

Canada's Liberal government allows CP Rail to draw up its own safety rules following report into Field train derailment

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11 August 2022

Are you a CP Rail worker? Let us know what you think of the government's response to the TSB report by emailing the CP Workers Rank-and-File Committee at cpworkersrfc@gmail.com or joining its Facebook group.

More than three years after the fatal derailment of a runaway CP Rail train in Field, British Columbia took the lives of rail workers Andrew Dockrell, Dylan Paradis and Daniel Waldenberger-Bulmer, Canada's federal Liberal government announced in late July measures it claims will prevent further tragedies. The measures, revealed by Transport Minister Omar Alghabra in response to an investigation concluded in March by the Transportation Safety Board (TSB), amount to a free pass for CP Rail and all Class I rail operators, who will be permitted to write their own safety guidelines.

In February 2019, two locomotives and 99 rail cars of CP Rail Train 301 derailed near the Kicking Horse River bridge. In the first leg of its trip the train had experienced braking issues before being put into emergency stop at Partridge Station for a crew change. While waiting for the relief crew to take over, the train was parked on a steep slope in extremely cold weather. A management decision was made not to apply hand brakes. By the time the replacement crew boarded the train, the pressure in the air brakes had dropped to such an extent that the crew was unable to control the train when it began to move.

In its final report, the TSB specifically recommended enhanced inspection and maintenance requirements for brakes on steep grades in cold weather. It also recommended the installation of automatic parking brakes on all freight cars.

A Ministerial Order from Alghabra came into effect on July 25 requiring railway companies to propose revisions to rules governing specific rail operations for the Minister's approval. The revisions to be proposed must address pre-departure inspections, periodic maintenance of air brakes on trains, and the elevated risks of operating trains in cold temperatures. The order also requires rail companies to develop a winter operating plan for their equipment and specify actions to be taken when temperatures are very cold, including implementing speed restrictions and performing enhanced inspections.

Beginning in September, Transport Canada will launch a working group with railway companies to consider the design and safety parameters of such devices. At the TSB's recommendation, the Government will launch targeted audits of Canadian Pacific Railway this month to assess the effectiveness of the company's safety management systems and training regime. Additionally, Transport Canada will be required to conduct oversight of Canadian Pacific Railway's occupational health and safety committees to monitor whether the company is effectively identifying and addressing hazards.

Behind all the bluster, Alghabra's order amounts to a continuation of the disastrous policy of deregulation that has allowed rail companies to operate for decades as a law unto themselves. After sacrificing the lives of three workers to maximize profits, CP Rail management is being given the chance to write the new regulatory guidelines, which the Liberal government will rubber stamp.

CP's record of ravenously pursuing profits at all costs demonstrates that the federal government's latest announcement will do nothing to prevent future derailments, injuries or deaths.

In 2013, CP removed an already existing safety system, known as a centralized control system (CTC), from a section of track in Calgary, Alberta, without first conducting a risk assessment. The CTC is comprised of signals that provide various pieces of information, such as speed limits, to train operators. On September 3, 2016, a CP freight train rear-ended another on the section of track because the signals no longer indicated whether another train occupied the track ahead. No one was injured in the incident and the CTC was subsequently reinstalled, but the episode exposes the willingness of CP to cut corners and eliminate what had previously been considered necessary procedures or equipment.

Following the 2015-16 winter season, CP eliminated without explanation a ban on freight trains descending the steep Field Hill when temperatures fell below -25 degrees Celsius (-13 Fahrenheit). On the night of the Field derailment, a temperature of -28 Celsius (-18 Fahrenheit) was recorded.

CP Rail management continues to refuse to accept any

responsibility for the Field derailment. It responded to the TSB report that the government now claims will improve health and safety on the railroads by denouncing it for containing “inaccuracies” and “misstatements.” Despite presiding over a company that sacrifices the very lives of its workforce to maximize corporate profits, CEO Keith Creel has seen his salary rise to one of the highest among all Canadian chief executives, receiving \$26.7 million in 2021.

There is no reason to believe that CP will take the latest regulatory process seriously when it still refuses to admit that the company was at fault in any way for the Field derailment. In fact, there is ample evidence to suggest that CP sought to control and block investigations into the Train 301 disaster from the beginning.

In late 2019, Don Crawford, the original TSB investigator on the case, said he suspected criminal negligence and requested that the RCMP, Canada’s federal police, take over the investigation.

While an RCMP investigation could result in criminal prosecutions, the TSB has no power to file any civil or criminal charges. As its website notes, “(I)t is not the function of the Board to assign fault or determine civil or criminal liability.” Additionally, “(f)indings of the Board are not binding on the parties to any legal, disciplinary, or other proceedings.”

CP Rail responded to Crawford’s call for the RCMP to intervene by threatening the TSB with a lawsuit. The “independent” agency reacted to this threat by removing Crawford from the inquiry, rejecting its own findings, and issuing a private apology to CP Rail, which was delivered by TSB chair Kathy Fox in January 2020.

A CP Rail worker speaking anonymously to the *World Socialist Web Site* recalled the company’s systematic drive to cut corners prior to the Field derailment in order to increase productivity as part of its precision scheduled railroading (PSR) system.

“Pre-departure brake testing, to my personal knowledge, was dire in terms of a lack of strict adherence to testing protocol,” he said. “The problem here is not that testing was insufficient in terms of what was being tested, it is because it was not being properly accomplished. After one particular incident in which I caught mechanical inspectors fudging a brake test, they apologized to me and explained that management only allowed them a minute and a half per car, which is nowhere near enough time to complete the process properly. CP came up with various mechanisms designed to circumvent proper testing, such as claiming certain trains bypassed the requirement when that was far from the truth. In addition, crews were lambasted and intimidated into noncompliance with testing requirements. I was once suspended for insisting that I complete the tests, which was viewed as me deliberately delaying a train—an utter fallacy.

“Railways are obsessed with cutting down dwell times in yards (the amount of time a train is stationary while en route for

testing, crew change offs etc.), because this directly undermines the PSR model. This is the profit model that strangles any semblance of rail safety.”

Well aware of the deep mistrust among rail workers towards CP and the government regulators, who have worked hand-in-hand with the rail companies for years as safety conditions on the railways have become consistently worse, the Teamsters Canada Rail Conference (TCRC) union rushed to proclaim its full confidence in Alghabra’s latest regulatory farce.

“The TCRC places the safety of its workers and the public as its highest priority and is pleased to see that the Minister of Transport is taking this matter seriously,” the TCRC wrote. “Teamsters also recognizes that the Minister’s response to the three TSB recommendations shows their dedication towards implementing a plan to enhance safety. The Teamsters will play an important role and will closely monitor the action plan’s implementation to ensure the actions carried out by various stakeholders meet their stated objectives.”

Rank-and-file rail workers, fresh from the experience of the TCRC selling out their struggle for improved wages and conditions in March by agreeing to binding arbitration, see things quite differently. As the CP Rail worker explained to the WSWs, “The main reason why Alghabra is doing this is pure window dressing. He’s pretending that he’s doing something by tightening up brake tests that were workable and should never have lapsed in the first place. This is a de facto coverup of three unlawful killings that implicate a host of senior management figures and government officials that somehow enjoy legal impunity.

“The fact of the matter remains that our friends and colleagues were killed, in my earnest opinion, by criminal omissions and people belong in jail no matter how vast this conspiracy is.”



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