



PORT METRO
vancouver

Canada Transportation Act Review Submission to the Panel

*Leveraging Canadian ports as a long-term national
competitive advantage*

Addendum

May 25, 2015

Introduction

Port Metro Vancouver respectfully provides an addendum to our full submission of March 31, 2015.

In our previous submission, we focused on several key themes to improve the stability, competitiveness, transparency and efficiency of the supply chain including:

1. Reciprocal availability of long-term planning data
2. Operational data sharing
3. Strategic infrastructure development
4. Industrial land supply
5. *Canada Marine Act* and other legislation
6. Communities and sustainability
7. Labour relations
8. U.S./Canada trade policy

To that list, we add:

9. **Preservation of goods movement corridors**, a theme which intersects with several of our earlier topics, including sharing of data, strategic infrastructure development, industrial land supply, and communities and sustainability.
10. **Excellence in spill response**, in the wake of the Marathassa spill in Vancouver, B.C., which provided an opportunity to test on a small scale the ability of the Canadian Coast Guard and other agencies to provide meaningful and effective spill response.

We look forward to further discussion of our entire submission with the review panel.

Recommendations and discussion

9. Preservation of goods movement corridors

This section relates to the sharing of rail infrastructure with passenger services, particularly within already-congested trade areas.

9.1 Discussion

Port Metro Vancouver's earlier submission was largely focused on recommendations designed to maximize the efficiency and effectiveness of goods movements throughout the Vancouver gateway.

This addendum to that submission reflects on the movement of people in the context of trade corridors, particularly where the movement of people and goods intersect and inhibit efficiency of either system.

Like others, we are encouraging increased collaboration with rail lines to improve goods movement. However, the potential for a higher level of service by rail lines can be restricted when rail lines are also used for passenger service and restrictions or alternatives are not in place.

What is most problematic about this conflict is the potential loss in utility of recent and planned infrastructure investments. Passenger trains are a higher safety priority and therefore always have the right-of-way over commercial traffic. These faster moving trains, therefore, can disproportionately consume network capacity. As such, there is increasing concern throughout the gateway that investments to grow trade may not realize their full intended value because expansions in rail capacity are used to accommodate growth in passenger travel.

For example, recent multi-million upgrades to both the North Shore and South Shore trade areas have been, in part, to allow space for new rail track. If and when this track is laid – which remains at the discretion of the railways – it could effectively be commandeered for priority use by passenger rail, negating the benefits sought by new infrastructure. Additionally, terminal upgrades, such as grain terminal expansion in anticipation of greater volume, may never be able to maximize usage if the needed amount of rail capacity cannot be secured.

Specifically, on the south shore of Burrard Inlet, CP Rail shares its lines with the West Coast Express, a passenger rail line that operates for three hours in both the morning and afternoon during rush hours to transport commuters to and from downtown Vancouver and Mission in the Fraser Valley.

CP is therefore challenged to deliver its highest level of commercial service because it must block out six hours per day (25 per cent of its operating hours) for passenger rail. This conflict is most acutely felt in the most densely-used part of the entire rail corridor, which is between Coquitlam and downtown Vancouver.

This issue already impacts the ability of Port Metro Vancouver terminals to negotiate service agreements with rail lines. It is only expected to get worse as Translink has expressed a desire to increase capacity and service through this rail corridor.

At the same time, Translink's rapid transit Evergreen Line will soon be in service and will provide additional Skytrain capacity along a portion of the route currently served by the West Coast Express, specifically that portion from Coquitlam to downtown Vancouver.

Another area of similar conflict lies in the use of the BNSF track into Vancouver by the Amtrak and Rocky Mountaineer passenger trains, including use of the New Westminster Rail Bridge. No doubt, the review panel will have received many calls for replacement or upgrading of this 100-year old pinch-point to goods movement. However, given the bridge remains structurally viable, determining whether it can be used more efficiently by eliminating unnecessary crossings should perhaps be first considered.

There is an opportunity to preserve bridge capacity by establishing a new passenger rail terminus south of the bridge, requiring passengers to disembark but providing options for rapid transit, such as Skytrain, to move them to others parts of the region. Given population density east of Vancouver, such an option could actually be beneficial for many or most passengers travelling to and from the area.

