



Government
of
Saskatchewan

Ministry of Highways and Infrastructure

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Deputy Minister

September 20, 2017

File: 1080.55

Mr. Richard Paton MA, MPA
Chair, *Railway Safety Act* Review Panel
Railway Safety Act Review Secretariat
255 Albert Street, Suite 702
OTTAWA ON K1P 6A9

Dear Mr. Paton:

Re: Government of Saskatchewan Submission to *Railway Safety Act* Review 2017-18

On behalf of the Government of Saskatchewan, I am pleased to provide the following enclosed submission for the 2017-18 *Railway Safety Act* Review.

Our submission outlines the Government of Saskatchewan's views on Canada's rail safety regime and provides a response to the Consultation Guidance Document developed by the *Railway Safety Act* Review Panel. The submission was developed in consultation with key government ministries and stakeholders in Saskatchewan.

We appreciate the opportunity to provide input into this important review process and we look forward to working with the Review Panel and the Federal Government on the next steps of the review.

Sincerely,

Fernando (Fred) Antunes, P.Eng.
Deputy Minister

Enclosure

cc: Honourable David Marit, Minister of Highways and Infrastructure
Tammy Kirkland, Deputy Minister, Government Relations
Lin Gallagher, Deputy Minister, Environment
Rick Burton, Deputy Minister, Agriculture
Laurie Pushor, Deputy Minister, Economy

SASKATCHEWAN SUBMISSION

2017 RAILWAY SAFETY ACT REVIEW

SEPTEMBER 2017

**SASKATCHEWAN SUBMISSION
RAILWAY SAFETY ACT REVIEW – SEPTEMBER 2017**

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Executive Summary

Saskatchewan’s goals for railway safety are to secure a better quality of life for its people, to sustain growth and opportunities for its people and to deliver responsive and responsible government. Considering these goals, the guiding principles used in developing the Government of Saskatchewan’s position were:

1. Having a transportation system that is safe for the public, property and the environment;
2. Providing a regulatory framework that is clear in order to reduce wasteful investments;
3. Promoting a competitive market for railways and shippers; and
4. Providing a regulatory framework that is jurisdictionally efficient.

The Government of Saskatchewan is not recommending any major changes to the *Railway Safety Act*. The railway safety regulatory framework in place has the capacity to effectively address railway safety issues. The roles, responsibilities and authorities within the regulatory framework are appropriate and do not require adjustment.

The main railway safety issues that the Government of Saskatchewan has identified are related to proximity, legislative overlap and gaps, and the compliance assurance program. Additional issues have been identified and information on all the issues can be found in the body of this report.

Proximity issues remain a high priority in Saskatchewan as the risk to public safety increases if development near railways is not well-managed. If public safety is compromised, the railways must account for and mitigate this imposed risk. This can reduce a railway’s efficiency to move commodities to port and subsequently reduce shippers’ market competitiveness.

The Government of Saskatchewan recommends:

1. That existing “Guidelines for New Development in Proximity to Railway Operations” be implemented consistently across Canada through existing provincial and municipal land-use authority;
2. That regulatory oversight and decision-making on rail relocation remain at the federal level to protect the national interest; and
3. That in order to ensure public safety in areas where proximity issues exist, applicable regulatory instruments under the *Railway Safety Act* be enforced through a strengthened railway compliance assurance program.

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The Government of Saskatchewan has identified some overlap and gaps within the railway safety regulatory framework. There is some overlap for federally regulated “local railways” that are also captured by provincially regulated railways. The Government of Saskatchewan would like to work collaboratively with Transport Canada in order for railways to avoid duplicative efforts as they relate to railway safety. There are also some gaps in the railway safety regulatory framework where there is no interpreted oversight authority for specific activities, such as railway operations at grain handling facilities and water management issues from federally regulated railways. Some attention should be placed on addressing these railway safety regulatory framework gaps.

The railway safety regulatory framework generally has the capacity to mitigate railway safety issues. The Government of Saskatchewan is simply recommending that Transport Canada strengthen the railway compliance assurance program and compliance assurance activities to ensure that the regulatory framework works as intended.

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1 Introduction

The federal government initiated a review of the *Railway Safety Act* (the Act) to further strengthen railway safety in Canada. The Government of Saskatchewan was invited to provide a submission to the review panel on the impact of the Act to the Province. This is the Government of Saskatchewan's official submission to the review panel. This submission identifies the Province's position on the *Railway Safety Act* review and was based on intra-ministry discussions and stakeholder engagement feedback. Railway safety is important to Saskatchewan people to secure a better quality of life and to sustain growth and opportunities.

The Government of Saskatchewan used the Consultation Guidance Document to frame the Province's position in a way that aligns with the panel's review strategy. The Government of Saskatchewan has provided comments in Section 4 of this document on the six key questions posed in the guidance document. Comments on some of the more relevant questions from the guidance document's Appendix A - Topics to be Explored are provided as an appendix to this submission.

1.1 Guiding Principles

Ultimately, railway safety is important to protect the safety of Canadian citizens, and to ensure railways operate efficiently and effectively. It is important that the Act encourages and allows for a safe, efficient and effective transportation network that serves the national interest. The Government of Saskatchewan's position on the Act's review is based on the following guiding principles:

1. Having a transportation system that is safe for the public, property and the environment;
2. Providing a regulatory framework that is clear in order to reduce wasteful investments;
3. Promoting a competitive market for railways and shippers; and
4. Providing a regulatory framework that is jurisdictionally efficient.

2 Railway Regulatory Framework in Saskatchewan

The Class I railways that operate in Saskatchewan are primarily regulated federally. The provincial *Environmental Management and Protection Act, 2010* does have regulatory authorities on discharge and discovery, which extends to Class I railway operations in Saskatchewan. The Government of Saskatchewan does have general authority for emergency response if assistance is requested or required under the provincial *Fire Safety Act* and the provincial *Emergency Planning Act*.

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There are three categories of provincially regulated railways in Saskatchewan: common-carrier shortline railways, industrial railways and amusement railways, which are all captured by *The Railway Act* (provincial).

There are 13 shortline railways in Saskatchewan, totaling approximately 2,100 kilometres of track. The Government of Saskatchewan generally develops railway-related guidelines based on federal regulations, standards and rules.

