

Fatal Via crash could have been avoided, ex-CN supervisor says

Questions abound 1 year after fatal Burlington, Ont., crash

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A deadly high-speed Via Rail train derailment in Burlington, Ont., one year ago might have been prevented had CN heeded warnings and removed or upgraded an "obsolete" crossover between tracks designed mainly for freight trains at a maximum speed of 24 km/h, a former CN Rail project engineer says.

Three Via locomotive operators were killed and 45 passengers were hurt when Via Rail train No. 92, heading eastbound to Toronto from Niagara, flew off the rails at 108 km/h and smashed into a contracting company's building, rolling the five passenger cars with 72 passengers and five crew aboard.

Immediately after the crash, investigators with the Transportation Safety Board (TSB) set to work trying to determine why three experienced train operators — Ken Simmonds, Peter Snarr and Patrick Robinson — appear to have missed or ignored signals and barrelled along at four times the speed limit through a 24 km/h switch; an action that cost them their lives.

Scott Holmes, who worked at CN for 28 years, was in charge of a 2006 project to build a new passenger track through the Aldershot corridor — one of Canada's busiest — between Hamilton and Burlington. He says the question for investigators should instead be: Why was Via Rail train No. 92 directed through a sharply curved, slow speed crossover that CN seldom uses?

"At that speed, that short of a switch ... [The Via locomotive crew] were just thrown everywhere," said Holmes, 51, who lives near Simcoe, Ont. "They didn't stand a chance once they hit that switch point. The leads are so short on that, they'd be just like a pinball in there."

Holmes was CN program supervisor for the GO commuter line project when he says he first raised safety concerns about the "obsolete" crossover east of the Aldershot yard that ran between Track 2 and the new Track 3.

CN was building a new third track and upgrading parts of an old freight service track to serve as a high-speed passenger rail line for Via and GO Transit.

Holmes says he warned about potential safety issues in several emails. What's more, Holmes says, he took CN regional chief engineer Manny Loureiro and GO project engineer Daryl Barnett on a field inspection one day, and recommended the switch be removed or upgraded to a high-speed crossover.

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"Passenger trains, by definition, shouldn't be going less than 15 mph (24 km/h)," Holmes said.

He says Barnett told him there was no money for the upgrade given the cross over switches were so seldom used, "so they were just left in."

Holmes said it was not the only cost-cutting CN was concerned with during the 2006 passenger line construction. CBC News has obtained emails that show CN recycled some of the track and reinstalled many "previously worn" materials used on the passenger rail expansion.

When asked by CBC News about the crossover in question, Barnett, now with GO Transit, said: "I'm a pretty honest guy and I don't have any recollection of any discussion of any dispute about any infrastructure.

"At the end of the day, there's nothing wrong with the turnouts there. It was already there," Barnett said when asked why the old slow-speed crossover was left in place.

Barnett added it would be needed by freight trains trying to get into the nearby Aldershot yard.

When contacted by CBC News, Loureiro directed questions to a CN spokesman and hung up.

CN spokesman Mark Hallman wrote in an email: "It is CN's position that the 15-mph maximum authorized speed for that crossover was conveyed to the Via Rail crew in the locomotive cab by signal indication, and that the crew should have responded accordingly and reduced speed to 15 mph.

"Any suggestion that CN puts costs ahead of safety with regard to its rail infrastructure is totally false and irresponsible."

Hallman also pointed out that "CN is engaged in litigation with former CN employee Scott Holmes, whose employment the Company terminated for cause after an investigation into alleged fraud against CN."

Holmes acknowledges he and his family have been embroiled in a multi-year legal battle with CN, in which the company — and its private police force — have seized his computers and frozen his assets.

But Holmes insists safety is his primary concern.

"I have an axe to grind with certain people over their conduct with my family and friends. But as far as an axe to grind on a safety issue, there's no axe to grind for safety," Holmes told CBC News.

He's still concerned, he said, because the slow-speed crossovers remains in place.

"You gotta realize there's a real camaraderie out there among [rail] people," said Holmes. "[There's been a] loss of three great conductors and engineers. There's lots of other guys, that I know well, that are still travelling over this area. It could happen again. Why couldn't it happen again?"

Rail watchdog questions lack of upgrade

David Jeanes, the national president of public watchdog Transport Action Canada, says there are many things that are not known about the causes of the Via derailment.

"We don't know why the three experienced locomotive engineers did not slow down. Did they not see the signal? Was there some technical malfunction? They didn't even apply the brakes before they reached the low-speed crossover, and we need to know why that happened."

Jeanes said they likely thought they had a fairly clear run into Toronto or at least to the next station.

"The crossover at that location near Burlington is not one that is normally used by passenger trains so it's unlikely that, unless they've been informed about it either by radio or by the signals, that they would've been expecting to make that change at lower speed on to another line," he added.

Via Rail says of the last 2,100 trips through that corridor, its passenger trains have only used that switch 13 times. "Well there are many main lines on Canada's rail network that have slow speed sidings and slow-speed crossovers," Jeanes said.

"We've had serious accidents from time to time that have occurred at those crossovers ... but you cannot eliminate all of the low-speed crossovers or sidings. It would just cost too

much money," Jeanes said, adding there have been other major crashes in Ontario and Quebec.

"The question here is on this particular track, which is one of the busiest passenger rail corridors in Canada, would it not have made more sense to do that [replace the crossover]?"

Last April, less than two months after the incident, the TSB issued a Rail Safety Advisory saying, "given the serious consequences of a passenger train derailment, Transport Canada might wish to review the operating procedures and situations when higher-speed passenger trains were routed through slower speed crossovers."

Yesterday, Ottawa announced Via Rail will install in-cab recorders on its locomotives, something the TSB has been calling for since 2003.

In another development, the TSB issued an update on its investigation into the Train 92 tragedy, saying they have completed a preliminary report that is not available to the public.

The TSB concludes the train was travelling more than four times the authorized speed limit for that crossover. Otherwise, the TSB said, Via's locomotive and passenger cars were well maintained.

Investigators have also concluded CN's track structure and the No. 5 crossover were in good condition and did not play a role.

The TSB is focusing its investigation on "the operation of the train, the operation of the signals and the crashworthiness of the rolling stock."