

BROTHERHOOD OF LOCOMOTIVE ENGINEERS



SUBMISSION TO THE Canada Transportation Act Review Panel

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Presented by

**Gilles Hallé
Canadian Director
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Mr. Chair, members of the Panel, my name is Gilles Hallé, I am Canadian Director for the Brotherhood of Locomotive Engineers.

The Brotherhood represents Locomotive Engineers and Rail Traffic Controllers in Canada and the United States. Our organization is the oldest Railway Union in North America, we were founded in 1863.

We represent Class I railroad as well as regional and shortline carriers. Our Canadian headquarter is in Ottawa and we have regional offices across the Country.

We do not intend to discuss all the economical aspects of the railroads in Canada, I am sure that our friends at CN and CP have and will continue to make their points on the open access issues. They manage the railroads, we just operate and dispatch their trains.

COMPETITION IN RAILWAY INDUSTRIES AND RUNNING RIGHTS :

Our organization knows that the Big Brothers CN and CP will do whatever they have to do to protect their shareholders' interests and to say the least they have the best teams to do that. This is why our brief will not deal too deeply on the economics of the issue.

With the privatization of Canadian National and the 1995 strike, followed by the famous appointment of Justice Adams, we certainly learned how the dice can be loaded to make a pig fly.

We however, support the position that open, unrestricted running rights should not be granted and, in the alternative full protection for major carriers and for their labour forces must be put in place.

When we looked at the issue of “open access”, it is obvious what kind of rational will be used to support regulations that will authorize other carriers to fully use the CN or CP lines in order to be competitive.

In our view, it does not make sense to have free for all, no regulations no restrictions railroading in Canada.

Would it make sense if a Company like FedEx to better service or gain new customers buys land, builds roads and bridges, maintains their assets, pays their taxes and if down the road Purolator or any John Doe Company says : I want the Government to authorize me to use FedEx privately own roads to be more competitive.

We do not think so.

We cannot either make comparison to “open sky” in the airlines industry. Up there the Person who owns it does not have to do a lot of work to maintain or pay for it. When the planes land and get to the terminal they deliver their passengers to final destination, interchange with other carriers, reload new passengers and carry on to an open sky that God owns...

To allow other Railroads to use the Class I Lines to operate their trains without any protection to the carriers and their employees will be like a Robin Hood story.

ADVERSE EFFECTS ON EMPLOYEES :

Over the last 10 years, our members have been affected at various locations in Canada by the sale or lease of portions of tracks by CN and CP. We have spent time, energy and money to negotiate to minimize the adverse effects on the employees and families and the communities. No matter how progressive and thorough the negotiations, the impact on the employees, their families and the communities is still very severe and in some cases devastating for those involved.

Thousands of miles of tracks have been sold or leased to shortlines operators. Thousands of employees and families have been adversely affected by these changes.

Now that all of these major changes have occurred, we are wondering why there is need to go through anymore “shuffling” and disruption.

We feel that all the players, Class I, Regional, and shortlines railroads should focus in growing their business instead of looking into more disruptions of workforces. At different points in Canada, our members at CN and CP interchange traffic with Regional and Shortline railroads. There is no need at this point to make any changes that will authorize them to crossover each other territory stealing traffic and jobs.

There is no provisions in our collective agreements at CN or CP that are specific to changes such as open access and the adverse effects that this type of change might bring. If such authorization is given to Railroads, it should be treated similar to the Freedman’s Report – recommendations or to the July 7, 1978 Via Special Agreement.

Our organization is requesting that if any flexibility is given to railroads in this open access, that all parties affected be directed to negotiate the adverse effects on the Labour force before implementing such changes.

QUALIFICATION, CERTIFICATION AND SAFETY :

One of the biggest concerns of our members if there is an open access in the railroad industry in Canada is the safe operation of trains.

Part II of the Railway Safety Act provides for the Establishment of regulations and rules for railway operation and maintenance.

Our organization have seen over the years a decline in the railroad companies' intentions to maintain the best standards for training and qualifications of their operating employees.

The rules and regulations from the Railway Safety Act have not been applied to their full extent.

In regards to Safety, there is also an important aspect to deal with, which are the different rest rules. Some are under the hours of service provisions and others are either under the provisions of the collective agreements. Depending of the railroad you work for, you are covered by collective agreements, regulations or no rules at all.

There has been a major lack of communication and cooperation between the parties including Transport Canada that has brought major safety concerns in train operations.

We, as an organization have been promoting safety through proper rest for operating employees for over hundred years, and are not interested to have people working on trains for 15-16 hours or without being the only judge of their own condition.

Transport Canada, as the watchdog for railroad safety, has been very “flexible” with the railroads in regards to hours of service, especially with the shortlines. Without going into any details, we think this flexibility has created a potential for disaster.

Our safety concerns with the Class I Railroads, although not always fully addressed, are dealt with. When it comes to Regional and Shortline operators, it is nothing more than a nightmare. When it comes to safety the do now grieve later policy should never be applied.

The Brotherhood, through years of dealing with our Canadian Railroads and especially over the last 15 years, have been listening to them saying that we should be using the United States’ model of railroading.

This look over our shoulders should not be only to see how much money you can make but also how safer you can operate.

In the United States, the qualification and certification of Locomotive Engineers as well as their supervisors are covered by the Code of Federal Regulations 49 under part 240 of the Federal Railroad Administration ("FRA").

Here in Canada, there is no real regulation in regards to qualification and certification for Locomotive Engineers.

Similar with the rest rules in the United States, the FRA monitors the straight application of the rest and do not tolerate any violations.

Here in Canada, the rest rules are like a bungee cord, the elasticity of the cord is dictated by the railroad's needs.

The Canada Transportation Act emphasizes the policy objective of fostering a safe, economic, efficient and adequate transportation system for Canadian shippers and travellers.

We, as the organization representing the Locomotive Engineers and Rail Traffic Controllers the two leading crafts of the Railroad operations, have the same objectives and safe operation is the first.

The regulations in Canada in regards to Qualification and Certification similar to the United States should have been put in place a long time ago. We submit that proper qualification and certification program provides quality control and consistency of important safety skills of Locomotive Engineers and Rail Traffic Controllers.

Our members and the Canadian Citizens' lives are more important than the Railroad revenues.

The fourth wave of railroading career is starting. Time is becoming very critical in regards to proper training and qualification. In the next 5 to 7 years, over 50% of Locomotive Engineers will retire and will have to be replaced. With longer and heavier trains increasing day after day, expertise and experience must be there.

If the Review Panel recommends any type of open access that sufficient regulations be put in place to deal with the Qualification and training of Locomotive Engineers and Rail Traffic Controllers as well as for the rest rules on all railroads.

Thanks you for your attention.

HISTORY

GILLES HALLÉ

- Started working with Canadian National in February 1972 as Conductor / Yard Foreman
- Qualified as Locomotive Engineer in 1975
- Served as Local Chairman and various positions in Quebec City until 1986
- Elected General Chairman for Eastern Canada 1986
- Since 1993, Canadian Director and International Vice President
- Also served as Chairman of the former Canadian Railway Labour Association