.

It's an important question. I think it will have to be directed to Natural Resources Canada, or we can take it back to see what information we can get in terms of the analysis you're looking for.

Mr. Dan Muys: Okay. I would suggest that Transport Canada has an obligation to Canadians to at least voice that concern with your counterparts in Natural Resources Canada, but we'll move on.

Protective direction No. 36 mandates rail companies to share data on dangerous goods with communities. Does Transport Canada monitor compliance with this directive to ensure that the communities are receiving accurate and timely information?

Mr. Michel Béland: Do we monitor the compliance of the rail companies providing the data? Yes, we do monitor compliance. We do look at whether the carriers are providing that data to municipalities, and we will follow up if we see that it's not being received.

● (1705)

Mr. Dan Muys: In your follow-up, do you talk to municipalities to see if they're acting on that data and incorporating that into their emergency management plans or providing any feedback or input on that?

Mr. Michel Béland: No, we're not asking the municipalities whether they're using that data. We're not following up with the municipalities.

Mr. Dan Muys: Are they receiving the data in real time, or are there periodic reports?

Mr. Michel Béland: There are periodic reports. There's an annual report that the carriers have to produce of the top 10 dangerous goods that are flowing through that jurisdiction or that community. Then there are interim reports throughout the year that are about the volume and the nature of the dangerous goods that are flowing through that community.

Mr. Dan Muys: Is there an impediment to doing that in real time? Is there a system to do that, or is that just not feasible? Would that be a better approach so you could be prepared to act upon it?

Mr. Michel Béland: I'm sorry; was that about sharing it in real time?

Mr. Dan Muys: Yes.

Mr. Michel Béland: Yes, that's something we could look at. We haven't looked at that. Right now, it's not in real time, no.

Mr. Dan Muys: Are there other gaps, from your perspective?

Mr. Michel Béland: No, I don't think so.

Mr. Dan Muys: Okay. I'm going to leave it at that. I'll save the time.

The Chair: Thank you very much, Mr. Muys.

[*Translation*]

Mr. Iacono now has the floor for five minutes.

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Thank you, Mr. Chair. I thank the witnesses for being here today.

Mr. Béland, could you clarify your role? What exactly is Transport Canada doing? What are you responsible form in terms of the safety of national railways, when it comes to the transportation of goods or people? What is your communication strategy for Canadians, like the ones who might be following our proceedings?

Mr. Michel Béland: Thank you for the question.

[*English*]

The TDG program promotes public safety in the transportation of dangerous goods by all modes of transport.

[*Translation*]

So it is not just for rail.

[*English*]

We do that through a regulatory and oversight regime that supports public safety, economic growth, and innovation. We conduct oversight of the transportation of dangerous goods to ensure that entities are following the Transportation of Dangerous Goods Act and regulations. We also conduct research on various types of tank cars or how different dangerous goods are reacting.

It's an agile, data-driven, risk-based organization. Our inspections are based on risk. We have 118 inspectors across the country, who will inspect all modes. Last year, we conducted over 4,000 multimodal inspections.

[*Translation*]

We have also enforced the law nearly 6,000 times.

Mr. Angelo Iacono: According to Transport Canada, why are passengers not being prioritized for rail service, given that delays are clearly costing millions of dollars a day in compensation paid to passengers?

Mr. Michel Béland: I think this question is more for my colleague Mr. Scott.

Mr. Stephen Scott: If I understand the question correctly, you want to know why passenger trains do not have priority over freight trains.

[*English*]

As I referenced earlier in my comments, I think that in the corridors, in the Quebec City—Toronto area, there's a recognition that a dedicated passenger line is needed, for economic and safety reasons. The high-frequency rail project is being advanced to do that, and that would address the issue in the corridor.

Outside of the corridor, the infrastructure is owned by the railways, the main ones being Canadian National and Canadian Pacific Kansas City. They're the host railways, and they have agreements with tenant railways like Via Rail and others to use their infrastructure, subject to those agreements and conditions.

● (1710)

[*Translation*]

Mr. Angelo Iacono: If there were a dedicated high-frequency or high-speed rail network—a possibility previously studied by this committee—would there still be the concerns we have heard today about priority on the tracks?

Mr. Stephen Scott: The high-frequency rail project will certainly bring us closer to that goal.

[*English*]

To have a dedicated passenger rail line would definitely move the needle and create the conditions for that in the corridor.

[*Translation*]

Mr. Angelo Iacono: I have one last question. Is Via considering changing the schedule of its trains in the Quebec City-Windsor corridor as a response to the delays caused by CN's directive?

[*English*]

Mr. Stephen Scott: As I referenced in my opening remarks, CN is imposing operating restrictions on Via Rail trains at some of its crossings in the corridor, and that is slowing down—

[*Translation*]

Mr. Angelo Iacono: I want to know whether Via Rail is considering changing its train schedule as a result of what CN is doing.

