

This is the 2nd Affidavit
of Keith Shearer in this case
and was made on December 7, 2015

CANADIAN TRANSPORTATION AGENCY

BETWEEN

CITY OF VANCOUVER

APPLICANT

AND:

CANADIAN PACIFIC RAILWAY COMPANY

RESPONDENT

AFFIDAVIT OF KEITH SHEARER

I, KEITH SHEARER, of 7550 Ogden Dale Road SE, Calgary Alberta, SWEAR THAT:

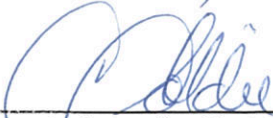
1. I am the General Manager, Regulatory and Operating Practices, for the Canadian Pacific Railway Company ("CP"), and as such have personal knowledge of the facts herein deposed to, except where stated to be on information and belief in which case I believe them to be true.
2. I make this affidavit in reply to the affidavit of Mark Mudie sworn in this matter on November 13, 2015. Specifically, I am replying to Mr. Mudie's evidence regarding the storage car incident on October 29, 2015 on CP's Outremont Spur in Montreal.
3. As CP's general manager, regulatory and operating practices, I am one of the primary CP representatives responsible for responding to the Outremont incident and its investigation by Transport Canada and the Transportation Safety Board.
4. In Mr. Mudie's affidavit he describes the Outremont incident and suggests that it illustrates the dangers associated with railcar storage on the Arbutus Corridor.

5. In reply, there are significant differences between the railcar storage in issue in the Outremont incident and CP's operating plan for railcar storage on the Arbutus Corridor which decreases the risk of such an incident on the Arbutus Corridor.
6. First, in the Outremont incident the nearest derail downslope from the storage cars was approximately 120 feet from the stored cars. CP's Track Profile and Operating Instructions for railcar storage on the Arbutus Corridor, attached as Exhibit G to my first affidavit in this matter ("Arbutus Corridor Profile and Instructions"), mandates that storage cars must be left within 25 feet of a derail on the low end of a sloping track. In the unlikely event that handbrakes were released by tampering, this measure is designed to prevent the cars gathering any significant speed before derailling, thereby mitigating against any unintended movement after derailling occurs.
7. Second, the Arbutus Corridor Profile and Instructions mandates that the minimum number of hand brakes are eight applied at the low end, and four at the high end, of any sloping track at each storage location. This exceeds regulatory requirements. In addition, standard practice is to apply handbrakes only at the low end of stored cars. Applying handbrakes at both ends of the cut of cars on Arbutus is designed to reduce the risk of movement by tampering.
8. Third, the Outremont incident involved approximately 4,000 feet of stored cars, weighing approximately 1,400 tonnes at a 1.6% grade. As indicated on the Arbutus Corridor Profile and Instructions, the Arbutus Corridor does not provide the length of storage area for a similar number of freight cars. As indicated, the longest storage location on the Arbutus Corridor is approximately 2,000 feet and has approximately a 1% grade. Additional storage locations on the Arbutus Corridor are less than 1,400 feet, so even fewer freight cars can be stored.
9. In paragraph 8 Mr. Mudie describes the characteristics of the Arbutus Corridor which, in his opinion, makes storing rail cars on the Arbutus Corridor "substantially more dangerous than storing them on the Outremont Spur." In reply, I would point out that the characteristics of the Arbutus Corridor, including those he describes in paragraph 8, were

considered in my dealings with Transport Canada as part of the process which led to the enhanced safety features in the Arbutus Corridor Profile and Instructions.

SWORN BEFORE ME in Calgary,
Alberta, on October 7th, 2015.

December, 7th, 2015.



A Commissioner for Oaths in and for the
Province of Alberta.

Colin J. Goldie
Notary Public
Province of Alberta

Lawyer and
Member of Law
Society of Alberta



KEITH SHEARER

CANADIAN TRANSPORTATION AGENCY

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RESPONDENT

AFFIDAVIT #2 OF KEITH SHEARER

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