Some of the provincially regulated shortline railways operate on federally regulated Class I track for the purpose of interchanging traffic. These shortline railways are also captured by the Act as “local railway companies,” with respect to their operations that occur on federally regulated track. As a result, these shortline railways must follow federal regulations including obtaining an operating certificate and developing and implementing Safety Management Systems. *The Railway Act* of Saskatchewan requires that all provincially regulated railways that have an Operating Authority Certificate provide the Minister of Highways and Infrastructure with a Safety Management Plan at the Minister’s request. Therefore, some of the shortline railways are regulated both federally and provincially as it pertains to operating certificates and Safety Management Plans/Systems. Through the enforcement of Safety Management Plan provisions the Government of Saskatchewan requires that shortline railways adopt federal regulations, standards and rules, or equivalent regulatory instruments that are applicable to their operation.

The Government of Saskatchewan has captured approximately 70+ industrial railways under *The Railway Act* of Saskatchewan. These are railways that operate on shippers’ property and do not provide common-carrier service to other shippers. *The Railway Act* does not have the jurisdictional authority to capture grain-handling facilities that operate a railway on their property, as they are understood to be exempt from provincial regulation under the *Canada Grain Act*. The ministry has recently increased enforcement on industrial railways. The Government of Saskatchewan has developed a compliance plan for industrial railways, which includes inspection and audit programs.

3 Issues and Recommendations

The Government of Saskatchewan has identified a number of issues with the Act, where some limited modifications may be required, and has identified some gaps in the railway safety regulatory framework, which will be discussed in this section.

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3.1 Proximity

The Government of Saskatchewan is concerned about the number of safety issues and disputes resulting from conflicts between railway operations and municipalities. In some cases, there is a lack of dialogue between municipalities and railways regarding the impact of development on railway operations and vice versa. Proximity issues can lead to: traffic delays at crossings; trespassing and incompatible development near railway operations, which reduces public safety; rail transportation efficiency; and subsequently, market competitiveness for railways and their shippers. Incompatible development near railway operations can result in municipalities and provinces investing in public safety improvement projects and/or infrastructure that could have been mitigated through better coordination and land-use planning.

Stronger oversight by provincial and municipal governments is essential for managing development in proximity to railways. Legislation, regulation and enforcement of land-use planning and development falls under provincial jurisdiction. As the subdivision approving authority for all municipalities, except 10 cities that have been delegated subdivision approving authority status, the Government of Saskatchewan ensures consistent application of railway setback standards at the time of subdivision. Inconsistent application of railway setback standards may occur in cases where a city with subdivision-approving authority status has adopted a different set of standards for new development, or where existing development was approved based on the setback standards of the day. The Government of Saskatchewan supports the implementation of the “Guidelines for New Development in Proximity to Railway Operations” (the guidelines) to help clarify planning and development requirements.

The Government of Saskatchewan recognizes that in some circumstances it is necessary to impose restrictions on railway operations near urban areas to reduce the risk and impact of railway incidents. The “Rules Respecting Key Trains and Key Routes” have established criteria requiring railways to restrict Key Trains to a maximum speed of 40 miles per hour within the core and secondary core of Census Metropolitan Areas. The Government of Saskatchewan supports the development and adoption of the “Rules Respecting Key Trains and Key Routes,” but notes that there may be communities with lower populations that do not meet the criteria of a Census Metropolitan Area but do have higher population density in proximity to railway operations. As such, the new rules may not capture all the locations that may benefit from key trains travelling at reduced speeds simply based on the definitions of Census Metropolitan Areas.

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In order to ensure a better quality of life for Canadians, railway safety and operational efficiency must be balanced. It is essential that the authority for establishing operating rules and restrictions for railway operations remain with the federal government.

The Government of Saskatchewan would be concerned with any proposal or plan to give municipal governments direct control and authority over the railways to restrict or otherwise alter railway operations through their communities. Such authority granted to local governments would dramatically impact railway operational efficiency and will reduce market competitiveness for railways and shippers. Any decisions that restrict the operation of railways must take into consideration the national interest and therefore the authority over federal railways must remain at the federal level.

Trade patterns and population growth will further exacerbate proximity issues in areas with higher population densities, which could impact railways' and shippers' market competitiveness. In some cases, urban development expansion around railway infrastructure can limit the ability of the railways and municipal governments to make safety or railway efficiency improvements. Major urban centres are under pressure to accommodate development within existing built-up areas. In these circumstances, the guidelines and *The Statements of Provincial Interest Regulations* provide provincial oversight for future land use and development.

In situations where proximity issues and safety concerns are serious enough, the only solution may be to consider rail relocation. Rail relocation is a complex issue and the Government of Saskatchewan recognizes that there is existing legislation that governs this process.

Shared use of tracks for both freight and passengers has not been raised as a concerning issue in Saskatchewan, however, this has been noted as a specific concern in British Columbia, which has directly impacted freight travel efficiency to port for Saskatchewan shippers. This serves as an example of why it is important that decisions regarding railway operating rules and restrictions must take into consideration the national interest as well as the local interest.

Municipalities continue to have concerns around dangerous goods movements through their communities and are concerned that they are not receiving appropriate information to prepare their emergency responders for potential emergencies. Emergency planning should be done collaboratively between the railways and governments at all levels to maximize public safety.

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Recognizing that railway liability and insurance requirements are addressed under the *Canada Transportation Act*, it is important to consider the entire legislative framework when considering changes to the Act. An effective and appropriate liability and compensation regime is essential to ensure that the public, municipal and provincial tax payers are not unfairly burdened with cost of rail accidents that affect property in close proximity to railways.

The Government of Saskatchewan recognizes that changes to federal liability and compensation regime were essential in the aftermath of the tragedy at Lac-Mégantic. The new liability and compensation regime implemented under the *Canada Transportation Act* has succeeded in helping ensure shippers and railways are held responsible for rail accident damages. Furthermore, the regime also helps ensure that sufficient resources will be available to adequately compensate potential victims, pay for clean-up costs and protect taxpayers in the event of a rail accident.

The Government of Saskatchewan has concerns regarding the affordability of the federal government's new federal railway insurance requirements, and also has concerns that the new federal shipper-financed compensation fund would not be applicable on provincially regulated railways. Shippers located on provincially regulated railways must pay into the shipper-financed compensation fund and it is unfair that coverage of the fund only includes disasters that occur on federally regulated railways.

The cost of maintaining the high insurance levels established under federal legislation could impose an undue financial burden on smaller railway companies. When faced with increased insurance costs, railways are either forced into deferring spending on infrastructure improvements or must pass the cost on to their shippers by imposing higher freight rates.

