



427 Laurier Avenue, 14th Floor
Ottawa, Ontario, K1A 0N5

March 10, 2021

Your file Votre référence

Our file Notre référence
RDIMS 17273580 /
MO 21-01 and MO 21-02

Please See Attached List

Dear Sir /Madame:

Transport Canada and the Canadian railway industry have a long shared history of working together to improve safety for employees and Canadians living in communities near railway operations. In recent years, this collaboration has extended to tackling the issue of uncontrolled movements to include significant changes to the *Canadian Rail Operating Rules*, including revisions to Rule 112 on train securement and the addition of a new rule, Rule 66 for securing trains on heavy and mountain grades. Industry is also working to develop a new rule to address the safety risks to employees involved in switching operations and by reducing the frequency of uncontrolled movements while switching.

Despite the progress we have made on addressing the issue together, uncontrolled movements in the industry remain a serious safety concern. The Transportation Safety Board (TSB), in its most recent Watchlist, highlighted the historical significance of these incidents and their potential consequences for employees and communities. They expressed renewed concern about the number of uncontrolled movements, noting the existence of an upward trend in their number since 2015, which peaked most recently in 2019 at 78.

The need for action on uncontrolled movements has become all the more pressing in recent weeks. For instance, on February 1, 2021, a Goderich - Exeter Railway train operating at the Goderich Yard was involved in an accident. Based on the information available to date, the accident occurred when the engineer left the cab of the locomotive to operate a derail after having brought the movement to a stop. In the process, the automatic brake was released and the train began to move uncontrolled, travelling over 8400 feet and reaching a maximum speed of 29 mph. The train only came to a stop when the 2 locomotives and 5 loaded cars derailed after coming into contact with a structure and two motor vehicles. Fortunately, there were no injuries or fatalities.

The apparent cause of this accident is very similar in nature to an occurrence that happened on November 29, 2016, when a Canadian Pacific train rolled out of a siding and collided with a stationary train parked on the main line near Estevan, Saskatchewan. In that occurrence, Transportation Safety Board investigation R16W0242 determined that while the two crew members, from the train stopped in the siding, were on the ground performing a passing train inspection of a northbound train, the locomotive engineer left his position on the ground and entered the locomotive cab. While in the cab, the locomotive engineer inadvertently moved the automatic brake handle to the release position and the train began to roll. The train continued to move at a speed of less than 1 mph until the locomotive struck the side of the northbound train which had stopped on the main track.

Given the similarity of the circumstances of these two accidents, the risks to safety posed by uncontrolled movements, and in the interest of safe railway operation, please find attached two Ministerial Orders for your action to prevent further occurrences of this nature.

The first Order is issued pursuant to section 32.01 of the *Railway Safety Act* (RSA) and requires all railway companies and local railway companies listed in the Order to implement the safety measures outlined therein which are designed to ensure that an accident caused by the unintentional release of the air brakes does not reoccur.

The second Ministerial Order requires railway companies and local railway companies to amend the *Railway Locomotive Inspection and Safety Rules* and the *Canadian Rail Operating Rules*. These amendments will include setting performance standards for locomotives equipped with roll-away protection, which is a feature designed to apply the air brakes when movement is detected, and revisions that will clarify when a train is unattended and must be secured as per the rules. This latter element is intended to provide greater precision to the definition of attended versus unattended equipment and give greater certainty to railway companies and their employees.

If you intend to initiate a review of Ministerial Order 21-01, you must file a request in writing with the Transportation Appeal Tribunal of Canada (Tribunal), no later than the date specified in the Order.

The Tribunal has prepared a Guide for Applicants that you may obtain from the Tribunal's Registrar at the address below. Requests for review must be filed with:

The Registrar
Transportation Appeal Tribunal of Canada
333 Laurier Avenue West, Room 1201
Ottawa, Ontario
K1A 0N5
<http://www.tatc.gc.ca>

Pursuant to section 32.3 of the RSA an order issued under section 32.01 of the RSA shall not be stayed pending a review requested under section 32.1, an appeal under section 32.2 or a reconsideration by the Minister under subsection 32.1(5) or 32.2.(3) of the RSA.

