

Security Committee Meeting

April 4, 2024

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

RAC SECURITY COMMITTEE MEETING

**April 4, 2024
13:00 to 14:00 (ET)**

Microsoft Teams Meeting
[Click here to join the meeting](#)

AGENDA

	SCHEDULE	DISCUSSION LEADER	TIME
1.	Welcome, Call to Order, Roll Call	L. Bentenuto	13:00
	1.1 Competition Law Compliance Policy – Forward Statement	S. Croome	13:05
	1.2 Approval of Draft Minutes (Sept 26, 2023)	L. Bentenuto	13:10» D
2.	AAR Rail Security Issues	All	13:15
3.	TC Security Group Meeting	S. Croome	13:20
4.	Critical Infrastructures	L. Bentenuto	13:30
5.	General Discussion	All	13:45
	1.1 Update on terrorism exercise at JIBC	S. Croome	
	1.2 Presentation on UIC and Rail Poll	P. Lambrinakos	
6.	Miscellaneous / Adjournment	L. Bentenuto	14:00
D	Decision Required		
»	<i>Supporting material</i>		

**RAC SECURITY COMMITTEE MEETING
DRAFT MINUTES 23-02
Virtual Meeting
September 26, 2023; 15:00 HOURS (EDT)**

In Attendance

Brandon Myers, CN – Chair
Luciano Bentenuto, VIA – Vice Chair
Jean Ernest Celestin, VIA
Scott Croome, RAC
Court Edeburn, GCRC
Mitch Jardine, CN
Peter Lambrinakos, VIA
Kevin Mason, VIA
Bruce Power, CN
Michael Rennie, ONTC
Bradley Rueter, CN
Stéphane Tardif, GWCI
James Tollerson, NS
Robert Zawerbny, CN
Pierre-Luc Vachon-Gravel, exo

Regrets

James Babe, CR
Bryan Bass, BNSF
Christopher Bennett, CSX
Stephen Covey, CN
Patrick Desaulniers, exo
Jack Gibson, CSX
Lori Kennedy, CP
Guy Langis, ONTC
Greg Sandsness, BNSF
Lucie Tremblay, VIA
Jared Wagar, CP
Todd Wallace, WCE
Steve Weir, Metrolinx
Brian Williams, BNSF

1. Welcome, Call to Order, Roll Call – Brandon Myers

Brandon Myers noted that the required quorum was achieved and called the meeting to order in accordance with the Railway Association of Canada (RAC) bylaws.

1.1 Competition Law Compliance Policy – Forward statement – Scott Croome

1.2 Approval of Minutes (May 1, 2023) – Brandon Myers
It was moved by Stéphane Tardif (GWCI) and seconded by Luciano Bentenuto (VIA) to approve the minutes of the May 1, 2023, meeting.

1.3 Review of Action Items – B. Myers

Action item:

1. Scott Croome to ask the TC Security for a list of participants for the *NEW* Rail Security Working Group.
2. Scott Croome to circulate to RAC primary members to ensure the right people are on the Committee.

2. Nomination for Chair – Brandon Myers

RESOLUTION: It was moved by Robert Zawerbny to nominate Luciano Bentenuto, VIA as Chair of the *RAC Security Committee* as replacement to Brandon Myers and 2 years thereafter as per the Terms of Reference, number 3, effective until September 26, 2025.
Officers: There shall be a Chair and Vice Chair elected by its membership. The terms of office shall normally be 2 years.

RESOLUTION: It was moved by Luciano Bentenuto to nominate Robert Zawerbny, CN as Vice-Chair of the *RAC Security Committee* as replacement to Luciano Bentenuto and 2 years thereafter as per the Terms of Reference, number 3, effective until September 26, 2025. *Officers: There shall be a Chair and Vice Chair elected by its membership. The terms of office shall normally be 2 years.*

3. AAR Rail Security Issues – All

- No new updates to report.
- Tom Farmer retired.
- AAR Security Committee is trying a new hybrid leadership where they will bring in different people depending on the subject matter.