The Government of Saskatchewan also has concerns that the insurance categories established by the federal government are excessive for some railways and are not commensurate with the actual severity of the incidents that could potentially occur on some railway operations. The insurance requirements for the four categories of railway operations was based on limited historical data and are based primarily on annual volume of dangerous goods handled by railways. Annual volume and type of product are important risk factors to consider in determining a railway's relative risk. However, annual volumes are more appropriate as an indicator of likelihood of incident occur and not necessarily reflective of the severity of an incident that could occur on a railway. When establishing insurance requirements, it is important to ensure that insurance requirements are commensurate with

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severity of the potential incident that could occur on a railway.

Recommendations:

- The Federation of Canadian Municipalities and the Railway Association of Canada should continue to promote the use of the “Guidelines for New Development in Proximity to Railway Operations.” The guidelines are a useful tool to help increase clarity on development requirements near railways and prevent and mitigate proximity issues. Recognizing that land-use planning and development falls under provincial jurisdiction, the Government of Saskatchewan will consider ways to incorporate the guidelines into *The Statements of Provincial Interest Regulations* to strengthen the provincial planning and development regulatory framework.
- The Government of Saskatchewan does not recommend the federal government incorporate land-use planning measures or requirements into federal legislation.
- Transport Canada should build on the compliance assurance activities on the requirement for railways to identify higher risk areas that would require speed reductions as part of the “Rules Respecting Key Trains and Key Routes” to improve public safety. Transport Canada should specifically consider implementing additional speed restriction requirements for communities identified during the key route risk assessment process which have higher population densities.
- The Government of Saskatchewan recommends maintaining the current legislative role and responsibility for imposing operating restrictions on federal railways with Transport Canada. The federal legislative framework should not be amended to give municipal government the ability to impose operational restrictions on railways.
- The oversight and authority for the Act and rail relocation must remain at the federal level to ensure the national interest is protected while striving to eliminate local proximity issues.
- The federal government should take steps to encourage separation of urban transit systems from freight transportation systems if freight transportation efficiency to port is compromised to improve public safety and railway operational efficiency.
- The Government of Saskatchewan supports “Protective Direction No. 36” and would encourage Transport Canada to strengthen compliance assurance activities on this protective direction to ensure municipalities have access to emergency response planning information needed to protect public safety.

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- The federal government should continuously evaluate their liability and compensation regime to ensure the insurance requirements appropriately reflect the severity of the risks posed by railways. Furthermore, the federal government must also ensure that the cost of maintaining those insurance requirements is not putting an undue financial burden on the railways and forcing them into the position of having to choose between infrastructure improvements and paying for insurance.
- The federal government should continue to work with the provinces to explore options to better harmonize the railway liability and compensation regimes in Canada.

3.2 Legislative and Jurisdictional Overlap

The most important legislative overlap identified on the provincially regulated railway network in Saskatchewan is the requirement for a Safety Management System at the federal level and a Safety Management Plan at the provincial level. Federally, the shortline railways are regulated as “local railway companies”, therefore their requirements are commensurate with a railway that only operates on track maintained by a Class I, federally regulated railway. Provincially, the shortline railways are regulated as a “railway company,” therefore their requirements are commensurate with a railway that operates on and maintains their own track. The provincial requirements in Saskatchewan have been updated to align with the federal *Railway Safety Management System Regulations, 2015*, but it has created a duplication of federal and provincial regulation and oversight. Many provincially regulated railways have expressed the desire to develop and maintain a single Safety Management System/Plan that would meet both the federal and provincial requirements.

It is important to the Government of Saskatchewan to also align our regulatory instruments with other provincial jurisdictions. This is essential to ensure provincially regulated railways that operate in multiple provinces have a consistent set of rules and requirements to encourage clarity of rail safety requirements and improve operational efficiency. This also increases consistency and overall safety for service providers, contractors, consultants and rail employees that operate and work in both the federal and provincial railway environment.

The Government of Saskatchewan has concerns about the possibility of further expansion of federal oversight over provincially regulated railways that operate on federally regulated track. Further expansion could infringe on provincial jurisdiction and create unnecessary overlap and duplication of government compliance assurance activities related to safety.

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Recommendations:

- If the provinces are expected to align with the Act and subsequent regulatory instruments, the provinces and relevant industry associations should be consulted starting from the regulatory instrument development stage, in an effort to improve jurisdictional and regulatory efficiencies. Transport Canada and provincial railway regulators need to take into consideration the fact that the regulations and rules established for large Class 1 railways are not always applicable or appropriate to be enforced on much smaller railway operations like small shortline railways or industrial railway operators.
- The Government of Saskatchewan recommends that the federal and provincial railway oversight authorities work together to enable provincially regulated railways captured by federal legislation to maintain one Safety Management Plan/System that meets provincial and federal requirements, and that compliance assurance activities related to the Safety Management System/Plan be conducted collaboratively between the federal and provincial oversight authorities. This will help improve railway operational efficiency and ultimately improve the railways' market competitiveness, while providing clear expectations of safety requirements.

3.3 Legislative and Jurisdictional Gaps

Grain handling facilities that are captured by the *Canada Grain Act* are not regulated provincially or federally with respect to railway safety. There are many grain handling facilities in Saskatchewan that do not have railway regulatory oversight. The Government of Saskatchewan has established rail safety requirements for industrial railway operations that are appropriate for private small scale railway operations. Recognizing that scope of the rail operations at many industrial sites is relatively low-risk, all railway operations have the potential to pose some level of risk to public safety. It is also important to recognize that federal and provincial labour laws have been established to ensure employee safety, but they do not have the scope to address public safety concerns. Furthermore, labour standards and requirements do not typically include specific provisions to ensure basic railway infrastructure standards, or railway operating rules. The Government of Saskatchewan has heard concerns that neither the Province, nor Transport Canada have the legislative authority to enforce railway rules or standards on industrial railways owned by federally regulated grain companies.

The Government of Saskatchewan has also identified a jurisdictional gap as it pertains to groundwater and/or surface water management that involves federally regulated railways.

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There have been a few incidents where surface and/or groundwater issues related to federally regulated railway activities has affected Saskatchewan residents, but the legislative authority to ensure these issues be resolved is unclear or lacking.

The Government of Saskatchewan would like more clarity in federal legislation around authority and requirements of railway operators and associated business development located on railway company land. The Government of Saskatchewan's interpretation is that private companies leasing railway property are subject to provincial legislation and municipal processes, including the requirement to obtain subdivision and development permit approvals. It appears that this interpretation remains unclear to industry.

