



Railway Association of Canada
Association des chemins de fer du Canada



22 September, 2017

Members of the *Railway Safety Act* Review Panel:
Panel Chair Richard Paton, MA, MPA
Panel Vice-Chair Brenda Eaton
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c/o *Railway Safety Act* Review Secretariat
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RE: Railway Safety Improvement – Crossings and Trespassing

Dear Panel Members,

As you are well aware, Canada's commuter, intercity, and freight railways are nationally important infrastructure. They provide sustainable, safe, low cost, and high capacity movement of freight and passengers; they reduce congestion pressures on streets and highways; and they emit far fewer greenhouse gases than the equivalent level of truck, automobile, or air transportation.

Both freight rail and passenger rail are safer than their alternatives: trucking and the automobile. However, safety concerns remain. As we work to recommend solutions to these concerns, it is worth looking at the data on fatalities and serious injuries related to rail of all types.

According to Transportation Safety Board (TSB) data, railway crossing accidents and trespassing (proximity) incidents cause over 85% of rail-related deaths and serious injuries in Canada (see Attachment).

Governments, and indeed all Canadians, are rightly concerned about these important rail safety issues¹. The Railway Association of Canada (RAC) and the Canadian Urban Transit Association (CUTA), and their respective Members, share these concerns. We ask that you consider the following joint submission, as you develop your recommendations for high impact rail safety improvements.

1). See for example *The Railway Safety Act Review 2007; the Canada Transportation Act Review 2015; the RAC/FCM Proximity Guidelines; the Roberts Bank Rail Corridor Program; and the Operation Lifesaver program.*

Transport Canada regulates, funds and participates in a number of crossing and proximity related initiatives. Railway companies, commuter agencies, municipal governments, police services, and other stakeholders commit substantial financial and staff resources to crossing safety improvements. However, these avoidable deaths and injuries continue to occur: indeed, we have seen a distressing uptick in 2016², which is continuing in 2017³. More must be done - and your important work provides a window of opportunity for impactful, Canada-wide, co-operative action.

The Federal government is wisely focused on the efficiency of trade gateways; on partnerships with provincial, territorial, municipal, and indigenous governments; and on public investment in infrastructure projects. But to fully address the primary cause of rail-related deaths and serious injuries, these objectives must be strongly supported by increased investment in railway crossing grade separations, improvements, and closures; in proximity and trespassing prevention initiatives, and in related education programs. In so doing, Governments would:

- Save lives and prevent injury;
- Address a significant public safety concern;
- Reduce congestion and improve productivity;
- Improve community connectedness;
- Reduce greenhouse gas emissions;
- Enhance the attractiveness of sustainable, low cost, high capacity rail transportation, for freight, commuters, and intercity passengers; and
- Enhance the competitiveness of Canada's producers, manufacturers, exporters, and trade gateways.

2). *See Attachment: 121 crossing and trespassing fatalities and serious injuries in 2016, vs 96 in 2015.*

3). *Year to date July, there have been a total of 69 crossing and trespassing fatalities and serious injuries in 2017, vs a five-year average of 62 (TSB data).*

RAC and CUTA recognize and appreciate the changes and commitments brought about in 2017 under Transport Canada's Rail Safety Improvement Program (RSIP). But to enhance the safety results of these efforts, we jointly recommend that:

- Federal funding for grade separations, crossing upgrades, and crossing closures be dramatically increased;
- Enhanced RSIP funding and programming continue to be made available to commuter agencies, municipalities, and provincially-regulated railways;

- Crossing priorities be established and prioritized on a risk basis, with input and on-going management from all levels of Government, Transport Canada, and the railway operators; and
- Proposals for new grade crossings be evaluated first and foremost on a safety risk basis, with the proponent obligated to provide a risk assessment to the municipality, the regulator, and the railway operator.

Thank you for your important work, and for your efforts to improve railway safety for all Canadians. We would be happy to answer any questions you may have about the opportunities we raise in this letter.

Yours sincerely,



Michael Bourque
President and CEO
Railway Association of Canada



Patrick Leclerc
President and CEO
Canadian Urban Transit Association

Attachment

Number of Rail-Related Fatalities by Occurrence Type in Canada				
Year	Crossing Accidents	Trespasser Accidents	All Other Accidents	Total
2007	25	56	3	84
2008	26	47	1	74
2009	19	52	0	71
2010	24	55	2	81
2011	25	45	1	71
2012	30	49	4	83
2013	30	44	52	126
2014	21	33	3	57
2015	15	30	1	46
2016	19	46	0	65
Total	234	457	67	758
Average	23	46	7	76
Per Cent	31%	60%	9%	100%
Data Source: Transportation Safety Board (Note that 2013 "All Other" outlier figure includes Lac-Megantic tragedy).				

Number of Rail-Related Serious Injuries by Occurrence Type in Canada				
Year	Crossing Accidents	Trespasser Accidents	All Other Accidents	Total
2007	21	27	11	59
2008	37	20	8	65
2009	21	16	13	50
2010	28	19	15	62
2011	22	21	9	52
2012	32	21	19	72
2013	27	10	2	39
2014	29	21	3	53
2015	18	17	15	50
2016	24	20	12	56
Total	259	192	107	558
Average	26	19	11	56
Per Cent	46%	35%	19%	100%
Data Source: Transportation Safety Board				

Total of Rail-Related Fatalities plus Serious Injuries in Canada				
Year	Crossing Accidents	Trespasser Accidents	All Other Accidents	Total
2007	46	83	14	143
2008	63	67	9	139
2009	40	68	13	121
2010	52	74	17	143
2011	47	66	10	123
2012	62	70	23	155
2013	57	54	54	165
2014	50	54	6	110
2015	33	47	16	96
2016	43	66	12	121
Total	493	649	174	1316
Average	49	65	17	132
Per Cent	37%	49%	13%	100%
Data Source: Transportation Safety Board				

NOTE: Averages and Percentages may not add due to rounding.