



---

**Brief on rail safety and the transportation of dangerous goods by train in  
Canada**



**Presented as part of the hearings of the House of Commons Standing  
Committee on Transport, Infrastructure and Communities**

**By**

**The Coalition des citoyens et Organismes engagés  
pour la Sécurité ferroviaire de Lac-Mégantic**

**Lac-Mégantic, June 17, 2021**

## Foreword

The Coalition des citoyens et Organismes engagés pour la Sécurité ferroviaire de Lac-Mégantic (the Coalition) would like to thank the House of Commons Standing Committee on Transport, Infrastructure and Communities for the invitation to appear as part of its study on rail safety and the transportation of dangerous goods in Canada.

### 1- Lac-Mégantic, a special case that requires special status

On July 6, 2013, the small community of Lac-Mégantic, Quebec, and the surrounding area experienced one of the worst rail tragedies in Canadian history. The community was very hard hit and bears the scars to this day. Despite the fact that eight years have passed, local residents are still experiencing the psychological effects of a tragedy that cost the lives of 47 people and destroyed the entire downtown area.

The Coalition would like to point out to members of the Standing Committee that, despite the tragedy, dangerous goods were again being transported by train through Lac-Mégantic as early as January 2014, only six months after this preventable incident took place in July 2013. Since then, day and night, trains loaded with propane gas, sulfuric acid, sodium chlorate and automotive gasoline have been running on the same tracks, going down the same hill, and taking the same eight-degree curve at the bottom, right into the heart of Lac-Mégantic's downtown, which is still slowly being rebuilt. Despite this sad and distressing situation, Lac-Mégantic residents have been waiting impatiently for the last eight years for a bypass route to be built outside the downtown area.

Many have called for an independent public inquiry, but to no avail, and successive federal governments have made promises that have been slow to materialize. At least ten years will have passed before Lac-Mégantic residents will be freed from the fear and dangers associated with rail convoys transporting dangerous goods, even more dangerous than oil, through their town. The world is watching—it is shameful that the situation has reached this point.

### THE COALITION'S RECOMMENDATIONS ON THE SPECIAL CASE AND STATUS OF LAC-MÉGANTIC

- In consideration of the pain and suffering that Lac-Mégantic residents experienced as a result of the tragedy of July 6, 2013,
- Taking into account the enduring psychological effects for many Lac-Mégantic families and residents, who will be affected for life,

- 1- The Coalition is calling on the House of Commons Standing Committee on Transport, Infrastructure and Communities to recommend to the Canadian government and CP that a special status be granted to the Municipality of Lac-Mégantic.
- 2- That a permanent government moratorium be declared, prohibiting oil transportation (transit) by train in the immediate vicinity of Lac-Mégantic.
- 3- That the federal government finally agree to an independent public inquiry into the Lac-Mégantic tragedy. The mandate of this commission would be to identify the determining factors and key players of this tragedy and to make whatever recommendations are necessary to prevent future catastrophes from happening in Canada.

## Background on rail accidents in Canada

- 1- Variations in the number of rail accidents involving dangerous goods since 2016, according to the Transportation Safety Board.

The Transportation Safety Board (TSB) regularly issues annual statistical reports on the number of rail accidents reported by railway companies in Canada. Many of these accidents involve the transportation of dangerous goods. The following statistics provide an overview of the situation from 2016 onward.

- In 2016, 1,035 rail accidents were reported to the TSB, including 108 accidents involving dangerous goods, compared to 145 for 2015. At that time, the five-year average for rail accidents involving dangerous goods was 141 accidents, while the ten-year average was 151.<sup>1</sup>
- In 2017, 1,091 rail accidents were reported to the TSB, 115 of which involved dangerous goods.<sup>2</sup>
- In 2018, 1,172 rail accidents were reported to the TSB, including 125 accidents involving dangerous goods.<sup>3</sup>
- In 2019, the TSB recorded 1,246 rail accidents, of which 169 involved dangerous goods.<sup>4</sup>