Recommendations:

- The federal government should evaluate the scope of the railway operations at federally regulated grain handling facilities and assess the legislative framework to determine the level of authority Transport Canada has over their operations if a concern to public safety is identified. If the federal government does take steps to establish oversight authority for railway operations at grain handling facilities, the Government of Saskatchewan would recommend that the grain handling facilities be regulated commensurate with their risk profile, similar to the way provincial governments regulate provincially regulated industrial railways. It is important that market competitiveness is maintained while making efforts to improve railway safety.
- The federal government should consider the jurisdictional gap as it pertains to groundwater and/or surface water management impacts from federally regulated railway operations when developing or adjusting railway related legislation and regulatory instruments.
- Transport Canada could provide more clarity around authority and requirements for railway operators and private companies located on railway-owned land to ensure provincial legislation and municipal processes are respected.

3.4 Compliance Assurance

The current risk management framework under the Act has the capacity to adequately address railway safety issues. The *Safety Management Systems Regulations, 2015* require railways to conduct risk assessments, which take relevant risk factors into consideration. The "Rules Respecting Key Trains and Key Routes" also require that a comprehensive list of factors be used in risk assessment. This information is available to Transport Canada and can be used to strengthen the railway compliance assurance program.

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The Government of Saskatchewan has been advised that rule changes with respect to railway safety are not well communicated to all the railways that are impacted by the changes. Education plays an important role in compliance assurance and it is important that the railways captured by railway safety legislation be provided with the information they need to be compliant.

The Government of Saskatchewan supports the recent changes to Safety Management System requirements which have generally improved overall safety culture of both federally regulated railways and provincially regulated railways. However, as previously noted, the extension of federal authority on local railway companies has created a potential duplication of federal and provincial safety requirements.

The Government of Saskatchewan would like to work with Transport Canada to update and put in place a new Memorandum of Agreement with Transport Canada for rail safety inspection services. The intent of this would be to draw from Transport Canada's more specialized inspection capabilities in order to complement and build on the Province's existing compliance assurance activities.

Some stakeholders have expressed concern that the federal Safety Management System audit program is not entirely consistent due to auditor subjectivity. There is also some concern that the parts of the Safety Management System requirements are not adequately verified and enforced. Railways are required under the Safety Management Systems Regulations to establish a process to assess risks.

Municipalities continue to have concerns around dangerous goods movements through their communities and are concerned that they are not receiving appropriate information to prepare their emergency responders for potential emergencies. Emergency planning should be done collaboratively between governments at all levels and the railways. The Act does have the instruments in place to ensure that railway emergency response information is provided to emergency responders at all levels of government organizations, however there may be a need to strengthen compliance assurance activities to ensure there is sufficient information sharing.

Recommendations:

- Transport Canada should use railways' risk assessment information to strengthen the railway safety compliance assurance program.

- Transport Canada should adjust their communication strategy for rule changes to

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include all railways that would be impacted by the rule changes.

- Transport Canada should work with the Government of Saskatchewan on the development of a new Memorandum of Agreement to access rail safety inspection services to supplement the Province’s existing railway inspection and audit programs. Under this agreement, it is our hope to facilitate better coordination of inspection and audit activities on local railway companies and minimize any duplication of federal and provincial safety inspections and audits.
- Transport Canada should evaluate their available resources so that if requested by the Province, Transport Canada inspectors will have the ability and resources available to fulfill any commitments that may be agreed to under a Memorandum of Agreement regarding railway compliance assurance activities.
- Transport Canada should work to ensure the Safety Management System auditing program is consistent across Canada.
- Transport Canada should strengthen compliance assurance activities on “Protective Direction No. 36” to ensure the various levels of government that may be responsible for railway-related emergencies have the information required to prepare for emergencies. This will allow for more efficient emergency response management and will help to better protect the public, property and the environment.

3.5 Multimodal Impacts

When developing, amending or enforcing regulatory instruments under the Act, Transport Canada must ensure that multimodal impacts of their decisions are considered. If measures imposed on the railway industry drive commodity movement to other modes of transportation, Transport Canada should ensure it does not result in an overall negative impact to transportation safety.

For example, the Government of Saskatchewan has heard concerns the railways do not fairly assess the actual risk posed by providing service to the uranium industry. As a result, unreasonable protective measures or expenses could be imposed on uranium shippers as a condition to move their product by rail. In the end, this results in uranium being transported on the roadway network where public exposure is much greater. This reduces the uranium industry’s market competitiveness and impacts public safety.

Recommendation:

- Transport Canada should consider multimodal safety impacts when developing, amending and/or enforcing regulatory instruments under the Act.

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3.6 Funding

The Government of Saskatchewan is pleased with the recent changes to make the Railway Safety Improvement Program fund accessible to provincially regulated railways. The Government of Saskatchewan recognizes that the federal government has made progress in improving the grade crossing standards and regulations and has established the Railway Safety Improvement Program to help address some crossing concerns. One aspect of crossing safety that could be improved and encouraged is crossing closures. The decision to close a crossing must remain solely with the responsible road authority. In many cases, the best course of action for improving crossing safety is to close the crossing, however, this typically is not practical or popular for municipal governments. The current grant amounts offered for crossing closure are not sufficient for a road authority to consider closing a high traffic volume crossing. In order to encourage additional crossing closures, the federal government should consider substantially increasing the grant amount for closing high-volume/high-risk crossings.

Generally, smaller shortline railways inherited railway networks that are aging and smaller railways may not generate sufficient revenue to address major infrastructure upgrade projects. The Government of Saskatchewan would like to see that some of the safety improvement funding be specifically allocated to smaller shortline railways.

Recommendation:

- The Government of Saskatchewan recommends that Transport Canada review and expand the scope of the Railway Safety Improvement Program to include railway infrastructure improvement projects, and substantially increase funding for closure of high-risk grade crossings. Furthermore, a portion of the fund for the Railway Safety Improvement Program should be specifically allocated for shortline railway projects. Funding programs should include information on the intended resulting benefits and eligibility requirements.

3.7 Railway Resource Management

Lack of information sharing continues to be an issue between municipalities and railways. In order to promote information sharing between the railways and municipalities the Province supports “Protective Direction No. 36” and information-sharing requirements in the *Grade Crossings Regulations*. Furthermore, the Government believes it is necessary for municipal governments and railways to coordinate and share information on their respective developments to avoid proximity issues. The Government of Saskatchewan has concerns that the railways have not allocated sufficient resources to prioritize working with municipalities and the public as it relates to municipal development, crossing issues,

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trespassing issues, proximity issues and emergency planning.

