



427 Laurier Avenue West
Enterprise Building, 14th floor
Ottawa, Ontario

Our file / Notre référence
RDIMS 16373944 / X 20-04

MAR 20 2020

Dear Sir /Madam:

I am writing to advise you of the issuance under subsection 22(2) of the *Railway Safety Act* of a set of temporary exemptions to certain sections of the rules and regulations that pertain to the qualification of railway personnel.

The purpose of these temporary exemptions is to mitigate the health risks involved with railway personnel travelling and assembling in groups to renew their qualifications following the World Health Organization's declaration on March 11, 2020, of a pandemic outbreak of novel coronavirus (COVID-19). This temporary exemption is in line with advice from public health authorities to restrict travel and the size of assemblies in order to limit the spread of the virus, the result of which could severely impact the availability of railway personnel. It is therefore in the public interest and not likely to threaten safe railway operations in the short term.

For greater clarity, temporary exemptions are being issued for the following rules and regulations:

- subsection 10(1) of the *Railway Employee Qualification Standards Regulations*,
- paragraphs 7.1c) and 7.3d) of the *Rules Respecting Track Safety*; and
- Part A (vii) of the General Rules of the *Canadian Rail Operating Rules*.

The exemptions are subject to certain terms and conditions and will remain in effect until September 20, 2020.

Should you have any questions regarding this process, please contact Mr. Sean Rogers, Director, Regulatory Affairs at (613) 998-1939 or sean.rogers@tc.gc.ca. Alternatively, if you would like to discuss technical aspects of this issue, please contact Ms. Stephanie Lines, Director, Operations Management at (613) 990-7745 or stephanie.lines@tc.gc.ca.

Sincerely,

Brigitte Diogo
Director General
Rail Safety

Canada

Encl.

c.c.: Mr. G. Doherty, TCRC-MWED
Mr. K. Neumann, USW
Mr. S. Pickthall, IAMAW
Mr. B. Snow, UNIFOR

Ms. L. Cyr, TCRC-MWED
Mr. T. Lundblad, USW
Mr. D. Ashley, TCRC
Mr. E. Féquet, TUT

Mr. L. Couture, IBEW
Mr. C. Crabtree, ATU
Ms. L. Robillard, TCRC
Mr. N. Lapierre, Métalos

TRANSPORT CANADA
NOTICE OF EXEMPTION PURSUANT TO SECTION 22
OF THE *RAILWAY SAFETY ACT*
CHAPTER R-4.2, [R.S., 1985, CH. 32 (4th SUPP.)]

Pursuant to subsection 22(2) of the *Railway Safety Act* (RSA), the Minister of Transport may issue an exemption to the application of a specified provision of regulations made under subsection 18(1) or (2.1) or rules in force under section 19 or 20 of the RSA where the Minister is of the opinion that doing so is in the public interest and not likely to threaten safe railway operations.

Following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization on March 11, 2020, it has been determined that it is necessary to adopt temporary measures based on advice from public health authorities to restrict travel and the size of assemblies in order to limit the spread of the virus and mitigate the health risks that railway employees could encounter when renewing their qualifications.

In my opinion, a temporary exemption from subsection 10(1) of the *Railway Employee Qualification Standards Regulations*, paragraphs 7.1 c) and 7.3 d) of the *Rules Respecting Track Safety* and Part A (vii) of the General Rules of the *Canadian Rail Operating Rules* is in the public interest and is not likely to threaten safe railway operations.

As such, I, Brigitte Diogo, Director General, Rail Safety, as authorized by the Minister of Transport under section 45 of the RSA, hereby exempt the railway companies listed in Annex A from:

- subsection 10(1) of the *Railway Employee Qualification Standards Regulations*; and
- paragraphs 7.1 c) and 7.3 d) of the *Rules Respecting Track Safety*.

The aforementioned exemptions are subject to the following terms and conditions:

- Railways companies shall keep records of any person whose qualification period has been extended under the terms of this exemption

As well, I, Brigitte Diogo, Director General, Rail Safety, as authorized by the Minister of Transport under section 45 of the RSA, also hereby exempt railway companies and local railway companies listed in Annex B from Part A (vii) of the General Rules, of the *Canadian Rail Operating Rules*.

This exemption is subject to the following terms and conditions:

- Companies shall keep records of any person whose qualification period has been extended under the terms of this exemption.

For greater certainty, these exemptions do not remove the obligation for a company to ensure persons have the necessary knowledge to safely undertake their duties.

