



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

Our file Notre référence
RDIMS 17252504 / X 21-02

February 12, 2021

Dear Sir/Madam:

I am writing to advise you that the set of temporary exemptions to certain sections of the rules and regulations, pertaining to the qualification of railway personnel is granted under the notice of exemption X 21-02 (attached).

The purpose of these temporary exemptions is to mitigate the continued health risks involved with railway personnel travelling and assembling in groups to renew their qualifications during the novel coronavirus pandemic (COVID-19).

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

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

The exemptions are subject to certain terms and conditions.

Should you have any questions regarding this process, please contact Mr. 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,

Michael DeJong
Director General
Rail Safety

Encl.

c.c.: Mr. W. Phillips, TCRC-MWED
Mr. S. Hadden, USW
Mr. S. Pickthall, IAMAW
Mr. B. Snow, UNIFOR
Mr. Steve Leyshon, BLET

Ms. L. Cyr, TCRC-MWED
Mr. J-F. Migneault, USW
Mr. D. Ashley, TCRC
Mr. E. Féquet, TUT

Mr. L. Hopper, IBEW
Mr. C. Crabtree, ATU
Ms. L. Robillard, TCRC
Mr. N. Lapierre, Métallos

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

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

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

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

As such, I, Michael DeJong, Director General, Rail Safety, as authorized by the Minister of Transport under section 45 of the RSA, hereby exempt:

1. Railway companies listed in Annex A from the following provisions:
 - a. subsection 10(1) of the *Railway Employee Qualification Standards Regulations*; and
 - b. paragraphs 7.1 c) and 7.3 d) of the *Rules Respecting Track Safety*.
2. Railway companies and local railway companies listed in Annex B from Part A (vii) of the General Rules, of the *Canadian Rail Operating Rules*.

These exemptions above are each subject to the following terms and conditions:

1. The exemption only applies to employees who have been recertified at least once in the occupational category they currently occupy.
2. Any railway company or local railway utilizing any aspect of this exemption must report weekly the following information to Transport Canada for each employee whose certification has been extended, must keep records of each employee whose certification has been extended and report on the employee's:
 - (a) For which regulatory requirement the recertification was extended;

- (b) Occupational certification;
- (c) Yard/Subdivision/Territory;
- (d) whether the employee is a management staff;
- (e) date of last recertification; and
- (f) anticipated date of recertification.

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

These exemptions will be in effect from February 15, 2021, until March 17, 2021.

Director General, Rail Safety

RAILWAY COMPANIES PARTY TO THE EXEMPTION

Federal Railway Companies

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

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The Toronto Terminals Railway Company Limited
Transport Ferroviaire Tshiuetin Inc.
Union Pacific Railroad Company
VIA Rail Canada Inc.

Local Railway Companies

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

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