[*English*]

Mr. Stephen Scott: I think that's a question for Via Rail to answer.

[*Translation*]

Mr. Angelo Iacono: Is Transport Canada going to advise Via Rail on this? You can see that there is currently a problem. So what is Transport Canada's role? Do you provide advice? Do you wait until there is a problem before reacting?

[*English*]

You can answer in English if that's good for you.

[*Translation*]

Mr. Stephen Scott: Thank you very much for the question.

[*English*]

As a safety regulator, we've launched a comprehensive due diligence review to assess the situation and provide assurances that there's no threat to safety.

The Chair: Thank you very much, Mr. Scott.

[*Translation*]

Thank you, Mr. Iacono.

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

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

Mr. Marier, I am going to come back to the accident in Longueuil because I asked questions that, in my opinion, were not fully answered. You told me that they were still in the process of determining whether there would be an investigation or not. You also mentioned that, in order for us to know the cause of the accident, there had to be an investigation. Consequently, I did not understand whether there was a process, a mechanism or a way to require the railway companies to disclose what happened, so that people would know.

If there is no inquiry, how are people going to find out what happened in Longueuil and find out the causes of what obstructed the traffic in the city for an entire day?

Mr. Yoan Marier: We have to limit ourselves to our mandate, which is to choose from among all the accidents or incidents reported to us in a year. Then we take the ones that we think warrant further investigation, and we table a report identifying the causes and contributing factors of the accident or incident.

Going back to the Longueuil accident, I was saying that we have not yet made a decision on what we are going to do. I cannot give you much more information. We follow the same process as for all other accidents reported to us. We send an investigator on site to gather information, then we assess the situation and decide on the type of investigation we will conduct. It goes through the process, and then we issue a report. It is the same process for all accidents that are reported to us.

Mr. Xavier Barsalou-Duval: How long does it take you to determine whether or not you are doing an investigation?

Mr. Yoan Marier: Usually, it ranges from a few days to a few weeks. We are almost there, because it happened in mid-November.

Mr. Xavier Barsalou-Duval: It has been almost a month already.

Mr. Yoan Marier: That is correct. We expect a decision about the Longueuil accident in the coming days.

Mr. Xavier Barsalou-Duval: Can I defer my remaining time to my next turn, Mr. Chair?

The Chair: Yes. Thank you, Mr. Barsalou-Duval.

[*English*]

Mr. Bachrach, the floor is yours.

You have two and a half minutes, sir.

Mr. Taylor Bachrach: Thank you very much, Mr. Chair.

Key routes risk assessment.... Key routes are sections of the rail corridor that see a particularly significant volume of dangerous goods transported along them. Who conducts a key routes risk assessment?

Mr. Stephen Scott: The railways conduct them, based on 28 risk factors.

Mr. Taylor Bachrach: From the rules governing the key routes risk assessments, Transport Canada's website says that key routes risk assessments include assessing “Emergency response capability and capacity along the route including training of local fire services and municipalities with respect to the volumes and types of dangerous goods being transported”.

Does Transport Canada have a training level, a capacity or a capability that your department defines as sufficient to protect communities?

● (1715)

Mr. Stephen Scott: Under the rules, the railways are obligated to follow certain requirements with regard to dangerous goods trains. One of them is conducting an elevated risk assessment, which they submit to Transport Canada. We don't approve them. We look at them and we conduct a due diligence review on their risk assessments.

We then make a call about whether we need to follow up through an inspection or through other oversight measures, to ensure ourselves that the appropriate level of mitigation measures is being put in place. That's Transport Canada's role.

Mr. Taylor Bachrach: You used the words “appropriate level”. Does Transport Canada define an appropriate level for the capability, capacity and training level for local fire services and municipalities?

Mr. Stephen Scott: We would look at it more globally. I'm not aware that we have a specific, discrete gauge for that particular indicator. We would look at it more on a global risk level.

Mr. Taylor Bachrach: Do you mean global as in around the world, or global as in across all risks?

Mr. Stephen Scott: In aggregate, across the 28 risk factors, we would look at it from that perspective.

Mr. Taylor Bachrach: You're asking the railways to assess the capacity of communities to respond to emergency incidents, yet there's no way that Transport Canada looks at the information they provide and says, yes, that looks sufficient, or no, that doesn't look good enough for events involving the goods that they're transporting.

Is that what I'm hearing?

Mr. Stephen Scott: Again, we look at the risk assessment in its totality.

Mr. Taylor Bachrach: I don't know what “in its totality” means.

Mr. Stephen Scott: We do a comprehensive assessment of the information—the risk assessment and mitigation measures—that the railway provides to us.

We're not a first responder, at Transport Canada, but we do need to make sure that the railways are taking those factors into consideration when they're designing their own operations and emergency plans, as the regulated entities.