These exemptions will be in effect until September 20, 2020, or until the date on which the Minister of Transport revokes these exemptions, in writing, where the Minister of Transport is of the opinion that they are no longer in the public interest or that they are likely to threaten safe railway operations.



Director General, Rail Safety

MAR 20 2020

Date

RAILWAY COMPANIES PARTY TO THE EXEMPTION**Federal Railway Companies**

9961526 Canada Limited
BNSF Railway Company
Canadian National Railway Company
Canadian Pacific Railway Company
Central Maine and Quebec Railway Canada Inc.
Chemin de fer Québec North Shore & Labrador
City of Ottawa carrying on business as Capital Railway
CSX Transportation, Inc.
Eastern Maine Railway Company
Goderich-Exeter Railway Company Limited
Great Canadian Railtour Company Ltd.
Hudson Bay Railway Company
Kettle Falls International Railway Company
Knob Lake and Timmins Railway Company Inc.
National Railroad Passenger Corporation (AMTRAK)
Nipissing Central Railway
Norfolk Southern Railway Company
Pacific & Arctic Railway Navigation, British Columbia & Yukon Railway, British Yukon
Railway doing business as White Pass & Yukon Route Railroad (WP&YR)
RaiLink Canada Ltd.
St. Lawrence & Atlantic Railroad (Québec) Inc.
St. Paul & Pacific Northwest Railroad Company, LLC
The Essex Terminal Railway Company
The Toronto Terminals Railway Company Limited
Transport Ferroviaire Tshiuetin Inc.
Union Pacific Railroad Company
VIA Rail Canada Inc.

RAILWAY COMPANIES PARTY TO THE EXEMPTION**Federal Railway Companies**

9961526 Canada Limited
BNSF Railway Company
Canadian National Railway Company
Canadian Pacific Railway Company
Central Maine and Quebec Railway Canada Inc.
Chemin de fer Québec North Shore & Labrador
City of Ottawa carrying on business as Capital Railway
CSX Transportation, Inc.
Eastern Maine Railway Company
Goderich-Exeter Railway Company Limited
Great Canadian Raitour Company Ltd.
Hudson Bay Railway Company
Kettle Falls International Railway Company
Knob Lake and Timmins Railway Company Inc.
National Railroad Passenger Corporation (AMTRAK)
Nipissing Central Railway
Norfolk Southern Railway Company
Pacific & Arctic Railway Navigation, British Columbia & Yukon Railway, British Yukon
Railway doing business as White Pass & Yukon Route Railroad (WP&YR)
RaiLink Canada Ltd.
St. Lawrence & Atlantic Railroad (Québec) Inc.
St. Paul & Pacific Northwest Railroad Company, LLC
The Essex Terminal Railway Company
The Toronto Terminals Railway Company Limited
Transport Ferroviaire Tshiuetin Inc.
Union Pacific Railroad Company
VIA Rail Canada Inc.

Local Railway Companies

Battle River Railway NGC Inc.
Big Sky Railway Corp.
BioPower Sustainable Energy Corporation
Boundary Trail Railway Company, Inc.
Cando Rail Services Ltd.
Canfor Pulp Ltd. – Northwood Division
Cape Breton & Central Nova Scotia Railway Ltd.
Cargill Limited – Cargill Limitée
Carlton Trail Railway Company
Central Manitoba Railway Inc.
Chemin de fer de Québec-Gatineau Inc.
Chemin de fer Oxford Express Inc.
Chemin de fer Sartigan
Compagnie du Chemin de fer Roberval-Saguenay
Essar Steel Algoma Inc.
GIO Railways Corporation
Great Sandhills Railway Ltd.
Great Western Railway, Ltd.
Huron Central Railway Inc.
Kamloops Heritage Railway Society
Keewatin Railway Company
Koch Fertilizer Canada, ULC
Lake Line Railroad Inc.
Last Mountain Railway
Maska-Wa Transportation Association Inc.
Metrolinx
Ontario Northland Transportation Commission
Ontario Southland Railway Inc.
Pinnacle Renewable Energy Inc.
Prairie Rail Solutions Ltd.
Prudential Steel ULC
Railserve Inc.
Réseau de transport métropolitain
RIO Tinto Alcan
RTC Rail Solution Ltd.
Société du chemin de fer de la Gaspésie
Southern Rails Co-operative Ltd.
Southern Railway of British Columbia Limited
Stewart Southern Railway Inc.

The Vintage Locomotive Society Inc. O/A Prairie Dog Central Railway
Thunder Rail Ltd.
Torch River Rail Inc.
Trillium Railway Co. Ltd.
West Coast Express Limited
West Coast Railway Association