

Opinion: Rail safety standards aren't enough — audits are crucial

BY MARY-JANE BENNETT, THE GAZETTE DECEMBER 13, 2013

VANCOUVER - According to federal auditor-general Michael Ferguson's recently released fall report, "significant weaknesses" with respect to rail-safety oversight continue at Transport Canada. These weaknesses have been flagged for some time, dating back a dozen years, to when the federal government adopted a new rail-safety regime, known as the Safety Management System, or SMS.

Under SMS, railways take an active role in setting their own safety standards. This does not mean, as some claim, that railways are self-regulating. Ottawa not only maintains exclusive authority over safety and over construction (or alteration) of infrastructure, it also has the right to supersede any railway proposal relating to safety.

The way things work, each federal railway is required to identify its specific safety risks, such as fatigue management, crew size, locomotive design and track. Each then proposes a safety protocol to Ottawa. These protocols become rules once approved by the minister of transport. New rules or regulations can be issued at any time by Ottawa. Following the rail disaster at Lac-Mégantic, for example, Transport Minister Lisa Raitt enhanced requirements on handbrakes. Further, locomotives were barred from being left unattended, and so-called "one-man" rail operations were prohibited.

Where things completely collapse is in the transportation of dangerous goods. The auditor-general's 2011 report outlined serious lapses by both the government and shippers. First, Transport Canada doesn't appear to know who is shipping dangerous goods — even explosives like dynamite, toxins like chlorine, or flammable gases like propane. Nor does it know what exactly is in the rail cars, and where they are being routed. Their inspectors are under-trained, their inspections poorly designed, follow-up is lacking, and sanctions are missing. Shippers, meanwhile, are operating without final approval in about half the cases.

Following the explosion and massive fireballs in Lac-Mégantic, Canada's Transportation Safety Board investigators found that oil had been mislabelled and sent down the rails blindly, and without regard to whether or not it was potentially volatile. This prompted Ottawa to order the testing of any crude being sent by rail, a requirement that has since been flouted by shippers.

Clearly, the shipment of dangerous goods requires a complete turnaround, but what about rail systems generally? The auditor-general found that although the focus should be on the audit of safety systems, Transport Canada continues to carry out tens of thousands of

inspections, ignoring more in-depth safety audits. The auditor general urged Transport Canada to categorize railways based on risk. Those with well-functioning safety management systems require less intensive oversight. Last week Transport Canada responded with the launch of a risk analysis in the transportation of dangerous goods

Although SMS is an imperfect system, the news isn't all bad. Accident rates have decreased in the last decade. The railway industry has made significant strides to improve safety. Still, safety standards alone won't save lives. To function, they require robust supervision.

The U.S. faced similar conditions in the 1990s, after a congressional report said inspections "could not provide assurance that railroads are operating safely." The U.S. Federal Railroad Administration (FRA) made several key changes. The FRA was divided into five "inspection disciplines" — track, operating practices, hazardous materials, signals and locomotive power/equipment. Next, the FRA tackled crossing safety (where most accidents occur) and "human error" issues, such as fatigue, also a major cause of accidents. In 1996, it established the Railroad Safety Advisory Committee to develop new regulations. Most important, the FRA implemented a risk approach to rail safety. That meant inspectors focused on worst offenders, using accident and mileage data to determine at-risk rail lines.

In Canada, we're still foot dragging on how to audit safety. Many of the weaknesses were identified more than five years ago — and still haven't been addressed. It's time to get on track and focus on the big issues. Establishing priority safety areas is a must.

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