The Chair: Thank you very much, Mr. Scott.

Mr. Vis, the floor is yours. You have six minutes, sir.

Mr. Brad Vis (Mission—Matsqui—Fraser Canyon, CPC): Thank you, Mr. Chair.

I almost want to follow along on Mr. Bachrach's line of questioning with respect to key routes and risk assessment. As some of you are aware, I represent Canada's number one riding, Mission—Matsqui—Fraser Canyon, which also experienced the number one disaster in the history of Canada, the massive flooding and washouts of CN and CP rail lines in 2021.

Specifically, I'd like to request, as part of this study, that Transport Canada provide risk assessment information they've received from CN and CP railways regarding the Fraser Canyon. I reference the Fraser Canyon specifically, because these are rural and remote areas with small indigenous communities but some of the most dangerous parts of Canada's overall transportation network—going to the port of metro Vancouver, for example.

Just out of curiosity, with respect to the Fraser Canyon, what risk factors are in place to examine the potential impact on our iconic B.C. salmon stocks in those remote and rural areas?

Mr. Stephen Scott: Chair, I don't have the details of the risk assessment for the particular incident that the member is referring to. I'm happy to take it back to see what information we could provide in that particular instance, recognizing its importance.

Mr. Brad Vis: On the point about the risk assessments you received from CN and CP, that's not private information. That can be provided to this committee. Is that correct?

Mr. Stephen Scott: I would have to check. There might be some commercially confidential information there. It would really depend on the particular case.

Mr. Brad Vis: Did Transport Canada undertake any special risk assessment after there were more than 30 washouts on Canada's major transportation routes in the Fraser Canyon following the landslides and fires of 2021?

Mr. Stephen Scott: Again, under the rules, the railways conduct the risk assessments for their operations. I'm happy to check and provide what I can on those. I don't know if Transport Canada would have done its own risk assessment. I don't have any indication, but I'm happy to check.

● (1720)

Mr. Brad Vis: In that area, there are daily shipments of metallurgical coal and oil going to the port of metro Vancouver. What analysis has Transport Canada done on the possible impact that our natural resources, in the case of a spill or a natural disaster like the washouts, would have on our iconic salmon species?

Mr. Stephen Scott: Again, Transport Canada as the safety regulator wouldn't conduct assessments like that. Other government departments may have looked at it. It's an important question. I'm happy to take that back and check on what has been done.

Mr. Brad Vis: When I talk to my constituents, they are going to say to me, “Brad, I see all the metallurgical coal. We just wish that we had more pipelines and that the Trans Mountain pipeline was that much larger. We feel safer using pipelines than all of this crude oil being transported in an iconic area for our wild salmon stocks.”

I can't give them an answer on what Transport Canada would do when and if there is another disaster like what we experienced in 2021. If you haven't been to the area, you guys should check out what happened at Jackass summit. A portion of the highway the size of about two football fields was completely washed out. They've only just finished doing that work.

This is really top of mind for many people in the area. Any information you could provide to this committee would be important. We want to protect our salmon.

The Chair: Thank you very much, Mr. Vis.

Mr. Badawey, the floor is yours. You have six minutes, sir.

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

Thank you to the witnesses for coming out today.

I'm going to try to drill down a bit here. I think a lot of the questions may be similar, but I want to give you guys an opportunity to really drill down on it and think of anything you haven't mentioned yet in particular areas that you've been asked about.

My first question is very simple. It's on risk mitigation. What proactive measures does the TSB recommend for rail companies to minimize risks when transporting dangerous goods through densely populated or environmentally sensitive areas?

Mr. Yoan Marier: You have to understand that there are already a number of rules that are in place. There is a set of rules that we call the rules respecting key trains and key routes, which were put in place following Lac-Mégantic and modernized a few years ago. These rules put a number of requirements on the railways regarding speed. When the trains go across communities, they have to slow down even more. Key routes are also subject to increased maintenance requirements and risk assessments, and there is also an exchange of information between the communities.

There is already a lot of work that has been done to help protect these communities following our recommendations.

Mr. Vance Badawey: Thank you.

You answered my second question in that answer as well, so thank you for that.

With respect to emergency preparedness, how does the TSB collaborate with provincial and municipal emergency response agencies to prepare for rail incidents involving dangerous goods?

I was a mayor for 14 years. We often had exercises with emergency preparedness as the theme, not only for the community at large but also within our team. In different instances, there were different teams.

Do you go through the same processes directly with municipalities to ensure that, if something does happen, you're ready for it right from the incident itself to the effects of that incident on the community and sometimes even the surrounding communities?

Mr. Yoan Marier: I can give you a response from my point of view, but I suspect that you're going to get a more detailed response from Transport Canada.