4. TC Security Group Meeting – Scott Croome

Scott Croome had no update since last meeting.

Robert Zawerbny provided an update on the status of the guide on preparedness for railway interference regarding rail blockades that a TC Rail Subgroup is working on. Since the 20-21 blockade crisis CN Police have found inconsistencies in how external law enforcement partners deal with railway blockades, so they created a subgroup to try and address the issue. The group created an educational guideline process for local law enforcement to follow. The idea is to have a series of checkboxes that law enforcement can follow with the hope that it will help mitigate the duration of a blockade. The final draft has been reviewed and approved by CPKC, CN, VIA and TC. The guide is now before OPP command to see if any of the guidelines/best practices could be aligned with OPP's policy on Public Order. This guideline is not to trump any policy or protocol when it comes to public order but meant to compliment it. Robert Zawerbny shared the draft report with the committee.

5. Cyber Security Committee – Scott Croome

RAC is still looking for members to join the Cyber Security Committee and asks that if anyone on the Security Committee is interested or knows of anyone within their organization who might be interested to please contact Brianna Bowman.

Action item: Send a reminder to the committee that RAC is still looking for members to join the Cyber Security Committee.

6. General Discussion - All

Robert Zawerbny noted that with the rise in copper prices CN has seen an uptick in cooper theft and mischief incidents where subjects are cutting track wire (bond wire, signal wire, crossing gate wire). It's hard to determine whether the intent is looking for cooper when nothing is taken. It's most likely they are cutting the wire searching for cooper.

Peter Lambrinakos is part of the UIC Security Platform that represents 194 railway companies across the world as well as the Rail Poll strategic Committee. He has offered to speak to the security committee about either or both groups as well as bring and any challenges or opportunities the security committee has back to these two groups. Peter Lambrinakos will talk offline with Luciano Bentenuto and Robert Zawerbny to see what might be of interest to the security committee.

Scott Croome noted that in mid October TC, RCMP and the Department of Defense will be doing a terrorism exercise at JIBC simulating an attack on a rail car. RAC is unclear on what information the RCMP will share if any. RAC, CN and CPKC will be present for the first day of the exercise to make sure that what is being simulated can actually happen to a rail car. Beyond that the RAC has been told everything else is private and confidential. Scott Croome will provide the security committee with an update on this event at the next meeting.

Action item: Peter Lambrinakos to send security committee links to UIC and Rail Poll webpages.

7. Miscellaneous / Adjournment - Brandon Myers

A motion to adjourn was moved by Peter Lambrinakos and seconded by Robert Zawerbny. The meeting was adjourned at 15:40.

Action Items – September 26, 2022	Lead	Status
1. Minutes: The meeting minutes are to be circulated within 21 calendar days	Brianna Bowman	Complete
2. Ask the TC Security for a list of participants for the *NEW* Rail Security Working Group. Circulate to RAC primary members to ensure the right people are on the committee	Scott Croome	
3. Send a reminder to the committee that RAC is still looking for members to join the Cyber Security Committee	Brianna Bowman	
4. Send committee links to UIC and Rail Poll	Peter Lambrinakos	
5. Add to next agenda: update on terrorism exercise at JIBC	Brianna Bowman	Complete
6. Add to next agenda: Presentation on UIC and Rail Poll	Brianna Bowman	



Security Committee

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**The Railway Association of Canada
Security Committee
Terms of Reference**

Name

This committee shall be known as the RAC Security Committee.

General Mandate

The general mandate for this committee is to provide RAC members a forum:

- For the identification and assessment of industry security concerns;
- To monitor and advise on new or proposed changes to security-related legislation or regulation (including US / cross border regulations) and evaluating the impact of such changes on the industry;
- To identify and recommend opportunities for security improvements within the industry;
- To facilitate and coordinate security concerns and activities between freight and passenger members
- Collaborate with the federal and provincial governments to enhance the rail security posture in order to prevent, mitigate, respond to and recover from potential terrorist or major security incidents.

