

## Investigators, passengers seek answers why derailed Via Rail train was speeding

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Tyler Anderson/National Post files

The Via Rail passenger train that derailed near Burlington in southern Ontario on Sunday, killing three people, was going 107 km/hour as it switched tracks, four times faster than allowed, according to the Transportation Safety Board.

**By Megan O'Toole, Ron Wadden and Natalie Stechyson**

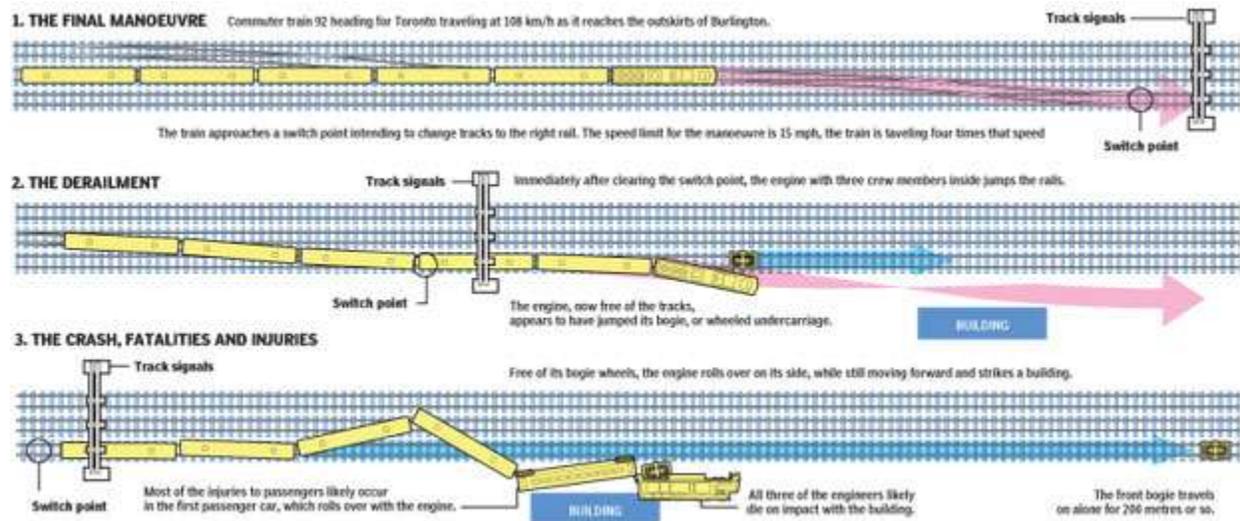
Shock, anger and political jockeying greeted a revelation Thursday that Via Rail Train 92 was travelling at more than four times the authorized speed when it jumped the tracks and slammed into a building on the weekend, killing three employees and injuring dozens of passengers.

The Toronto-bound train, which derailed in Burlington on Sunday, left the station and never slowed down, said Transportation Safety Board lead investigator Tom Griffith. The train's brakes and signals were working, but black box data revealed the brakes were not applied, he said.

While trains switching tracks along that stretch in Burlington are required to slow to 24 kilometres per hour from 129 km/h, Mr. Griffith noted, Via Rail Train 92 was travelling at 108 km/hr as it switched tracks.

"In normal circumstances, if anybody on our roads here in Toronto was [exceeding the speed limit by that degree], they would be in a very significant amount of trouble with the law," said lawyer Ted Charney, who is organizing a class-action lawsuit for passengers injured in the derailment. The board's finding "reinforces the justification" for the action, he said.

"It also explains why so many passengers were so traumatized by this event," Mr. Charney said, noting passengers have reacted to the news with anger and frustration. "They are all beginning to realize just how significant this event was."



Passenger Faisal Abid said he recognized the train was going extremely quickly when it crashed, but the hard numbers still gave him a jolt: "I wasn't surprised it was going faster than it was supposed to be, but I'm surprised it was going that fast," he said. "It's kind of upsetting."

Mr. Griffith was unable to explain why Train 92, en route to Toronto from Niagara Falls, was travelling so quickly; the next phase of the investigation will focus on that very question.

Investigators have confirmed the train was in the process of switching tracks when the locomotive and five coaches derailed.

The board's job is not to lay blame, Mr. Griffith said.

"No crew sets out to have an accident, but sadly this crew paid the ultimate price," he noted.