The TSB mandate is to look at occurrences. When there is an accident or an incident that happens, we do an investigation, so we're always looking backwards. We're always looking at what happened, why it happened and what can be done to prevent it from happening in the future.

Mr. Vance Badawey: Would you make recommendations to the team on how to perform before and during these incidents?

Mr. Yoan Marier: During an investigation, if we identified safety deficiencies that were related to a specific response, then yes, it's something that would be identified in our report, and eventually we could make a recommendation if we deemed the risk to be high enough.

Mr. Vance Badawey: Go ahead, Mr. Béland.

Mr. Michel Béland: In terms of working with municipalities and the provinces, we do a lot of awareness with provinces and municipalities, and we have participated in a number of exercises over the years with our folks at CANUTEC. They have conducted a number of exercises with various municipalities across the country.

As well, we have remedial measures specialists who are experts in incidents. They have also participated in a number of exercises with municipalities, and they're always looking for anybody who is interested in having an exercise. We'd be more than happy to assist and help.

● (1725)

Mr. Vance Badawey: The reason I ask is twofold. One is the obvious reason, but the second one is this. In my past life, there were instances when we would have an incident and nobody stepped up from the federal level. That was extremely frustrating, because then I would have to rely on my fire chief to take charge of the incident, and sometimes they might not be as intimate with the incident as you might be. I'm not saying that it was you; it was other agencies, quite frankly, but I've had that challenge.

What I am looking for is having that protocol in place so that, when these things do happen, the TSB has already made recommendations from their end, and then, from your end, you're following up on those recommendations that were made by the TSB.

Are you confident that it is up to date and that it's happening?

Mr. Yoan Marier: Yes.

Mr. Vance Badawey: That's good.

With respect to recommendations that the TSB makes to improve communications among rail operators, municipal governments and residents regarding hazardous material transport, is there anything that you would require from Transport Canada to meet part of the processes that you involve yourself in?

Mr. Yoan Marier: We currently don't have any active recommendations on that subject. As I mentioned, if we do get an occurrence that involves a safety deficiency related to communications, it is something that we would certainly consider issuing a recommendation on if the risk is high enough, but we currently don't have any recommendations.

Mr. Vance Badawey: This is a broader question for both TSB and Transport Canada.

It was touched on earlier with respect to the TSB recommending any enhancements to community safety and emergency preparedness when it comes to transport of dangerous goods by rail, particularly in urban and rural areas where access to emergency response resources can vary significantly. That's what I'm getting at. There are some sparse areas throughout the country.

Do you involve yourself in recommendations not only with respect to capital capacity to mitigate the risk itself, but with respect to the way and the means to deal with the risk, especially in more remote areas?

Mr. Yoan Marier: Again, it depends on whether we have an occurrence that involves these issues. It is certainly something that we would be looking at during the investigation.

Our mandate requires us to look backwards and look at occurrences that happened. There has to be an occurrence for us to have the mandate to investigate.

Mr. Vance Badawey: That said, do you not come up with recommendations when those instances do happen?

Mr. Yoan Marier: Sure.

Mr. Vance Badawey: If something happens, like what just happened recently with one of the rail lines, when there was a problem in a remote area and passengers were stranded for a long time.... There are recommendations that came out of that, which would have dealt with those situations in remote areas.

Mr. Yoan Marier: Just to clarify, when the occurrence is reported to us, we deploy investigators to the site. These investigators will assess the occurrence and determine whether or not we'll do a full investigation of the occurrence. If we decide to do a full investigation, it can take a number of months before a report is produced, and then my colleagues on the board and I sit together and decide if the risk of the safety deficiencies in the report is high enough to warrant issuing recommendations.

Not every investigation will lead to a recommendation. There needs to be a high risk with insufficient defences. When we assess that recommendations are warranted, we'll issue the recommendations, and then the Minister of Transport has 90 days to respond.

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

[*Translation*]

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

Mr. Xavier Barsalou-Duval: Oh, okay. Thank you, Mr. Chair.

Mr. Marier, you mentioned that two of the recommendations you made after Lac-Mégantic were still being implemented.

Could you tell us what those two recommendations are?

● (1730)

Mr. Yoan Marier: The first is on safety management systems. Railway companies have long been required to have safety management systems. The problem we see in our investigations is that these systems are not always effective. A safety management system must not be limited to a set of volumes in a library, for example. We also need to set up internal processes within companies to encourage employees to report incidents without fear of being punished.

For these processes to be effective, a culture of safety must therefore be established. Currently, we see that companies have safety management systems, but they are not effective enough.

The second recommendation pertains to the use of physical safety guards to prevent uncontrolled movements.

Mr. Xavier Barsalou-Duval: Can you tell us more about that?

Mr. Yoan Marier: In fact, a set of safety guards needs to be put in place to prevent uncontrolled movements. There are administrative safety guards, such as rules, laws and procedures. There are also physical safety guards, such as electronic systems or mechanical devices that can prevent something from happening if an employee makes a mistake.

