



# **Submission To The Railway Safety Act Review Panel**

By

**Southern Ontario Locomotive Restoration Society  
Shortline License - Ontario No. 0013**

*o/o*

**Waterloo Central Railway**

September 22, 2017



# Southern Ontario Locomotive Restoration Society

o/o

## Waterloo Central Railway

50 Isabella Street, Post Office Box 546  
St. Jacobs, Ontario N0B 2N0



September 22, 2017

Railway Safety Review Act Panel,  
Mr. Richard Paton, Panel Chair,  
Ms. Brenda Eaton, Vice-Chair,  
Ms. Pauline Quinlan, Vice-Chair.

Dear Panel Members:

On behalf of the President and Board of Directors of the Southern Ontario Locomotive Restoration Society (SOLRS) we would like to thank you for the opportunity to take part in the review of the Railway Safety Act (RSA).

Our response is divided into three separate areas. The first deals with sector specific recommendations for changes to the RSA that will more effectively respond to the operational needs of heritage – tourist short line railways. This is followed by our response to the 6 main questions the RSA Review Panel provided in their questionnaire as well as the questions listed in Appendix 1 of your guideline document.

We are keenly interested in the review process and would appreciate being kept informed of any additional opportunities to speak or meet with the RSA Review Panel or its representatives as the process proceeds.

We can be reached at the address listed on the letterhead above and by email at [AE@waterloocentralrailway.com](mailto:AE@waterloocentralrailway.com).

Thank you.

Yours truly:

Peter McGough,  
WCR Superintendent of Operations,  
Accountable Executive (Sec. 8 (1), SMS Regs. SOR/2015-26)

c.c: SOLRS President & Board of Directors  
Randy Bird, WCR Chief Executive Officer  
David Banks, WCR General Manager – Supt. of Transportation  
Harold Albrecht, MP Kitchener-Conestoga  
Bardish Chagger, MP Waterloo  
Catherine Fife, MPP Waterloo  
Michael Harris, MPP Kitchener-Conestoga

**Southern Ontario Locomotive Restoration Society – Waterloo Central Railway  
Ontario Shortline Licence No. 0013  
Submission To The Railway Safety Act Review Panel – September 22, 2017**

***Background***

The Southern Ontario Locomotive Restoration Society (SOLRS) operating the Waterloo Central Railway (WCR) is a heritage-tourist railway operation with one of the very few steam locomotives left operating in Canada today.

SOLRS was formed in 1986 and granted status as a Canadian Charity in 1988. The mandate of the Society is to restore, and operate vintage railway equipment for the education and entertainment of the public. To fulfil this mandate the Society restores, maintains and operates heritage tourist passenger trains exclusively on the Waterloo Spur between Waterloo and Elmira, Ontario.

The Waterloo Spur is owned and maintained by the Regional Municipality of Waterloo who we have an operating agreement with allowing us exclusive operating rights from 0600 to 2200 hours each day. The Goderich & Exeter Railway operates on the Waterloo Spur providing freight services with daily trackage rights from 2300 hours to 0700 hours.

Our 1923 steam locomotive was built in Montreal and has provided countless hours of excitement for families in regular operation here and our 2 diesel locomotives are both 1950's vintage with one built by the same company that built our steam locomotive decades earlier.

Our historical railway coaches and cabooses range from the late 1800's through the 1960's. We haul no freight or hazardous materials and are entirely staffed by CROR qualified operating volunteers. Last year alone we carried more than 22,000 passengers.

The Society has an on-going program of maintenance and restoration at its Restoration & Maintenance Facility - Shop in St. Jacobs, Ontario which also houses the St. Jacobs Railway Museum.

The Southern Ontario Locomotive Restoration Society operates its railway operation as the Waterloo Central Railway under Ontario Shortline License 0013 first issued in 1999. Additional informational on our operation can be found under Appendix 1.

## ***SOLRS-WCR – Sector Specific Recommendations***

### **SMS Plans**

Under the current RSA specifically the *Railway Safety Management System Regulations, 2015. (SOR/2015-26)* it is our understanding that as a short line railway operation not operating on main track we would normally be required to develop an SMS Plan that meets Part 2 of the regulation. However as a provincially licensed short line railway overseen by Transport Canada we are mandated to develop and complete the much more onerous SMS Plan required under Part 1 of the Regulation which also applies to Class 1 railways operating on main track.

While we strive to do everything possible to provide a safe experience for our passengers, crew, and those we interact with, it seems a little odd that we are required to meet the same SMS Plan requirements as CN, CP, Metro-lynx, and G & A who all operate on main track hauling both passengers and hazardous goods at high speeds and through dense populations simply because we are provincially licensed.

In comparison, we have 3 historical locomotives, and a hand full of vintage passenger coaches and related pieces of Canadiana with about 40 volunteers operating in the country side at 10 mph over 7 miles of track.