Should you have any questions, please contact Sean Rogers, Director, Regulatory Affairs at (613) 298-5597 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,



Director General
Rail Safety

c.c.: Mr. G. Doherty, TCRC-MWED Ms. L. Cyr, TCRC-MWED Mr. L. Couture, IBEW
Mr. K. Neumann, USW Mr. T. Lundblad, USW Mr. C. Crabtree, ATU
Mr. S. Pickthall, IAMAW Mr. D. Ashley, TCRC Ms. L. Robillard, TCRC
Mr. B. Snow, UNIFOR Mr. E. Féquet, TUT

Enclosure

MINISTER OF TRANSPORT

ORDER PURSUANT TO SECTION 32.01 OF THE
RAILWAY SAFETY ACT, CHAPTER R-4.2, [R.S., 1985, C. 32 (4th SUPP.)]

Whereas section 32.01 of the *Railway Safety Act* (RSA) provides the Minister of Transport with the authority to order a company, road authority or municipality to stop any activity that might constitute a threat to safe railway operations or to follow the procedures or take the corrective measures specified in the order, including constructing, altering, operating or maintaining a railway work.

Whereas on February 1, 2021 a Goderich and Exeter Railway train, after having been brought to a stop on a 2.5-3% grade using application of both the automatic and independent brakes, began to move and rolled in an uncontrolled manner over a distance of 8400 feet reaching a maximum speed of 29 mph and came into contact with a structure and two motor vehicles.

Whereas an accident with a similar cause occurred on November 29, 2016 when a Canadian Pacific train rolled out of a siding and collided with a stationary train parked on the main line near Estevan, Saskatchewan.

Whereas in both instances, the air brakes appear to have been inadvertently released.

Therefore, I find it necessary in the interest of safe railway operations to make this order, under section 32.01 of the RSA requiring railway companies and local railway companies listed in the schedule of this order to follow the procedures set out below.

If you intend to request a review of this Order, you must file a request in writing with the Transportation Appeal Tribunal of Canada, which must be postmarked no later than April 9th, 2021.

Pursuant to section 32.3 of the RSA, an order issued under section 32.01 of the RSA shall not be stayed pending a review requested under section 32.1, an appeal under section 32.2 or a reconsideration by the Minister of Transport under subsection 32.1(5) or 32.2.(3) of the RSA.

Order under Section 32.01 of the *Railway Safety Act* to prevent accidents caused by the unintentional release of the air brakes

1. A company listed in the schedule to this Order shall ensure that, in order to hold the movement stationary, the locomotive engineer before leaving the controlling locomotive cab to perform duties:
 - a. fully applies the independent brake on the locomotives;
 - b. removes the reverser on the locomotive; and
 - c. applies the automatic brake, if required.

2. When temperature is zero degrees Celsius or below, a locomotive that does not have a high idle feature is exempt from the requirement in paragraph 1(b) above.
3. The company shall ensure that, if the automatic brake is applied, immediately after stepping away from the control stand, the locomotive engineer visually confirms that:
 - a. gauges do not indicate a possible release of the air brakes; and
 - b. the automatic brake handle remains in the service position.
4. The company shall ensure that the locomotive engineer communicates the measures taken described in sections 1, 2 and 3 with another employee.
5. The company shall identify and communicate to employees any locations or conditions where the company prohibits the locomotive engineer from leaving the locomotive cab to perform duties, and shall ensure that the locomotive engineer does not leave the cab when so prohibited.

This Order comes into force on March 10th, 2021, and will remain in force until the *Canadian Rail Operating Rules* revisions, as described in Ministerial Order 21-02, are approved by the Minister.



