

Ministry of Transportation

Office of the Deputy Minister

3rd Floor, Ferguson Block
77 Wellesley Street West
Toronto ON M7A 1Z8
Tel.: 416-327-9162
Fax: 416-327-9185

Ministère des Transports

Bureau du sous-ministre

Édifice Ferguson, 3^e étage
77, rue Wellesley Ouest
Toronto ON M7A 1Z8
Tél. : 416-327-9162
Télec. : 416-327-9185



October 11, 2017

Mr. Richard Paton
Chair, Railway Safety Act Review Panel
255 Albert Street, Suite 702
Ottawa, Ontario
K1P 6A9

Dear Mr. Paton:

Thank you for the opportunity to provide input to the *Railway Safety Act* Review process.

Safety across all modes of transportation remains a top priority for Ontario's Ministry of Transportation. Ontario believes that in order to continue to promote safety and security, the Act should adapt to emerging infrastructure requirements, and new safety and security challenges.

Ontario is making recommendations in the areas of: Urban Transit Authorities; Emergency Response and Risk Management; Noise Mitigation; Security Measures; High Speed Rail; Shortline Rail; and the Grade Crossing Regulation.

We look forward to working together collaboratively on the Review and the outcomes identified in the May 2018 final report.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Rhodes".

Stephen Rhodes
Deputy Minister of Transportation

Attachment

GOVERNMENT OF ONTARIO
SUBMISSION TO THE RAILWAY SAFETY ACT REVIEW
OCTOBER 2017

ONTARIO'S RECOMMENDATIONS TO THE RSA REVIEW

1. Urban Transit

Urban Transit Authorities (UTAs), such as Metrolinx, the Réseau de Transport Métropolitain, and TransLink, provide a vital role in Canada's economy by moving almost 100 million commuters each year. In the Greater Toronto and Hamilton Area (GTHA), Metrolinx' GO Transit, which currently runs over 300 train trips per weekday, is undergoing a major expansion to keep pace with a growing population and economy. Continued safe and efficient operations of these rail transit systems are key to the success of our growing urban centres.

As UTAs grow and evolve, new technologies and fuel sources that can improve service and safety, and reduce greenhouse gas emissions also develop. Efficient adoption of these emerging technologies and cleaner fuel sources will be increasingly important to allow these rail transit operators to continue to evolve and effectively serve their growing customer base.

UTA operations (commuter rail) differ from freight operations. Commuter rail trains are lighter with advanced braking systems which enhance responsiveness and reduce stopping times.

As well, Metrolinx owns 80% of the tracks it operates on and is responsible for addressing safety and proximity issues. To enhance Metrolinx's safety program, more information on dangerous goods being carried on its tracks and greater financial support for ensuring safety at crossings is required.

It is therefore increasingly important for the *Railway Safety Act* (RSA) to acknowledge the unique operations and needs of UTAs such as Metrolinx.

Recommendations

- When determining whether to grant an exemption to a regulation, rule, engineering standard or policy, consideration should be given to the unique needs and operations of UTAs.
- Information sharing practices for dangerous goods travelling on provincially-owned tracks needs improvement. Summary level information should be provided to the track owner to enable the preparation of appropriate safety and management plans.
- The Rail Safety Improvement Program (RSIP) should be enhanced by making more funding available to UTAs to implement grade crossing safety standards.

More detail on these points can be found in the 2017/18 RSA Submission by Metrolinx, the Réseau de Transport Métropolitain, and TransLink.

2. Emergency Response and Risk Management

First Responders require accurate and current information to handle potential security risks or threats to the rail system and/or the public. Improved information sharing practices will enable First Responders to be more prepared, improve response times, and be more effective and safe when incidents occur. This means better distribution of information on available federal resources, how and when to access those resources, and greater support from accredited advisors to help First Responders prepare for incidents. Communication protocols with areas outside a municipality – local roads boards and Indigenous communities – should also be developed.

Recommendations

- Work collaboratively with all levels of government and First Responders to update communication and reporting procedures so that they meet current and future emergency preparedness demands. This will improve the delivery of timely information between rail partners, enabling rail partners to analyze threats to the system and be better prepared when incidents do occur.
- Federal disaster response plans in situations where a municipal response may not be adequate, such as local roads boards and Indigenous communities, should be considered.
- Municipalities should continue to be key stakeholders in ongoing reviews of rail safety legislation and regulations. Municipalities, through their First Responders, should have greater access to federal agencies when a derailment occurs. Resources should immediately be made available to municipal First Responders during a derailment or clean up.