The Security Committee will monitor, analyze, and provide reports and recommendations to the RAC Safety and Operation Management Committee (SOMC) on matters within the scope of its mandate. The Security Committee will serve as a focal point for sharing of ideas, technology and new initiatives that provide positive improvements in security within the industry.

The Security Committee may establish Working Groups to study specific security issues and deliver on targeted project objectives.

Each Working Group will develop its own terms of reference and elect a Chair. Working Groups will report to and be governed by the decisions of the Security Committee.

Committee Responsibilities & Guidelines

- Monitor, assess and report findings and recommendations to SOMC on issues emanating from within the committee's mandate.
- Research and report on issues assigned to the committee by the membership.
- Foster an open environment of sharing security program strategies and successes, new technologies and procedures, incidents and exercises, threat assessments where appropriate and generally spearhead ideas that enhance the development of all member company's security initiatives.
- Ensure that regulators overseeing railway security and other agencies with an interest in security are made sufficiently aware of railway operations and security activities. The

Security Committee will promote voluntary approaches for security management rather than prescriptive regulatory approaches.

- Review, assess, develop and implement appropriate broad industry strategies that promote the security interests of RAC members. These could include industry security best practices and guidelines, security training packages, presentations, and other activities.
- Act as the managing entity for the various Security-related activities in which RAC is engaged, including the Security MOU between the RAC and Transport Canada or the National Cross Sector Forum and other similar agreements or working groups, as well as assessing and reviewing proposed regulatory actions related to security, including the Transportation of Dangerous goods regulation.
- Monitor industry security intelligence (as appropriate and reasonable for this level of participation), trends, incidents and other related security issues and identify improvement opportunities.
- Liaise as required with other organizations involved in the promotion of security and threat assessment / risk management in the industry, including AAR.

Officers

There shall be a Chair and Vice-Chair, elected by the Security Committee from its membership. Their terms of office shall normally be of two years, which can be renewed. It is recommended that these officers represent freight and passenger interests respectively.

At the beginning of each regular meeting the Chair will appoint a secretary from the membership in attendance.

An officer from the RAC will be appointed to the Security Committee as a member and will assist in the management of the Security Committee's activities.

Duties of Officers

The Chair shall be responsible for the general supervision of the affairs of the Security Committee, preside at meetings and be empowered to call special meetings as conditions warrant. The Chair will act as the Security Committee spokesperson to SOMC. The Vice-Chair shall perform duties of the Chair whenever the Chair is unable to perform the duties of his/her office.

The Secretary will record the events of the proceedings including but not limited to discussion topics, resolutions, action items and responsibilities. The Secretary will draft minutes of the meeting and forward them to the Chair for approval/distribution within 21 calendar days.

Membership

Membership is open to the RAC, RAC member companies, and the AAR. Persons shall be nominated by their respective companies and shall serve until the person notifies the Chair of

his/her resignation. Membership will be of special interest to those with responsibilities in the function of corporate security, regulatory affairs, railway operations and risk management.

A member who is unable to attend a meeting, should send a representative who shall be counted in determining a quorum and be permitted to vote in place of the regular member.

Decisions will be made on a consensus basis with recommendations being made to the SOMC that reflect this consensus.

Meetings

The Security Committee shall meet on an annual basis or on a schedule to be determined by the committee. Special meetings may be called in response to significant developments. Meetings may be held by telephone, video conference or any other means allowing people to communicate and make decisions on a real time basis, at the discretion of the members.

Quorum

The quorum at meetings of the Security Committee is five members. One member should be from CN, and one from CP. The following three railway categories should also be represented: passenger (intercity, commuter or tourist), shortline and US carrier. A RAC or an AAR member can be considered as a railway member in the shortline or US carrier categories for quorum purposes.

Reporting Authority

The Security Committee will report to the SOMC. The Security Committee will liaise with other RAC committees and working groups (e.g., Customs Committee) on matters which are of mutual interest.