What we find in our investigations is that physical safety guards are often not present in the rail industry. People rely a lot on administrative safety guards. That is why we recommend a greater emphasis on physical safety guards.

Mr. Xavier Barsalou-Duval: I assume that physical safety guards include, for example, the famous handbrakes. We know that some of them were not activated just before the Lac-Mégantic accident. I think they are hydraulic brakes.

Mr. Yoan Marier: That is why we recommended putting automatic parking brakes on trains. I believe Transport Canada is looking at that recommendation. That would be an additional safety guard.

We could also consider installing wheel temperature detectors. These devices could detect, for example, that a bearing on a wheel is overheating. Such detectors are installed beside the tracks. They could warn operators about a possible railcar issue and thus avoid a derailment.

Mr. Xavier Barsalou-Duval: As far as I can understand, you would like to implement an electronic control system so that operators can apply the hydraulic brakes on all the cars at once. Did I understand correctly? Is that the aim of your recommendation?

Mr. Vincenzo De Angelis: Thank you for the question.

Currently, it is possible to use handbrakes and air brakes. We have proposed an automatic parking brake system, which is still manual, but it avoids problems with air brakes. It is a mechanical device as opposed to just having an air system.

Mr. Xavier Barsalou-Duval: Let us go back. If I understand correctly, in the case of the accident that occurred in Lac-Mégantic, the brakes that had been applied loosened or were released, and I believe that was due to the engine. Something happened that caused the brakes to be released, and the train to start moving because the handbrakes had not been applied, and they are hydraulic brakes, if I understand properly.

Mr. Vincenzo De Angelis: They are air brakes, actually. A number of handbrakes were used with the brakes on the locomotive. When the engine of the locomotive was turned off, those brakes were lost. There were not enough brakes on the other cars, which caused the uncontrolled movement.

Mr. Xavier Barsalou-Duval: Okay. When you turn off the engine of the locomotive, the air brakes release. Is that correct? Is that the case for all trains?

Mr. Vincenzo De Angelis: No, they are separate. You can block or keep the air in the air brakes. The brakes on the locomotive are a feature on top of that. However, we have to make sure we have enough manual brakes on the trains.

● (1735)

Mr. Xavier Barsalou-Duval: To come back more specifically to uncontrolled movements, do you see an upward or downward trend in those movements recently?

Mr. Yoan Marier: I do not know if I have examples here—

Mr. Xavier Barsalou-Duval: If I understand correctly, those are generally the incidents that cause the most damage.

Mr. Yoan Marier: We actually have two recommendations on our watch list.

First, we need to make sure that crew members follow rail signals, otherwise trains can collide.

Second, we need to watch for uncontrolled movements, which can lead to catastrophic derailments, as we saw in the Lac-Mégantic accident.

I would say that those are two important risks, from our perspective.

Mr. Xavier Barsalou-Duval: Okay.

Do you have any figures showing the trend in uncontrolled movements?

Mr. Vincenzo De Angelis: Yes. In 2019, there were 17. Last year, there were 33. This year, I think it will be comparable to last year.

Mr. Xavier Barsalou-Duval: Okay. Thank you, gentlemen.

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

[*English*]

Next, we have Mr. Bachrach.

Mr. Bachrach, you have six minutes, sir.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I was a little surprised by the responses regarding the key routes risk assessment. As I understand it, these are risk assessments the government requires rail companies to do. They submit the risk assessments to the regulator—Transport Canada—but Transport Canada does not approve them and there is no definition of what an adequate risk assessment looks like.

Are these risk assessments also confidential, Mr. Scott? Are they proprietary?

Mr. Stephen Scott: There might be proprietary elements in them.

Mr. Taylor Bachrach: Are they available to community members who want to better understand the risk?

Mr. Stephen Scott: In fact, under the regulation, railways have to consult municipalities when they're pulling the risk assessments together.

Mr. Taylor Bachrach: Are municipalities provided with the final risk assessments?

Mr. Stephen Scott: I'm not sure.

Mr. Taylor Bachrach: Can you provide that to the committee?

Mr. Stephen Scott: Yes.

Mr. Taylor Bachrach: Thank you very much.

I'll move on to emergency response assistance plans. Now, these are plans required from the shippers of dangerous products. They are approved by Transport Canada. Is that correct?

Mr. Stephen Scott: That's correct.

Mr. Taylor Bachrach: Do those emergency response assistance plans include an evaluation or a plan for responding to dangerous goods events?

Mr. Stephen Scott: That's correct.

Mr. Taylor Bachrach: Is there a description of the tools and strategies that will be used to respond?

Mr. Michel Béland: That's correct.