Director General, Rail Safety

March 10, 2021

Date

SCHEDULE

9961526 Canada Limited
Algoma Steel Inc.
Battle River Railway NGC Inc.
Big Sky Railway Corp.
BioPower Sustainable Energy Corporation
BNSF Railway Company
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
Celanese Canada ULC Central Manitoba Railway Inc.
Central Manitoba Railway Inc.
Chemin de fer Canadien Pacifique
Chemin de fer de Québec-Gatineau Inc.
Chemin de fer du Centre du Maine et du Québec
Chemin de fer Orford Express Inc.
Chemin de fer Québec North Shore & Labrador
Chemin de fer Sartigan
Compagnie de chemin de fer Roberval-Saguenay
Compagnie des chemins de fer nationaux du Canada
CSX Transportation, Inc.
Eastern Maine Railway Company
GIO Railways Corporation
Goderich-Exeter Railway Company Limited
Great Canadian Railtour Company Ltd.
Great Sandhills Railway Ltd.
Great Western Railway, Ltd.
Hudson Bay Railway Company
Huron Central Railway Inc.
Kamloops Heritage Railway Society
Keewatin Railway Company
Kettle Falls International Railway Company
Knob Lake and Timmins Railway Company Inc.
Koch Fertilizer Canada, ULC
Lake Line Railroad Inc.
Last Mountain Railway
Maska-Wa Transportation Association Inc.
Metrolinx
National Railroad Passenger Corporation (AMTRAK)
Nipissing Central Railway
Norfolk Southern Railway Company
Ontario Northland Transportation Commission
Ontario Southland Railway Inc.
Pacific & Arctic Railway Navigation, British Columbia & Yukon Railway, British Yukon Railway doing
business as White Pass & Yukon Route Railroad (WP&YR)
Pinnacle Renewable Energy Inc.

Prairie Rail Solutions Ltd.
Prudential Steel ULC
RaiLink Canada Ltd.
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
St. Lawrence & Atlantic Railroad (Québec) Inc.
St. Paul & Pacific Northwest Railroad Company, LLC
Stewart Southern Railway Inc.
The Essex Terminal Railway Company
The Toronto Terminals Railway Company Limited
The Vintage Locomotive Society Inc. O/A Prairie Dog Central Railway
Thunder Rail Ltd.
Torch River Rail Inc.
Transport Ferroviaire Tshiuetin Inc.
Trillium Railway Co. Ltd.
Union Pacific Railroad Company
VIA Rail Canada Inc.
Ville d'Ottawa exerçant ses activités sous le nom de Capital Railway
West Coast Express Limited
West Coast Railway Association
Windsor Transload Inc.

MINISTER OF TRANSPORT

ORDER PURSUANT TO SECTION 19 OF THE

RAILWAY SAFETY ACT, CHAPTER R-4.2, [R.S., 1985, C. 32 (4th SUPP.)]

Paragraph 19(1)(a) of the *Railway Safety Act* (RSA) gives the Minister of Transport the authority to order a railway company to formulate rules respecting any matter referred to in subsections 18(1) or (2.1) of the RSA, or to revise its rules respecting that matter.

Pursuant to the provisions of paragraph 19(1)(a) of the RSA, the railway companies and local railway companies listed in the Schedule are hereby ordered to revise the *Railway Locomotive Inspection and Safety Rules* to incorporate design and performance parameters for locomotives with roll-away protection, and to revise the *Canadian Rail Operating Rules* to develop a precise definition of attended versus unattended equipment as well as incorporate requirements on the use of roll-away protection to reduce the risks of an uncontrolled movement.

A) Requirements for the revisions to the *Railway Locomotive Inspection and Safety Rules*

1. The revisions to the *Railway Locomotive Inspection and Safety Rules* shall be based on an assessment of safety risks and shall, at a minimum, address the following elements:
 - a. the definition of roll-away protection;
 - b. the design and performance parameters of any roll-away protection;
 - c. a verifiable means of identification, to mechanical and operating employees, of locomotives equipped with roll-away protection;
 - d. the requirement to include locomotives equipped with roll-away protection in the Locomotive Specification Records set out under s. 35.1.
 - e. testing and verification procedures for locomotives equipped with roll-away protection; and
 - f. the requirement for filing of the procedures referred to in paragraph 1(e) above with the Minister (within 30 days of the approval of the revision to the Rules and within 14 days of any changes to the procedures).
2. The design and performance parameters of any roll-away protection referred to in paragraph (1) (b) above shall include the following requirements:
 - a. the activation of roll-away protection when there is a power interruption;
 - b. the activation speed;
 - c. the activation locomotive brake cylinder pressure;
 - d. the time to initiate a brake application;
 - e. a means of notifying the appropriate authority that the roll-away protection has been activated;
 - f. the roll-away protection cannot reset once activated, without human intervention; and
 - g. any other parameters that are conducive to safe railway operations in this matter.

3. The revision to the *Railway Locomotive Inspection and Safety Rules* shall require that a company shall use its testing and verification procedures to verify that the roll-away protection performs in accordance with all design and performance parameters.

