

Emergency Directive Pursuant to Section 33 of the *Railway Safety Act*

Safety and Security of Locomotives in Canada

To: All Railway Companies and Local Railway Companies

Section 33 of the *Railway Safety Act* (RSA) gives the Minister of Transport the authority to issue an emergency directive to any company when the Minister is of the opinion that there is an immediate threat to safe railway operations or the security of railway transportation.

Although the cause of the tragic accident in Lac-Mégantic remains unknown at this time, and although I remain confident in the strength of the regulatory regime applicable to railway transportation in Canada, I am of the opinion that, in light of the catastrophic results of the Lac-Mégantic accident and in the interest of ensuring the continued safety and security of railway transportation, there is an immediate need to clarify the regime respecting unattended locomotives on main track and sidings and the transportation of dangerous goods in tank cars using a one person crew to address any threat to the safety and security of railway operations.

Pursuant to section 33 of the RSA, all railway companies and local railway companies are hereby ordered to:

1. Ensure, within 5 days of the issuance of the emergency directive, that all unattended controlling locomotives on main track and sidings are protected from unauthorized entry into the cab of the locomotives;
2. Ensure that reversers are removed from any unattended locomotive on main track and sidings;
3. Ensure that their company's special instructions on hand brakes referred to in Rule 112 of the *Canadian Rail Operating Rules* are applied when any locomotive coupled with one or more cars is left unattended for more than one hour on main track or sidings;
4. Ensure, when any locomotive coupled with one or more cars is left unattended for one hour or less on main track or sidings, that in addition to complying with their company's special instructions on hand brakes referred to in item 3 above, the locomotives have the automatic brake set in full service position and have the independent brake fully applied;
5. Ensure that no locomotive coupled with one or more loaded tank cars transporting "dangerous goods" as this expression is defined in section 2 of the *Transportation of Dangerous Goods Act* (TDGA) is left unattended on main track; and
6. Ensure that no locomotive coupled with one or more loaded tank cars transporting "dangerous goods" as this expression is defined in section 2 of the TDGA is operated on main track or sidings with fewer than two persons qualified under their company's requirements for operating employees.

For the purpose of this emergency directive an "unattended locomotive" or a "locomotive coupled with one or more cars that is left unattended" means that it is not in the immediate

physical control or supervision of a qualified person acting for the company operating the locomotive or car(s) in the case of items 3 and 4 above or a person acting for the company operating the locomotive or car(s) in the case of items 1, 2 and 5 above.

For the purpose of this emergency directive, “main track” and “sidings” do not include main track or sidings in yards and terminals.

For greater certainty, nothing in this emergency directive relieves a company of the obligation to comply with Rule 112 of the *Canadian Rail Operating Rules*.

Pursuant to section 33 of the RSA, this emergency directive takes effect immediately and is to remain in effect until 23:59 EST on December 31, 2013.