



*Teamsters Canada Rail Conference  
Provincial Legislative Board of Manitoba*



January 28, 2008

The Honourable Lawrence Cannon  
Minister of Transport, Infrastructure and Communities  
Tower C – 330 Sparks Street  
Ottawa, Ontario, Canada  
K1A 0N5

Dear Sir,

This letter is in regards to a practice that poses a serious threat to rail safety, a substantial risk to the environment, and is directly attributable to the movement of empty hopper cars with unloading gates left in the open position at both Canadian Pacific Railway and Canadian National Railway. This issue of serious concern was reported to the offices of Transport Canada, and has been allowed to continue despite fervent objections and substantial evidence submitted by the Teamsters Canada Rail Conference documenting the dangers of this unsafe practice. We are hereby requesting that your office intervene to have this practice cease so that the safety of the public, rail employees and the environment is no longer compromised. We offer the following information for your consideration and disposition in this matter.

In November 2006, it was brought to the attention of this office that train crews in Manitoba and Saskatchewan had noticed an inordinate number of hopper gates and associated rigging on the ground in rail yards and along rail right of ways. Upon investigation it was determined that local safety committees at both Canadian Pacific Railway and Canadian National Railway had raised concerns for the safety of employees, as it was believed that the hopper gates were disengaging during switching operations and in transit. This issue was recognized to be of a very serious nature as the ramifications of the failures of this type of equipment were considered to be extensive. The immediate and most obvious concerns were the possibility of serious derailments. In addition and of greatest consequence was the concern for employees and the public. Committees realized that should a gate dislodge during transit and be ejected outward from under a fast moving train it could easily cause severe injury or death to any individuals in the path of this projectile. Recognizing the severity of this issue, safety committees attempted to have this situation remedied locally and were unsuccessful as they were informed by management that there was no policy or regulation in place to restrict movement of empty hopper cars with gates in the closed and secured position only.

On February 22, 2007 a meeting took place in the offices of Transport Canada in Ottawa between representatives of the Teamsters Canada Rail Conference and Luc Bourdon – Director General Rail Safety. During this meeting this concern was advanced

by the TCRC with a request to have Transport Canada thoroughly investigate and correct this situation. The TCRC provided graphic pictorial evidence of hopper gates and associated rigging which had been found in yards and along right of ways. These examples included equipment that had become dislodged both during switching operations and while in transit. As an example of the pictorial evidence, a part of the gate-operating mechanism was found jammed in a switch point which invariably could have resulted in derailment had it not been found and removed by an observant employee. In a second instance it was reported by an engineering services employee that there was evidence of track damage that had occurred as the result of a bottom gate dislodging from a car in transit. Numerous track ties were found to have been scarred prior to the gate being forcefully ejected from beneath the train on to the right of way. The TCRC was assured at this meeting that Transport Canada would undertake steps to investigate this issue.

On May 11, 2007 a letter was forwarded to the offices of Transport Canada to those charged with the responsibility of investigating this safety concern indicating that the Teamsters Canada Rail Conference had continued to receive evidence of this type of equipment failure. In the letter it was documented that “on March 14, 2007 a C.P. crew on the Carberry Subdivision (Manitoba) noted a hopper car gate which had been jettisoned out from beneath a train, cutting through the snow on the right of way and coming to rest on its edge, much like the blade of a circular saw.” In addition an actual video was included of an incident where a hopper gate had dislodged in transit immediately in front of the C.P.R. Broadview - Manitoba crew rest facility. In this video it showed the hopper gate jammed into a tie and the ballast as the train passed over this failed equipment. It was extremely fortunate that the movement was stopped without further damage or derailment and the gate was safely removed. One can only surmise at the possibilities of damage and injury had this equipment failed at high speed while passing through a town with the public in close proximity. Recognizing the serious risks posed by these equipment failures, the TCRC formally requested of Transport Canada that “an order be immediately issued to all railways to cease the action of allowing the movement of hopper cars with gates left in the open position.” It was the position of the TCRC that based on the new evidence presented, the level of risk to employees, the public, and the environment was now unacceptable. Unfortunately this request was ignored by the offices of Transport Canada and the practice was allowed to continue. We were however informed that an “extensive review” of this matter was being performed. We were also told that the “Canadian Auto Workers” had provided pictures related to this issue, and although a request for copies of these pictures was made by this office, and this request agreed to, Transport Canada once again failed to fulfill its commitment.

On June 13, 2007 the TCRC having continued concern to have this issue addressed, requested an update from Transport Canada on actions taken to resolve this situation. Although a curt response was received stating that information on Transport Canada initiatives would be forwarded, this would in fact not occur until some four months later. Throughout this period of time a number of telephone calls were made to Transport Canada by the Director of the National Legislative Board of the TCRC, with little new information provided in reply to this matter.

On October 10, 2007, a letter of response from Transport Canada - Director General Rail Safety – Luc Bourdon was finally received by the TCRC informing the TCRC of the initiatives undertaken by Transport Canada to address this situation. We would ask the Minister to closely review the information that follows in consideration of this issue.

Mr. Bourdon in his letter indicated the following: “Like yourselves, TC is concerned with the condition of hopper car gates on all cars and especially the grain car fleet due to the repercussions of lost product. Transport Canada regional inspectors have performed a focused inspection of more than 300 hopper cars on both C.N. and C.P. rail of which 50% of the cars were loaded. Of the empty cars inspected, 95% of the gates on CN cars were closed and 80% of CP cars were in the closed position.” The TCRC wishes to bring to the attention of the Minister that the inspection of loaded equipment with gates closed is of little consequence to the specific nature of our safety concern. It should be also noted that this sampling would be considered extremely small in terms of the actual size of the grain car fleet. In addition this focused inspection failed to address the huge potash car fleet that is also in service, posing the same real threat to the safety of the employees and the public, as do grain hopper cars. The TCRC is of the opinion that this initiative was of little credence to our concern.