An ERAP will contain safety information, communication and plan implementation, rules and responsibilities, emergency response actions, the resources for the response—which include personnel and equipment—mobilization and deployment, damage assessment and, obviously, training and exercises.

Mr. Taylor Bachrach: In those ERAPs, does Transport Canada have a definition of what a sufficient response plan looks like?

Transport Canada approves these assistance plans. There must be a systematic approach for evaluating whether the shipper's plans are sufficient to protect the community. Is that correct?

Mr. Michel Béland: Yes, there are criteria for the approval of an assistance plan.

Mr. Taylor Bachrach: If they're deemed insufficient, the shippers have to amend them, I assume, and make them sufficient.

Mr. Michel Béland: If they're not approved, yes, they do.

Mr. Taylor Bachrach: It's common for these ERAPs to rely on local first responders as part of the response to emergencies involving dangerous goods. Is that correct?

Mr. Michel Béland: It would be part of the response, yes.

Mr. Taylor Bachrach: Would these assistance plans look at the capacity of local first responders to adequately protect the community from incidents involving dangerous goods?

Mr. Michel Béland: I'll have to get back to you on that one.

Mr. Taylor Bachrach: One would think that it would be logical that, if the goal of the assistance plans is to protect the community, your agency wouldn't approve a plan that doesn't achieve the goal of protecting the community. Is that correct?

Mr. Michel Béland: You're not just looking at the capability of the response of the community. The shipper actually has to have response contractors.

Mr. Taylor Bachrach: I understand, but in the first two hours, it's usually up to the local fire department to respond.

Are these ERAPs also confidential or proprietary?

Mr. Michel Béland: There is some proprietary information in them, yes.

Mr. Taylor Bachrach: Are they available to members of the public who, say, live along a rail corridor and want to now how they're being protected?

Mr. Michel Béland: They are not available at this time, no.

● (1740)

Mr. Taylor Bachrach: They're not available.

Are they available to municipalities that ask for them?

Mr. Michel Béland: I'd have to check that. I don't believe they are.

Mr. Taylor Bachrach: If you could provide that to the committee, that would be appreciated.

Are they available to the fire departments that are part of the emergency response assistance plans?

Mr. Michel Béland: I don't believe they are. I'll have to verify.

Mr. Taylor Bachrach: They aren't available to the first responders who are part of the plan. This is amazing. Where do you go from there? I'm baffled.

I want to provide assurance to people in the communities I represent that they're being adequately protected by your department. You're the director general of transportation of dangerous goods, yet I've asked dozens of questions that haven't had answers.

Are first responders right to be concerned about the ability, the capacity, the resources and the tools that they have to protect communities from the products that you approve the shipment of?

Mr. Michel Béland: Yes, but we do work a lot with communities and first responders in providing, like I mentioned before.... There's actually free online training that is available for firefighters.

Mr. Taylor Bachrach: Are there any standards? Does Transport Canada have any standards for the training that first responders receive for responding to incidents involving dangerous goods?

Mr. Michel Béland: There are competency guidelines for first responders.

Mr. Taylor Bachrach: When the shippers provide voluntary training opportunities for local first responders, does Transport Canada evaluate which communities have trained personnel as part of the emergency response assistance plans?

These plans are only looked at every.... What is it, six or seven years?

Mr. Michel Béland: Yes. It depends on the plan.

Mr. Taylor Bachrach: How does Transport Canada get a global sense of whether local first responders have adequate training and capacity to respond to dangerous goods events?

Mr. Michel Béland: I'll have to go back and ask the question.

Mr. Taylor Bachrach: We have confidential plans that include local first responders, but local first responders aren't able to access those plans. We have a lack of standards when it comes to the sufficiency of those plans.

Is Transport Canada currently engaged in any community-level emergency response capacity assessments at the local level in Canada?

Mr. Michel Béland: Not that I'm aware of.

Mr. Taylor Bachrach: My understanding is that Transport Canada is involved in one. It involves the Kitsumkalum first nation and the Kitselas First Nation. It's in the riding I represent, near the community of Terrace. Our hope is that it's going to produce information on the community's capacity to respond to these events, because the community is very concerned.

I think it's logical to conduct similar capacity assessments in every community along the rail corridor, because there are tens of thousands of people at risk if we see major events, like the BLEVE events that I described earlier.

I'll leave it there, Mr. Chair, but I'm deeply troubled by the answers we've received today.

The Chair: Thank you very much, Mr. Bachrach.

Next, we'll go to Mr. Lawrence.

The floor is yours. You have five minutes, sir.

Mr. Philip Lawrence: Thank you very much.

I'm going to follow up on some the questions from my colleague from the NDP.

In my riding, I have the towns of Newcastle, Cobourg, Port Hope, Brighton and Colborne, among others, that are right along the railway. As I said, you drive by and you can see, on a regular basis, petroleum car after petroleum car going by.

