



## REASSESSMENT OF THE RESPONSE TO RAIL SAFETY RECOMMENDATION R01-07

### PRIVATE AND FARM CROSSINGS ON THE KINGSTON SUBDIVISION

#### Background

On 23 November 1999, at approximately 1845 eastern standard time (EST), Canadian National (CN) freight train M-321-21-22, travelling westward on the north main track, struck the trailer portion of an abandoned highway tractor-trailer at a farm crossing at Mile 292.59 of CN's Kingston Subdivision, near Bowmanville, Ontario. Both the tractor and the trailer were dragged westward for approximately 2000 feet. Approximately 800 feet west of the crossing, metal parts from the trailer portion became entangled under the wheels of the lead locomotive, resulting in the derailment of both locomotives and the following 10 rail cars. The tractor portion remained connected to the trailer and ignited. The local fire department extinguished the fire. Three of the derailed cars were residue liquefied petroleum gas (LPG) tank cars and five of the derailed cars were loaded with butadiene.

Just before the derailed freight train came to a stop, VIA Rail passenger train No. 68 (VIA 68), travelling eastward on the south main track, struck the tractor portion of the tractor-trailer which was hooked onto the lead freight locomotive, tore it away from the trailer portion, and dragged it eastward for approximately 700 feet. Parts of the tractor became lodged under the wheels of the VIA locomotive causing it and the following five passenger coaches to derail. Minor injuries were sustained by six VIA employees, including four on-train service (OTS) personnel, and five passengers.

The Board concluded its investigation and released report R99T0298 on 19 October 2001.

#### Board Recommendation R01-07 (19 October 2001)

While the Board recognizes that some effort has been made in the past to close or consolidate private and farm crossings, significant action has been taken only once. Because of the large number of private and farm crossings, many of which have very limited warning systems, users of these crossings, the travelling public as well as train crews are exposed to unnecessary risks. Therefore, the Board recommends that:

The Department of Transport, in cooperation with Canadian National, comprehensively examine all private and farm crossings on the Kingston Subdivision with a view to closing or consolidating crossings, and where identified as necessary, upgrade those remaining to lessen the safety risk.

R01-07

### **Response to R01-07 (24 January 2002)**

TC stated that they agree with the principle of examining the safety of private and farm crossings on the Kingston Subdivision. Under the Railway Safety Act, it is the responsibility of the railway company to ensure that farm and private crossings are constructed and maintained in accordance with sound engineering principles.

Nonetheless, TC indicated that they will review this issue with Canadian National and obtain their commitment to review safety at farm and private crossings. TC indicated that their Rail Safety officers will also conduct random inspections of private and farm crossings on the Kingston Subdivision, identify any concerns with respect to their safety, and ensure that appropriate measures are taken.

### **Board Assessment of the Response to R01-07 (January 2002)**

TC reviewed the issue with CN and conducted random inspections of private and farm crossings to identify safety concerns. This initiative resulted in the upgrading of some of these grade crossings. In addition, a funding program was put in place by TC as an incentive to upgrade these crossings. TSB accepts this response as **Satisfactory Intent**.

### **Next TSB Action (January 2002)**

The Board followed up with TC to determine what further action will be implemented.

This file was assigned an **Active** status.

### **Response to R01-07 (28 July 2006)**

TC responded that two public crossings were closed in 2005 through the assistance of TC's Grade Crossing Improvement Program – Closing of Crossings. TC also noted that current federal legislation does not facilitate the closing or put any restriction on opening private crossings. The owner's enjoyment of their land is protected.

### **Board Reassessment of Response to R01-07 (25 August 2006)**

TC advises that CN has reviewed all farm and private crossings on the Kingston Subdivision. Numerous sight line and alignment improvements have been made, or are underway, with program completion expected in 2007. Additionally, nine crossings have been closed. Therefore, the Board reassesses the response as **Fully Satisfactory**.

### **Next TSB Action**

The Board will monitor while the program is being implemented.

This file is assigned a **Closed** status.