



# Corporate Report

NO: R088

COUNCIL DATE: May 26, 2008

---

## REGULAR COUNCIL

TO: Mayor & Council

DATE: May 16, 2008

FROM: Fire Chief

FILE: 8710-20

SUBJECT: Railway-Related Concerns in South Surrey

---

## RECOMMENDATION

Fire Services recommends that Council:

- 1) receive this report as information; and
- 2) request that the City Clerk arrange for representatives of Burlington Northern Santa Fe Railway (BNSF) and Transport Canada to attend a Council in Committee meeting to discuss the findings and recommendations of the Railway Safety Act Panel Review as they relate to concerns that have been raised by South Surrey residents with respect to the location and operation of the BNSF Railway in South Surrey.”

## INTENT

The purpose of this report is to provide information to Council about the results of a recent review by the Federal government of the Railway Safety Act, to document ongoing concerns that have been raised by the community regarding the safety of the Burlington Northern Santa Fe (BNSF) Railway along Crescent Beach and Ocean Park in South Surrey and to recommend that Council request a meeting with representatives of the BNSF Railway and Transport Canada to discuss the concerns of the public with respect to the safety aspects of the operation of the BNSF railway in South Surrey.

## BACKGROUND

The *Railway Safety Act* (RSA) was implemented in 1989, during a period of profound transformation of rail transportation in Canada – one of industry privatization and restructuring, as well as government deregulation. It was developed in the spirit of cooperation between industry and government and reflected a move away from a fully prescriptive regulatory approach to one that recognized the responsibility of railway companies for the safety of their own operations. Transport Canada retained overall responsibility for a safe, national transportation system, including railways.

The Transport of Dangerous Goods Directorate administers the *Transportation of Dangerous Goods Act*, which applies to all modes of transport throughout Canada. The Act governs the handling, offering for transport, transporting and importing of dangerous goods, and their means of containment and transport.

The **Transportation Safety Board (TSB) of Canada** was created under the Canadian Transportation Accident Investigation and Safety Board Act. Two of the ways in which the TSB fulfils its mandate is “by identifying safety deficiencies as evidenced by transportation occurrences” and further by making “recommendations designed to eliminate or reduce any such safety deficiencies.” (page 30).

## **DISCUSSION**

### **Railway Safety Act Review**

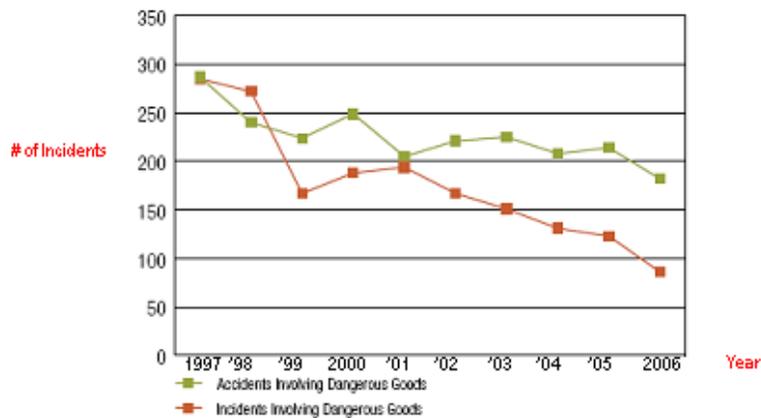
In February 2007, the Minister of Transport, Infrastructure and Communities appointed an independent Advisory Panel to lead a Review of the Railway Safety Act (RSA). This panel was to address the efficiency and effectiveness of the regulatory framework established under the RSA; the provisions and operation of the Act; environmental concerns with respect to railway transportation and accidents; interfaces with non-railways users; and related railway safety issues.

At its Regular meeting on April 30, 2007, City Council considered Corporate Report No. R083 (copy attached), which made recommendations with respect to input into the federal review of the Railway Safety Act (RSA). Council adopted the recommendations of the report.