If we were not provincially licensed we would be required to complete Part 2 of the Regulation which is designed for small short line operations not operating on main track and more suitable to our type of operation.

We would like the Panel to consider a recommendation that all heritage-tourist short line railway operations be permitted to complete their SMS Plan under Part 2 of the *Railway Safety Management System Regulations, 2015. (SOR/2015-26)*

### **Locomotive & Passenger Coach Regulations**

A separate section within the *Railway Locomotive Inspection and Safety Rules* that speak specifically to the nature of these much older locomotives – both diesel and steam would be helpful. In many cases by the very nature of their original design it is difficult or impossible to adapt them to meet some very specific regulations applicable to modern locomotives found in this rule.

The same peculiarities also apply to historical railway passenger coaches and a separate section applying to these coaches under *Railway Passenger Car Inspection and Safety Rules* would also be extremely helpful.

It should be noted that in our operation we travel on Class 1 track at a maximum of 10 mph under Rule 105 authority.

While we endeavour to provide every safety measure possible to keep our passengers, crews and public safe we only ask for regulations and applications of those regulations that are reasonable for the circumstance.

**Southern Ontario Locomotive Restoration Society – Waterloo Central Railway  
Ontario Shortline Licence No. 0013  
Submission To The Railway Safety Act Review Panel – September 22, 2017**

***Summary***

At the culmination of the review process we would appreciate recommendations that propose changes to the Railway Safety Act and accompanying regulations that are specific to the heritage-tourist short line railway industry that takes in the following:

1. The Panel consider a recommendation that all federally or provincially licensed heritage-tourist short line railway operations be permitted to complete their SMS Plan under Part 2 of the *Railway Safety Management System Regulations, 2015. (SOR/2015-26)*
2. The Panel consider a separate section within the *Railway Locomotive Inspection and Safety Rules* that speaks specifically to the nature of much older locomotives – both diesel and steam that are operated by a heritage-tourist short line railway.
3. The Panel consider a separate section within the *Railway Passenger Car Inspection and Safety Rules* that speaks specifically to the nature of much older passenger coaches and equipment that are operated by a heritage-tourist short line railway.
4. The Panel consider separate regulations in other areas which fall under the *Railway Safety Act* that deal specifically with the unique requirements and needs of heritage-tourist short line railway operations.

Thank you for the opportunity to submit our specific recommendations. We would be more than happy to assist the Review Panel in any way possible for our sector of the railway industry.

The answers to your specific questions follow.

**SOLRS Response to the Six Main Questions of the Review Panel**

- 1 Do the various components of the Railway Safety Act (e.g. regulations, rules, Safety Management Systems, the compliance and enforcement regime work as intended? What could be improved?

*We believe that overall, they do work as intended but could be more specifically redesigned to apply more effectively to specific or niche sections of the industry. Specifically, for the heritage – tourist railway short line operations where depending if the operation is provincially or federally licensed a small passenger operation such as ours which is provincially licensed is required to meet the same SMS requirements as a Class 1 railway while a similar railway that is federally licensed is required to meet a less onerous section.*

*As well some parts of the regulations specific to locomotives and passenger coaches could be revised to meet the specific needs of our sector. The CROR is much friendlier to adaptations for rules that apply to a specific operation.*

*A separate classification for heritage-tourist short line railways under the Act would be a great benefit for operations such as our heritage railway short line.*

2. Have the changes made over the past five years been effective in addressing some of the major issues that have emerged regarding rail safety?

Yes

3. Does the Railway Safety Act put the Government in a good position to address current and future security threats to the rail transportation system?

*Because of the nature of our operation it is difficult to make an intelligent comment on this question. Anecdotal we might offer that as far as security is concerned we don't see a great difference in this area now compared to the past.*

- 4 What key issues remain, that if successfully addressed, would result in a further strengthening of the railway safety and security regime?

*The vastness and remoteness (even in places like southern Ontario) of the Canadian railway network will always make a regulatory solution to this problem/concern difficult. We are not able to offer a credible comment on this question.*

**Southern Ontario Locomotive Restoration Society – Waterloo Central Railway  
Ontario Shortline Licence No. 0013  
Submission To The Railway Safety Act Review Panel – September 22, 2017**

5 What recommendations do you have that will ensure progress on these issues?

*Specific to our concerns pertaining to the heritage tourist railway industry we would ask for a meeting-information session with the Review Panel or its representatives to review in detail the areas of concern we have with the current Act.*

6 Are the current roles played by Transport Canada, the railroads, provinces, municipalities and other stakeholders in keeping the railway transportation system safe and secure sufficient?

