

December 6, 2014

Hon. David L. Emerson, P.C.
Canada Transportation Act Review Secretariat
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Ottawa, ON K1A 0N5

Please consider the following as my submission, setting out key issues of interest & suggestions to consider upon reviewing the Canada Transportation Act.

1. The Agency shall issue, and publish in any manner that it considers appropriate, guidelines with respect to (a) the elements that the Agency will use to determine whether a railway company is complying with section 95.1; and (b) the collaborative resolution of noise and vibration complaints relating to the construction or operation of railways. (2) The Agency must consult with interested parties, including municipal governments, before issuing any guidelines. The guidelines should be made statutory.
1. The act should prohibit rail operations between 11pm & 7am, on Sundays & statutory holidays.
2. The railways don't have enough insurance to cover the cost of a catastrophic derailment in a densely populated area. Review regulations to clearly define what CTA determines as adequate.
3. Add a section in the Act to regulate the impact rail operations have on air quality.

5. The intent of section 95.1 of the Canada Transportation Act is not being achieved. In light of the Federal Government Launching a Review of the Canada Transportation Act I went to the Canada Transportation Agency's website to review how many residents complained about noise & how many of those complaints resulted in positive change for the residents. I used the search tool provided within the website to isolate noise complaints going back 4 to 5 years; I found 18. Only 27% resulted in a positive change for the residents and for one of these the rail company failed to comply with the CTA orders. 73% of these were dismissed. I reviewed a report commissioned by the CTA surveying complainants satisfaction with the CTA process. I myself was asked to respond to this survey & I found it to be very limited, none the less the report determined that the area requiring the most improvement was impartiality of the CTA. First & foremost impartiality & conflicts of interest must be addressed within the ranks of the CTA. For example, legislation should prevent employees of the CTA to move on to jobs with rail companies.

6. The Agency should be acting as a regulator & not as a quasi-court. The majority of the burden to settle noise disputes is placed on residents rather than the perpetrator.

- a. Locate smaller CTA offices near each major rail yard.

b. The role of the CTA should be to investigate noise complaints on behalf of residents.

7. Legislation should be revised to make it mandatory that rail companies implement recommendations by the Transportation Safety Board (TSB). The TSB should be mandated to perform follow-up investigations & be given the authority to order improvements & penalize non-compliance.

8. Minimum standards for operational noise levels should be written into the Act & or regulations. For instance, it is known by the agency that pullback operations can be performed without being heard beyond 200 meters. In situations where a pullback track is located close to residents it should be written into the regulations that noise from this pullback track must not go beyond 200 meters. Complaints filed in this situation should result in immediate penalty.

9. The Act should restrict load tests within 5,000 meters of residents.

10. Change Railway Noise Measurement & Reporting Methodology as follows, under Step 4: Adjustment factor for Presence of Obstacles, a multiple to the adjustment should be included for multiple obstacles.

11. The Act & or regulations should make installation of rail lubricators & piston retarders mandatory.

12. Legislation & or regulations should require rail companies to only operate new switchyard locomotives, outfitted with proper engine room insulation, specifically for use near residents.

1. Legislation & or regulations should require yard staff be trained on proper practices and procedures for the purpose of performing their duties while minimizing the level of disturbance created.

14. Legislation & or regulations should require operation of switcher locomotive be carried out with engine room doors closed at all times.

15. Legislation & or regulations should require rail companies to install noise barriers between their yards & residents. Legislation & or regulations should specify typical installations for typical encroachments.

16. Legislated mandate for the CTA should be to establish up front best practices relating to noise & vibration for rail companies, establish maximum levels of noise & vibration needed to perform the job under typical scenarios with input from residents & other interested parties. Thus eliminating the requirement to determine what noise is reasonable or unreasonable as per section 95.1 of the Act. These practices should then be enforced. When a complaint is filed the CTA should be mandated to investigate, without notification to the perpetrator, & enforce regulations where it is found that best practices are not adhered to.

17. An oversight committee, funded by dues paid by the rail companies, including members of the public (residents impacted by rail noise) should be established to oversee the performance of the CTA & the rail companies particularly where noise & vibration issues are concerned. The committee should be granted authority to affect changes in staffing of CTA executive positions when the intent of their mandate is not being achieved.

I suggest that implementation of the aforementioned points will not hinder the national transportation system or its support to Canada's continuing economic growth. I strongly believe that the government of Canada should take back the rail system in this country in the interest of protecting the sovereignty of the country. Major infrastructure & natural resources take part in forming the backbone of the country & should not be left to the narrow minded interests of profit driven players.

Sincerely,

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