

July 20, 2007

Tim Meisner
Executive Director
Railway Safety Act Review Secretariat
180 Elgin Street
Suite 901
Ottawa, Ontario
V5Z 1K6

Dear Mr. Meisner:

RE: RAILWAY SAFETY ACT REVIEW

The UBCM Community Safety Committee would like to thank you for the opportunity to outline the view of its members, all 186 local governments in the province. Attached is a summary of the key issues raised by local government in relation to the Railway Safety Act and the changes that need to be made to the legislation/regulations for it to work more effectively from a local community perspective.

The UBCM would point out that it is supportive of the review being undertaken of the Railway Safety Act. There are important links between local government and railway operators related to economic development, land use development, emergency planning and environmental issues to name only a few. There have been a number of incidents in recent years to suggest that there needs to be improvements made in the process.

Your cooperation and assistance in addressing the issues identified by local government related to railway safety would be very much appreciated.

Yours truly,

A handwritten signature in black ink, appearing to read "Terry Lake". The signature is fluid and cursive, with a large initial "T" and "L".

Mayor Terry Lake, Chair
Community Safety Committee

RAILWAY SAFETY ACT REVIEW

Local Government in British Columbia is supportive of Transport Canada undertaking a full review of the Railway Safety Act. There are many linkages between railway operations and local communities, economic development, land use development, transportation and public safety to name a few.

The key issues that Transport Canada will be exploring are of interest to local government:

1. the efficiency and effectiveness of the legislative and regulatory framework established under the Railway Safety Act;
2. the provisions and operation of the Act;
3. the environmental concerns with respect to railway transportation and accidents;
4. the interface with non-railway users; and
5. related railway safety issues

All of these are linked to the ongoing working relationship that exists between railway operators and local communities.

UBCM requested the views of its members, all 186 local governments in the province. Outlined below are a summary of some of the key issues that were raised:

Local Government Role

Need to clearly outline the general process and the roles, responsibilities and liability of outside agencies in responding to Transport Canada orders.

Need to specifically outline local governments role when Transport Canada orders railway improvements to be undertaken, both in terms of the funding of capital works and liability in the timing of the works arising from the order.

Railway Crossings

Railway operators be required to work with local governments to ensure that rail crossings initiatives provide effective public safety (signage, fencing etc.).

Railway operators be required to work with local governments to develop appropriate separation buffers in urban areas and measures to protect and support pedestrian users of rail crossings.

Emergency Planning

Require railway operators to work with the local governments to ensure that the local emergency plans are designed to address possible hazards that could occur in their jurisdictions.

Require railway operators to fully compensate local government for any local resources utilized when responding to an emergency situation involving the railway and that the company undertakes the risk and liability for the responders.

Need to ensure that the roles and responsibilities of the agencies are clearly laid out when responding to an emergency with municipal boundaries - railway derailment, chemical spill etc.

Need to ensure access to railway lands when an emergency occurs – derailment, chemical spill etc.

Infrastructure Funding

Railway operators be required to provide funding for infrastructure, such as fencing at critical locations and improved grade crossings for pedestrian and cyclists in urban areas.

Need to ensure that railway companies are required to properly fence their lands to protect the public. In the case of agricultural land that rail operators pay for the maintenance and materials for fencing of rail lines through private property.

Environmental Issues

Need to ensure that railway operators are required to contain the emission of coal dust from rail cars transporting coal.

Need to require railway operators to implement an Integrated Pest Management Program (IPM) to control noxious weeds along its rights-of-way.

Need to require that the environmental impact of railway operations is minimized by ensuring that rights-of-way are properly maintained (i.e. railway ties, litter and other material is removed etc.).

Need to require railway operators to work with local government to determine the appropriate speed of trains, particularly in residential areas so as to minimize vibration, noise and flying debris.

Standards

Need to ensure a standard of care/maintenance for short line railroads across the country.

Communication

Require railway operators to provide information to local government about the transportation of dangerous goods through communities (where and when etc.)

Require railway operators to inform local governments when accidents occur which might affect the community.