*From an operational standpoint Transport Canada is forefront in this effort and we see a strong presence from them in all areas and rely on their experience and advice.*

*We see little presence in this area by the Province of Ontario although we are provincially licensed. Ontario has little involvement with us and contracts most of their oversight to Transport Canada.*

*Our municipal involvement is specific to the Regional Municipality of Waterloo as they own the track we operate over and are the landlord.*

### **SOLRS Response To Appendix A - Key Questions**

#### **1. Overall Provisions of the *Railway Safety Act* including Roles and Responsibilities**

1.1. Are the roles, responsibilities, and authorities for rail safety in Canada clear? Is the current structure appropriate? To what extent should the responsibilities of railways be reflected in the Act? Are all the participants fulfilling their roles and responsibilities?

*They are clear for federally licensed short line railways but less clear for provincially licensed operations and do not indicate differing requirements under the Act.*

1.2. How effective is the rule-making process? Are there particular aspects of this process that might benefit from a closer examination?

*If you are not a member of the Railway Association of Canada (RAC) you have virtually no significant input into the rule making process. Sector specific input such as those operating heritage-tourist railways should be solicited in a more organized fashion for their input.*

## **2. Adoption of Safety Management Systems and Safety Culture**

2.1 Since the last Review have there been advances with integrating safety into day-to-day railway operations?

Yes

2.2 Is the current SMS approach to managing risks working - for the owners and employees of railway companies? For their customers (shippers and travelers)? For those who live near railway lines? For Canadians?

Yes

2.3 What role should Transport Canada and railway companies play in reinforcing Safety Management Systems?

*They have an equal responsibility to implement and oversee SMS Plans and should be a cooperative effort.*

2.4 Do railway employees have the training and support they need to properly implement SMS and integrate safety culture into their day-to-day activities? Do Transport Canada employees have the training they need to evaluate whether a company's SMS is effective? What kind of training would be helpful?

*With the new Act and related SMS Plans we learned as we went along. For the most part as it was a new system for Transport Canada staff, and while very helpful were also learning as they go.*

## **3. Quality and Use of Performance Data for Risk Management**

3.1 Does the current risk management framework adequately address safety issues relating to current and future traffic volumes and types of goods being carried?

*Not applicable to our operations*

3.2 Does Transport Canada have sufficient data to carry out robust risk analysis in order to address the challenges of the railway safety mandate?

*For our sector of the railway industry very little information has been requested by Transport Canada that would permit an analysis of our specific needs. We would be very interested in participating in any program that shines a light on our sector.*

3.3 What is the current quality and availability of performance information? Is it contributing to establishing key performance indicators regarding the state of rail safety?

*For our specific sector of the railway industry there is no information available.*



3.4 Is performance information being analyzed and disseminated? To what extent is it contributing to a feedback loop regarding risk management and learning?

*For our small operation, all information relating to safety is being analyzed and disseminated with daily and weekly feedback to our volunteers.*

#### **4. Ability to Respond to Industry Trends**

##### **4.1 Economic**

4.1.1 Will trade patterns and population growth affect route planning and traffic through major urban centres, and further exacerbate proximity issues?

*No comment - not applicable to our operation.*

4.1.2 Will there be an increase in congestion due to passenger and freight trains operating on shared tracks? What would be the safety impact should alternative routes or trade corridors be implemented?

*No comment - not applicable to our operation.*

##### **4.2 Infrastructure**

4.2.1 How can Canada ensure the required investments in infrastructure to accommodate future traffic patterns, train lengths, and train volumes?

*No comment - not applicable to our operation.*

4.2.2 Can infrastructure funds and programs (beyond the existing Rail Safety Improvement Program) be leveraged to fund projects that would increase safety around rail lines (e.g., grade crossings)?

*No comment - not applicable to our operation.*

##### **4.3 Technological**

4.3.1 Is the RSA framework properly positioned to address industry advances in technology and innovation?

*No comment - not applicable to our operation.*

4.3.2 There is potential that new technology will increase safety, for example through assisting with the identification of risks or the causes of accidents. Are there any barriers preventing the rail industry from investing in these technologies? Can the Government of Canada assist in their adoption?

*No comment - not applicable to our operation.*

**Southern Ontario Locomotive Restoration Society – Waterloo Central Railway  
Ontario Shortline Licence No. 0013  
Submission To The Railway Safety Act Review Panel – September 22, 2017**

4.3.3 Does the adoption of new technologies impact the skill set required of railway employees?

*No comment - not applicable to our operation.*

#### **4.4 Labour**

4.4.1 4.4.1 Do employee fatigue, hours of service, and overtime remain concerns for railway safety?

*We strictly adhere to the current Work-Rest Rules. We monitor this but our operation is limited in hours to our contract with the Region and we rarely get anywhere close to someone being on duty close to the maximum.*

4.4.2 4.4.2 Are there best practices to be gained from work-rest requirements in other modes of transportation or employment sectors?

*All other best practices are worth examining.*

4.4.3 4.4.3 Is there a need to regulate testing for use of substances like alcohol and drugs?