The findings and recommendations of the Review Panel have been published in a document titled: “Stronger Ties: A Shared Commitment to Railway Safety”, November 2007. A copy of this document has been placed in the Council Library for reference. The Panel through its published report recognized that railway safety depends on good collaboration among many stakeholders with different interests, including those at all levels of government, public and private sector organizations, and the public. The Panel noted that the issues that were foremost in the public’s mind, were those related to the proximity of railways to communities, and environmental concerns (page 8).

The Panel also found, though the transportation of dangerous goods in Canada by rail has grown rapidly over the past decade, reportable accidents and incidents (as defined by the Transportation Safety Board Regulations) involving regulated dangerous goods have declined considerably between 1997 and 2006. (Page 17).

FIGURE 2.5: TSB REPORTABLE RAIL ACCIDENTS AND INCIDENTS INVOLVING DANGEROUS GOODS<sup>1</sup>



The Panel encouraged continued strong government-industry collaboration to improve the safety performance in main track derailments.

The purpose of the RSA is to protect people, property and the environment from potential harm caused by the operation of railways. Together with the *Canada Transportation Act*, it also provides a framework to address safety concerns for people and property in close proximity to railway operations. The 1999 amendments to the RSA added “protection of the environment” to the list of safety objectives in section 3(a), and several other sections in the Act elaborate on this objective. Through these amendments to the RSA, Transport Canada has been given the responsibility for protecting the environment from the effects of emissions and spills of environmentally hazardous products from trains. It is important for Transport Canada to fulfil the environmental objective set out in the Act by holding the railway industry accountable for its environmental performance.

In the case of a train derailment involving a spill, the railway owner is accountable for emergency preparedness and incident management that includes assessing the initial hazard to determine the scope and nature of the response, supervising operations in the field during the response and recovery operation, ensuring an integrated response, and meeting stakeholder needs with regard to information dissemination. The responsibility to respond, coordinate and monitor is shared with Provincial authorities.

The RSA Review Panel recommended that Transport Canada “should develop sufficient capacity and expertise to ensure appropriate oversight of the railway with regard to all aspects of environmental protection. (Recommendation 42 p. 152).

### **Train Blockage of Railways Crossing Streets**

The Canadian Rail Operating Rule (CROR) 103(c) states that no part of a train or engine may stand on any part of a public crossing for longer than five minutes when vehicular or pedestrian traffic requires passage. When emergency vehicles require passage, however, railways must clear both public and private crossings as quickly as possible. If a train stops on a crossing for more than five minutes, and a vehicle must cross, a crewmember must walk from the locomotive to the crossing location to separate the train cars manually to allow for vehicle and pedestrian passage.

The Panel acknowledged that the blocking of crossings by trains is indeed a safety concern. They are satisfied, however, that the Railway Association of Canada (RAC) and Federations of Canadian Municipalities (FCM) proximity guidelines (page 106), as well as the recommendations from the Panel, will help railway companies, municipalities and a Transport Canada appointed regulator to address the issue through better consultation and enforcement of existing rules.

## **DISCUSSION**

The Burlington Northern Sante Fe (BNSF) Railway tracks that pass through the City of Surrey along the ocean frontage in South Surrey have been the subject of public attention for many years. This rail line, including the Mud Bay trestle, is Federally regulated and it is the responsibility of the Federal Government to address the safety of this line.

### **Concerns of South Surrey Residents**

The following sections list the concerns that have been voiced by South Surrey residents in relation to the BNSF Railway and provide some comments as to how the concerns are currently addressed.

#### **Landslide Threat Along the BNSF Railway in South Surrey**

South Surrey residents have raised concerns in regard to the potential for landslides between Crescent Beach and White Rock. While there is a landslide detector fence, there are areas, just south of Bayview Street, where there is currently no such fence and citizens hold the view that such a fence should be implemented at this location. Furthermore, the residents hold the view that run off and tree clearing by the property owners on top of the bluff are contributing factors in increasing the risk of mudslides the entire area.

The residents reported that there are over 100 landslide sites on the Ocean Park bluffs between Crescent Beach and White Rock. They also note that trees falling onto the tracks and rail bed washout from ocean waves are common occurrences. They note that over 500 feet of rail bed was damaged by the 2006-2007 winter's windstorms with many areas being eroded to within 1-2 m. of the tracks.

