

A passenger train is shown traveling along a curved track through a scenic landscape. The train consists of several silver passenger cars. The background features rolling green hills, a line of trees, and a misty atmosphere. The sky is overcast. A solid red vertical bar is positioned on the left side of the image, partially behind the text.

Passenger Committee Meeting

September 26, 2023

**People. Goods.
Canada moves by rail.**



Railway Association
of Canada

Competition Law Compliance Policy

STATEMENT

The RAC is committed to compliance with all **competition laws** applicable in Canada, including Canada's *Competition Act*.

Under the leadership of its Board of Directors, the RAC carries out its activities in strict compliance with all **competition laws**, provides guidance to its committees and its employees on how to comply with these laws, and promotes with them the importance and value to the RAC of complying with them.

The RAC Corporate Secretary ensures that RAC, its committees and its staff are familiar and comply with this policy.

COMPETITION LAW

Competition laws are designed to maintain and encourage competition in the marketplace. Non-compliance with the **competition laws** relating to improper coordination among competitors could constitute a criminal offence to which significant fines and prison terms can be attached, and for which significant damages can be awarded in private lawsuits, including large class actions.

RAC is a forum for railway members to exchange information and views on the railway sector. Particularly because RAC is an association that represents most of the players in the rail sector in Canada, including many that compete with one another, any activity it conducts must be in strict accordance with the **competition laws**, and avoid even the perception of possible improper conduct.

PROHIBITED ACTIVITIES

Due to the presence of multiple competing entities in RAC, any activity, including discussions or agreements that relate, directly or indirectly, to the following "**Prohibited Topics**" are strictly prohibited:

- ☐ Prices (rates) charged to shippers for services provided by members of the RAC
- ☐ Prices (costs) paid to suppliers for services provided to members of the RAC
- ☐ Any other conditions associated with services provided to shippers or received from suppliers of RAC members, including discounts, rebates, etc. and level of service provisions
- ☐ Customer or territory allocation
- ☐ Limitation of supply of services provided by RAC members to their customers

GUIDANCE

Any activity, including discussions or agreements that could even remotely be construed as relating to the above Prohibited Topics, cannot take place at the RAC or any of its committees or any meeting organized or attended by RAC staff, or otherwise among RAC members.

To ensure compliance with these rules, when meeting, members of a RAC committee or of the Board of Directors must:

- ☐ Have a pre-set agenda and take minutes, recording resolutions adopted and summarizing the essentials of conversations that took place.
- ☐ Limit themselves to issues identified on the agenda, except if circumstances call for other issues to be addressed, in which case careful notes of the additional issues discussed must be recorded.
- ☐ If any participant believes that Prohibited Topics have been raised or discussed, they must advise all participants of their concern and any discussion relating to that issue be ceased immediately pending legal advice.
- ☐ Require legal advice if any issue to be discussed might cause the members to believe that **competition laws** could be infringed.
- ☐ Suspend or even postpone to a later date discussions on such issues if legal advice cannot be sought in a timely manner.

Staff of the RAC shall in their duties ensure the confidentiality of information brought to their attention by members, avoid conflict of interest or situations that would discredit the RAC, unless doing so could violate the **competition laws**.

Updated May 3, 2021

PASSENGER COMMITTEE MEETING

September 26, 2023 – 14:00 – 16:00 (EDT)

ZOOM (VIDEO & AUDIO)– [CLICK HERE](#)

AGENDA

	<u>LEADER</u>	<u>TIME</u>
1. Welcome, Call to Order & Opening Remarks		14:00
1.1. Competition Law Compliance Policy – Forward Statement	J. Thibault	
1.2. Meeting Minutes – March 7, 2023	T. MacPhee	
2. Presentations/Speakers		
2.1. Guest Speaker – Ontario Native Women's Association	ONWA	14:10
2.2. Member Spotlight – Agawa Canyon Railroad	P. Pierce/ L. Ambeault	14:55
3. RAC Updates		15:05
3.1. Communications Update	C. Day	
3.2. Government Relations Update	K. Mason	
3.3. Policy Update (MOU with Transport Canada on emissions, safety Educational program, proximity initiative)	B. Chursinoff	
3.4. RAC Campaigns Updates	C. Day	
3.5. Regulatory Update	M. Barfoot	
4. Discussion		
4.1. Hiring challenges (verbal update and roundtable)	J. Greene/All	15:25
4.2. Accessibility and ATPDR; pet travel etc. (verbal update and roundtable)	M. Fahmy/All	15:35
4.3. Multimodal connectivity	All	15:40
4.4. Safety at stations	All	15:45
5. Next Meeting		
5.1. Date To be Discussed	T. MacPhee	15:55
6. Adjournment	T. MacPhee	16:00

RAC Railway Association of Canada is inviting you to a scheduled Zoom meeting.