---

<sup>1</sup> TSB annual statistics report 2016

<sup>2</sup> TSB annual statistics report 2017

<sup>3</sup> TSB annual statistics report 2018

<sup>4</sup> TSB annual statistics report 2019

- In 2020, a sharp decline in rail transportation in Canada that year resulted in preliminary TSB data showing a downward trend, with 958 rail accidents, including 81 accidents involving dangerous goods.<sup>5</sup>
- On July 10, 2020, Radio-Canada reported that the number of rail accidents had increased by 42% over the past 10 years in Canada, according to the most recent statistical review by the Transportation Safety Board of Canada, released that week.<sup>6</sup>

These statistics show that the number of rail accidents involving dangerous goods reported by the TSB has been in the hundreds (100s) in Canada since 2016. Unfortunately, this number appears to be on the rise. However, most rail accidents involving dangerous goods have taken place outside of populated areas, with the exception of Lac-Mégantic on July 6, 2013.

It is important to also consider the major incident involving a train carrying dangerous goods, including propane gas, toluene, styrene and more than 90 tonnes of chlorine, which derailed and caught fire in Mississauga on November 10, 1979. Immediately following the incident, 284,000 Mississauga residents were evacuated as a precaution.

There was also the rail accident of December 30, 1999, near Mont St-Hilaire, which killed two CN employees and resulted in the evacuation of 350 families. Seven cars loaded with dangerous goods leaked 233,000 liters of hydrocarbons into the Rivière du Loup.

Other derailments have taken place as well:

- St-Cyrille (Quebec, February 23, 2005)
- Charrette, near Joliette (Quebec, June 4, 2006)
- St-Lazare (Manitoba, September 23, 2010)
- Lac-Mégantic, (Quebec, July 6, 2013)
- Landis (Saskatchewan, 2013)
- Gainford, (Alberta, 2013)
- Pastel Rock (New Brunswick, 2014)
- Clair (Saskatchewan, 2014)
- Gogama (Ontario, 2014)
- Timmins (Ontario, 2015)
- Etc.

## 2- Transporting oil by train in Canada (a real problem)

On June 15, 2020, Radio-Canada and CBC published a hard-hitting feature article on seven incidents where oil unit trains left the tracks and caught fire, just like in Lac-Mégantic.

---

<sup>5</sup> TSB annual statistics report 2020

<sup>6</sup> Radio-Canada website, Eastern Townships, July 10, 2020

Title: Why crude oil trains keep derailing and exploding in Canada — even after the Lac-Mégantic disaster (CBC, June 15, 2020)<sup>7</sup>

CBC/Radio-Canada covered the two back-to-back derailments in Guernsey, Alberta, in the winter of 2020, and four others that occurred in Ontario between 2015 and 2019 (Gogama, Timmins and Elmo), as well as one in St. Lazare, Manitoba, in 2019. In each of these cases, broken tracks were at fault. Miraculously, the two accidents that resulted in explosions and spilled of hundreds of thousands of litres of oil took place in sparsely populated areas.

According to Radio-Canada, and based on the investigation of CBC News journalists, the poor condition of the train tracks had caused at least seven major derailments of oil unit trains in Canada since the Lac-Mégantic disaster.

According to documents obtained by CBC that describe inspections conducted between 2016 and 2020 in Saskatchewan by Transport Canada, TC inspectors identified 215 concerns and 131 reports of non-compliance on Canadian Pacific (CP) tracks between Wynyard and Saskatoon, Saskatchewan. The many concerns and reports involved missing or defective railway ties and broken joint bars. Despite these issues, CPR never ordered trains to stop rolling on this stretch of track.



Photo: Radio-Canada, June 15, 2020

In the summer of 2019, the Coalition also obtained a Transport Canada inspection report during the BAPE hearing in Lac-Mégantic. This report, dated May 7, 2019 (***NOTICE AND ORDER, dated May 7, 2019***),<sup>8</sup> was addressed to Mr. Ryan Ratledge, Vice-President, Operations, Central Maine and Quebec Railway Canada Inc. (CMQR), and identified more

---

<sup>7</sup> Radio-Canada, June 15, 2020.

