



**CANADIAN NATIONAL RAILWAYS POLICE  
ASSOCIATION**

**ASSOCIATION DES POLICIERS DU CANADIEN  
NATIONAL**

September 22, 2017

Panel Chair Richard Paton MA, MPA  
Vice Chair Brenda Eaton  
Vice Chair Pauline Quinlan

Re: Railway Safety Act Review – Submission and request for official standing at related hearings.

Sir/Madam

I am writing on behalf of the Canadian National Railways Police Association or “CNRPA”. As you may know, the CNRPA represents approximately sixty-five unionized police officers with the CN Police Service. These officers work from Vancouver, British Columbia to Halifax, Nova Scotia. Our officers are responsible for the promotion of safety and enforcement of all the laws of Canada and the provinces in so far as their enforcement relates to railway property and within five hundred meters of that property.

The purpose of this letter is to address the panel to enhance railway safety within Canada and to request that the CNRPA be granted official standing to attend and participate in these RSA hearings. It is the CNRPA’s view that the current RSA regulation is out of date and shockingly deficient in most areas.

As the CNRPA, we are uniquely positioned to assist with this review. Our members encompass many aspects and present an honest and clear front line perspective of railway safety. This view point is based on years of knowledge and experience in policing and railway operations. Remember that our members are: Police officers ensuring railway safety and security, railway employees, members of a union/association within the railway, and live with their friends, families and neighbours where trains operate.

The CNRPA wants to bring railway policing regulations in the Railway Safety Act (RSA) up to date and in line with other police services across the country. All police services in Canada have entire acts of parliament or provincial acts that regulate how they operate nationally and provincially. These acts govern civilian oversight, police accountability, training standards, discipline and staffing numbers/minimums to name only a few things. Presently, the regulations under the RSA contain only two paragraphs; Section 44.1 which is the ability for police constables to be appointed by a superior court, and section 44.1(1), which speaks of how complaints against officers must be handled.

Under part IV.1 and section 44.1 of the RSA “a superior court may appoint a person as a police constable for the enforcement of Part III of the Canada Transportation Act and for the enforcement of the laws of Canada or a province in so far as their enforcement relates to the protection of property owned, possessed or administered by a railway company and the protection of persons and property on that property.” CN Police officers appointed by a superior court fall under the definition of section 2 of the



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criminal code of Canada and are peace officers with all the same powers as any other police officer in Canada.

The roles and responsibilities of a CN Police officer are the same as any other police officer in Canada, the only difference being our focus on railway safety. Our daily duties are vast and wide ranging but not limited to; public safety education, traffic safety enforcement around railway crossings; trespass enforcement; criminal investigations such as thefts, vandalism, fraud, impaired operation; railway yard emergency response planning, suicide attempts/persons in emotional or mental distress; working with all levels of law enforcement related to national security issues and terrorism related threats etc.

Railway police have a very strong and proud history in Canada dating back to the late 19th century when Prime Minister Sir John A. MacDonalld had a vision of building Canada's first transcontinental railway. The role of the railway police in the early days was to prevent thefts and to keep the peace as the railway was being built across the country. Today, the railway police do much more than that. Some of our primary goals are to prevent injury and death along Canada's critical infrastructure, promote safe and secure railway operations across the country and educate the public on safety around the railway. To do this effectively today, we need strong legislation and regulations to do it.

We have been working with the CP Police Association and other external stakeholders, and have begun to put together a set of regulations based on other police acts in the country. We hope to impress upon you what must be done to bring the police service regulations up to date and hold the railway police accountable to the public and to enhance railway safety now and in to the future for all Canadians.

Our request pertains directly to several of the issues your panel has been asked to address. These issues include but are not limited to:

- Whether the roles, responsibilities and authorities for rail safety in Canada are clear;
- Whether adjustments to oversight authorities are needed to achieve the required standards for safe rail transportation;
- Whether the current SMS approach to managing risks is working for all Canadians;
- Whether performance information is being properly and accurately analyzed, compared and disseminated. To what extent is it contributing to a feedback loop regarding risk management and learning;
- Whether there is potential that new technology will increase safety, for example through assisting with the identification of risks or the causes of accidents. Are there any barriers preventing the rail industry from investing in these technologies and/or can the Government of Canada assist in their adoption;
- Whether employee fatigue, hours of service, and overtime remain concerns for railway safety;
- Whether there is sufficient harmonization with provincial jurisdictions and to what extent is alignment still required and in what areas;



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- Whether there are stakeholders that should be consulted on rail safety matters that are not currently consulted;
- Whether there is sufficient harmonization with the USA and to what extent is alignment still required and in what areas;
- How collaboration between companies and communities respecting railway safety can be supported;
- Whether the roles, responsibilities and authorities for the security of rail transportation in Canada clear and should any changes to the authorities be considered to further improve the security of rail transportation in Canada;
- Whether the RSA positions the Government well to address future threats to the security of rail transportation;
- Whether Transport Canada can advance its degree of preparation for rail security threats;
- Whether the current security authorities in the Railway Safety Act are sufficient to address concerns and emerging issues related to the security of the rail transportation system;
- Whether specific non-railway Operations affecting Railway Safety can be identified;
- Whether specific Administration and Enforcement initiatives/policies can be created and/or amended to benefit Canadians.

The importance of railway safety in Canada cannot be understated. The tragedy in Lac Megantic, Quebec, has become a driving force for enhanced railway safety around the world. Our officers work very hard every day while putting their lives on the line so this type of disaster can be averted in the future. We hope to have the most advanced legislation coupled with the best tools available as police officers to help enhance railway safety for all communities in Canada.

Our representatives would like to meet with you in the future to clearly demonstrate many of the deficiencies mentioned above. We would also like to provide you with literature, research/studies, first hand knowledge and experiences to assist in a better understanding of the same. Our goal is that what is presented can be considered in the future by the Minister as he considers updating the regulations as they pertain to railway police and railway safety for all Canadians.

Thank you, in advance, for taking the time to consider our request, and please don't hesitate to contact me at your earliest convenience to set a meeting date to further discuss this important initiative.

Sincerely,

Gerry St George  
President, CNRPA