



Transport
Canada

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Rail Safety

Our file : RSIG - 1446603

Pacific Region
Surface New Westminster TCC
625 Agnes Street
New Westminster, BC
V3M5Y4

By Registered Mail

NOTICE AND ORDER

January 14, 2016

Keith Shearer
General Manager, Operating Standards and Regulatory Affairs
Canadian Pacific Railway Company
Building #1, 7550 Ogden Dale Road
Calgary, AB
T2C 4X9

Dear Mr. Shearer,

I am a Railway Safety Inspector designated by the Minister of Transport under subsection 27(1) of the *Railway Safety Act (RSA)*.

Operating train crews are being required to:



- Report for duty at the away from home terminal rest facility in advance of their on-duty time and to allow for transit to the away from home terminal;
- Accept, without ability to book rest thereafter, "call and cancels", only to be then reordered without the intervening down times being counted toward their hours of service;
- Anticipate work calls, using inaccurate train line-ups, including the omission of trains.

-- all of the above reduces necessary rest, and creates excessive fatigue. This is occurring at locations on CP within British Columbia including but not limited to Roberts Bank, Coquitlam, and Kamloops.

This information was discovered as a result of inspections for Work Rest Rule compliance related to Extended Service Run (ESR) train crews, performed during the month of December 2015; complaints have been received from multiple crew members operating in ESR pools between Kamloops and the Greater Vancouver Area Terminals.

As a result, this Notice and Order is being issued under subsection 31(2) of the *RSA* to inform you that, in my opinion, an immediate threat to safe railway operations exists. Pursuant to subsection 4(4.1) of the *RSA*, an immediate threat is defined as "a situation already exists" wherein "a hazard or condition such that a person could be injured or made to be ill or damage could be caused to the environment or property."

Hazard(s) or Condition(s)

CP Rail's operations, specific to ESR, are creating conditions which are causing fatigue to accumulate in operating crews, thereby reducing their alertness, while in care and control of trains. The operational conditions contributing to this are:

- Not including transit time, to and from the away-from-home rest facility, and the away-from-home terminal as time on duty;
- Not allowing crews to book rest at the away-from-home terminal after being cancelled for duty;
- Not listing ESR trains on the train lineup for a sufficient amount of time. This does not allow crew members sufficient planning time for a sleep cycle prior to being on duty.

I therefore order that Canadian Pacific Railway Company:



,at the home, and away-from-home terminals of Kamloops, Roberts Bank, and Port Coquitlam (Greater Vancouver Area Terminals inclusive):

- Shall include all transit time to and from the rest facility at the away-from-home terminal as operating crew's on-duty time;
- Shall allow ESR crews the ability to book up to eight hours undisturbed rest when cancelled;
- Shall have all ESR trains posted on the ESR specific train lineup or a general lineup if utilized, for a minimum of eight hours prior to call time, and up to a maximum call time of twelve hours.

Pursuant to subsection 31(7) of the *RSA*, an order contained in a notice under this section has effect

(a) in the case of a railway company, when the company receives the notice or a railway company supervisor or employee receives a copy of it, whichever occurs first; or

(b) in the case of another person, when they receive the notice

If you intend to initiate a review of this Order by the Transportation Appeal Tribunal of Canada (TATC), you must file a request in writing with the Tribunal, which must be postmarked no later than 23:59 hours on February 14, 2016.

The Tribunal has prepared a Guide for Applicants that you may obtain from the Tribunal's Registrar at the address below. Requests for review must be filed with:

The Registrar
Transportation Appeal Tribunal of Canada
333 Laurier Avenue West, Room 1201
Ottawa, Ontario
K1A 0N5
<http://www.tatc.gc.ca>

Please note that a request for review by the TATC does not stay an Order.



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Please note that this Order will remain in effect until the hazard(s) or condition(s) have been addressed to my satisfaction. Should you require additional information on this matter, please contact me at (604) 666-7985 or by email at Todd.Horie@tc.gc.ca.

Sincerely,

Todd Horie
Operations Inspector
Rail Safety Inspector

C.C.: The Minister
Badge#30170