In earlier testimony, you said in your evidence that in order to be a safe distance from a BLEVE event, it would have to be 1.7 kilometres, and that would have to be done in nine minutes.

Do you have any confidence that there's an evacuation plan in the town of Cobourg or could you table any evidence that the town of Cobourg has an evacuation plan if a BLEVE event happens?

Mr. Michel Béland: I don't have that information.

Mr. Philip Lawrence: How about the town of Port Hope?

Mr. Michel Béland: I don't have that information either.

Mr. Philip Lawrence: How about the town of Brighton?

Mr. Michel Béland: I don't have that.

Mr. Philip Lawrence: How about the town of Newcastle?

Mr. Michel Béland: No.

Mr. Philip Lawrence: You can see this causes concerns for all of my colleagues, including me.

You also said, in your evidence, that there are plans to handle an event. I understand that your department has worked hard to limit the number of occurrences, but really, with these types of incidents, as Lac-Mégantic demonstrated, it only takes one incident to kill 47 people and level 30 buildings.

Is it your evidence—did I understand it correctly—that the plans to deal with such an event aren't currently disclosed to first responders?

● (1745)

Mr. Michel Béland: I'll confirm that with my experts.

Mr. Philip Lawrence: At this point, you can't confidently say to the committee that the town of Cobourg has first responders who have been trained to deal with these events.

Mr. Michel Béland: I don't have that information, no.

Mr. Philip Lawrence: Is it the same for the town of Port Hope?

Mr. Michel Béland: Yes.

Mr. Philip Lawrence: Is it the same for the town of Newcastle?

Mr. Michel Béland: Yes.

Mr. Philip Lawrence: Is it the same for the town of Brighton?

Mr. Michel Béland: Yes.

Mr. Philip Lawrence: Of course, we are familiar with the tragedy of Lac-Mégantic, in which, as I said, 47 people died, 30 children were orphaned and 30 buildings were levelled.

Can you tell me one similar incident involving a pipeline that has occurred in the last 50 years?

Mr. Michel Béland: I'll have to ask my colleague. I can't answer that.

Mr. Yoan Marier: We investigate pipeline incidents and accidents. A number of these incidents are reported to us every year.

Mr. Philip Lawrence: What's the number of fatalities at a pipeline in the last 50 years?

Mr. Vincenzo De Angelis: There haven't been any.

Mr. Philip Lawrence: If you're serious about reducing these types of incidents and securing safety, does it not make sense...? You have a safety abatement strategy in front of you. They're called pipelines. Study that and maybe bring it to the attention of the minister.

Again, it was 47. That's how many people died. There have been zero deaths at pipelines.

Mr. Yoan Marier: I don't really know how to answer that question.

As I mentioned, we try not to compare the two. There are ways to transport dangerous goods by rail that can be—

Mr. Philip Lawrence: You can't provide us with any assurance that right now, the towns of Port Hope, Cobourg, Brighton and Newcastle are adequately equipped to respond to an incident involving dangerous goods on rail that are literally travelling through my riding right now.

Okay. I'm done.

Thank you.

The Chair: Thank you very much, Mr. Lawrence.

Next, we'll go to Ms. Koutrakis.

The floor is yours. You have five minutes.

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

Thank you to our witnesses for being here today.

What measures are in place to ensure that rail companies prioritize safety over cost-cutting? Do you know?

Mr. Stephen Scott: Thank you for the question.

Rail, from a safety and security perspective, is a highly regulated environment. There are multiple pieces of legislation with dozens of different regulations that layer upon railways' various expectations, requirements and obligations for safety and security. These range from track conditions to equipment, brakes and operating parameters and protocols.

As the regulator, our role is not to deliver for the railway companies on their regulatory obligations. We send inspectors to the field to make sure that they're meeting their obligations.

Ms. Annie Koutrakis: How frequently are railways and their safety practices inspected? What are the consequences for non-compliance?

Mr. Stephen Scott: As I mentioned in my opening remarks, we do about 40,000 inspections every year and 20 safety audits. That's in addition to what's done on the dangerous goods side.

Every day, Transport Canada inspectors are out, ensuring that railway companies are meeting their obligations. We take a graduated enforcement approach. If non-compliance or a deficiency is identified, there's a spectrum of actions that are available to us as a department. It can start with a warning letter or a notice and order, and then it can escalate to an administrative monetary penalty and all the way to the suspension of the safety licence, which a railway company needs to operate. That's an extreme scenario.

There's very much a spectrum of levers available to the department to take action if required.

Ms. Annie Koutrakis: How often, Mr. Scott, do we have audits showing that railway companies are not meeting the expectations?