B) Requirements for the revision of the *Canadian Rail Operating Rules*

1. The revisions shall incorporate that railway equipment on main track, sidings, subdivision track, and high risk locations is considered to be unattended unless:
 - a. it is coupled to a controlling locomotive with a qualified person in the controlling locomotive cab who can assume effective control of the brakes; and
 - b. the brake pipe of the controlling locomotive is coupled to the equipment and the brake pipe is open.
2. The revision shall incorporate requirements for the use of roll-away protection as follows:
 - a. the length of time a locomotive with or without cars can remain stationary without being subject to verification by an employee that the roll-away protection remains operational and the locomotive remains stationary; and
 - b. the length of time between subsequent verifications that the roll-away protection remains operational and the locomotive remains stationary.
3. The revision shall incorporate any additional consequential amendments required to implement sections 1 and 2 above.

Subsection 19(2) of the RSA requires that a company shall not file rules unless it has first, during a period of sixty days, given a reasonable opportunity for consultation with it on the rules.

- a. In the case of a railway company, each relevant association or organization that is likely to be affected by the implementation of the rules; or
- b. In the case of a local railway company, any railway company on whose railway the local railway company operates that is likely to be affected by the implementation of the rules.

Pursuant to the provisions of paragraph 19(1) (b) of the RSA, the rules shall be filed with the Minister of Transport for approval by March 10th, 2022.



Director General, Rail Safety

March 10, 2021

Date

SCHEDULE

9961526 Canada Limited
Algoma Steel Inc.
Battle River Railway NGC Inc.
Big Sky Railway Corp.
BioPower Sustainable Energy Corporation
BNSF Railway Company
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
Celanese Canada ULC Central Manitoba Railway Inc.
Central Manitoba Railway Inc.
Chemin de fer Canadien Pacifique
Chemin de fer de Québec-Gatineau Inc.
Chemin de fer du Centre du Maine et du Québec
Chemin de fer Orford Express Inc.
Chemin de fer Québec North Shore & Labrador
Chemin de fer Sartigan
Compagnie de chemin de fer Roberval-Saguenay
Compagnie des chemins de fer nationaux du Canada
CSX Transportation, Inc.
Eastern Maine Railway Company
GIO Railways Corporation
Goderich-Exeter Railway Company Limited
Great Canadian Railtour Company Ltd.
Great Sandhills Railway Ltd.
Great Western Railway, Ltd.
Hudson Bay Railway Company
Huron Central Railway Inc.
Kamloops Heritage Railway Society
Keewatin Railway Company
Kettle Falls International Railway Company
Knob Lake and Timmins Railway Company Inc.
Koch Fertilizer Canada, ULC
Lake Line Railroad Inc.
Last Mountain Railway
Maska-Wa Transportation Association Inc.
Metrolinx
National Railroad Passenger Corporation (AMTRAK)
Nipissing Central Railway
Norfolk Southern Railway Company
Ontario Northland Transportation Commission
Ontario Southland Railway Inc.
Pacific & Arctic Railway Navigation, British Columbia & Yukon Railway, British Yukon Railway doing
business as White Pass & Yukon Route Railroad (WP&YR)
Pinnacle Renewable Energy Inc.
Port Stanley Terminal Rail Inc.

Prairie Rail Solutions Ltd.
Prudential Steel ULC
RaiLink Canada Ltd.
Railserve Inc.
Réseau de transport métropolitain
RIO Tinto Alcan
RTC Rail Solution Ltd.
Société du chemin de fer de la Gaspésie
South Simcoe Railway Heritage Corporation
Southern Ontario Locomotive Restoration Society (SOLRS)
Southern Rails Co-operative Ltd.
Southern Railway of British Columbia Limited
St. Lawrence & Atlantic Railroad (Québec) Inc.
St. Paul & Pacific Northwest Railroad Company, LLC
Stewart Southern Railway Inc.
The Essex Terminal Railway Company
The Toronto Terminals Railway Company Limited
The Vintage Locomotive Society Inc. O/A Prairie Dog Central Railway
Thunder Rail Ltd.
Torch River Rail Inc.
Transport Ferroviaire Tshiuetin Inc.
Trillium Railway Co. Ltd.
Union Pacific Railroad Company
VIA Rail Canada Inc.
Ville d'Ottawa exerçant ses activités sous le nom de Capital Railway
West Coast Express Limited
West Coast Railway Association
Windsor Transload Inc.
York-Durham Heritage Railway