

NO: R161

COUNCIL DATE: July 27, 2015

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 23, 2015**

FROM: **Fire Chief**

FILE: **8710-00**

SUBJECT: **Burlington Northern Santa Fe (BNSF) Railway Blocked Access to Crescent Beach**

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## RECOMMENDATION

The Fire Service recommends that Council:

1. Adopt a Resolution as described in Appendix "I", to address the emergency access imposed upon the Citizens of Crescent Beach should there be a request for Emergency Service response while a stopped Burlington Northern Santa Fe (BNSF) or other trains block the only two access roads into the community.
2. Receive information of the installation of CCTV cameras, as well as an electronic monitoring system, at the two "at grade level" rail crossings into Crescent Beach (Crescent Road and McBride Avenue) to assist in determining unimpeded access during an Emergency into Crescent Beach and to monitor and document any contravention of Transport Canada Rail Regulations or any failure of BNSF rail to invoke the Stopped Train Protocol during a railway incident that blocks either of these crossings.

## INTENT

The purpose of this report is to provide information to Council regarding the January 5, 2015 incident, and other incidents of an obstructed grade crossing by BNSF trains, and the subsequent response from an investigation by Transport Canada, whereby a BNSF train blocked access to the community of Crescent Beach. This report also advises Council of several measures in response to this safety concern, including adoption of a Resolution, installation of CCTV cameras, and installation of other electronic monitoring hardware, as discussed below.

## BACKGROUND

The BNSF Railway operates along the coastline of Boundary Bay and Mud Bay in South Surrey. The only two vehicular access points into the community of Crescent Beach cross the railway tracks at Beecher Street and at McBride Avenue. Given the close proximity of these two crossing (approx. 500 meters), any moving train temporarily blocks both road accesses. If a BNSF train is stopped due to mechanical failure, or the tracks are impassible, the resulting blockage of these access roads leaves no means for vehicles to travel into or out of the community. This is of particular concern during emergency circumstances and also for regular daily transportation requirements for the community. On January 5, 2015 at 3:30 am, a resident phoned Fire Dispatch to advise that a BNSF train had been stopped on the tracks for the past 2 hours, blocking both access crossings into Crescent Beach. The

City launched a complaint of the incident with Transport Canada, citing failure by BNSF to invoke the Stopped Train Protocol as well as the apparent violation to Transport Canada Rail Operating Rules.

On June 24, 2015, a meeting was held between the City of Surrey and Transport Canada. The purpose of the meeting was to discuss the follow-up response from Transport Canada regarding the complaint against BNSF. In attendance were Fire Chief Len Garis and Deputy Chief Dan Barnscher representing the City of Surrey, and Marc Grignon and Jim Horbay, representing Transport Canada.

## DISCUSSION

Great concern was raised by the City that in the past few years, several opportunities have arisen where the Stopped Train Protocol should have been exercised but had failed to be implemented by BNSF. Further, it appears that BNSF was in violation of *Transport Canada Rail Operating Rules* for which Transport Canada did not appear to take action in applying any sanctions or consequences on BNSF. It is the City's view that BNSF and Transport Canada failed to recognize the seriousness of the Crescent Beach community becoming completely isolated whenever a stopped BNSF train blocks the only two access roads. This creates an elevated life safety risk should there be a request for Emergency Services into the community of Crescent Beach.

Transport Canada expressed their desire to investigate all complaints in reference to a reported contravention of the *Rail Operating Rules*; however their interpretation was that the incident was not substantiated with sufficient evidence. During the meeting, Transport Canada was given a temporal assessment of emergency calls for service to the community to demonstrate the concerns and nature of risk inherent in the blockages.