Topic: RAC Passenger Sector Committee Meeting

Time: Sep 26, 2023 02:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85739769582?pwd=SUVjMVBoYnZ5VHUrUEF0cGc2aTFpQT09>

Meeting ID: 857 3976 9582

Passcode: Q!HkL&0n

One tap mobile

8557038985,,85739769582#,,, *88015238# Canada Toll-free

Dial by your location

- 855 703 8985 Canada Toll-free
- 877 853 5247 US Toll-free
- 888 788 0099 US Toll-free
- 833 548 0276 US Toll-free
- 833 548 0282 US Toll-free

Meeting ID: 857 3976 9582

Passcode: 88015238

Find your local number: <https://us02web.zoom.us/j/85739769582>

RAC Passenger Committee 2023-01

**Tuesday March 7, 2023
Virtual Meeting**

Meeting Minutes

Attendees:

Michael Barfoot (RAC)
Brianna Bowman (RAC)
Ben Chursinoff (RAC)
Chris Day (RAC)
Marie-Flore Ducrot (VIA Rail)
Magdy Fahmy (RAC)
Janet Greene (RAC)
Ellie Gun (RAC)

Caroline Healey (RAC)
Tracy MacPhee (ONR)
Hind Nahri (City of Ottawa)
Krystal Perepeluk (ONR)
Michael Tremblay (Metrolinx)
Jonathan Thibault (RAC)
Hoang Tran (CN)

Absent:

Justin Andrushko (VIA Rail), James Berube (Tshiuetin), Andrew Creighton (GWRR), Catherine Dube (CN), Drew Duquette (ONR), Frank Ibe (Metrolinx), Justin Meko (Amtrak), Sabrina Pasian (City of Ottawa), Sylvain Rodrigue (exo), Mark Schaefer (WP&YR), Eric Smith (SSR), Todd Wallace (Translink)

1. Call to Order & Opening Remarks

Jonathan Thibault called the meeting to order at 2:02 pm EST.

1.1 Competition Law Compliance Policy – Forward statement

The Competition Guidelines, as adopted by the RAC Board of Directors, were read to the committee participants. The Guidelines explain that the policy emphasizes our organization's compliance with Canadian Competition Laws in all our meetings and activities.

1.2 Approval of Minutes (December 9, 2021)

Minutes from the October 4, 2022, meeting were approved by committee members.

2. Committee Business

2.1 Nominations for Committee Chair and Vice-Chair

The committee unanimously approved Tracy MacPhee from Ontario Northland to be the new chair. The Vice-Chair role remains open.

3. Main Items

3.1 Regulatory Affairs

- **DRPR:** duty and rest limits are the remaining requirements of the rules to come into force November 25, 2024 for passenger railways. RAC is also meeting with TC next week to review a draft guidance document which TC has created to address differences in interpretation of some rules.
- **Fatigue Management Regulations:** no news since last update (Expecting CGI in late 2023, though unclear what TC's looking for in light of similar requirements already in SMS, related scheduling, and DRPR).
- **Railway Employee Qualification Standards Regulations:** RAC is meeting with TC in late March to continue consultations leading to a CGI publication later this year. Original comments to discussion doc were sent January 2022.