There is currently a landslide detector fence along much of the rail track that runs along the foot of the bluff and the BNSF advise that they regularly patrol this section of track to ensure its safe use.

#### **Access to Crescent Beach**

Residents of Crescent Beach have strong concerns with the lack of access to their community when a train is stopped across Crescent Road, which is the only means of access to their community.

The Surrey Fire Department has emergency 24-hour numbers that provide for quick response from the rail companies in relation to coordinating the movements of rail traffic; splitting of trains, train stoppages etc. where emergencies are involved. These numbers are verified and tested regularly.

Reference has been made to accessing the marina by the Fire Department. The Surrey Fire Department maintains keys to the Marina, granting them access to this roadway, which is on the east side of the tracks up to the trestle, if the need arises.

**Recent Specific Concern with Crescent Road Being Blocked for an Excessive Period of Time by a Train on December 22, 2007**

Concerns from citizens in reference to a train that blocked access to Crescent Beach for an excessive period of time on December 22, 2007 have been investigated. BNSF has advised that the blockage occurred due to a malfunction in the train's air system that locked the braking systems (safety feature). This rendered the train unmoveable for approximately 2 hours while a second engine was brought to the scene to split the train at the access to Crescent Beach. The train crew immediately upon the breakdown occurring notified the Emergency Communications Centre for South-western British Columbia (ECOMM) to advise of the blockage. This event was a low probability event.

**Potential for Hazardous Materials Being Transported on the BNSF Railway Being Spilled or Released as a Result of a Train Derailment Which could Endanger South Surrey Residents**

South Surrey residents have expressed a concern that hazardous materials being shipped via the BNSF Railway through South Surrey could endanger their health and safety as a result of a spill or release related to car damage caused by a derailment.

As mentioned in the Background Section of this report, the BNSF Railway and Provincial officials are primarily responsible for addressing such occurrences. However, the Surrey Fire Department has an Emergency Response and Recovery Plan that outlines the City's response to rail accidents and dangerous goods incidents. The Department has a fully equipped Hazmat response team prepared to respond to incidents involving hazardous materials in the City at all times. This team undertakes frequent training sessions and workshops to stay current with potential hazards.

**Responsibilities of Transport Canada**

Notwithstanding Surrey's preparedness to address emergencies of all types within our City, Transport Canada is charged with regulating and monitoring Rail companies to ensure that they comply with legislation and regulations in the manner in which they conduct their operations in Canada.

**Responsibilities of BNSF Railway**

BNSF has advised the City that they received the 2003 and 2005 National Transportation Community Awareness and Emergency Response (TRANSCAER) award for rail safety and for its training and exercises. TRANSCAER is a voluntary national outreach initiative that assists communities prepare for and respond to possible hazardous material transportation incidents.

BNSF has more than 160 trained and well-equipped emergency responders to help insure that personnel are available to assist if an incident occurs, regardless of location.

The railway representative outlined the following safety measures and standards BNSF meets in the operation of the railway.

- They meet and comply with all the national rail safety standards put forward by Transport Canada;
- They are audited by Transport Canada twice yearly;
- They conduct a physical patrol of the rail line 4 times per week;
- They have electronic monitoring in place to detect any slope movement, which in turn gives a pre-emptive warning to stop train traffic along this corridor;
- They have had a geo-technical risk assessment completed; and
- Rail car design and construction has improved considerably to prevent catastrophic failure in the event of an accident.

## CONCLUSION

Given the concerns that South Surrey residents continue to voice regarding the risks related to the alignment and operation of the BNSF Railway and the responsibility of Transport Canada to ensure the safe operation of railways in Canada including the BNSF Railway in South Surrey, it is recommended that Council request that the City Clerk arrange for representatives of Burlington Northern Santa Fe Railway (BNSF) and Transport Canada to attend a Council in Committee meeting to discuss the findings and recommendations of the Railway Safety Act Panel Review as they relate to concerns that have been raised by South Surrey residents with respect to the location and operation of the BNSF Railway in South Surrey.”



Len Garis  
Fire Chief

## Attachment