

Provincial Railway Guides

Section:

ADMINISTRATION

Subject:

ACCIDENT AND INCIDENT REPORTING

Provincially-regulated railways are required to report incidents, accidents and other information to the Minister and/or the Highway Traffic Board.

INTRODUCTION:

It is a requirement of the Minister's Order dated January 7, 2016 that provincially-regulated railways report accidents and incidents to the Minister.

The Railway Act authorizes the Minister to request any additional information that the Minister may require.

DEFINITIONS:

Reportable Accident: all accidents that fall into the accident classes described in sub-clauses (a) through (c) in the Minister's Order dated January 7, 2016 and provided in the Appendix.

Reportable Incident: all accidents that fall into the accident classes described in sub-clause (d).

SUBMISSION OF ACCIDENT AND INCIDENT REPORTS:

Reportable accidents and reportable incidents are to be reported within the timelines and in the manner required in the Minister's Order dated January 7, 2016. A provincially-regulated railway must report all reportable accidents and incidents. The railway must submit reports in the manner and timelines described below.

Report Contents:

Accidents and incidents may be reported using the standard Provincial Railway Accident/Incident Report Form or another format preferable to the railway. Regardless of format, reports must contain the information required pursuant to the Minister's Order dated January 7, 2016.

No information provided in the accident and incident reports submitted to the ministry pursuant to Section 31(1) is available for public inspection, but the information is the property of the Minister.

RECORDS:

A railway company should maintain the records of reportable accidents and incidents for a minimum period of two (2) years, or longer if so required by the railway inspector.

INVESTIGATION:

Accidents and incidents will be investigated as required by Rail Services pursuant to Section 32 of *The Railway Act*. It is critical that

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notification of accidents be made as soon as possible to ensure that investigators have sufficient opportunity to arrange an onsite inspection of the accident scene where appropriate.

MINISTER'S ORDERS:

The Minister may issue orders resulting from inspections, investigations or reports to improve the safety of railway operations pursuant to Section 32 of *The Railway Act*. Orders are binding upon the parties and remain in effect until amended or rescinded.

CONTACTS:

For more information:

Rail Services
900 - 1855 Victoria Avenue
Regina, Saskatchewan S4P 3T2
Phone: (306) 787-4900
E-mail: rail.services@gov.sk.ca

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APPENDIX



Government
of
Saskatchewan

MINISTER'S ORDER

Respecting the Reporting of Accidents
Issued under the Authority of s.31 of *The Railway Act*

Pursuant to the authority conferred on the Minister of Highways and Infrastructure by section 31 of *The Railway Act*, the minister orders that:

Reportable Accidents

All railway companies must report the following classes of accidents to the minister:

(a) a person is killed or sustains a serious injury as a result of:

- (i) getting on or off or being on board the rolling stock; or
- (ii) coming into contact with any part of the rolling stock or its contents.

(b) the rolling stock or its contents:

- (i) are involved in a collision or derailment;
- (ii) sustain damage that affects the safe operation of the rolling stock;
- (iii) cause or sustain a fire or explosion; or
- (iv) cause damage to the railway that poses a threat to the safe passage of rolling stock or to the safety of any person, property or the environment.

(c) there is an accidental release on board or from a rolling stock consisting of a quantity of dangerous goods or an emission of radiation that is greater than the quantity or emission level specified in Part 8 of the *Transportation of Dangerous Goods Regulations (Canada)*.

(d) an incident where:

- (i) a risk of collision occurs;
- (ii) an unprotected track switch is left in an abnormal position;
- (iii) a railway signal displays a less restrictive indication than that required for the intended movement of rolling stock;
- (iv) rolling stock occupies any track, or track work takes place, in contravention of the rules or any regulation or order made under *The Railway Act* (i.e. unauthorized occupancy of track);
- (v) rolling stock passes a signal indicating stop in contravention of the rules or any regulation or order made under *The Railway Act* (i.e. movement exceeds limits of authority);
- (vi) there is an unplanned and uncontrolled movement of rolling stock;
- (vii) a crew member whose duties are directly related to the safe operation of the rolling stock is unable to perform their duties as a result of a physical incapacitation which poses a threat to the safety of persons, property or the environment;
- (viii) a person gains unauthorized entry onto railway property;
- (ix) the railway line sustains damage that affects its safe use, that is not a direct result of the operation of a train or;
- (x) a death or serious injury occurs involving railway property that is not a direct result of the operation of a train.