<sup>8</sup> NOTICE AND ORDER from Transport Canada (May 7, 2019, RDIMS #15301204, RSIG #5525293)



than 253 defective rails between Lac-Mégantic and Farnham and ordered their immediate repair. This order, however, did not prevent successive derailments of two trains several months later: one in Nantes on August 23, 2019, and one in Bolton, in the Eastern Townships, on November 18, 2019. Transport Minister Marc Garneau had to issue a ministerial order to force CMQR to repair its rails. It should be noted that CMQR has frequently been transporting dangerous goods on this rail line since 2014. Its rail convoys regularly transport between 15 and 30 tanks of propane gas, sulfuric acid, sodium chlorate, automotive gasoline with ethanol, as well as various chemicals, on the same hill and on the same eight-degree sharp curve in downtown Lac-Mégantic. In addition, CMQR continued its marshalling operations at the top of the Nantes hill—where the train that caused the deadly incident started its journey the night of July 5-6, 2013.

And yet, accidents involving oil convoys are still on the rise in Canada. It is as if the railway companies have not learned anything from the Lac-Mégantic tragedy: nothing has really changed since then.



Aerial view of downtown Lac-Mégantic, where 47 people lost their lives in July 2013, taken from a Radio-Canada news report in June 2020. PHOTO: LA PRESSE CANADIENNE / PAUL CHIASSEON

### 3- Railroad inspections and maintenance are a problem

According to the inspection reports cited by CBC in June 2020, problems with tracks that are in poor repair and broken are all too common on Canadian railroads. It has also become clear that Transport Canada is not doing enough to oversee the railway companies as they run longer and heavier trains on Canada's railroads. The Auditor General of Canada made this clear in her recent report, dated February 25, 2021.

“Hogan reports that improvements have been made to oversight, but the federal government was unable to show whether its oversight contributed to improved rail safety.” [TRANSLATION]<sup>9</sup>

“Rail safety accidents can have serious consequences, causing devastating loss of life and environmental damage,” said Ms. Hogan. “I am very concerned that while Transport Canada has taken some actions to address our recommendations, 8 years after our last audit, there is still much left to do to improve the oversight of rail safety in Canada.”<sup>10</sup>

## TSB Recommendations

In February 2020, following two successive derailments in Guernsey, the Transportation Safety Board issued an initial rail safety advisory (617-02/20) requesting that Transport Canada revise safety rules as regards modifying key oil train speed based on various train risk profiles. According to the TSB:

Taken from the TSB advisory (617-02/20)

“Train speed is one of the primary factors that contributes to the severity of a derailment. However, other factors such as train length, train weight, the position of the first car(s) derailed, the position of the cars in the train and tank car design also play a role.”<sup>11</sup>

A month later, in March 2020, the TSB issued another rail safety advisory (617-03/20). This time, it called on Transport Canada to enhance its track safety and maintenance standards for key routes where oil unit trains operate.

In effect, the TSB was saying that Transport Canada’s previously approved Rules Respecting Track Safety, or Track Safety Rules (TSR), which outline minimum track maintenance standards in Canada, were no longer suited to the new conditions of use on key railway routes. The railway companies’ new practices of using much longer, heavier and faster trains had the unfortunate consequence of causing more damage more quickly to tracks that were not designed and maintained for that purpose.

Taken from the TSB advisory (617-03/20)

“In order to reduce the frequency and mitigate the risks associated with accidents involving key trains on key routes, it is imperative that the track infrastructure is adequately maintained. Considering that the underlying causes of the 7 accidents identified were all related to failures of track infrastructure, Transport Canada is advised that the current TSR do not address the increased risks associated with the operation of key trains. Therefore, Transport Canada should consider revising the Rules Respecting Track Safety to include enhanced track standards for key routes.”<sup>12</sup>

---

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> TSB Rail Safety Advisory 617-02/20

<sup>12</sup> TSB Rail Safety Advisory 617-03/20

#### 4- Major shortcomings undermine rail safety in Canada even after Lac-Mégantic

In light of all these dangerous goods train derailments and disasters that occurred, one after the other; considering the TSB statistics and advisories that identify the causes of these harmful derailments; and taking into account the conclusions of journalists' investigations as well as successive reports of the Auditor General of Canada, the trend is clear. They all point to a clear lack of oversight and efficiency on the part of Transport Canada, whose primary purpose is to protect Canadians from the risks associated with rail transportation. In this context, it seems obvious to the Coalition that major changes are needed in the very short term as regards Canada's *Railway Safety Act* and the enforcement of future regulations.

