TEAMSTERS CANADA RAIL CONFERENCE
RAIL TRAFFIC CONTROLLERS
GENERAL COMMITTEE OF ADJUSTMENT

SUBMISSION TO THE
RAILWAY SAFETY ACT REVIEW
ADVISORY PANEL

AUGUST 21ST, 2007

PRESENTED BY:

JIM RUDDICK
GENERAL CHAIRPERSON
TEAMSTERS CANADA RAIL CONFERENCE
HISTORY:

Jim Ruddick

- Started working with Canadian National in September 1973 as an Operator.

- Qualified as a Rail Traffic Controller in 1977.

- First elected as Local Chairperson in 1978 and have held various Local and National postings until 1997.

- Since 1997 have served as General Chairperson presently representing Rail Traffic Controllers on Canadian Pacific Railway, Canadian National, and Ottawa Valley Railway.

- Part of Teamsters Canada Rail Conference first National Executive Board from 2004 to 2006.
By way of introduction, I am Jim Ruddick, General Chairperson within the Teamsters Canada Rail Conference. I have the privilege of representing Rail Traffic Controllers on Canadian Pacific Railway, Canadian National, and Ottawa Valley Railway.

First of all, I would like to thank the advisory panel for allowing our Organization, as well as myself, the opportunity to speak to such a distinguished and learned group.

I am here to speak on one issue only and that being, what is often referred to as “extra territorial dispatching” or “controlling of railway tracks and territories outside the existing country.”

We believe that regulation and legislation must be put into place to prevent foreign countries from taking responsibilities and control of Canadian railway trackage.

CANADA’S VAST AND COMPLICATED RAILWAY SYSTEM

Over the past few years, Canada’s railway system has been under public scrutiny as various news media outlets have questioned many aspects relating to how they operate. Much of this coverage has had a negative reaction to the railways, its leadership, and the agencies engaged in overseeing them.

We have witnessed dramatic and serious derailments particularly in British Columbia, Alberta, Ontario and Quebec. These incidents have not only hurt the Canadian economy but they have involved serious injuries and fatalities and inflicted severe environmental damage on the surrounding area.

Canada has one of the largest railway networks in the world, covering over 48,000 kilometres of track with over 50,000 railway crossings. The Canadian railways and all trackage in this country are vital to the economy of this country and the world markets including the United States and China.

Canada’s railways and their ownership have changed dramatically over the years, especially with the growth of shortlines. Canadian National and Canadian Pacific Railway are Class I railways and are the two (2) major railways in Canada although there are now more than forty (40) shortline railways running on thousands of kilometres of trackage. Some of these shortlines are owned by foreign investors whose head offices are in foreign countries such as Rail America who owns and operates tracks in the province of Alberta, Ontario, Nova Scotia and Cape Breton and who’s head office is in Boca Raton, Florida.

Not only are Canadian railways large and complicated, but so is the landscape, terrain, and climate that they run through. Railways operate into and through vast metropolitan centres, thinly populated regions in Canada’s north, and west across the flat prairies ending in the mountain regions of Alberta and British Columbia. Canadian climate and conditions are also constantly changing and can bring extreme heat condition, drought, flooding, heavy snowfall, temperatures dipping below 40 degrees Celsius, tornadoes, and severe windstorms. All
concerned must be constantly on top of these weather challenges if a safe and efficient rail operation is to be upheld in Canada.

The position of the Rail Traffic Controller is essential and plays an extremely important role in the operation of a vast and complicated railway network with some of their duties and responsibilities listed below.

THE RAIL TRAFFIC CONTROLLER (RTC) POSITION

Rail Traffic Controllers (sometimes referred to as Train Dispatchers) have been described by learned Arbitrators as being “the eyes and ears of safe railroading.”

For example, in Canadian Railway Office of Arbitration Case No. 1766, the Arbitrator stated:

“...Few employees within the railroading system bear greater responsibility for the safety and security of lives and equipment than does the Train Dispatcher.”

Also, in Canadian Railway Office of Arbitration Case No. 3077, the Arbitrator writes:

“Like running trade employees, Rail Traffic Controllers are the heart of a safe railway operation, and in many respects are the eyes and ears of the system.”

Rail Traffic Controllers control the movement of trains and engines in and out of main terminals over numerous main lines which involve different control systems such as signalled track (Centralized Traffic Control) as well as non-signalled territory which is often referred to as “dark territory.” Rail Traffic Controllers issue work authorities for all main track work through Track Occupancy Permits (TOPs), Occupancy Control System (OCS) work clearances, or Tabular General Bulletin Order (TGBO) protection.

