Verdict of Coroner’s Jury
Office of the Chief Coroner

The Coroners Act – Province of Ontario

Surname: Belanger
Given names: Gerald Ernest
Aged: 64

Held at: Belleville
From the: 10th day of December 2013
To the: 17th day of January 2014
By: Dr. D.W. Cooke, Coroner for Ontario
having been duly sworn/affirmed, have inquired into and determined the following:

Name of Deceased: Gerald Ernest Belanger
Date and Time of Death: March 18, 2011 3:20 p.m.
Place of Death: CN rail crossing, mile marker 217.2, Kingston subdivision, CN Rail
Cause of Death: Generalized blunt force trauma.
By what means: Accident

(original signed by Foreman and Jurors)

This verdict was received on the 17th day of January, 2014
Coroner’s Name: Dr. D.W. Cooke
(original signed by Coroner)

We, the jury, wish to make the following recommendations:

Inquest into the death of:
Gerald Ernest Belanger
Jury Recommendations

Recommendations Regarding Railway Crossing Safety Protocols at Construction Sites

1. It is recommended that all parties are provided information and recognize that construction activity at railway crossings may cause confusion, contradictory stimuli, misinterpretation of visual cues and ultimately lead to human error of drivers crossing the tracks. Therefore, it is recommended that railway companies, constructors and sub-contractors working on active rail lines develop procedures to ensure that there are clearly specific traffic and movement plans in place contractually for all crossings in a work area. This should include the use of a flag person and barriers as appropriate. Furthermore, it is recommended that consideration be given to individualizing the plans for each crossing to accommodate variables and optimize safety.

2. It is recommended that no vehicles (construction or others) of any size move over a crossing when a train has been cleared to pass through a work limit without direct visual or radio contact from an EIC or their designate. Such restriction in movement would apply at every and all crossings irrespective of whether the Highway Traffic Act would normally allow a vehicle to cross.

3. It is recommended that all subcontractors be provided with CB radios or other similar communication devices and that a regime be established whereby the truck/delivery personnel are provided with notice by radio communication when a train is approaching in a Rule 42 situation. This recommendation is not made to eliminate the need for flag persons being present, but simply to add an additional safeguard to account for human error.

4. It is recommended that railway companies, construction companies and similar organizations communicate more effectively the requirements of workers during a Rule 42 stand down. Specifically, there should be a clarification for workers of the setback distances for work stoppage and the setback of where workers can locate themselves. Furthermore, a procedure should be developed to maintain the awareness of the rules to ensure workers continue to obey them. This can include, but is not limited to, random monitoring of construction sites during a Rule 42 work stoppage. The purpose of this would not be to reprimand employees/workers, but rather to recommend where/if improvements can be made.

5. It is recommended that there be specific documentation used to verify that subcontractors making single or multiple deliveries to construction sites near rail lines have had adequate briefing of the procedures to be used to ensure the safe crossing of rail lines before they enter a work site. Furthermore, railway companies and/or construction companies and like organizations should be encouraged to make the use of such documentation a contractual requirement for subcontractors.

Recommendations Regarding Rail Safety Policy and Procedures

6. It is recommended that there be a procedure developed by Transport Canada to efficiently analyze near miss incidents involving rail crossings. The findings should be distributed immediately to relevant individuals, organizations and government agencies.

7. It is recommended that the appropriate agencies take all the necessary steps to implement regular and ongoing rail safety campaigns.

8. It is recommended that railway companies, contractors and subcontractors involved in railway accidents and near misses communicate the results of investigations to employees, provide an explanation and review the events with all employees and deliver any training relevant to the event.

9. It is recommended that Provincial and Federal investigative agencies agree to share and exchange aspects of their respective investigations (including statements from
witnesses and evidence) and where appropriate, collaborate throughout their investigations and in relation to the conclusions reached.

10. It is recommended that the Transportation Safety Board recommendations be reviewed and implemented in a timely fashion by Transport Canada. Failure to address the TSB recommendations by Transport Canada should result in a downgrading of the “reassessment of the response” for example a reassessment of “Satisfactory Intent” should not be given to a TSB recommendation that has not been implemented in over a decade.