Recommendations:

- The Government of Saskatchewan recommends that Transport Canada strengthen compliance assurance activities related to “Protective Direction No. 36” and information-sharing requirements in the *Grade Crossings Regulations*.
- The Government of Saskatchewan supports and recommends that the “Guidelines for New Development in Proximity to Railway Operations” be used by municipal governments to reduce proximity conflicts with the railways within the existing legislative and regulatory framework to meet the operational needs of railways.
- Transport Canada should take into consideration the level of resources the railways have available and assess whether the railways have sufficient staff internally to adequately and effectively collaborate with municipal governments on these important issues.

3.8 Wildlife

The Government of Saskatchewan has concerns regarding the impact of noise and vibration impacts resulting from railway operations to animal habitat use and animal fatalities resulting from collisions with trains. Grain spillage from damaged cars attracts wildlife to railway tracks, which increases railway safety risks from increased exposure of railway employees to animals and animal fatalities.

Recommendation:

- Transport Canada should strengthen compliance assurance activities regarding the “Railway Freight Car Inspection and Safety Rules.”

4 Key Questions

4.1 Do the various components of the Act (e.g. regulations, rules, Safety Management Systems, the compliance and enforcement regime) work as intended? What could be improved?

Generally, the Government of Saskatchewan does not believe that significant or major changes to the Act are required. The Act should be effective in meeting its legislative intent if Transport Canada increases and strengthens its compliance assurance and enforcement programs to ensure compliance with the Act and related regulatory instruments.

The Government of Saskatchewan is satisfied with the Grade Crossing Regulations and

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related regulatory instruments. These regulations have improved the clarity of roles and responsibilities as they pertain to public grade crossings. The Government of Saskatchewan has aligned with this regulation, and has implemented the new requirements as part of the provincially regulated railway compliance assurance program. Based on stakeholder feedback and inspection results, the new requirements seem to be working as intended to improve railway safety.

The *Railway Safety Management System Regulations, 2015* approach to managing risks seems to be working well for the provincially regulated railways. The Government of Saskatchewan has aligned our provincial requirements with these regulations.

The Government of Saskatchewan is comfortable with Transport Canada consulting with the Advisory Council on Rail Safety during the rule-making process. Not all railways are adequately represented by the Railway Association of Canada and the Government of Saskatchewan appreciates that other stakeholder groups that may be able to help provide a more complete representation of the railway industry are being consulted.

4.2 Have the changes made over the past five-years been effective in addressing some of the major issues that have emerged regarding rail safety?

The expansion of Railway Operating Certificate and Safety Management System requirements to local railway companies has helped generally improve railway safety culture, but it must be recognized that the changes created additional regulatory burden for provincially regulated railways. The result of the expanded oversight and regulatory requirements at the federal level has also created some overlap and duplication of some railway safety compliance assurance activities conducted by the provinces on provincially regulated railways.

Since the last review, the federal government has implemented grade crossing regulations and standards. These regulatory instruments have helped to clarify roles and responsibilities of railways and road authorities. It has also helped improve awareness that road authorities have shared responsibility with the railways at crossings.

Generally, the changes that have been made to regulatory instruments during the past five years have strengthened Transport Canada's ability to address most of the major issues that have emerged regarding railway safety. However, these regulatory instruments have not been entirely effective in addressing these major issues because compliance assurance activities related to the regulatory instruments need to be strengthened.

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4.3 Does the Act put the Government in a good position to address current and future security threats to the rail transportation system?

Railway security has not been viewed as an imminent risk on the provincially regulated railway network. However, the Government of Saskatchewan anticipates future security threats to railway security will be related to data and information technology security. It is important that data and information technology security be considered when requiring information sharing between railways and governments, as well as requiring railways to make information available to the public.

4.4 What key issues remain, that if successfully addressed, would result in a further strengthening of the railway safety and security regime?

Proximity conflict between municipalities and railways remains one of the key issues for Canada's railway network.

There is opportunity to provide a clearer regulatory framework for developments near railways, which would help reduce wasteful investments. Clarifying the regulatory framework on developments near railways must be done at the provincial level, which would not require changes to the Act. Strengthening provincial land-use planning legislation and regulation across Canada is essential to improve the railway transportation network for the rail industry, the public, private property and the environment. This will ensure railways can operate efficiently and remain competitive in the market, including businesses reliant on railway transport.

In developing and exploring options, it is imperative that all stakeholders take into consideration the overall impact on railway service and efficiency. Solutions and recommendations to improve railway safety must fundamentally serve the national interest and must not only focus on resolving local or regional interests.

The Government of Saskatchewan would be concerned with any proposed action or legislative amendment to increase municipal authority to alter, prohibit or restrict railway operations. Efficient railway service is essential for all Canadians and the ability to restrict or control federal railway operations should remain at the federal level to ensure the national interest is maintained. The Government of Saskatchewan is confident the safety issues and concerns brought forward through this review can be adequately addressed through the existing legislative and regulatory framework and that drastic changes in rail safety regime are not required.

Legislative and jurisdictional efficiency remains an issue under the current railway safety

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regulatory framework. As identified, there continues to be gaps in the railway safety framework as well as areas of overlap where legislation and/or regulatory compliance assurance activities result in oversight inefficiencies.

4.5 What recommendations do you have that will ensure progress on these residual issues?

The federal government should increase funding for the grade crossing closure program and target higher-risk crossings to provide more incentives to encourage road authorities to close at-grade railway crossings. This will help to alleviate some proximity issues and will improve the railway network's safety and efficiency. Addressing proximity issues and eliminating safety concerns at crossings can be very expensive. Preventing and eliminating railway safety issues is a shared responsibility between railways, local governments and road authorities. The Government of Saskatchewan believes it is necessary for the federal government to increase funding and expand the scope of existing railway safety programs to help ease any financial burden on municipal governments.

Transport Canada, the Federal Council of Municipalities and the Railway Association of Canada should continue to encourage municipalities to use the "Guidelines for New Development in Proximity to Railway Operations" when reviewing and approving developments near railways. The Government of Saskatchewan is reviewing *The Statements of Provincial Interest Regulations* and considering incorporating the guidelines into these regulations. The Government of Saskatchewan encourages other provinces to review their land-use planning legislation and regulations to consider incorporating the guidelines.

The Government of Saskatchewan is committed to continuing work toward improving consistency of railway safety requirements between federally and provincially regulated railways. In order to do this effectively, more direct consultation and involvement with provincial governments and provincially regulated railways is essential during the development of the federal railway regulatory instruments.