*Any process or procedure that does not interfere with a person's rights but provides the highest level of safety is worth examining.*

### **5. Relationship Building and Coordination**

#### **5.1 Federal – Provincial Interface**

5.1.1 Are the roles and responsibilities of the provinces and municipalities clear and adequate?

*No.*

5.1.2 Should the provinces be consulted on the drafting of rules and regulations? To what extent?

*Yes, and especially relating to provincially licensed railways where the provinces contract out oversight to Transport Canada.*

5.1.3 Should smaller railways that mostly operate on provincial track be subject to the same requirements as larger national railways?

*No – please see our summary for details of our concerns.*

5.1.4 Are the current Federal-Provincial agreements an effective approach to safety oversight?

*Yes*

5.1.5 Is there sufficient harmonization with provincial jurisdictions? To what extent is alignment still required and in what areas?

*No – they at times seem to work at cross purposes or one hand is not aware of what the other is doing. In Ontario, the recent notice from Ontario to provincial short lines to fill out a duplicate incident report on top of what is required to be sent to Transport Canada for the same incident because they require the information faster than they can get it from Transport Canada is a case in point.*

## **5.2 Proximity/Railway – Municipality Interface**

5.2.1 Is there sufficient dialogue between railway companies and communities/municipalities? What can be done to ensure that railway companies and communities/municipalities work together to advance rail safety?

*No – mandated meetings or stakeholder groups would be a help.*

5.2.2 Are there barriers to collaboration between companies and communities/municipalities? What are they? Can they be addressed?

*Motivation may be key to meaningful dialogue – it usually happens only after an accident or concern relating to the type of shipments passing through a community – seems to be rarely proactive dialogue.*

5.2.3 What incentives are available at the various levels of government to reduce or eliminate trespassing?

*Not enough interaction with local police forces – local jurisdictions do not take it seriously.*

5.2.4 Are the “Guideline for New Development in Proximity to Railway Operations” a useful tool? Do they go far enough? What more could be done?

*No comment*

## **5.3 Consultation with Stakeholders**

5.3.1 Is there adequate information sharing and transparency between Transport Canada, railway companies and stakeholders? Can this be improved?

*No – we never hear from anyone unless there is a problem or a new rule or directive is about to come out.*

5.3.2. Are there stakeholders that should be consulted on rail safety matters that are not currently consulted?

*Yes – our sector - the heritage-tourist short line railway industry.*

5.3.3 Does the current rule-making process allow for sufficient consultation with stakeholders?

*No - we only hear of the rule after it is completed and out for review. If you do not belong to RAC you have no input.*

#### **5.4 Canada and USA Coordination**

5.4.1 Is there sufficient harmonization with the USA? To what extent is alignment still required and in what areas?

*No comment - not applicable to our operation.*

#### **6. Promoting Railway Security**

6.1 Are the roles, responsibilities and authorities for the security of rail transportation in Canada clear? Should any changes to the authorities be considered to further improve the security of rail transportation in Canada?

*We don't believe so – in other jurisdictions primarily in the US and UK a specific division dealing with security and terrorist threats within their versions of Transport Canada are in place – perhaps this is needed here as a start.*

6.2 Does the RSA position the Government well to address future threats to the security of rail transportation?

*No – perhaps separate legislation for these threats. The RSA is becoming very cumbersome – the catch all act for all things dealing with railways.*

6.3 Can Transport Canada advance its degree of preparation for rail security threats?

*Please see answer for 6.1.*

## Appendix 1

### Operating Information & Details

#### **Approximate Number of Trains Operated Annually**

251 passenger trains operated over 98 operating days in 2016

#### **Approximate Number of Passengers Carried Annually**

22,160 passengers carried in 2016

#### **Primary Focus of Operation**

Heritage passenger tourist train operation

#### **Operating Hours**

Operating agreement with the Region of Waterloo gives us exclusive operating rights from 0700 to 2300 hours each day.

#### **Operating Schedule**

The WCR operates year-round with a reduced schedule during the winter months. The full schedule commences with the Elmira Maple Syrup Festival in spring and continues until the last Saturday of October. During this time we operate each Saturday with additional Thursday and Tuesday operations added from May through September.

In November and December of each year we operate numerous special Santa-Christmas trains.

Special steam locomotive excursions are operated on Statutory Holidays throughout the year as are charters and special events and trains.

#### **Crew Size**

All train movements have 2 safety critical crew.

Passenger trains also have safety sensitive crew to care for the safety of passengers where required

#### **Locomotive Power**

1 – 1955 GE 70 Tonner diesel locomotive

1 – 1955 MLW S-3 diesel locomotive

1 – 1923 MLW 0-6-0 steam locomotive

#### **Section of Non-Main Track Used**

Waterloo Spur

MP 4.73 to MP 11.90