The TCRC also offers the following for consideration by the Minister. Mr. Bourdon makes reference to the “repercussions of lost product.” He further states in part that “to prevent product loss or contamination by dirt or gravel from the roadbed, signs are attached to some cars stating they should be closed before moving. This is a contamination of product and containment of product issue rather than a safety issue.” One can certainly understand the importance of securing the gates and containing the product for shipping. However the TCRC wishes to offer the following for the Minister’s consideration. It is the position of the TCRC that rather the concern of Transport Canada of risking the contamination of the car before future product is loaded as Mr. Bourdon suggests, the greater concern should be for the environment which is being contaminated from residue product that is allowed to be distributed across the entire rail system as gates are left open the open position in transit. In a letter dated January 21, 2008, to Mr. Bourdon the TCRC stated that “it is indisputable many cars have product left within them upon completion of the unloading process. In transit this product vibrates loose, and falls towards the unloading chutes, which when left in the open position allows for contamination of the ballast and surrounding environment along the right of way. This could include the contamination of streams and rivers as cars move across open rail trestle bridges. To exacerbate the issue further, runoff from the right of way during spring melt and summer rains compounds the act of contamination by further increasing the concentration level of contamination.” This type of contaminations can be many and varied from potash to other powder based chemicals. If one was to consider that the Transport Canada initiative suggests that 25% of the empty hopper cars in transit move with gates left open, the contamination level should be considered extremely high based on Transport Canada’s own statistical analysis. The TCRC submits that Transport Canada has once again failed in its reasoning to allow for the movement of hopper cars with gates open.

The President and Chief Executive Officer of Canadian Pacific Railway – Fred Green in his safety address for 2008 entitled “A Culture of Safety at C.P.” stated the following: “It’s our responsibility to take care of the environment. We have no special rights. If there is a product or a substance that could be dripping into the earth or into a waterway, into a stream or can in some way could cause harm, it is our absolute responsibility as a company, and as individuals to stop that, stop it immediately as quickly as well as we possibly can. It would appear that Canadian Pacific Railway has more than willingly expressed their corporate responsibility to protect the environment and would act to ensure gates on empty hopper cars are closed and properly secured if so ordered. This being the case we would ask that Transport Canada show the same level of commitment and value, and move to ensure that the employees, the public and environment be protected from all hazards associated to this unsafe practice by immediately ordering the railways to cease the movement of empty hopper cars with unsecured gates in the open position. This action should follow with a regulation to be immediately developed and enacted to address this situation accordingly.

In closing, we note that the first objective of the “Railway Safety Act” is to “promote and provide for the safety of the public and personnel, and protection of property and environment, in the operation of railways.” It is the position of the Teamsters Canada Rail Conference that this part of the Act has, and continues to be contravened. We ask the Minister to consider the extreme risks taken by Transport Canada by its failure to properly act on this matter. We would suggest that should an incident occur that involves serious injury or loss of life as a result of this inaction, the liabilities would be excessive based on the evidence provided. We urge that the Minister move quickly to eliminate this risk to all in its entirety and take the necessary immediate steps to protect the environment from further damage. I include photographs of hopper gates that have been found on right of ways, and other related information. I will also forward the video clip of the incident of the hopper gate which disengaged in transit in front of the rest house facility in Broadview, Saskatchewan. Should the Minister require any further information, I would ask that his office please advise accordingly.

I thank the Minister in advance for his consideration in this matter, and await his response on this timely issue.

Sincerely,



T.P. Handkamer  
Chairman - Provincial Legislative Board of Manitoba  
Vice Chairman –National Legislative Board  
Teamsters Canada Rail Conference  
18 Strewchuk Bay  
Winnipeg, Manitoba R2P 2K8

Cc. Honourable Stephan Dion – M.P.  
Gilles Duceppe – M.P.  
Honourable Jack Layton – M.P.  
Honourable John Baird  
Honourable Joe Volpe – M.P.  
David McGuinty – M.P.  
Honourable Bill Blaikie – M.P.  
Dan Shewchuk  
Mike Wheten  
Phil Benson

Leader – Liberal Party  
Leader – Bloc Québécois Party  
Leader – New Democrat Party  
Minister of the Environment  
Eglinton - Lawrence  
Ottawa South  
Elmwood – Transcona  
President - Teamsters Canada Rail Conference  
Director National Legislative Board –TCRC  
Lobbyist Teamsters Canada



EXHIBIT - A / Hopper Gate Found in Canadian Pacific Railway - Brandon Yard



EXHIBIT - B / Hopper Gate Disengaged In Transit Broadview, Saskatchewan



EXHIBIT - C / Hopper Gate Found on Right Of Way, Virden, Manitoba  
Track damage resulted in scarred ties.



EXHIBIT - D / Damaged Hopper Gate Removed From Under Train



EXHIBIT - E / Newer Hopper Gate Found and Removed from Right Of Way



EXHIBIT - F / Hopper Gate Removed from Brandon, Manitoba Yard



EXHIBIT - G / Damage to Hopper Car Resulting After Gate Dislodged While in Transit



EXHIBIT - H / Grain Hopper Car Allowed to Move with Gate Open. Grain has vibrated to bottom of chute, and is released to ground as do other substances such as potash and other powdered chemicals.



EXHIBIT - I / Grain Hopper Car With Gate Left Fully Open at Extreme End Of Gate Guides.



EXHIBIT - J / Signage on Sides of Cars Indicating To Ship Car With Outlet Gates Closed and Locked.