As a provincial government with the responsibility of ensuring safety on provincially regulated railways, the government's focus is on adopting and adapting the federal railway rules and regulations so that they are practical and are applicable to the types of railways that are regulated provincially. It is imperative that the federal government recognize that the rules and regulations created for large federal railways are not necessarily appropriate or applicable for much smaller provincial shortline railways and provincially regulated industrial railway operations. Both the federal and provincial governments need to work collaboratively to ensure there are no jurisdictional gaps between federal and provincial

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railway safety regimes and to coordinate efforts on areas of potential overlap of federal and provincial railway jurisdiction.

The Government of Saskatchewan will continue to work toward collaborating and coordinating railway compliance assurance programs with the federal government to minimize duplication and increase consistency for all railway operations.

4.6 Are the current roles played by Transport Canada, the railways, provinces, municipalities and other stakeholders in keeping the railway transportation system safe and secure sufficient? Should changes be made?

The current roles and responsibilities with respect to the Act are appropriate however, the roles and responsibilities are not always clear to those who don't routinely work within the railway safety framework.

Municipal governments also have a responsibility to help minimize rail safety issues, but they can only do this with adequate information and collaboration with railway companies. The railways must continuously improve their efforts to improve railway safety on their networks and take into consideration the impact to citizens when they implement changes to their operations.

5 Conclusion

The Government of Saskatchewan does not recommend any major changes to the Act. The existing regulatory framework has the ability to properly address railway safety issues. The Government of Saskatchewan recommends that efforts to implement existing regulatory instruments be strengthened.

The Government of Saskatchewan's recommendations support the guiding principles outlined in this submission.

Therefore, the Government of Saskatchewan seeks acceptance of its recommendations to improve the intent, purpose and goals of the Act.

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Appendix

Comments on Consultation Guidance Document – Appendix A: Topics to be Explored

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The Government of Saskatchewan used the “Consultation Guidance Document” provided by the review panel to guide stakeholder engagement and consultation. Stakeholders responded directly to the questions in Appendix A - Topics to be Explored, and also provided general comments related to the various topics. This appendix contains the Government of Saskatchewan’s resulting comments based on the Province’s position and feedback received from stakeholders.

1. Overall Provisions of the Act including Roles and Responsibilities

- When developing or updating regulatory instruments under the Act Transport Canada must ensure that multimodal impacts are considered. If measures are imposed on the railway industry that drives commodity movement to other modes of transportation, we should try to ensure that it does not result in an overall increase in transportation risk to Canadians.
 - The Government of Saskatchewan has concerns regarding the impact of railway operations (noise and vibration) to animal habitat use and animal fatalities resulting from collisions with trains. Grain spillage from damaged cars attracts wildlife, which increases railway safety risk (both exposure to railway employees and collisions) and animal fatalities. Some considerable focus may be required on the enforcement of the condition of bulk cars.
 - The GOS is concerned that the population thresholds for required speed reductions under the Rules Respecting Key Trains and Key Routes, do not capture all the locations that may benefit from trains travelling at reduced speeds simply based on the definitions of Census Metropolitan Areas. The rules include the requirement to identify areas of higher risk where reduced speed should apply. The Government of Saskatchewan would like to see strengthened compliance assurance of this requirement from Transport Canada to ensure the higher risk areas are appropriately capture by these rules.
 - Third-party liability insurance systems must be strengthened to prevent the downloading of liability costs on municipal and provincial taxpayers. The Government of Saskatchewan would like to see that this be done in a manner that considers railways of all types and sizes and that allows for market competitiveness. In addition, insurance amounts should be commensurate with the actual severity of potential incidents that could occur on a railway. The Government of Saskatchewan understands that insurance requirements are established under the *Canada Transportation Act*, but would like to address this under the Act review as it does impact safety to people, property and the environment.
- a. [Are the roles, responsibilities and authorities for rail safety in Canada clear? Is the current structure appropriate? To what extent should the responsibilities of railways be reflected in the Act? Are all the participants fulfilling their roles and responsibilities?](#)
- Generally, the Government of Saskatchewan does not believe that significant or major changes to the Act are required. The Act, should be effective in meeting its legislative intent if Transport

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Canada increases and strengthens its compliance assurance and enforcement programs to ensure compliance with the Act and related regulatory instruments.

- Through interactions with provincial stakeholders, there is evidence that roles and responsibilities with respect to railway safety are not entirely clear to those that do not work frequently within the legislative framework.
- The Government of Saskatchewan is anticipating that the federal government will receive submissions from municipal governments with suggestions to delegate more control and authority to urban municipalities to restrict or otherwise alter railway operations through their communities. The Government of Saskatchewan has concerns over the potential impact on railway efficiency if this were to occur. The Government of Saskatchewan anticipates that it may be more effective to explore options to strengthen development planning legislation or explore possible ways to better enforce the existing proximity guidelines at the provincial level.

2. Adoption of Safety Management Systems and Safety Culture

- Some of the shortline railways are regulated by both the federal and provincial governments with respect to Safety Management Systems/Plans. Federally, the shortline railways are regulated as “local railway companies,” therefore their requirements are commensurate with a railway that only operates on track maintained by a Class I, federally regulated railway. Provincially, the shortline railways are regulated as a “railway company,” therefore their requirements are commensurate with a railway that operates on and maintains their own track. As a result, the Government of Saskatchewan has updated the Safety Management Plan guidelines to align with the federal *Railway Safety Management System Regulations, 2015*. This measure has improved safety culture for railway companies that were not necessarily exposed to robust safety management systems previously, but it has created a potential duplication of federal and provincial regulation and oversight. Many provincially regulated railways have expressed the desire to develop and maintain a single Safety Management System that would meet both federal and provincial requirements.
- a. *Is the current SMS approach to managing risks working - for the owners and employees of railway companies? For their customers (shippers and travelers)? For those who live near railway lines? For Canadians?*
- The current Safety Management Systems approach to managing risks seems to be working well for the provincially regulated railways. However the current requirements for and implementation of the Safety Management Systems to manage risks is not properly capturing the uranium industry. The uranium industry is not treated consistently compared to the movement of other dangerous goods by railway and the industry is not treated commensurate to their risk profile with respect to railway transportation, which reduces their market competitiveness. The Act has the instruments in place to ensure risk is assessed using a

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consistent approach, however there may be a need for additional compliance assurance activities to ensure the risk assessment systems are appropriate and being complied with.