- CRM: RAC is reviewing a draft CRM guidance document provided by TC in February and will be providing feedback due end of March. TC envisions launching the final doc in May which pre-dates the regulatory requirement for CRM per the pending REQ revisions. TC has committed to the TSB to publish CRM guidelines before the summer.
- MO22-04: Phase 1 of the MO was addressed with changes to the TBR which were approved in January and come into force in May. These apply to passenger railways. RAC is working on addressing Phase 2 of the MO but this won't impact passenger railways.
- Pax Rail Transportation Security Regs / RSA into AMPS: No news since last briefing (Expecting to go to CGII in 2023).
- ETC: TC has engaged with RAC on a proposed regulatory timeline which would include CGII around 2025 and implementation by 2030. RAC is determining a response to this. As it is an aggressive timeline. Work is ongoing by the project team with focus on standards and interface control documents, interoperability, operational concepts, and communications spectrum.
- SMS Regulatory Review: No news since last update. TC emailed railway stakeholders August 25 that it was commencing a review of the SMS Regulations, having launched a public consultation with a 30-day comment period (ending by September 25. TC is looking to build on lessons learned from the first years of SMS implementation and is looking at the regs as well as the supporting tools. This could drive future regulatory amendments, updates to industry guidance and policy changes. RAC submitted comments on behalf of Industry to the TC discussion document. It appears that TC didn't receive much (if any) feedback from those consulted asking for regulatory amendments, which is good.
- SMS Effectiveness Conference: TC is scheduling a working session the week of SOMC and PAC to review expectations and criteria for determining SMS effectiveness. RAC is aware that KPIs are being used during SMS audits and that railways have concerns with the scope of these KPIs compared with regulation, and confusion/misinterpretation around the KPIs between various railways and inspectors.

Bill C-33 Strengthening the Port System and Railway Safety in Canada Act

- No news since December. TC will work with RAC throughout 2023 on guidance and expectations in preparation for the Bill receiving Royal Assent, probably in 2024.
- The Minister of Transport on November 17, 2022, introduced Bill C-33, the Strengthening the Port System and Railway Safety in Canada Act, in the House of Commons.
- The Act includes legislative amendments to the Railway Safety Act, the Canada Transportation Act, and the Transportation of Dangerous Goods Act.
- There are also amendments introduced for the Canada Marine Act, Canada Transportation Act, Marine Transportation Security Act and the Customs Act which seek to enable Canada's ports to better respond to an increasingly complex economic, social and environmental operating environment.
- Taken together, these measures seek to improve the competitiveness of Canada's transportation system and support operations that are safe, secure, efficient and reliable.
- Through Bill C-33, the Minister hopes to achieve the following outcomes applicable to passenger rail:
 - Increase flexibility associated with rules and exemptions, thus increasing efficiency and reducing administrative burden
 - Clearly define "safety" and "security" throughout the Railway Safety Act
 - Authorize the Minister of Transport to negotiate assurances of compliance and enter into compliance agreements before or after the issuance of an Administrative Monetary Penalty
 - Add prohibitions related to unruly or dangerous behaviour on-board trains or at stations; and unlawful interferences such as tampering, and destructive acts with railway operations
 - Require railway companies to create security management systems and for the Minister to order corrective measures regarding those systems

- Create the authority for the Minister of Transport to grant, cancel, and suspend transportation security clearances under the Railway Safety Act

Rail Data Working Group (RDWG)

- RAC and TSB have been working together to create a new category for fire occurrences. Currently all reportable fires are classified as accidents. The TSB has created a new “incident” category. RAC and TSB have reviewed the past 10 years worth of RODS data on fires (approximately 700) and determined about 370 of these would fall into the new category for accident, while the rest would be incidents.
- Railways may now begin reporting fires as incidents per the following criteria:
 - If the rolling stock or its contents sustain a fire or explosion, the occurrence is considered an accident. Below are some examples of occurrences that would be considered an accident (this list is not exhaustive):
 - locomotive diesel engine fire or explosion
 - locomotive exhaust stack fire
 - locomotive traction motor fire or explosion
 - rolling stock electrical fire
 - rolling stock mechanical fire (bearing fire, brake fire)
 - rolling stock cargo fire or explosion
 - If the rolling stock or its contents cause a fire that occurs along, or adjacent to, a railway right-of-way, the occurrence is considered an incident. Below are some examples of occurrences that would be considered an incident (this list is not exhaustive):
 - a right-of-way fire ignited by sparks from rail grinding operations
 - a right-of-way fire ignited by sparks from wheels or brake shoes (not due to fires)
 - a right-of-way fire ignited by sparks from locomotive exhaust (not due to exhaust stack fire)
 - a right-of-way fire ignited by spills (e.g., fuel, oil, other combustible substances)
 - a right-of-way fire that migrates beyond the right-of-way or ignites beyond the right-of-way and is known to have been caused by railway operations or maintenance activities.
- RAC has proposed to the RDWG to amend the categories for uncontrolled movement occurrences. We've also reviewed the past three years of RODS data to determine how the occurrences would fall into the new categories. We have some concerns and need to work this out with the TSB before the categories are officially accepted by the Board and the changes to RODS and reporting requirements are made.
- RAC is working on proposing categories for Following Signal Indications occurrences. TSB data on this Watchlist item includes not only signals violations but also exceedences to limits of authorities and other violations which we feel are outside the scope of the Watchlist.