Rail Traffic Controllers are responsible for the safe and efficient movement of various types of trains. Included are: freight trains of various lengths and tonnage which transport many different types of commodity such as pulp, automobiles, containers, grain, military equipment, and dangerous goods. Rail Traffic Controllers are also responsible for the safe and timely passage of thousands of people who travel on Via Rail trains and specialty trains such as the Rocky Mountaineer and the American Orient Express, as well as those who commute to work on a daily basis into major centres such as Montreal, Toronto and Vancouver.

Freight and passenger/commuter trains travel across all parts of Canada in both rural and metropolitan areas. In order to ensure that a safe and efficient operation is constantly maintained, Rail Traffic Controllers must consistently communicate with Locomotive Engineers and Conductors, Maintenance of Way Employees who repair and patrol the track, as well as Signal and Communication employees responsible for the signal systems.

The primary responsibility of the Rail Traffic Controller is to ensure the safety of trains and engines and other personnel on or near the tracks whether they are railway workers, or the
general public. In order to achieve this, strict adherence to the Canadian Railway Operating Rules and Supplement Instructions must be complied with. By way of constant communication, the Rail Traffic Controller must continually ensure that train traffic and tracks are free from existing, or potentially existing danger. They must act quickly and clearly to protect trains crews, track personnel, and the general public.

Rail Traffic Controllers have many duties and responsibilities outside the obvious tasks involving the safe movement of trains and equipment. Over the years, there has been a sweeping reduction in all areas of the railways workforce resulting in an even higher degree of workload responsibility. Demands being placed on the Rail Traffic Controller include:

- Control and route passenger and commuter trains safely and expeditiously to maintain their scheduled performance.
- Control and route freight trains on their railway as well as other railways.
- Control and route special trains, such as propane trains.
- Must document delays to all above-mentioned trains.
- Communicate and plan with other Rail Traffic Controllers on adjacent territories and different Control Centre locations.
- Maintain and plan safe access track times for maintenance work that is required on specific portions on and around tracks for repairs or inspection, signal malfunction, switch problems, high water incidents, or reported fires, etc.
- Receive requests for, and then issue train movement authorities to Locomotive Engineers and Conductors by way of OCS Clearances, safety track rules such as Rule 564 or Rule 568, receive and issue slow order track conditions to trains, advise crews of impending meets with other trains, or the overtaking or bypassing of trains.
- Protect and advise of improper track conditions, defective crossings, obstacles and obstructions on the tracks or the right of way such as vehicles, trespassers, suicide victims, high water conditions, and fires.
- Issue track authorities to maintenance and supervisory personnel which requires both visual and direct communication to verify specific location of trains on the required territory.
- Coordinate and plan with general yardmasters, operations manager, and other company personnel.
- Coordinate and plan with emergency response personnel such as police officers, fire fighters, ambulance departments and workers in accident situations.
There are fewer than 600 individuals in Canada who work this specialized and high pressure Rail Traffic Controller position.

**SAFEGUARDS AND REGULATION**

If the control of any of our Canadian tracks were to be given to one or more foreign countries, there would be a significant impact on the Canadian Rail System. It is indisputable that a serious potential for an increasing number of errors and accidents results from compromising a Rail Traffic Controller's ability to perform the heavy responsibility associated with their position. This potential has led to Transport Canada and others to impose significant restrictions and work rules on Rail Traffic Controllers in order to protect rail safety in Canada.

Rail Traffic Controllers must achieve a 90 per cent passing grade on their final exams and is the only railway craft required to obtain such a high mark. Canada has laws in place regarding the number of hours that a Rail Traffic Controller can work. They must maintain a sharp and alert mind at all times and are subject to drug and alcohol testing with cause.

Transport Canada conducts numerous yearly audits within Canadian Rail Traffic Control Centres as well as audits on Rail Traffic Controllers themselves. They are subject to sanctions for violating safety or criminal standards. These laws would not be enforceable against employees of foreign corporations working in foreign countries. Transport Canada or the Transportation Safety Board would not be able to enforce Canadian Operating Rules or other safety checks and mandates on foreign workers in foreign countries. As well, if the Rail Traffic Control offices were not physically located in this country then Transport Canada and other agencies' ability to accomplish and maintain their safety objectives would be severely compromised.

We are not claiming that any foreign country or railway would intentionally promote hazardous working conditions or unsafe Rail Traffic Controller practices, but rather, that Transport Canada and other agencies know what is best required for the safe and reliable operation of the Canadian railway system. Canadian operating standards are high and we must ensure that it remains this way. If the Rail Traffic Controller's responsibility and control were to be transferred to another country, the safety of the general public as well as railway workers would be placed in jeopardy with a "wait and see" attitude, as to see how things would be handled.

The effectiveness of Canadian agencies to conduct inspections, investigative accidents or serious incidents, or their ability to impose any type of sanction, would be severely restricted and would inevitably stop at the border.