- b. **What role should Transport Canada and railway companies play in reinforcing Safety Management Systems?**
- There seems to be a good balance of responsibility and accountability between the railway companies and Transport Canada. Provincial stakeholders hope that the Safety Management Systems auditing program can be used for a collaborative approach to safety improvement and less so as an evidence collection tool for enforcement, with the exception of discovering imminent/catastrophic safety risks.
- c. **Do railway employees have the training and support they need to properly implement Safety Management Systems and integrate safety culture into their day-to-day activities? Do Transport Canada employees have the training they need to evaluate whether a company's Safety Management Systems is effective? What kind of training would be helpful?**
- Safety Management Systems implementation does require significant resources to be properly implemented and this can be difficult to balance for some provincially regulated shortline railways due to production pressures and constraints. Some stakeholders have identified that Safety Management Systems development training is not required, but additional training on Safety Management Systems implementation could be useful. Some stakeholders have expressed that the federal Safety Management Systems audit program is not entirely consistent, due to auditor subjectivity. Ideally, the federal and provincial Safety Management Systems/Safety Management Plans auditing programs would be aligned in a way that both governments could work together to assure Safety Management Systems/ Safety Management Plans compliance.

3. Quality and Use of Performance Data for Risk Management

- a. **Does the current risk management framework adequately address safety issues relating to current and future traffic volumes and types of goods being carried?**
- The current risk management framework has the capacity to adequately address railway safety issues. The *Safety Management Systems Regulations, 2015* require railways to conduct risk assessments. It is the railways' responsibility to determine and take into consideration the relevant risk factors. The railways are the most appropriate authority to know what potential future traffic could be moved on their networks. The "Rules Respecting Key Trains and Key Routes" also require that a comprehensive list of factors be used in risk assessment. The Government of Saskatchewan would recommend that that this type of available information be used to strengthen Transport Canada's compliance assurance program.
 - The *Safety Management System Regulations, 2015* requires that railways identify risks using a consistent approach. The uranium industry is not treated consistently compared to the

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movement of other dangerous goods by railway and the industry is not treated commensurate to their risk profile with respect to railway transportation, which reduces their market competitiveness. The Act has the instruments in place to ensure risk is assessed using a consistent approach, however there may be a need for additional compliance assurance activities to ensure the risk assessment systems are appropriate and being complied with.

b. [Does Transport Canada have sufficient data to carry out robust risk analysis in order to address the challenges of the railway safety mandate?](#)

- The Province is unsure that Transport Canada has sufficient resources and data to conduct representative risk analysis in order to address the challenges of the railway safety mandate. The Government of Saskatchewan recognizes the importance of information sharing between railways, municipalities and emergency response professionals, which is why the Government of Saskatchewan supports Protective Direction 36, and would encourage compliance assurance activities to ensure the directive is working to provide information as intended.

4. Ability to Respond to Industry Trends

a. [Will trade patterns and population growth affect route planning and traffic through major urban centres, and further exacerbate proximity issues?](#)

- Trade patterns and population growth will further exacerbate proximity issues in areas with higher population densities, which could impact the level of service to Saskatchewan shippers. In some cases, urban development expansion around railway infrastructure can limit the ability of the railways and municipal governments to make safety improvements or make improvements to increase railway operational efficiency. Major urban centres are under pressure to accommodate development within existing built-up areas, often in older neighbourhoods that are in proximity to railways. In situations where proximity issues and safety concerns become serious enough, the only solution may be to consider rail relocation. Rail relocation is a complex issue and the Government of Saskatchewan recognizes there is existing legislative framework to govern this process. It is essential that this process and legislative authority governing rail relocation remain at the federal level so that decisions around rail relocation take into consideration the national interest as well as striving to eliminate local proximity issues.

b. [Will there be an increase in congestion due to passenger and freight trains operating on shared tracks? What would be the safety impact should alternative routes or trade corridors be implemented?](#)

- The Government of Saskatchewan does not have any concerns regarding increased congestion on shared railway tracks in Saskatchewan unless passenger train demands impact freight traffic efficiencies. This has been noted as a specific concern in British Columbia and has directly impacted freight travel efficiency to port. The federal government should take steps to encourage separation of urban transit systems from freight transportation systems in situations

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where demand for freight or passenger services increases to the point where service for either is negatively impacted, or where the joint utilization creates safety concerns.

- c. [How can Canada ensure the required investments in infrastructure to accommodate future traffic patterns, train lengths, and train volumes?](#)
- Generally, smaller shortline railways inherited railway networks that are aging and smaller railways may not generate sufficient revenue to address major infrastructure upgrade projects. The Government of Saskatchewan would like to see that some of the safety improvement funding be specifically allocated to smaller shortline railways.
- d. [Can infrastructure funds and programs \(beyond the existing Rail Safety Improvement Program\) be leveraged to fund projects that would increase safety around rail lines \(e.g., grade crossings\)?](#)
- The Government of Saskatchewan is pleased with the recent changes to make the Railway Safety Improvement Program Fund accessible to provincially regulated railways.
 - The Government of Saskatchewan recognizes that the federal government has made progress in improving the grade crossing standards and regulations and has established the Railway Safety Improvement Program to help address some crossing concerns. One aspect of crossing safety that could be improved and encouraged is crossing closures. The decision to close a crossing must remain solely with the responsible road authority. In many cases, the best course of action for improving crossing safety is to close the crossing, however, this typically is not practical or popular for municipal governments. The current grant amounts offered for crossing closure are not sufficient for a road authority to consider closing a high traffic volume crossing. In order to encourage additional crossing closures, the federal government should consider substantially increasing the grant amount for closing high-volume/high-risk crossings.
 - In addition to funding public safety improvements, the Government of Saskatchewan would like future funding programs to include safety improvements to infrastructure, such as bridges and track upgrades.
- e. [There is potential that new technology will increase safety, for example through assisting with the identification of risks or the causes of accidents. Are there any barriers preventing the rail industry from investing in these technologies? Can the Government of Canada assist in their adoption?](#)
- The Act's framework is not well suited to respond to new railway industry technologies and there are barriers under the current legislative framework that may be preventing the rail industry in investing in new technologies. The legislative framework typically requires the adoption and utilization of new technology on a wide scale only after very prescriptive regulations or rules are formulated to govern their use. The Government of Saskatchewan understands the need for ensuring new technologies are adopted in a safe and consistent

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manner, but it is important to recognize that the prescriptive regulatory approach can discourage innovation.

f. [Do employee fatigue, hours of service, and overtime remain concerns for railway safety?](#)

- The majority of provincially regulated railways do not operate on a 24 hour/day and seven days/week basis like Canadian National and Canadian Pacific and industrial railway employers must follow provincial labour legislation. As such, employee fatigue and overtime are therefore largely mitigated on the provincially regulated network. The federal government has an adequate framework in place for federal railways for fatigue management; however, the Province is aware of concerns over fatigue, excessive work hours and the use of railway managers to supplement or backfill normal railway operations on federally regulated railways.