Canadian Transportation Agency (CTA) Assessments of Liability Insurance Coverage

- CTA is reaching out to passenger railways requesting to meet individually regarding a CTA initiative in which they are developing an enhanced analytical and risk-based methodology to support their assessments of adequate levels of liability insurance coverage for passenger railways.
- This is per Section 4 of the CTA Regulations:
 - "In determining whether third party liability insurance coverage is adequate, the Agency shall (a) examine the risks associated with the proposed construction or operation of the railway by considering information that is provided by the applicant, including (i) passenger ridership, (ii) passenger and freight train miles, (iii) volume of railway traffic, (iv) class and volume of dangerous goods transported by rail, (v) types of population areas served, (vi) number of level

crossings, (vii) speed of trains, (viii) train crew training, (ix) method of train control, and (x) overall safety record of the applicant"

- Affects six pax operators: Tshuuetin, Via, Capital, Amtrak, White Pass/Yukon, Rocky mountaineer.
- CTA engaged with RAC early 2023 to get RAC's insights/advice on the proposed framework and its implementation. We expressed to the CTA that our member railways need to directly involved.
- Members should take note that any further data (risk factors) provided to the CTA directly could be made available to the public via the Access to Information and Privacy Act. Currently such info is provided to the insurers so isn't open to ATIP.
- Timeline: Jan-Aug informal consultations between CTA and railways. Sept-Nov formal consultations. Dec 2023 - Jan 2024 Final approvals. Implementation 2024.

3.2 RAC Pre-Budget Submissions & Advocacy

Federal Budget

- 9 recommendations
 - Not make destabilizing changes to the Canada labor code to ban replacement workers
 - Expand eligibility for the express entry program
 - Funding for intercity passenger rail on dedicated tracks and rights of way
 - Additional capital and operating funding for transit
 - Tourism rail capital and a long term strategy to reposition Canada as a destination of choice for tourism
 - Increased money for rail safety infrastructure with specific reference to the rail safety improvement program
 - ETC implementation
 - Urging any regulatory framework be data driven
 - Funding for research development and deployment of low carbon and alternate fuel technology
- Full Federal pre-budget submission can be found here: https://www.railcan.ca/wp-content/uploads/2023/02/RAC-FEDERAL-PRE_BUDGET_SUBMISSION-2023.pdf
- Budget date not yet announced.

Ontario Budget

- 5 recommendations
 - Ontario government to require municipalities to zone and plan with the revised proximity initiative guidelines as mandatory requirements.
 - Capital long term plan for intercity passenger services
 - Increased capital and operating funding for commuter rail and transit on dedicated lines
 - Gave a shoutout to the government for its campaign pledges involving rail, specifically GO Service, subways, The Northlander resumption and a total envelop commitment of 158.8 billion dollars for transportation over 10 years
- Full Ontario pre-budget submission can be found here: https://www.railcan.ca/wp-content/uploads/2023/02/RAC-ON-PRE_BUDGET_SUBMISSION-2023.pdf
- The Ontario budget will be presented on March 23, 2023

Québec Budget

- 4 recommendations
 - Increased funding for commuter rail
 - Proposing that the government look at subsidy and low interest loan programs similar to what the FRA offers in the United States to encourage private rail company investments and infrastructure.