However, while the Coalition believes that increased train speed, length, weight and lack of track maintenance are the primary factors associated with many dangerous goods train derailments that have occurred, it also believes that the root causes of these rail disasters go much deeper.

In terms of the major shortcomings in rail safety and the transportation of dangerous goods in Canada, the Coalition has identified two main factors.

- The financial structure of Canada's major railway companies, whose shareholders are predominantly large hedge funds that want high dividends and profits. This capitalist management culture is very different from the public service model that once governed Canada's rail transportation sector. The privatization of the railroads has led to a relentless drive by the managers of these private companies to increase profits at the expense of network maintenance and public safety, as well as the safety of its own employees. The new paradigm of today's rail industry is Hunter Harrison's theory of "precision scheduled railroading."<sup>13</sup> This model, based on achieving a 60% profitability factor, encourages railroads to constantly seek high profit percentages. To achieve this target year after year, railroads must continually reduce their expenses.
- The fact that lobbyists and big railway companies are responsible for the regulations, having been given the power by the Government of Canada (under John Baird, Conservative Transport Minister from 2008 to 2010) to write their own rules and carry out their own inspections, thus limiting Transport Canada's mandate to the simple oversight of

---

<sup>13</sup> **Precision railroading** or **precision scheduled railroading** (PSR) is a concept in freight **railroad** operations pioneered by E. Hunter Harrison. ... Under PSR, freight trains operate on fixed **schedules**, much like passenger trains, instead of being dispatched whenever a sufficient number of loaded cars are available. [https://en.wikipedia.org/wiki/precision\\_railroading](https://en.wikipedia.org/wiki/precision_railroading)



the railway companies' operations. Mr. Baird has been a member of CP's Board of Directors for the past several years.

Bruce Campbell, former director of the Canadian Centre for Policy Alternatives and associate professor at the University of Ottawa and York University in Toronto, argues that the industry being responsible for rail regulation over the past several years is a case of regulatory capture. Furthermore, according to Mr. Campbell, the implementation and monitoring of safety management systems (SMS) is still a problem for both Transport Canada and the railway companies.

### Rail issues:

In the Coalition's view, the gradual and ongoing privatization of the Canadian rail industry has brought about major changes in the methods and practices associated with Canadian rail transportation. The push for free trade within North America is behind many of these culture changes in favour of efficiency and performance.

The fact that Canada's major railroads have been taken over by large hedge funds and financial institutions has increased the appetite for higher returns and dividends by rail shareholders. In addition, the interventions of powerful industry lobbyists have profoundly weakened government oversight of the Canadian rail industry.

## 5- THE COALITION'S RECOMMENDATIONS TO IMPROVE RAIL SAFETY IN CANADA

The Coalition believes that major changes are needed, that the basis of the Canadian *Railway Safety Act* must be reviewed, and that its regulations must be strengthened.

### RECOMMENDATIONS:

- 1- The Coalition recommends that oil transport by unit train in Canada be done only on dedicated Class-1 tracks that are inspected daily.
- 2- The Coalition recommends that of rail transportation legislation and governance in Canada be refocused to give Transport Canada greater authority and oversight of the rules and operations of private companies to ensure the safety of residents living near railroads.
- 3- The Coalition recommends that Transport Canada once again be given full responsibility for rail safety in Canada with an increased role in the regulation, inspection and oversight of rail operations.

Robert Bellefleur

Representative of the Coalition des citoyens et Organismes engages pour la Sécurité  
ferroviaire de Lac-Mégantic