5. Relationship Building and Coordination

a. [Are the roles and responsibilities of the provinces and municipalities clear and adequate?](#)

- The Government of Saskatchewan has concerns about the possibility of further expansion of federal oversight over provincial railways that operate on federally regulated track. Further expansion could infringe on provincial jurisdiction and create unnecessary overlap and duplication of government compliance assurance activities related to safety.
- The Government of Saskatchewan has identified that currently the grain handling facilities that are captured by the *Canada Grain Act* are not regulated provincially or federally with respect to railway safety. The Government of Saskatchewan would recommend that the grain handling facilities, if regulated with respect to railway safety, be regulated in a way that is commensurate with their risk profile.
- The Government of Saskatchewan has identified a jurisdictional gap as it pertains to groundwater and/or surface water management that involve federally regulated railways. There have been a few incidents where surface and/or ground water issues related to federally regulated railway activities has impacted Saskatchewan residents but the legislative authority to ensure these issues are resolved is unclear or lacking.
- The Government of Saskatchewan would like the legislation to be clear on authority and requirements for owning railway track vs. owning railway property. Current Saskatchewan legislation is interpreted in a way that private companies that have facilities on railway property are capture by provincial and municipal legislation, as it applies, but this interpretation remains unclear to industry.
- The federal *Grade Crossing Regulations* have improved the clarity of roles and responsibilities as they pertain to public grade crossings.

b. [Should the provinces be consulted on the drafting of rules and regulations? To what extent?](#)

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- If the provinces are expected to align, with the Act and subsequent regulatory instruments, the provinces and relevant industry associations should be consulted starting from the instrument development stage.
- c. [Should smaller railways that mostly operate on provincial track be subject to the same requirements as larger national railways?](#)
 - It is not always appropriate and necessary to subject every railway to all of the same requirements as the larger national railways, since the risk profile of smaller railways is not the same as the larger national railways. Federal railway legislation is mostly developed to capture the larger national railways' operations and does not properly capture the smaller railways' operations. The Government of Saskatchewan typically adopts federal railway rules and standards for provincially regulated railways, but we carefully consider whether it is necessary or appropriate to do so. In many cases, the Government of Saskatchewan has chosen to modify or adapt federal rules to take into consideration the much smaller scale and scope of the operations that occur on provincial shortlines and industrial railways.
- d. [Are the current Federal-Provincial agreements an effective approach to safety oversight?](#)
 - The Government of Saskatchewan intends to work with Transport Canada to update and put in place a new Memorandum of Agreement with Transport Canada for rail safety inspection services. The intent of this will be to draw on some of Transport Canada's more specialized inspection capabilities in order to complement and build on the existing inspection and compliance activities the Province is already undertaking on the provincial network. In order to do this, we encourage Transport Canada to evaluate their available resources so that, if requested by the Province, Transport Canada inspectors will have the ability and resources to fulfill the commitments under the Memorandum of Agreement.
- e. [Is there sufficient harmonization with provincial jurisdictions? To what extent is alignment still required and in what areas?](#)
 - In addition to aligning our provincial railway requirements with the federal rules and regulations, the Government of Saskatchewan also prioritizes aligning with other provincial jurisdictions. This is essential to ensure provincial railways that operate in multiple provinces have consistent set of rules and requirements. This also increases consistency and overall safety for service providers, contractors, consultants and rail employees that operate and work in both the federal and provincial railway environment. The Government of Saskatchewan has identified that increased alignment in low-use locomotive inspection requirements and in the Safety Management Systems/Safety Management Plans requirements is required.
- f. [Is there sufficient dialogue between railway companies and communities/municipalities? What can be done to ensure that railway companies and communities/municipalities work together to advance rail safety?](#)

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- The Government of Saskatchewan is concerned about the number of safety issues and disputes resulting from conflicts between railway operations and rural and urban municipalities. Some examples of such “proximity issues” include traffic delays at crossings, trespassing problems, and incompatible development near railway operations. Some municipalities have identified that there is not sufficient dialogue with railway companies and that municipalities would benefit from more open, transparent information sharing from railway companies on potential impacts their operations may have on municipal development, and vice versa. The Government of Saskatchewan supports the implementation of the “Guidelines for New Development in Proximity to Railway Operations” to help address these concerns.
 - Municipalities continue to have concerns around dangerous goods movements through their communities and are concerned that they are not receiving appropriate information to prepare their emergency responders for potential emergencies. Emergency planning should be done collaboratively between governments at all levels and the railways. The Government of Saskatchewan supports Protective Direction No. 36 and would encourage Transport Canada to strengthen compliance assurance activities on this directive.
- g. [Are there barriers to collaboration between companies and communities/municipalities? What are they? Can they be addressed?](#)
- The Government of Saskatchewan has concerns that the railways may lack resources to prioritize working with municipalities and the public as it relates to municipal development, crossing issues, trespassing issues and proximity issues. The Government of Saskatchewan has identified that lack of information sharing continues to be an issue between municipalities and railways. In order to address this issue, Protective Direction No. 36 must be implemented and monitored for compliance.
- h. [Are the “Guideline for New Development in Proximity to Railway Operations” a useful tool? Do they go far enough? What more could be done?](#)
- The “Guidelines for New Development in Proximity to Railway Operations” is a useful tool, but it does not account for the impact on crossings, such as the required design vehicle and traffic volumes. Ongoing efforts by the Federation of Canadian Municipalities–Railway Association of Canada to engage municipalities and promote the benefits of the guidelines would be beneficial. The Government of Saskatchewan will be making efforts to promote the use of the guidelines within the province.
- i. [Is there adequate information sharing and transparency between Transport Canada, railway companies and stakeholders? Can this be improved?](#)
- The Government of Saskatchewan has been advised that rule changes and Safety Management Systems updates are not well communicated to all of the railways.
- j. [Does the current rule-making process allow for sufficient consultation with stakeholders?](#)

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- The Government of Saskatchewan is comfortable with the current consultation efforts in the rule-making process, especially with groups such as the Advisory Council on Rail Safety, which includes organizations that are not properly represented within the Railway Association of Canada.

6. Promoting Railway Security

- Railway security has not been identified as a major issue for the Province at this time; however, the Government of Saskatchewan has concerns of potential security risks that could be related to data protection, specifically as they relate to dangerous goods movements. The Province is not sure that the existing legislative framework is fully equipped to handle these types of risks. These risks should be considered when developing regulatory instruments on information sharing.