- Full Québec pre-budget submission can be found here: https://www.railcan.ca/wp-content/uploads/2023/02/ACFC-SOUMISSION-PRE_BUDGETAIRE_QC-2023-FINALE.pdf
- The Québec budget will be presented on March 21, 2023

Alberta Budget

- The Alberta budget was presented on February 28, 2023
- It included:
 - There was rail funding for LRT programs in Edmonton and Calgary
 - 5-million-dollar investment to study a rail link between Calgary airport and downtown
 - Inner-city tourism commuter piece was also included
 - Some of RAC's prebudget recommendations were incorporated into the budget

British Columbia Budget

- The B.C. budget was presented on March 1, 2023
- It included:
 - Capital for B.C. rail
 - 400 million dollar envelop to purchase land near public transit that would be reserved for subsidized housing construction
 - Some of RAC's prebudget recommendations were incorporated into the budget

Supply Chain

- RAC campaign can be found here: <https://www.railcan.ca/supply-chains/>

3.3 Safety Culture

- RAC program that aims to support RAC members safety culture improvement journey through assessments, learning, and provision of resources.
- Beginnings traced back as early as the 2008 RSA Review which identified a need for Transport Canada and industry to "take specific measures to attain an effective safety culture" and develop tools to "measure safety culture".
- Turning point following the 2013 Lac-Mégantic tragedy where a weak safety culture was a contributing factor.
- Following these events industry, government and academia came together to develop safety culture knowledge and initiatives.
- RAC safety culture initiative formally launched in 2014.
- Key aspects of the assessment process:
 - Survey + data analysis
 - Focus groups + data analysis
 - Action plan development
- To date, 14 assessments have been completed. More recently, in 2022, we worked with Metrolinx and OWS.
- The call for 2023 safety culture assessment applications went out on March 1st to the members.
- Application deadline March 31.

Safety Culture Asynchronous Leadership Education (SCALE)

- Web-based safety culture training for participants that are in a supervisory or managerial role in rail industry
- The learning outcomes are
 - An understanding of safety culture,

- How participants can use their role to facilitate positive safety culture change, and
 - How to conduct small tests of change related to their day-to-day work.
- Consists of 8 modules covering change management and safety culture.
- Participants will develop a safety culture goal specific to their role.

3.4 Proximity Initiative

- Created in 2003 with Federation of Canadian Municipalities
- Objectives to raise awareness of proximity issues and promote use of the Proximity Guidelines
- It's not just about liveability, its also about safety!
- Latest edition of the guidelines were published in 2013
- Examples of outreach include meetings, submissions, and tradeshows/conferences
- Key focus for 2023 will be to work with FCM to develop a new Memorandum of Understanding
- Initiative to update the proximity guidelines postponed until at least 2024
- Transport Canada policy statement
- Stakeholder engagement to continue with municipalities
- New focus on engaging urban development institutes/urban planners

3.5 VIA Rail's New Fleet and New Reservation System

VIA Rail's commitment to Accessibility

Vision: a smarter way to move people. We aspire to positively impact the lives of those around us: passengers, employees, partners and communities we move.

Principles of Universal Accessibility at VIA Rail

VIA Rail acknowledges and strives to provide service that:

- Is welcoming for all our passengers;
- Provides a safe, comfortable and convenient journey;
- Respects each individual's autonomy, dignity and independence;
- Enables full participation through an inclusive and intuitive environment; and
- Offers meaningful options for passengers.

New Corridor Fleet

- More functional
 - Six wheelchair lifts per trainset.
 - Five mobility aid spaces per trainset.
- More accessible
 - Accessible washrooms with more floor space to easily maneuver wheelchairs.
 - More grab bars, wider door opening, and a power door.
- More inclusive
 - Braille and raised display.
 - Attendant call buttons located on the seats in the mobility aid spaces.
 - On-board announcements available in audio and visual formats.
 - More space for service dogs.
 - Dedicated luggage racks for passengers in mobility aid space.

New Reservation System

Passengers will enjoy an easy and intuitive booking flow which will offer a more autonomous and accessible experience.

