



Rail Safety

Oversight and Expertise



Amendments to the Railway Safety Act

Transport Canada proposed a Bill to amend the *Railway Safety Act* (RSA) based on recommendations from the 2008 RSA review. Most of these amendments came into force on May 1, 2013. They will increase railway safety because they:

- Give Transport Canada greater oversight and enforcement capacity;
- Expand the use of Safety Management Systems;
- Increase the importance of environmental protection; and
- Clarify the Minister's authority and responsibilities in railway matters.



Key amendment highlights

New regulation-making power for:

1. *Railway Operating Certificates (ROC)*
 - Require all railways under federal jurisdiction to obtain a ROC.
 - Give existing companies two years from the coming into force of the regulations to meet the requirements for their certificates.
 - Give the Minister the authority to:
 - suspend or cancel a ROC if a company fails to continue to meet the baseline requirements; and
 - exempt certain companies from needing a ROC.
2. *Administrative Monetary Penalties:*
 - Introduce administrative monetary penalties as a new enforcement tool.
 - Set maximum levels to \$50,000 for an individual and \$250,000 for a corporation.
3. *Safety Management Systems (SMS):*
 - Require each SMS to name an 'accountable executive' responsible for safety.
 - Introduce protection for railway employees who report safety violations to their companies.
 - Require companies to demonstrate that they continuously manage risks.





Judicial penalties:

- Increase judicial fines to align with other modes of transport. Maximum fines for convictions on indictment under the RSA would be \$50,000 for an individual and one million dollars for a corporation.
- Increase maximum fines on summary convictions under the RSA to \$25,000 for an individual and \$500,000 for corporations, for each day of non-compliance.

Minister's Authority and Responsibilities:

- Clarify that the RSA falls within Parliament's legislative authority, ensuring that all companies operating on federal track are subject to the same high level of safety requirements.
- Clarify that on-duty railway safety inspectors exercise powers under the RSA and act for and on behalf of the Minister.
- Allow the Minister to enter into agreements with provinces.

Regulation-making authorities:

- Require railway companies to submit environmental management plans and allow authorities to collect information and label equipment related to the release of pollutants in the environment.
- Give Transport Canada the ability to recover costs/charge fees for rail safety services.

NEW DEFINITIONS under RSA Amendments

company means a "railway company" or a "local railway company".

fatigue science means a scientifically based, data-driven and systematic method used to measure and manage human fatigue.

highest level of safety means the lowest acceptable level of risk as demonstrated by a risk management analysis.

local railway company means a person, other than a "railway company" or a person acting for and on behalf of a "railway company", that operates railway equipment on a "railway".

railway means a "railway" within the legislative authority of Parliament and includes:

- (a) branches, extensions, sidings, railway bridges, tunnels, stations, depots, wharfs, rolling stock, equipment, stores or other things connected with the railway, and
- (b) communications or signalling systems and related facilities and equipment used for railway purposes.

railway company means a person that constructs, operates or maintains a "railway".

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.