

# Canada: Safety Board issues tepid call for more oversight in wake of rail disaster

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Canada's Transportation Safety Board (TSB) is urging Transport Canada—the federal department responsible for setting railway regulations—to make “urgent” regulatory changes to improve railway safety in the wake of the Lac-Mégantic train disaster. 47 people were killed and the downtown core of Lac-Mégantic was incinerated, when an unmanned Montreal, Maine and Atlantic (MMA) runaway train comprised of scores of oil tankers careened into the small Quebec town, derailed, and exploded in the early morning hours of July 6.

Considering the extensive and well-documented history of recent railway accidents in Canada and the lengthy paper trail of warnings regarding the dangers associated with a deregulated system that allows for railway companies to largely devise and police their own safety provisions, last week's advisory from the TSB was quite tame.

Beginning with the patently obvious, the TSB wrote, “As this accident has demonstrated, accidents involving trains carrying dangerous goods can have tragic consequences.” The advisory then continued, “Given the importance to the safe movement of dangerous goods and the vulnerability of unattended equipment, Transport Canada may wish to consider reviewing all railway operating procedures to ensure that trains carrying (dangerous goods) are not left unattended on the main track.”

In the Lac-Mégantic disaster, a lone engineer, after a grueling shift, single-handedly parked his 72-car train on the main line with the locomotive engine still in operation, set locomotive air brakes and, according to his statement, also set eleven railcar hand brakes. He then retired to a local hotel for the night. All of his actions—including the parking of the train on a steep grade, which made it much more difficult to secure, but much cheaper to restart at the beginning of the next engineer's shift—would appear to have been in accordance

with MMA's standard operating practices.

When a small fire subsequently broke out in the unattended locomotive engine, a local fire crew extinguished the blaze, but also reportedly disabled the running engine which would have reduced locomotive air-brake pressure and placed more stress on the individual cars.

Due to the deregulation of rail industry operating procedures, Transport Canada does not approve the standard practices of railway companies nor does it issue specific guidelines on parking a train on a main line, leaving a train unattended or on the number of to be applied. A Transport Canada spokesperson told Canada's national broadcaster the CBC last week that it “does not validate the specific instructions of a railway company. It is the responsibility of a railway company to establish their special instructions and to ensure that they meet the requirements of the Canadian Rail Operating Rules.”

Those rules do not specify the number of hand brakes that should be applied, nor provide any guidelines as to how that number should be determined. They simply affirm that “sufficient” hand-braking must be applied to secure a train. Acknowledging that the current regulation is without substance, TSB manager Ed Belkaloul told a press conference last Friday, “The rule currently states that a sufficient number of brakes needs to be set; that's the problem with the rule.”

In its two letters of last week to Transport Canada, the TSB said it has determined that the number of hand brakes set on the MMA train were “insufficient” to prevent it careening down a hill into Lac-Mégantic. But it has yet to determine if this was because not enough hand brakes were applied or because the brakes were in some way faulty.

MMA, for its part, has been desperately trying to shift blame and legal liability for the accident onto others. Without providing any evidence, it has publicly accused

the train's engineer of failing to set the number of hand brakes stipulated by company policy.

While full details of the specific and immediate causes for the Lac-Mégantic tragedy have yet to be determined by investigators, what is clear is that a decades-long process of railway de-regulation and corporate cost-cutting has placed the lives of rail crew members and the general public increasingly in danger.

Railroad safety in Canada has been deregulated under successive Liberal and Conservative governments since the 1990s. Today railway companies largely carry out their own inspections of processes, equipment and infrastructure. This so-called self-regulation is simply a carte blanche for corporations to continue to cut safety corners to burnish their bottom lines.

In an interview with CBC shortly after the Lac-Mégantic disaster, MMA Chairman Edward Burkhardt explained why MMA trains are left unattended. The two percent additional cost to hire security to guard unattended trains would force the company to raise its freight rates by two percent, thereby possibly losing customers and reducing company profits.

Burkhardt is no stranger to bottom-line calculations. He has pioneered, with the support of the Harper government, the switch to the one-person train operation for MMA lines and has been the “poster boy” for privatization, one-person “crews” and other cost-cutting measures in Europe and New Zealand.

In the aftermath of the Lac-Mégantic tragedy, he issued layoff notices to 79 of MMA’s 179 employees in Quebec and Maine, including many of those who work to ensure track safety and maintenance. Burkhardt had already suspended without pay, Tom Harding, the driver of the train, and stated he probably would never get his job back. Harding, who rushed to the scene of the explosion to pull unpunctured oil tankers from the inferno, has been termed a hero by several eyewitnesses.

It is no coincidence that the week following the Quebec disaster, Prime Minister Stephen Harper, in a cabinet reshuffle, appointed Lisa Raitt as the new Transportation Minister. As Labour Minister, Raitt spearheaded the attack on striking Canadian Pacific Railway (CP) railway workers in 2012, authoring back-to-work legislation. The railway workers had rejected company contract concessions that sought to drastically reduce pensions and further enshrine speed-up work rules that they insisted would further compromise safety.

With the strike defeated, CP—Canada’s second largest railway—has proceeded to lay off 3,000 of its 19,500

personnel, and CEO Hunter Harrison has said the layoffs might ultimately rise to 6,000, or 30 percent of the workforce. CP workers now have longer hours at more irregular times, and their pensions have been cut. CP has combined trains to run them longer and save on crews, closed down railroad yards, and avoided significant investment towards upgrading its tracks.

The Harper government has been active on many fronts to aid and abet the rail companies. It has granted MMA and another regional carrier the right to operate with a one-person “crew.” And despite the dramatic increase in the shipment of hazardous materials, funding to Transport Canada for spot inspections has been continually slashed. The overall budget allocated by the Harper Conservatives to the Transportation Department has been reduced by 30 percent in the last year alone. In 2011 an auditor-general’s report concluded, “Transport Canada has not designed and implemented the management practices needed to effectively monitor regulatory compliance” of dangerous goods transport.

Recommendations by Safety Boards to rail companies to update rail safety technologies are not implemented. Technological advances, for instance, allow for the installation of automatic switching devices that would allow for the redirection of unauthorized trains—like the runaway Lac-Mégantic train—to safe-port sidings.

Replacement of the prone-to-puncture DOT-111 tanker car—the most heavily used vehicle type in the industry (and that used by MMA on its ill-fated Lac Mégantic train)—has proceeded at a snail’s pace. With companies complaining of the expense involved in eliminating the DOT-111s, the government has stipulated that they only need be replaced with safer, thicker-walled tanker cars when they are retired from service.

The Lac-Mégantic tragedy was not an aberration—a freak accident—as the government and many of the country’s editorialists would have the population believe. The dismantling of regulatory oversight, decaying railway infrastructure and speed-up and otherwise oppressive working conditions are the outcome of decades of government deregulation and privatization and the unfettered pursuit of profit by the rail bosses.



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