



Railway Association
of Canada

Association des chemins
de fer du Canada

Remarks at the Senate Standing Committee on Transportation and Communications

On Bill C-49, the Transportation Modernization Act

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The Railway Association of Canada represents more than 50 railway operators composed of freight, class 1 carriers and local and regional railways, known as short lines, as well as many passenger rail providers such as VIA Rail and the Ottawa O-Train.

Today I will speak on two key parts of this legislation. First is the long-haul interswitching provisions. We challenge the idea that additional recourse mechanisms need to be made available to shippers if they have access to trucking or marine transport that provides competitive access options. It is important that we recognize the strength of our current system and ensure we do not move backward by introducing unnecessary legislation or regulations.

Let me turn to safety and the LVVR or locomotive video and voice recorder provisions of the bill. Safety is a top priority of the railway industry and LVVR is a proven piece of technology that has the potential to help prevent accidents by discouraging unsafe behaviours that may distract crew members from their duties and by providing information on the cause of accidents. It is expected that in most cases the recorded information will corroborate statements provided by crew members following accidents or incidents.

Locomotives are already equipped with black box-like event recorders that track measurements such as distance, speed and emergency brake application. While this has improved safety, it does not allow us to assess the human factors and the human errors that cause accidents.

Much has been said about the privacy implications of LVVR, but Bill C-49 is explicit regarding the specific circumstances in which railways can access recorded LVVR data and the use they can make of them. In addition, when the minister appeared before you he made clear that the regulation would impose fines of \$250,000 on any company that breaks the LVVR provisions of the Act. That is a strong deterrent to illegal use of the data.

We find fault in the arguments made that railways will access data in circumstances not allowed by the bill. This presumption is totally unwarranted.

When the lives of the public are at stake, safety must take priority over privacy. When your workplace is woven through communities across Canada, as ours is, the implications of an unsafe workplace cannot be understated. In fact, in a decision last year on the Toronto Transit Commission's random drug testing program last year, the Ontario Superior Court of Justice found that safety of employees and the public outweighed privacy concerns of those being tested and allowed the employer to enforce its zero tolerance policy.

We want to avoid accidents rather than regret that one happened. LVVR will help our industry to continuously learn and improve.