



Newsletter

MEMORIAL - ISLAND BOND
INCORPORATED 1952

NUMBER 448

FEBRUARY 1987

HUMAN ERROR ?

MR. JUSTICE RENE FOISY'S REPORT

by Sandy Worthen

Mr. Justice Rene Foisy, who was commissioned by the Government of Canada to investigate and to report on the tragic head-on collision between a CN Rail freight and a VIA Rail Canada passenger train at Dalehurst, near Hinton, Alberta in February 1986, presented his report to Parliament on Jan. 22, 1987.

Justice Foisy said that the disaster in which 23 people were killed and damage and destruction amounted to about \$35 million could have been prevented if the CN freight crew had followed safety rules designed to govern railway operation. But, he said, those rules are not treated seriously enough by the railways or the unions.

Justice Foisy's report said:

--The accident could have been prevented if the lead locomotive of the freight had been equipped with a reset safety control. (The Canadian Press report, datelined Ottawa, gave no detailed description of the "reset safety control" device).

--There were no mechanical problems with the westbound freight or the eastbound passenger train. --The only survivor of the crew of the freight, Conductor Wayne Smith, could have prevented the accident. (The Canadian Press report did not explain how this could have been done). Foisy said that Smith may not have given the inquiry an accurate account of what happened. (Smith was suspended after the disaster and later fired; an arbitration hearing into his firing has yet to proceed).

--Although (Mr. Justice Foisy said) the two trains would have been visible to each other for 19 seconds before the collision, there was no evidence that either crew applied the brakes.

--The rules governing the railways, and the enforcement of these rules by the Canadian Transport Commission, are inadequate.

Justice Foisy, an Alberta Appeals Court Judge, concluded that "human error did contribute in a large part to this mishap and that management shares in the responsibility for the conditions that contributed to the human errors involved in the case". The accident, he said, "resulted from a lack of alertness and a failure to follow established operating rules on the part of CN employees...and from a failure on the part of CN to install superior safety devices" in the lead locomotives of its freight trains.

At a news conference in Edmonton, Justice Foisy admitted that the exact chain of events that put the freight and passenger trains on a collision course will never be known, since "the four people (engine crews) who probably could have given us absolute answers aren't around to help us". Foisy took pains, according to the Canadian Press story, to emphasise that contributing causes of the accident spread far up the CN Rail management chain. Again, the Canadian Press story provided no further explanation of Justice Foisy's remark.

Foisy's report was criticized sharply by Real Proulx, Vice-President, United Transportation Union. He pointed out that human error was never proven during the three months of Foisy's public hearings. Proulx also said that if union members "applied the rules stringently, you wouldn't move traffic...you wouldn't even move a train." He claimed that, after the Dalehurst disaster, when workers operated by the rules, the railway accused them of trying to slow down the system.

CN President Ron Lawless said that Foisy's report was thorough and comprehensive and that CN will respond promptly and effectively to Federal Transport Minister John Crosbie's orders. Since the accident, Lawless said, CN has been working on national disciplinary standards and improved crew scheduling information.

Crosbie announced that he would give the railways and the unions 60 days to work out plans for improving rail safety or--by inference--he would do the job for them. The government (he said) would introduce a Railway Safety Act and set up a new agency to investigate accidents and safety problems. Both proposals have been under discussion for at least a year.

The "reset safety control", advocated by Foisy, is described as a device with the same action as the "deadman's pedal" already installed on locomotives, which sets off an alarm and initiates braking action when pressure from the engineman's foot ceases. It is assumed that the deadman's pedal can be circumvented by the crew, while the new reset safety control cannot.

President Lawless confirmed that about 2/3 of CN's mainline locomotives already have the reset safety control device and the remainder will be so equipped in 1987. A CP Rail spokesman said that about half of its mainline locomotives will have the device installed by the end of 1987. A VIA spokesman said that the 30 new F40PH-2 locomotives from Diesel Division, General Motors of Canada, London, Ontario, will be equipped with the reset safety control, and that VIA was looking at the feasibility of installing the device on its older locomotives.

Transport Minister Crosbie said that the Federal Government would provide \$10 million to help the railways perfect Advanced Train Control Systems, which were defined as computer devices mounted in the locomotives, that can overrule an engineman if he makes a mistake. Crosbie also said that he would seek amendments to the Canadian Labour Code, to impose occupational health and safety rules on the railways.

In his report, Justice Foisy made reference to a condition on Canadian railways that was one of the more troubling aspects to railway safety. This is the existence of a "railroader culture" which induces employees to work long hours, skip adequate rest periods and protect fellow employees who violate safety or health rules. That culture, Foisy concluded, leads management

and labour "to resist change and to persist in established patterns of operation without adequate sensitivity to the safety implications of the practices within the railways, over the years". This contention was also rejected by the spokesman for the United Transportation Union.

From the Canadian Press and the Toronto STAR, Jan. 22, 1987, with permission.