

Thank you to the Railway Safety Act Review Committee for allowing the CNRPA to present this additional submission related to proposed changes to the Railway Safety Act.

The Canadian National Railways Police Association (CNRPA) represents all Canadian Railway Police Constables and Sergeants of the CN Police Service. As such, we are able to present a number of our members concerns, as they are the ones who work within the CN Rail Yards, Intermodal facilities, and all CN property/infrastructure including multiple CND-US border crossings. Our members represent the frontline in rail safety and security and are an integral part of Railway Safety in Canada.

The purpose of this letter is to identify and clarify how the CNRPA believes to enhance the Railway Safety Act with changes which would improve railway safety and security measures. This letter will itemize specific concerns that 1) need to be addressed and 2) should be addressed. It will also describe how to best accomplish these proposed changes. This document will also include various references to illustrate and support the CNRPA's position relative to these proposed changes.

There are a number of items in the RSA that can be addressed within the present framework. The first item that needs to be addressed is to eliminate the 500 meter jurisdictional limit. Railway Police are already defined under section 2 of the criminal code as peace officers without limitation. However, this 500 meter limit has proven to confuse some officials in the court system and in many cases has been a detriment to the railway police and the justice system. Fortunately, there are many case law decisions that speak to and clarify the point of jurisdiction and authority, but the removal of this set distance would only benefit the railway police to carry out their intended policing and security functions.

The South Coast British Columbia Transit Police based in New Westminster BC are a great example of this. They patrol 134 km of rail, 57 rail stations, 1,400 buses and 200 bus routes. All officers "primary duties" are related to properties owned by the Transit authority however they are sworn without limitation as provincial police officers in BC and are expected to act in the event they come upon an emergency or unsafe situation. They then notify the local police of jurisdiction and work together. As it stands, railway police operate marked police cars in full police uniform and the public expects them to help when called upon in the community. They are in fact already bound to act as per the criminal code yet the 500 meter "jurisdiction" wording in the RSA causes issues administratively with the courts in the carrying out of their day to day duties. [www.transitpolice.ca](http://www.transitpolice.ca)

As you are aware, whether it be a Provincial or Federal court matter, legal counsel will look at any items to assist their client at trial. It has been our experience that some agents/counsel will purposely look to the RSA to confuse the facts in the hopes of clearing their clients. The removal of the 500 meter limit would remove this confusion and allow a number of cases to progress through the court process without unnecessary cost or delay.

The next step would involve the modernization of Railway Policing and related standards. This would confirm that the proper individuals, professionally trained with the right tools are doing the job for the Railways and Canadian alike. Such standards would have to be legislated in a federal framework or tied to Provincial standards already in place in the specific province in which the officer works.

It is the CNRPA's belief that an enhanced RSA can provide the government a means of strategically addressing current and future transportation security threats. Railway Police are often the first line of defence when dealing with these types of threats. However, it is the CNRPA's opinion that the current RSA is too basic and deficient due to the lack of standards for railway police. There are no clear and distinct areas of focus for Canadian railway companies to follow when deploying their police services. Security concerns within this critical infrastructure are ever increasing. To enhance railway safety and security, railway police must be given better resources, better tools and stronger legislation.

As we already know, local police and all levels of government are facing increased policing demands with higher workloads, which are already put on far too few officers while dealing with ballooning budgets for policing services. Local police in many cases are not able to address railway safety and security concerns in a timely manner and any calls relating to railway are typically placed at the bottom of their priority list. This could put any Canadian railways and the communities within which they operate in serious jeopardy.

The only way to ensure adequate and appropriate safety and security of any Canadian railway, is to revisit and revamp how we carry out our function, and give the railway police a better framework in which to operate and carry out the policing and security function. These standards would include but are not limited to:

- Employ minimum training standards within the act which focus on rail safety and security in addition to basic and enhanced police training.
- Employ minimum hiring standards such as requirements for basic police training, and qualifications for new hires. To fall in line with all police services in Canada.
- Make railway police an essential service under the RSA and have minimum staffing levels for all railway police services. CN Police and CP Police have similar small numbers police officers while VIA presently has only a few officers but their numbers are growing.
- Proper equipment in line with municipal and federal policing counterparts. This would include but not limited to: long guns, CEWs, facilities with proper detention capabilities, etc...
- Proper civilian oversight with an identified mandate and clear, transparent process. This could be achieved by aligning officers with their pre-existing provincial standards and/or respective Provincial Police Services Acts or creating a similar Federal/National model .

The first two pages above provided for improvements that could be accomplished within the present RSA framework, while referencing the appropriate federal and/or provincial legislation. If it becomes apparent that the above recommendations would not or could not be accomplished within the present RSA and/or railway management interests then another step to consider would be the amalgamation of all railway police services into one group.

Simply put all railway police together under one umbrella answering to Transport Canada and funded by the railways. A levy on every single car load being shipped can be imposed much like the airline industry has security fees. These levies can be used to make railway police cost neutral to each company while greatly enhancing railway security across all networks with ONE clear focus and ONE mandate for all under one management structure as the Canadian Transport Police. This unified model would also allow for expansion in the future in to other federally regulated critical transportation infrastructure.

The model for the British Transport Police can be relied upon in which all private railways use a similar model to pay for mandated rail police service which is administered by the government. ([www.btp.police.uk](http://www.btp.police.uk)). Furthermore, a research paper based on a Canadian railway police model, titled "McClellandIvanproject" has also been included for you review.

Thank you again for the opportunity to present this most important information to you. The CNRPA feels that the removal of the 500 meter restriction is something that can easily be accomplished quickly under the present framework, while the remaining suggestions will need more time and review. Should the RSA Review Committee feel a need to secure more information, the CNRPA would be more than willing to be part of any future review and/or discussions on this topic.

NOTE: A number of legal and other references have also been attached as separate attachments.

Again – these are just a few suggestions on how to improve the Railway Safety Act and to make it better aligned with present realities, with a clear and transparent mandate that focusses on the needs of the railways, industry, employees, government and the communities in which railways operate.

Respectfully Yours,

CNRPA