

CLARITY AND CONTEXT

AN OPEN LETTER TO THE RESIDENTS OF GOLDEN

In August 2015, Transport Canada (TC) officials witnessed a rafting company with a large group of people unloading rafts and walking across active railway tracks to access the lower canyon of the Kicking Horse River. Shortly after this event, TC directed Canadian Pacific (CP) to resolve the safety concern.

At that time CP began discussions with local community officials but talks stalled. As a result, CP requested to meet with stakeholders in Golden on April 22, 2016 to establish a short-term solution that would allow rafting companies and their clients safe passage to the rapids across the busy rail corridor and satisfy TC's concerns, while potential longer-term solutions were weighed.

CP's position has not changed since that meeting in Golden when the stakeholders reached an agreement-in-principle – an agreement whereby CP would provide a short-term solution in exchange for protection from the added liability that may arise from any incident that might occur as a direct result of rafters accessing the tracks.

Since that time, CP has continued to negotiate with the Government of B.C. on a pedestrian access permit agreement but the province has stated it is unwilling to assume full liability, acknowledging with CP how complex and risky pedestrian access at this location is. It is important to note, CP does not expect the province to assume liability for any incident that did not result from the access of the tracks as contemplated in the agreement.

CP cannot support rafters accessing the Kicking Horse River at this location without full indemnification as it poses a significant risk to their own safety as well as the safety of CP crews and the freight they are transporting. CP has a responsibility to keep the Canadian economy moving by safely delivering the goods Canadians depend on.

Local media reports have alleged that CP never intended to allow rafters access, demonstrated, they say, by a gate installed prior to the May long weekend. The gate was not installed to prevent any and all access but to prevent unauthorized access outside of agreed upon hours, thereby reducing the risks for all involved.

While some will argue that crossing the tracks has been done "safely" for years, it only takes one incident to change that. Just as commercial rafting companies do everything they can to mitigate risk and avoid injuries and deaths, so must CP. Furthermore, rail carriers, communities and government regulators are striving to improve safety along Canada's rail network; allowing this activity to continue without an agreement in place would be a step backwards.

CP has hundreds of employees living and working in Golden and the town is integral to CP's future.

The company understands the consequences this issue has on local rafting companies, tourists, and the town and CP will continue to work with the community and government officials towards a long-term solution that protects the interests of stakeholders.