Mr. Stephen Scott: We've been doing safety management system audits since the early 2000s. We started doing effectiveness audits based on recommendations from this committee, the Transportation Safety Board and the Office of the Auditor General. We started that in April 2022. Since then, all of the audits we do have an effectiveness component. That's going deeper in the audits to look at not just what railway companies are doing at their corporate level in terms of safety protocols, but also how they're doing it and whether it's having an impact on their performance metrics for safety.

● (1750)

Ms. Annie Koutrakis: How does your department incorporate lessons learned from past incidents into future policies and regulations?

Mr. Stephen Scott: We have a continuous cycle of policy and regulatory modernization, and it's risk-based. The trends we see on the ground through our on-site inspections and safety audits feed back into our regulatory agenda. That really helps to guide and inform the future actions and priorities we're pushing forward as the regulator.

Ms. Annie Koutrakis: I know you've probably answered this many times, but I can't stress enough how important it is to make sure that long-term strategies are being developed to address increasing volumes of dangerous goods transported by rail.

Can you advise this committee today on what is being done in that regard?

Mr. Stephen Scott: As I said earlier, a lot of progress has been made on the regulatory framework and our oversight posture, but we know there's more work to do. We are moving forward with an update to the railway safety management system regulations in order to solidify and codify the effectiveness approach into regulation.

We're also moving forward with enhanced train control, which will address the risks around signals that colleagues from the Transportation Safety Board spoke about. We're advancing some of the technological pieces, such as the piece around automatic parking brakes. It is a TSB recommendation to move forward with automatic parking brakes. It's still in the prototype stage for freight railway. We're doing research now with the National Research Council and other partners to help push and nudge that technology forward. That's ongoing.

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

[*Translation*]

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

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

My question is for Mr. Béland or anyone who wants to answer. In 2016, Transport Canada issued Protective Direction No. 36 ordering railway companies to share with communities and first responders the list of the top 10 dangerous goods they carry through their area. Why is it limited to just 10 goods? Does that mean that communities do not have all the information about what is moving through their area?

Mr. Michel Béland: No. I imagine that communities are informed of everything that goes through their area. However, at the time the decision was made, it was for the top 10 dangerous goods.

Mr. Xavier Barsalou-Duval: Is there any other regulation or any other way of knowing what is being transported that is not on that list? Is that information shared with communities?

Mr. Michel Béland: Railway companies are required to provide reports on the volume and nature of dangerous goods. That report is issued every three months.

Mr. Xavier Barsalou-Duval: In that case, what is the effect of Protective Direction No. 36?

Mr. Michel Béland: The railways' annual reports are public and are on their website. As for the quarterly reports, they are only sent to each particular community; they are not public.

Mr. Xavier Barsalou-Duval: Okay. That means that the full list of dangerous goods passing through the communities is in the quarterly reports. Is that correct?

Mr. Michel Béland: These reports include the volume and nature of dangerous goods.

Mr. Xavier Barsalou-Duval: What do you mean by “nature”? Is that the product itself or just a category?

Mr. Michel Béland: That is the product.

Mr. Xavier Barsalou-Duval: Okay.

I want to be sure I understood what you said earlier in English. There would be emergency response plans for disasters involving dangerous goods, The railway companies are responsible for those plans, which are reviewed or approved by Transport Canada. However, these plans are not shared with local first responders, and their implementation is not coordinated among these respondents, Transport Canada and the railway companies. Did I understand correctly?

Mr. Michel Béland: Are you talking about the emergency response assistance plans?

Mr. Xavier Barsalou-Duval: Yes.

Mr. Michel Béland: Okay. I'll have to check with the experts to see if there's any coordination between Transport Canada, the municipalities and the railways.

[*English*]

The Chair: Thank you very much.

Next, and finally for today, we have Mr. Bachrach.

Mr. Bachrach, you have two and a half minutes, sir.

● (1755)

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Thank you again, gentlemen, for being here today.

Mr. Chair, I'd like to move the following motion. I move that Transport Canada provide the committee with all emergency response assistance plans related to the rail transport of dangerous goods between Prince George and Prince Rupert, British Columbia, and the key route risk assessment for the same.

I'm certainly open to my colleagues amending it to add the geographies that concern them particularly.

[*Translation*]

The Chair: Are there any other comments, questions or ideas? Does anyone want to add more routes?

Mr. Xavier Barsalou-Duval: I'd certainly like to see the route in my riding added to the motion. I think it's being referred to as the Montreal-Sorel route. I assume that all members around the table will want to add the routes in their ridings as well. That would be my comment.

[*English*]

Mr. Philip Lawrence: We would like to add the Ontario corridor as well.

The Chair: Is it okay if I suspend for two minutes, just so we can do this off-line and then come back, perhaps with something concrete?

The meeting is suspended.

● (1755)

_____(Pause)_____

● (1800)

The Chair: I call this meeting back to order.

I'd like to thank our witnesses for appearing here today.

I'm going to adjourn the meeting.

Thank you very much.

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