



Vance Badawey MP

Parliamentary Secretary to the Minister of Transport

Transport Canada

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By email: vance.badawey@parl.gc.ca

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Disruption of VIA Rail Canada operations on CN trackage

Dear Mr. Badawey,

Your presentation at the launch of VIA Rail's new *Venture* trains in southwestern Ontario on June 27 indicated the government's renewed commitment to passenger rail in the Quebec-Windsor corridor. The day demonstrated solid support from guests who rode the new train between London and Windsor, the pride and enthusiasm of VIA Rail management and staff, and the value that Canada's investment in this fleet renewal brings to our communities.

As advocates for passengers and sustainable transportation, Transport Action Canada is concerned by two developments demonstrating CN's resistance to the successful operation of these new trains, undermining the government's investment and disrupting passengers.

The first is the dispute between VIA Rail and CN regarding the renewal of the Train Service Agreement, which landed before the Canada Transportation Agency last year (CTA Case 23-28548) and is still unresolved. Our organization filed a position statement on this dispute.

The second is a recent decision by CN to impose speed restrictions on the new *Venture* trains at grade crossings, which has now proceeded to federal court due to CN's unprecedented refusal to share technical information with VIA Rail and Siemens engineers to justify the speed restrictions, rather than working together to resolve the issue.

In both cases, we fully support VIA Rail's actions. These developments also demonstrate once again the need for a *Fair Rail for Passengers Act* to clearly define the mutual responsibilities of all host railways and all passenger operators.

CN's actions have dragged VIA Rail's on-time performance to new lows, which is both a national embarrassment and a public financial burden due to additional operating costs and compensation payable to delayed passengers. As key players in Canada's supply chain and



transportation system, the Class 1 railways—both CN and CPKC—must not be allowed to circumvent the responsibilities that entails, nor to use their size to dictate Canada’s surface transportation policy.

Recent decades have also seen the resilience and national value of Canada’s rail networks eroded—including the transcontinental system transferred to CN upon privatization—by route abandonments, removal of infrastructure capacity, and deferred maintenance. While disadvantageous to shippers and passengers, this ostensibly serves the short-term interests of shareholders, many of whom are international entities with little or no regard for the long-term growth of Canada’s economy, nor for Canadians’ sustainable mobility, nor even for longer-term growth of the railways themselves. A submission we made to the then Minister of Transport in September 2020 [detailed our concerns](#), and Canada has since fallen further, to rank only 19th in [comparative global infrastructure effectiveness](#). We hope that the federal government will now agree that these are interconnected matters of national interest that cannot be left to the private sector without strengthening Canada’s regulatory oversight.

The Government of Canada can and should legislate to ensure the Class 1 railways act responsibly in the national interest while also providing an acceptable financial return to their shareholders. These goals need not be mutually exclusive, and we continue to advocate for joint investments to address network bottlenecks, improve capacity and resilience, and ensure supply chain fluidity. Combined with new express passenger tracks between Toronto and Quebec City, freight and passenger rail should, together, be able to make a much greater contribution to Canada’s environmental sustainability and economic competitiveness.

However, anything less than complete transparency between infrastructure managers and train operators on matters such as grade crossing safety is unacceptable, so we urge Transport Canada to communicate clearly to CN’s senior management that full cooperation between all parties to ensure railway safety, the safety of road users, and of the communities Canada’s railways serve, is imperative. Should narrow commercial interests continue to impede such cooperation, the government should be prepared to consider strong remedies, including restructuring the railway to return the infrastructure to the public sector.

Yours Sincerely,

Terry Johnson

Terence Johnson
President, Transport Action Canada