Transport Canada advised:

- Since the date this complaint was filed by the City of Surrey, Transport Canada has been monitoring BNSF traffic through the Crescent Beach area to ensure safe rail practices are being followed. There had been no observed contraventions to the railway act during this monitoring period of BNSF operations.
- Regulations are difficult to enforce without evidence, specifically, evidence from the trains "black box" recording device. Depending on the manufacturer and capacity of the black box, the data is only retained from 48 hours to 7 days. Going forward, it is important that future alleged violations to the regulations need to be reported immediately to Transport Canada.
- Transport Canada will be following up with a letter to the City of Surrey outlining investigative processes and penalties that will be enforced should there be another contravention to the *Transport Canada Operating Rules*.

The City advised:

- These stopped train events that block the only access roads into Crescent Beach are unpredictable. These events represent a life safety threat to residents and visitors of Crescent Beach, and are not just an inconvenience.
- This incident was just one of the many that have taken place over the past number of years in which a stopped BNSF train has isolated the community of Crescent Beach.
  - June, 2007, mechanical failure caused Emergency Brake condition blocking both access points into Crescent Beach
  - November 12, 2010, 07:00 AM, mechanical failure caused Emergency Brake condition blocking both access points for 30 minutes

- June 26, 2014, 7:15 AM, a knuckle failure on the south Crescent Beach curve causes a northbound, mixed freight train to split, and engage undesired emergency brake application (UDE), blocking all access to/from Crescent Beach for 45 minutes.
  - August 2, 2014, 9:35 PM, a knuckle failure on the south Crescent Beach curve causes a northbound, unit coal train to split, and engage UDE, blocking all access to/from Crescent Beach for 10 minutes at the Beecher street crossing, and for 3 hours at the McBride street crossing.
  - December 27, 2014, 10:15 PM, a knuckle failure on the south Crescent Beach curve causes a northbound, mixed freight train #5614 to split, and idle within the community for 90 minutes while being put back together.
  - January 5, 2015, 1:45 AM, a fallen tree from the slope on the south Crescent Beach curve, causes a northbound coal train to engage undesired emergency brake application (UDE), blocking all access to/from Crescent Beach for 4 hours.
- Transport Canada is the regulatory body and as such, should be enforcing the regulations.
  - BNSF continues to demonstrate a lack of concern through non-compliance of regulations that goes unchecked without consequences.
  - The Stopped Train Protocol, in place since 2009, works well when BNSF is notified by Surrey Fire Dispatch of an emergency requiring the stoppage of trains, however BNSF does not reciprocate to advise when a train is stopped, and blocking an “at grade rail crossing”.
  - BNSF continues to contravene the Transport Canada Rail Operating Rule that requires a stopped train that blocks a crossing to be moved or separated within 5 minutes.
  - Evidence of the blocked access issues into Crescent Beach is available through recorded 911 phone calls from residents into Fire Dispatch.

Newly developed Rail Regulations (March, 2015) developed in consultation with Federations of Canadian Municipalities provides the means for the City to establish a resolution to address these “at grade rail crossing” access issues with BNSF.

- Sec 98. (1) If railway equipment is operated in a manner that regularly causes the obstruction of a public grade crossing, including by the activation of a warning system, and the municipality where the grade crossing is located declares in a resolution that obstruction of the grade crossing creates a safety concern, the railway company and the road authority must collaborate to resolve the safety concern.

In order to fully document all future instances, City staff have arranged to install CCTV cameras to be positioned at both BNSF crossings into Crescent Beach, (Crescent Road and McBride Avenue). This visual, time stamped evidence, should compel Transport Canada to enforce Regulations as well as put BNSF on notice that any contravention to Rail Regulations are being recorded. These CCTV cameras will monitor rail traffic and record any occurrence of a contravention by BNSF Rail, of the Canada Rail Operating Rules, specifically Rule #103 sec. “d”- “no part of a movement (train) may be allowed to stand on a part of a public crossing at grade, for a longer period than five (5) minutes, when vehicular or pedestrian traffic requires passage.”

