



Rail Safety

Oversight and Expertise



The Role of Transport Canada's Railway Safety Inspector

Working with authority under the *Railway Safety Act* (RSA), a Railway Safety Inspector (RSI) monitors and promotes regulatory compliance in railway operations, equipment, infrastructure, and railway-roadway grade crossings. The RSI also conducts education and awareness, audits and enforcement activities.

What RSI activities promote regulatory compliance and safe railway operations?

- **Regulatory inspections**, to verify compliance to the RSA and its regulations, rules and standards as well as other relevant legislation;
- **Audits** of railway companies' policies, procedures and processes that form their Safety Management Systems, to verify they are in place and effective;
- **Education and Awareness**, to provide program, regulatory and compliance information to railway employees and other stakeholders;
- **Follow-up** actions related to railway incidents;
- **Responses** to railway related complaints and inquiries; and
- **Enforcement measures** against serious violations of the RSA, its regulations, rules and standards.

What RSI activities respond to railway related safety threats/concerns and ensure compliance?

- **Encouraging** voluntary compliance;
- **Issuing** Letters of Safety Concern, Letters of Non-Compliance and Notices or Notices and Orders as interim measures to reduce threats or immediate threats to safe railway operations; and
- **Participating** in prosecutions for serious violations.





RSI Authority

The RSI is a qualified professional, designated by the Minister under s.27 of the RSA. The RSI carries credentials, which include a certificate showing his or her area of expertise and a badge. Common areas of expertise include:

- Equipment;
- Operations;
- Engineering (railway-roadway grade crossings, track, bridges, signals and communications); and
- Safety Management Systems.

Powers of a RSI

During an inspection to verify regulatory compliance, the RSI can require anyone appearing to be in charge of facilities to produce any document for inspection or make copies or take extracts (paper or electronic). During such inspections, those responsible for facilities must:

- Comply with reasonable requests;
- Not make false or misleading statements;
- Not remove, alter or interfere with evidence; and
- In no way obstruct or hinder a RSI carrying out duties under the authority of the RSA.

The RSI has legal authority to issue Notices and Orders to restrict the operation of a railway company or person, which includes road authorities, when he or she uncovers an immediate threat to safety. If the RSI believes a threat to safety is immediate, he or she may:

- Order that the works or equipment not be used;
- Impose conditions on the use of works or equipment until satisfied that the immediate threat has been removed;
- Restrict the use of a railway-roadway grade crossing by either road traffic, railway traffic or both; and
- Require whistling even when the railway has stopped whistling in an area.

Other RSI Activities

Minister's Observer

Transport Canada can appoint a RSI, as a Minister's Observer (MO) to attend a Transportation Safety Board of Canada (TSB) accident investigation. As such, the RSI is under the authority of the *Canadian Transportation Agency Investigation and Safety Board (CTAISB) Act* and related regulations.

The role of the MO is to obtain timely information from the TSB Investigator-in-Charge (IIC), relevant to the Minister's responsibilities for safety, and to inform the Department of the investigation progress and any issues of concern.

Occupational Health and Safety Officer

Some RSIs are designated Health and Safety Officers and are empowered to enforce Part II of the *Canada Labour Code and the On-Board Trains Occupational Safety and Health and Safety Regulations*, which set the standards for safe working conditions for employees on trains while in operation.

Contact us at railsafety@tc.gc.ca or at 613-998-2985 should you have any questions.

For more information on rail safety in general, visit: www.tc.gc.ca/railsafety.