



RAC Passenger Committee Meeting – 2024/02

October 22, 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 PASSENGER COMMITTEE
MEETING 2024-02****TUESDAY, OCTOBER 22, 2024 | 10:00 – 12:00 (EDT)****ZOOM MEETING – [CLICK HERE](#)****AGENDA**

	LEADER	TIME
1. Welcome, Call to Order & Opening Remarks		10:00
1.1. Competition Law Compliance Policy – Forward Statement >	J. Thibault	
1.2. Meeting Minutes – February 21, 2024 >	T. MacPhee	
2. Member Spotlight		
2.1. Metrolinx Fare Integration	F. Ibe	10:10
3. RAC Updates		
3.1. Public and Government Affairs	L. Smith	10:30
3.2. Public Affairs	M. Swan	
3.3. Government Relations	K. Stipanovic	
3.4. Policy, Environment and Programs	B. Chursinoff	
3.5. Regulatory Affairs	M. Barfoot	10:50
4. Roundtable Discussion		11:00
4.1. Roundtable on LVVR implementation	All	
4.2. Roundtable on Duty and Rest Period Rules	All	
4.3. Roundtable on federal paid sick leave	All	
4.4. Roundtable on Canada Public Transit Fund	All	
4.5. Safety & security – ID checking	All	
5. Next Meeting Date	T. MacPhee	11:55
6. Adjournment	T. MacPhee	12:00
> Supporting material in briefing book		
• Competition Law Compliance Policy		
• February 21, 2024 Meeting Minutes		

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RAC Passenger Committee 2024-01

**Wednesday, February 21, 2024
Virtual Meeting**

Meeting Minutes

Attendees

Tracy MacPhee, Chair - Ontario Northland T.
Aaron Thompson, Amtrak
Catherine Dube, CN
Daniel Lapierre, exo
Douglas Aiken-Brown, Amtrak
Eve-Daniele Veilleux, VIA Rail Canada
Hind Nahri, Capital Railway
Marc Lavallée, exo
Marie-Flore Ducrot, VIA Rail Canada

Mark Willer, Metrolinx
Wesley Logan, WATCO
Ben Chursinoff, RAC
Janet Greene, RAC
Johanne Delaney, RAC
Jonathan Thibault, RAC
Kevin Mason, RAC
Lora Smith, RAC
Mike Barfoot, RAC

Absent

Bryan Taylor, Great Canadian Railtour
Eric Smith, South Simcoe Railway
Frank Ibe, Metrolinx
Hoang Tran, CN
James Bérubé, Tshietin
Jimmy Côté, Train Touristique de Charlevoix
Johnny Perron, Tshietin
Justine Wolfe, Train Touristique de Charlevoix

Paul Newsome, Prairie Dog Central Railway
Raymond Robitaille, Tshietin
Rob Andrews, Metrolinx
Sabrina Pasian, Capital Railway
Steve Sylvester, Translink
Sylvain Rodrigue, Exo
Todd Wallace, West Coast Express

Guest Speakers – Rhea Group Canada

William VanRyswyk, RHEA Canada

1 Call to Order & Opening Remarks

Jonathan Thibault called the meeting to order at 1PM 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 the organization's compliance with Canadian Competition Laws in all their meetings and activities.

1.2 Approval of Minutes

Minutes from September 26, 2023, were moved by Aaron Thompson, Amtrak and seconded by Hind Nahri, Capital Railway.

2 Presentations/Speakers

2.1 Guest Speaker – RHEA Canada – Station Safety & Security

William VanRyswyk, Vice-President of Security Services Business Development and Sales at RHEA Group, formally The Security Through Safe Design Inc., gave a general overview of how rail organizations can assess their security, posture and what they can do to identify mitigations that would make their environment reasonably safe and secure for all users. For the last 10 years, William has been focused on rail security and rail infrastructure and design with a team of consultants who do work in rail.

Their Crime Prevention Methodology has a five-step process that looks at security from a crime prevention perspective, assessing the security posture, and the environment, whether it's rail facility or rail vehicle.

1. Deter – Having a strong and noticeable security presence is the first line of defense to deter “would-be attackers” from attempting to breach the perimeter. Fences/gates, security cameras, alarms, and signage are examples of physical barriers.
2. Detect – Identifies potential threats with motion sensors, video analytics, and intrusion detection systems, cameras alone are not effective.
3. Deny – Prevents threats from gaining access to the facility or system by restricting unauthorized entry using a layered defense strategy such as access to signage, architectural elements changes in floor type, changes in wall coloring, more robust doors and frames that are not easily kicked in.
4. Delay – Tactics that slow down attackers, giving security personnel time to respond effectively. Reinforced fences and gates, access points, and motion activation.
5. Respond: This is the final step that involves the ability to respond and defend the asset. Training and appropriate SOPs are crucial elements of the response.

To assess the level of security required and to identify adequate security mitigations, a Threat, and Vulnerability Assessment (TVA) should be completed by identifying assets and threat scenarios and conducting a residual risk assessment. TVA needs to be updated every two to five years, after a significant change to the environment and/or following a major incident.