Rail Traffic Controllers in Canada are deemed safety critical employees and are subject to stringent medical criteria as outlined in the "Railway Medical Rules for Positions Critical to Safe Railway Operation." How would these conditions be enforced upon foreign workers in foreign countries?
COMMUNICATION AND FAMILIARIZATION

As previously stated, proper and clear communication is essential to safe railroading. Canada has two official languages; English and French unlike other countries. For example, we know that the official language of the United States is English and that the official language of Mexico is Spanish. With a Canadian Rail Traffic Control Centre located outside of Canada, it would be extremely difficult to apply our Canadian language rights and laws.

Once again, to reiterate, Arbitrators have stated that Rail Traffic Controllers are the “eyes and ears” of a safe railway. I wish to point out that beyond the Rail Traffic Controller’s immediate line of sight of his/her control panel, the true physical aspects of their territory is not displayed. A Rail Traffic Controller who has physically seen the territory and tracks under their control can visualize the geographical terrain thereby providing a greater awareness to respond and protect the safety of the operation. Canadian Rail Traffic Controllers located in the various offices in Canada, grew up in, or have worked in most of the locations in Canada.

DIFFERENT LABOUR LAWS

All countries have different Labour Laws and standards to that of Canada. The disruption of rail operations by workers of another country, even is such disruption resulted from a legal or lawful work stoppage, would place Canadian rail operations in jeopardy. Neither the Government of Canada or the Courts of Canada would have any jurisdiction in requiring employees in a foreign country to provide the Rail Traffic Controller functions and services required to keep railways running efficiently and safely.

TECHNOLOGY AND GLOBALIZATION

Our Organization acknowledges that with today’s technology Rail Traffic Controllers can be located almost anywhere in the world. This technology has allowed Canadian National and Canadian Pacific Railways to centralize almost all of their offices into five (5) major Rail Traffic Control Centres with two (2) offices in Montreal and one (1) each in Toronto, Edmonton, and Calgary.

While there may be fewer offices where Rail Traffic Controllers work, the size of the territory and the amount of traffic and complexities under which each Rail Traffic Controller works has increased.

With the present globalization and free markets, the chance and opportunity for foreign countries to invest or purchase Canadian rail lines has become greater. The safety of Canadian citizens and workers should not be compromised because of this.

Once again, I wish to reiterate that Rail Traffic Controller positions are highly regulated. They have a limited number of hours in which they can work and as well, are subject to drug and alcohol testing after a major incident or just cause.
Rail Traffic Controllers are subject to writing and passing periodic Canadian Operating Rules exams and must achieve a 90 per cent grade. They are also subject to periodic audits by both Transport Canada and the Company. They are personally subject to sanctions for violating Transport Canada's Safety Standards or Canadian Law. These laws and standards only extend to railway operations in this country. These standards and laws are not enforceable against employees of foreign corporations working in foreign countries. Either Transport Canada or the Transportation Safety Board can appear at any Canadian Rail Traffic Control Centre in Canada at anytime to oversee and investigate whether these laws and standards are being complied with. They will have no such rights in other countries.

SECURITY

The security threat posed by terrorism or other attacks can no longer be considered as remote. With the tragedy of events of September 11, 2001 and the London transit system bombing, Canada is not immune. The very workers that are the height of railway safety must be governed and answerable to Canadian authorities, not foreign countries.

The Rail Traffic Control Centres are the very centre of everyday railway operations working on a 24/7 basis. An attack on the Rail Traffic Control Centre whether physical by nature or through the use of technology or the "hacking" of control systems, could have disastrous effects on the railway. This would severely impact the safety of the operation and general public and would cause severe strain on the Canadian economy.

CONCLUSION

Nothing prevents foreign investors from purchasing Canadian rail lines; this is a part of globalization and free trade, but, we must ensure that they are subject to Canadian laws and standards. They can build or maintain a Rail Traffic Control Centre in Canada just as easily as anywhere else in the world.

The United States Federal Railroad Administration (FRA) and government have measures in place to protect the American public and American railway workers. All American dispatching of railroad operations that occur in the United States will be performed in the United States with three (3) minor exceptions that are briefly listed as follows:

1. A railroad is allowed to conduct dispatching of railroad operations in the United States from a point outside the United States (extraterritorial dispatching) in emergency situations for the duration of the emergency.

2. Permits continual extraterritorial dispatching of the very limited track segments in the United States that were regularly dispatched in December 1999. The grandfathering covers the four (4) domestic operations that are dispatched from Canada.
3. Will allow for extraterritorial dispatching from Canada or Mexico on fringe border operations providing trackage does not exceed 100 miles and under the control of the same assigned crew, etc.

The Federal Railroad Administration (FRA) and American government have taken steps to protect the safety and interests of the American public and railway workers. We respectively request that you recommend similar protection and legislation be put in place in Canada as soon as possible.

On behalf of our membership and executive, I would like to again thank you for allowing us to participate and address our concerns.