9.2 Recommendation

9.2.1 Provide for protection of specific trade corridors subject to high congestion and impacts from competing services, such as passenger rail

Port Metro Vancouver is entirely supportive of efforts to improve the movement of people in the Lower Mainland, including through rapid transit such as passenger rail. However, where possible, alternatives to using critical commercial rail lines should be avoided, especially in sections of those trade corridors that are already congested.

Port Metro Vancouver calls for the establishment of new protocols that ensure rail capacity is planned in conjunction with conflicting priorities from passenger rail. Further, we call for a planning structure that provides for a regional approach to managing rail traffic that preserves critical corridors, such as that approaching and in the Vancouver harbour. Lastly, we recommend consideration be given to establishing a passenger rail terminus before Vancouver to keep railways close to the inner harbour free from conflict with passenger rail.

10. Excellence in spill response

10.1 Discussion

On April 8, 2015, the MV Marathassa accidentally discharged about 2,700 litres of bunker fuel into English Bay in Vancouver, B.C. The spill, though relatively small, provided an opportunity to test the [National Oil Spill Preparedness and Response Regime](#).

In any spill response scenario, the Canadian Coast Guard is the lead and has responsibility for the operation. Port Metro Vancouver's role is to provide initial assessment of a pollution report and then assist where we are asked and as we can. We do not have capacity for spill cleanup.

Port Metro Vancouver receives three to four reports of pollution each day. Our protocol is to investigate each one. If the spill is not minor and is potentially recoverable, we advise the Canadian Coast Guard, as per a 2009 Letter of Understanding.

As the spill event unfolded, many observed much lacking in the response. The Coast Guard was reluctant and slow to respond, asking Port Metro Vancouver to take the lead on bringing in contract clean-up service providers. The Coast Guard was also slow to set up the unified command structure and appeared uncertain as to its lead role and all it entailed. Lastly, about 22 hours lapsed before there was any public statement from the Coast Guard, which maintained control over centralized communication. The result was widespread media attention focused on what was perceived to be a slow response with no information to contradict that perception. Further, once public communication was initiated, it was compromised by long lag times due to the apparent need for approval from Ottawa on all communiques.

For years, industry, port authorities and others have been outspoken in their request for a robust spill response regime. In 2013, the Tanker Safety Panel released its report and 45 recommendations for improving spill response in Canada. Notwithstanding that some changes have been made, further action on those recommendations is more critical now than ever if the public and industry are to have confidence in our national spill regime.

It has also been observed the Coast Guard seems to suffer from diminished status within the department of Fisheries and Oceans. In addition to the inherent conflict between Fisheries and Oceans Canada and public expectations of the Canadian Coast Guard, it appears budget cuts to the ministry have been disproportionately downloaded onto the Coast Guard.

10.2 Recommendations

Generally, Port Metro Vancouver calls for the remaining recommendations of the Tanker Safety Panel to be completed as urgently as possible. More specifically, we make the following recommendations.

10.2.1 Fully fund a robust national spill response regime

Together with the BC Chamber of Shipping and Port Metro Vancouver terminal operators, Port Metro Vancouver echoes its submission to the Tanker Safety Panel by again sounding

the alarm that the Coast Guard is not adequately resourced to respond and manage spills in our waters.

We strongly recommend Canadian Coast Guard be fully resourced to be able to properly respond to spill emergencies in the Lower Mainland, particularly given the growing activity through Port Metro Vancouver. This may include having emergency response vessels closer than Sea Island.

10.2.2 Identify a single authority and decision maker for spill response

Effective spill response includes, among other requirements, the ability to respond quickly and communicate effectively, both as the lead in a unified command structure and to the public.

The Canadian Coast Guard should be clearly identified as the lead on spill response planning, management, response and oversight. Further, the Coast Guard must have the ability (resources and skills) to take charge and make timely decisions. Serious consideration should be given to changing the reporting structure for the Coast Guard, for example, it could report into Transport Canada or some other ministry where there would be greater alignment on key objectives. Alternatively, it could become some sort of special operating agency reporting to cabinet.

Whatever the reporting structure, a powerful and competent authority will go a long way to addressing what is clearly a risk to Canada's environment and to our international shipping reputation.