3. Noise Mitigation

As UTAs expand their commuter rail footprint and increase the frequency of service on existing infrastructure, there are growing concerns with noise on rail corridors through urban centres. It is becoming increasingly important to address the concerns of these communities, and work to mitigate and, if possible, prevent issues from arising before new infrastructure is built.

Recommendations

- The cost to study and implement the crossing upgrades that are necessary to put whistle cessation in place can be a significant barrier to municipalities. Access to federal funding to offset the feasibility, design and implementation of infrastructure upgrades would help to expedite the whistle cessation process.
- Transport Canada should conduct a study of international standards and best practices for bells and whistles within an urban rail context.
- Consider provisions requiring railways and UTAs to engage in a process of consultation with municipalities prior to any decision respecting land use and service that may result in noise and other proximity issues.

4. Security Measures

There are security measures within the RSA that protect rail infrastructure from possible threats. These measures should be expanded to include rail communication channels, infrastructure using digital technologies such as maintenance facilities, and stations.

Recommendations

- The RSA should address the impacts of current and future threat risks to security in the areas of technology and cyber-terrorism. The RSA security provisions can be enhanced by using the language that exists in *Section 39*. The following technical areas should be reviewed and assessed:
 - Communication systems (wired/wireless)
 - Security devices
 - Computer-based signalling systems
 - Train control systems
 - Switch machines
 - Power stations
 - Train supervision systems
- Include provisions which not only require cyber-security, but also require a company providing services to another company to certify compliance.

5. High Speed Rail

Ontario is planning for a high speed rail (HSR) line from Toronto to Windsor. Future amendments to the RSA will be necessary to regulate the HSR line and to ensure that it addresses HSR in general, including grade separation, vertical/lateral separation from roadways and other railway systems.

Recommendation

- Conduct a review of applicable worldwide standards to establish appropriate regulations for HSR risk management.

6. Shortline Rail

Under current federal regulations, the safety requirements for small shortline railway companies engaged in low-risk activities are the same for larger rail companies that transport dangerous goods (e.g. crude oil) at higher speeds. To meet federal safety requirements, Ontario's shortline operators are often required to hire a full-time safety manager/administrator to ensure compliance with Safety Management Systems requirements, which creates economic hardship for smaller lines.

Recommendations

- To better distinguish between low and high-risk activities, Transport Canada should collect data on the sector and its operations, and focus costs and enforcement on high-risk operators (i.e. a risk-based approach).
- Transport Canada and Ontario should collaborate on railway safety issues as they relate to smaller railway operators, exploring risk-based approaches.

7. Grade Crossings Regulation

There are many crossings in Northern Ontario that have very low traffic volumes. A remote crossing must be maintained to the same standard as a crossing near a municipality – a potentially cost-prohibitive requirement given the number and remoteness of crossings on Crown land.

The average annual daily traffic (AADT) at some remote crossings is less than one crossing per day and most are under 25 crossings per day. Particularly busy crossings have an AADT of just 100. In the Grade Crossings Standards (GCS), the lowest traffic volume threshold is “rural/local: AADT<1000”.

Though these access roads are remote and see little traffic compared to crossings considered in the GCS, they are important to Ontario’s resource sectors (i.e. forestry and mining) and for recreational activities. While closing many of these roads is not an option, maintaining them under the current GCS regime is a financial burden to the province.

Recommendations

- The Grade Crossings Regulation requires rail authorities and road authorities to share certain information with each other. At present, there is no specified format or central location for this information. An agency (e.g. Transport Canada or the Canadian Transportation Agency) should become the custodian of this information and adopt a standardized format.
- Special consideration should be given to remote locations. Low-risk, low-volume remote crossings should be treated differently than high risk, high volume crossings found in more populous rural centres.
- Increase opportunities for road authorities that have responsibility of low-volume remote crossings to access federal funding for capital upgrades through the Grade Crossing Improvement Fund, where upgrades are required based on traffic volume. Low-volume remote crossings are currently ineligible for GCIP funding, although the Grade Crossings Regulations stipulate that they must be maintained to the same standard as higher-volume crossings.