Monitoring of the CCTV cameras will take place at the City Traffic Operations Centre as well as Fire Dispatch Centre. Video footage will be captured and retained 24/7, for a period of 4 weeks before it is looped back and overwritten. CCTV cameras will provide the City and first responders with immediate knowledge of rail traffic, better auditing of the “Stopped Train Protocol” and video evidence of any contravention by BNSF Rail of the Canada Rail Operating Rules regarding these two at grade level rail crossings into the Community of Crescent Beach. All instances where no action was

taken by BNSF or where BNSF acted in contravention to Rail Regulations, will be documented, and immediately submitted to Transport Canada for investigation.

In addition, the City will install an electronic monitoring device that will provide Fire Dispatch with notification of all rail traffic at these two crossings, whether moving or stopped. This will assist in providing uninterrupted vehicular access at BNSF “grade level rail crossings” during Emergency Response into Crescent Beach. Alarm notification to Fire Dispatch will trigger dispatchers to view the CCTV live feed to determine if a train is stopped, and blocking access, or is moving through the two “at grade level crossings” into Crescent Beach. This will also facilitate the enforcement of Transport Canada Rail Regulations that require any stopped train blocking rail crossings to be moved or separated after 5 minutes, to provide unimpeded access for vehicular traffic.

## CONCLUSION

Based on the above discussion, the Fire Service recommends that Council:

- Adopt a Resolution as described in Appendix “I”, to address the emergency access imposed upon the Citizens of Crescent Beach should there be a request for Emergency Service response while a stopped Burlington Northern Santa Fe and other trains block the only two access roads into the community.
- Receive information of the installation of CCTV cameras, as well as an electronic monitoring system, at the two “at grade level” rail crossings into Crescent Beach (Crescent Road and McBride Avenue) to assist in determining unimpeded access during an Emergency into Crescent Beach and to monitor and document any contravention of Transport Canada Rail Regulations or any failure of BNSF rail to invoke the Stopped Train Protocol during a railway incident that blocks either of these crossings. Cost for installation of CCTV cameras and Electronic monitoring hardware is estimated at \$15,000.00.



Len Garis  
Fire Chief

Appendix I – Resolution: City of Surrey’s Declaration Pursuant to Subsection 8(1) of the Grade Crossing Regulations (SOR/2014-275) that Obstructions of the Grade Crossing at Beecher Street and McBride Avenue Creates a Safety Concern

LWG/jlg

**APPENDIX "I"**

**RESOLUTION**

**CITY OF SURREY'S DECLARATION PURSUANT TO SUBSECTION 98(1)  
OF THE GRADE CROSSING REGULATIONS (SOR/2014-275)  
THAT OBSTRUCTIONS OF THE GRADE CROSSING AT BEECHER STREET  
AND MCBRIDE AVENUE CREATES A SAFETY CONCERN**

WHEREAS the Grade Crossing Regulations (SOR/2014-275) set out a process for addressing the repeated obstruction of a grade crossing.

AND WHEREAS the BNSF Railway Company (the "Railway Company") operates trains along the coastline of Boundary Bay and Mud Bay in the City of Surrey.

AND WHEREAS the only two vehicular access points into the community of Crescent Beach cross the railway tracks at Beecher Street and at McBride Avenue in the City of Surrey (the "Grade Crossing").

AND WHEREAS there has been numerous occurrences of the obstruction of the Grade Crossing by the Railway Company resulting in blocked traffic at the two vehicular access points, including blocking of Emergency Services vehicles, as documented in Corporate Report No. \_\_ (the "Obstructions").

AND WHEREAS the Obstructions are a serious safety concern by increasing the risk to life safety by preventing access for Emergency Services vehicles into the Community of Crescent Beach for the duration of each Obstruction.

THEREFORE BE IT RESOLVED that the City of Surrey declares that the Obstructions create a serious safety concern and requires the Railway Company to collaborate with the City of Surrey pursuant to subsection 98(1) of the Grade Crossing Regulations (SOR/2014-275) in order to resolve the safety concerns.