

December 26, 2014

Hon. David L. Emerson, P.C.
Canada Transportation Act Review Secretariat
350 Albert Street, Suite 330
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 Railway Third Party Liability Insurance Coverage Regulations (SOR/96-337) should be revised to include "Compliance with Transportation Safety Board recommendations" when determining whether a Company's liability coverage is adequate. More specifically if recommendations are not adhered to then coverage should be deemed as not sufficient.
2. 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.
3. The Act & or regulations should make installation of rail lubricators on corners & piston retarders for rolling stock mandatory; particularly where operations are close to residents.
4. Legislation & or regulations should require rail companies to only operate new switchyard locomotives, outfitted with proper engine room insulation, specifically for use near residents.
5. 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.
6. The Act should restrict locomotive load tests within 5,000 meters (or whatever greater distance would be necessary to avoid disturbance to residents) of residents.
7. Legislation & or regulations should require operation of switcher locomotive be carried out with engine room doors closed at all times.
8. 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.
9. 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 for every complaint filed by a resident. For instance, it is known that a pullback operation for redistributing cars among multiple tracks can be performed without being heard beyond 200 meters & as such the legislation should impose a penalty when a rail Company goes beyond this level. 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.

10. 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 ability of Rail Companies to perform their duties.

Sincerely,

Stella Panagakos