Killed were veteran railroaders Ken Simmonds, Peter Snarr and Patrick Robinson. Both Mr. Simmonds and Mr. Snarr started their railroad careers with CN in the late 1970s and had been locomotive engineers with VIA since 2007. Mr. Robinson was in the cab as a trainee and would have been under strict supervision, officials said.

Of the 71 passengers on board, 45 were taken to hospital, where five remain.



Transportation Safety Board  
The derailed VIA locomotive lies on its side at the crash site at Burlington.

In a statement posted Thursday to the company's website, VIA president Marc Laliberté spoke of the "deep sense of helplessness" he experienced upon learning of the derailment.

"In my own 32-year career in Canada's railways, I have never experienced so much pain and sadness and like my colleagues, so much helplessness in a position of so much authority," Mr. Laliberté wrote. "But I know we will all remember that day, Sunday Feb. 26, 2012, and as we move forward, the memory of these events will sustain our continued efforts and commitment to safety of train

travel for our passengers, our employees and all Canadians. For that is the best way to honour the memory of Ken, Peter and Patrick.”

Via will continue to investigate the accident until it is clear what caused the train to enter the crossover at excessive speed, “even though there were very seasoned, professional locomotive engineers at the controls, with a very solid track record,” spokesman Malcolm Andrew said.

Thursday’s development prompted immediate calls from the federal NDP for reforms to rail safety.

“How many more tragedies does it take for the Harper government to take action?” NDP transportation critic Olivia Chow said, calling for the Safer Railways Act, Bill S-4, to be made into law.

She also called for compulsory positive train control systems — which have been mandatory in the United States since 2008 — and for voice recorders to be included in train event recorders. In the case of Train 92, the Transportation Safety Board said the lack of on-board voice recorders has proved a challenge, and renewed its call to make such devices mandatory.

“Voice recordings allow investigators to understand the environment in which crews operated and the decisions they made leading up to an accident,” board chair Wendy Tadros said. “The lack of this information in rail investigations deprives the TSB of a key tool it needs to help make Canadians safer.”

Among the key questions still to be answered are whether the switches in that section of Burlington track were operating properly and whether the crashworthiness of the cab can be improved. Mr. Griffith said investigators were going through the coaches to see whether anything other than speed, such as dislocation of seats, may have contributed to passenger injuries.

### **The full statement from Via’s president and CEO Marc Laliberté**

Sunday February 26, 2012: A Day to Honour

March 1st 2012

On that day, over 15,000 people traveled on 51 trains all over Canada. It was just another day of travelling from or to work, schools, associates, families and friends. Just another day until 15:26 hours when Train 92 derailed west of Toronto resulting in the tragic death of three VIA Rail Locomotive Engineers: Ken Simmonds, Peter Snarr and Patrick Robinson. Of the 71 passengers on-board, 45 were transported to five local hospitals where five are still admitted and receiving care.

As my colleague John Marginson, our Chief Operating Officer expressed, “VIA Rail is a relatively small company but, we are a big family”. As its President & CEO, I lead a team of executives that together influence many things, make many decisions and are entrusted with the authority to manage the corporation’s affairs and ensure it provides Canadians with safe, reliable inter-city train transportation. On that day, at that moment, we all shared a deep sense of helplessness over an event with such tragic consequence for members of the entire VIA Rail family, our passengers and their families.

Looking back to that moment and the hours since, I realize that although we may feel helpless in the face of such adversity, it is what we do next that defines us. And, it may also be what best honours those who lost their lives. From the VIA Rail team on-board and other passengers who assisted the injured; the emergency personnel and members of the public who rushed to the scene to offer assistance; VIA Rail off-duty workers who came in to attend at hospitals, provide information to injured passengers and families; our railway partners and business associates, suppliers, customers and other well-wishers who took the time to write or post comments online and express their sympathy for our loss and offer prayers for the families of the victims. All demonstrated through their actions, the strength, courage, kindness and compassion that in many ways, best describe our three fallen colleagues. All who have worked with them have witnessed in each of them, these qualities. They were spouses and fathers, family and community members and they were proud VIA Rail locomotive engineers. Our prayers and thoughts are with their families and loved ones.

In my own 32-year career in Canada’s railways, I have never experienced so much pain and sadness and like my colleagues, so much helplessness in a position of so much authority. But I know we will all remember that day, Sunday February 26, 2012, and as we move forward, the memory of these events will sustain our continued efforts and commitment to safety of train travel for our passengers, our employees and all Canadians. For that is the best way to honour the memory of Ken, Peter and Patrick.

*National Post, with files from Postmedia News*