The new reservation platform was designed to meet the Web Content Accessibility Guidelines (WCAG) 2.1

- Internationally recognized standards

Main Areas of Focus:

- Screen sizes;
- Font, text sizes;
- Contrast;
- Meta tagging;
- Image description
- Compliance with assistive technology such as:
- Screen readers
- Alternative keyboard
- Other web browsing assistance software

3.6 Accessible Transportation for Persons with Disabilities Regulations (ATPDR)

- The *ATPDR* provide a set of clear, consistent, and specific accessibility requirements for transportation service providers.
- The regulations cover many parts of the travel experience, including services, equipment, facilities, communications, training, and security and border screening.
- Phase 1 of the ATPDR was registered in 2019 with an in-force date starting in 2020. The Phase 1 apply to large carriers and terminals in modes of transport under federal jurisdiction.
- The Canadian Transportation Agency (CTA) has recently initiated consultations on phase 2 of the regulations, which will apply to small transportation service providers.

ATPDR – Phase 2 Consultations

- The CTA is initiating consultations with a focused group of stakeholders.
- The objective of this initial consultation phase is:
 - Gather knowledge and deeper understanding of the operations of small transportation service providers.
 - Understand the specific needs that persons with disabilities face while travelling with small transportation providers.
- The focus will be on key issues regarding accessibility in areas such as provision of services, training of employees, and communications. It will also focus on the technical aspects of the built environment, including carrier equipment and terminal facilities.
- This consultation will be followed by a drafting of a consultation paper for broader consultations later in 2023.

4. Discussion and Other Business

4.1 Potential Passenger Bill of Rights

- The Federal House of Commons Transport Committee (TRAN) has been having meetings on passenger air protection rights
- There have been at least 4 MP's that have raised the issue that rail should have a similar air protection system as the air sector for rail passengers.

- MP Strahl, Vice Chair of TRAN,
 - MP Lewis (Essex),
 - MP Boulerice,
 - MP Barsalou-Duval, Vice Chair of TRAN
- March 9, 2023 the TRAN committee will hold an in-camera session for the consideration of a draft report.
- Committee members had no further information.

4.2 Roundtable on recovery from pandemic:

- Tracy MacPhee (ONTC) noted that ridership on the Polar Bear Express hasn't returned to pre-pandemic levels but said it's hard to pinpoint because their schedule has also changed, and they have less service to the community than they did prior to the pandemic.
- ONTC has seen an increase in online shopping since the pandemic.
- ONTC and VIA noticed passengers are booking closer to their travel date unless it's a long weekend/holiday in which case they book further in advance to ensure availability.
- Michael Tremblay (Metrolinx) noted that commuter trains have not returned to pre-pandemic levels.
- With the new hybrid working model, Metrolinx has noticed that ridership is up on Tuesdays and Thursdays
- Metrolinx has seen a rebound in leisure – more people are taking the trains during the evenings and weekends to events
- Metrolinx Up Express between downtown Toronto and Pearson Airport has now resumed to pre-pandemic service and is running every 15 minutes, all day, 7 days a week.
- Hoang Tran (CN) noted that the Amtrack Adirondack is going to resume their New York City to Montreal service beginning April 7, 2023

4.3 First mile/Last mile

As things return to normal, we will be hoping that capacity levels return to & exceed pre-pandemic levels. Considering intermodality options, the integrated approach between transportation systems, and micro mobility, transportation over short distances provided by lightweight, usually single-person vehicles (such as bicycles and scooters) are increasingly being considered as ways to reduce friction in transit adoption or increase ridership.

These can also be solutions to other issues such as rising levels of accidents, emissions, wear & tear on public roads, congestion and noise and can play an important role by enabling better mobility for the traveler. For passengers, intermodality is best defined as combining different modes of transport in a seamless travel experience.

The city Lynwood, for example, is [launching an on-demand service](#) to bridge transit gaps. APTA also has information on [First Mile/Last Mile Solutions](#) in their innovation hub.

ONTC worked on an initiative with the city of Elliot Lake, the community received funding from the provincial government called the Community Transportation Grant that allowed them to tender out service of a bus or van to connect to the main highway where ONTC travels. ONTC worked with the community to integrate them into their ticketing system because they didn't have the infrastructure to manage how many people needed the service. ONTC is reaching out to other communities to try and set up something similar.

5. **Next Meeting**

Next Passenger Meeting – TBD (October 2023)

6. The meeting adjourned at 3:34 pm EST.

Action Items – March 7, 2023	Lead	Status
1. Minutes: The meeting minutes are to be circulated within 21 calendar days	Brianna	Completed
2. Send Doodle Poll for next meeting	Brianna	
3. Seeking nominations for Vice-Chair	ALL	