3 RAC Updates

3.1 RAC-TC MOU and TC Rail Climate Action Plan

The RAC finalized the new Memorandum of Understanding (MOU) with Transport Canada to reduce locomotive emissions from the Canadian Rail Sector. The duration of this MOU is from 2023 to 2030 and aligns with key Federal milestones in 2030. The MOU outlines a framework for working with the Federal Government to advance research development technology trials and policy that supports rail decarbonization. This MOU differs slightly from previous ones, particularly in that it only addresses the passenger and shortline rail sectors and does not include any specific emissions targets for these two industries. However, it does include commitments to keep lowering GHG emissions, advance research and development for net-zero technologies, investigate expanding the use of low-carbon fuels, and advance studies on climate risks to rail.

The RAC's annual reporting will continue as it has over the past few decades. The LEM report will continue. In terms of governance for this new MOU, it will continue to be led by a management committee and supported by a technical review committee, both of which include industry and Government representatives.

The RAC is working with TC to schedule the first meeting for the MOU Management Committee to discuss the commitments that we have listed in the Memorandum.

Underway shortly are initiatives that are not necessarily products of the MOU but set up the right forum for industry collaboration. Transport Canada has contracted Navius Research to develop climate modeling for the rail sector. They will examine how different potential policies, fuels, and net zero technologies could impact the emissions profile from the sector. There's an engagement session that occurred in January with an opportunity for the rail industry reps that sit on the Environment Committee as well as ERAC officials to participate to provide verbal feedback.

The Rail Climate Action Plan is a requirement resulting from the 2030 emissions reduction plan, that was published in 2022 by the Federal Government. This plan establishes a roadmap that outlines a sector-by-sector path to reach its emissions. Reduction target of 40% below 2005 levels by 2030 and net zero emissions by 2050.

Transport Canada is having the first meeting on February 29 and has contracted Change Energy, a professional consulting firm that has extensive research and knowledge into low-carbon fuels for the rail sector, to assist with the development of the Rail Climate Action Plan.

3.2 Passenger Rail Advocacy

The current situation is that there won't be an election until Fall 2025, causing the Liberal Government to make many key decisions affecting the rail sector such as VIA's High Frequency Rail (HFR). RAC's President, Marc Brazeau, will be appearing at the Transport Committee on that topic next week to advocate for government investments and dedicated tracks.

The RAC made several submissions on behalf of passenger railways, including five prebudget submissions. One to the Federal Government and then 4 different provinces and a detailed letter to the tourism minister as well, which some of you reviewed and commented on. So thank you for those helpful additions to the letter.

The RAC met with parliamentarians in Ottawa to push for passenger priorities, including the transport and tourism parliamentary secretaries in the last few weeks as well. The RAC increased the number of registered lobby meetings by 10 times over the 2022 total. The RAC is also gaining momentum for pushing for a short-line track maintenance tax credit and held a lobby day at Queen's Park in December 2023.

The RAC is also advocating on operational and capital support for passenger railways.

The RAC's regulatory and advocacy work continues as well on files like Enhanced Train Control (ETC), and meetings coming up with Government officials to secure the option of access for railways to the Public Safety broadband network to enable a communications solution for, etc.

4. Member Spotlight

4.1 Metrolinx Fare Integration

5. Roundtable Discussion

5.1 Multimodal connectivity (rail-rail; rail-bus; station access; etc.)

This discussion is an opportunity for the industry to work together to improve and increase people's access to any kind of transportation such as bus passengers, airline passengers, and rail passengers. Ontario Northland (ONTC) can access the Ottawa VIA Rail train station with their bus services and is looking to connect VIA Rail and ONTC passengers in the future. ONTC worked with Metrolinx to enhance connections to universities and places that go outside of their territory. The goal is to bring together some sort of multimodal setup and make passenger services more seamless and more competitive.

Metrolinx and local transit partners are working together to connect communities across the region through the One Fare program that enables transit users to pay once when connecting to and from the Toronto Transit Commission TTC and Metrolinx stations. The first phase included testing by bus and transit operators. The second phase will include TTC. This provincial program begins at the end of February 2024.

5.2 First mile last mile (rural and remote), working with municipalities

The group discussed connectivity opportunities for some rural and remote communities that do not offer transportation after the last mile stop to get around the community.

5.3 Tourism Growth Strategy

The RAC engaged with the tourism department and drafted a letter based on the tourism growth strategy being announced. The RAC will be watching for the budget release in March for mentions of a tourism fund and in the meantime, looking to schedule a meeting with the Minister. The goal is to grow the tourism industry.

5.4 Member share

There were no member shares.

6. Next Meeting Date

The next meeting is tentatively planned for the last week of September or the first week of October. Date to be sent out.

7. Meeting Adjournment

The meeting adjourned at 3 PM EST.

Action Items – February 21, 2024	Lead	Status
1. Meeting Minutes	Johanne	Completed
2. Share RHEA Canada's presentation to members	Jonathan	Completed
3. Add LVVR to the next agenda	Jonathan	Completed