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Contents of Report

The report to the minister must contain the following information, where available:

- (a) the train's number, direction, tonnage, length, and authorized speed;
- (b) the number of loaded cars and empty cars on each train and cut of cars;
- (c) the names of the operator of the rolling stock and the operator of the track;
- (d) the date and time of the occurrence;
- (e) the number of crew members, passengers and other persons involved in the occurrence and the number of those who were killed or sustained serious injuries as a result of the occurrence;
- (f) the number of rolling stock or intermodal platforms that are damaged or have derailed and their reporting marks;
- (g) for each rolling stock that is damaged or has derailed, whether the rolling stock is loaded, empty or contains residue;
- (h) for each damaged or derailed rolling stock a list of all the dangerous goods on board the rolling stock, including the shipping name or UN number of the dangerous goods;
- (i) if dangerous goods are released:
 - (i) the shipping name or UN number of each dangerous good;
 - (ii) the reporting marks of each rolling stock from which the dangerous goods were released;
 - (iii) a brief description of each of the means of containment from which the dangerous goods were released, including the specification of the means of containment;
 - (iv) a brief description of the condition of each of the means of containment from which the dangerous goods were released;
 - (v) the quantity of the dangerous goods on board each rolling stock or in each means of containment prior to the occurrence; and
 - (vi) the quantity of each dangerous good that is known or suspected to have been released.
- (j) the local weather conditions at the time of the occurrence and any climatic conditions such as snow, ice, wind, fog, dust and severe heat;
- (k) the location of the occurrence, including the mile, the subdivision and/or the track designation;
- (l) a description of the occurrence and the extent of any resulting damage to the environment and to the rolling stock, the railway and other property;
- (m) a description of any action taken or planned to protect persons, property and the environment, including any evacuation as a result of the occurrence;
- (n) the name and title of the person making the report and the phone number and address at which they can be reached; and
- (o) any information specific to the occurrence that the minister requires.

Definitions

For further clarity, the following definitions apply to this order:

"Collision" means an impact, other than an impact associated with normal operating circumstances, between

- (a) rolling stock;
- (b) rolling stock and a person or vehicle; or
- (c) rolling stock and an object or animal, if the rolling stock is damaged or derailed.

"Derailment" means any instance where one or more wheels of rolling stock have come off the normal running surface of the rail.

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“Risk of collision” means a situation in which rolling stock comes so close to being involved in a collision that a threat to the safety of any person, property or the environment exists.

“Rules” means the Canadian Rail Operating Rules (CROR), as amended from time to time, or a railway’s documented operating instructions or procedures which may be submitted to the minister pursuant to the Act.

“Serious injury” means any injury that will require a person to be admitted to a hospital as an in-patient for a period of 72 hours or more.

“UN number” has the same meaning as in section 1.4 of the *Transportation of Dangerous Goods Regulations (Canada)*.

Reporting Period

Reportable accidents of the class described in subclauses (a)(i) to (ii), (b)(i) to (iv), and clause (c) must be reported to the minister as follows:

- a) a verbal report must be made within 24 hours after the accident;
- b) a preliminary written report must be made within 48 hours of the accident; and
- c) a final report must be filed as soon as possible and no later than 30 days after the accident, or any other period requested by the railway company and approved in writing by the minister.

Reportable accidents (incidents) of the class described in subclauses (d) (i) to (x) must be reported to the minister, in writing, on the first of every month for all accidents occurring in the preceding month.

Where to Report

Written Reports shall be submitted to:

Rail Services Unit
900-1855 Victoria Avenue
Regina, Saskatchewan S4P 3T2
Or e-mail at: rail.services@gov.sk.ca

Verbal reports shall be submitted to:

Provincial Railway Inspector
Office hours: (306) 787-4900
After hours: (306) 529-5487

This Order shall be effective upon publication in *The Saskatchewan Gazette* and rescinds and replaces the previous Ministerial Order Respecting the Reporting of Accidents issued October 5, 2015.

Dated at Regina, Saskatchewan this 7th day of January 2016.


Nithi Govindasamy
Deputy Minister of Highways and Infrastructure