



## Understanding the new TSB Regulations

and how they affect your work in the rail industry

**What's new in the new regulations?** The *Transportation Safety Board Regulations* were changed for the first time since 1992, bringing them up-to-date with the current transportation industry and legislation. As of **12 March 2014**, Part 2 of the Regulations came into effect. Part 1 comes into effect on **1 July, 2014**. This fact sheet highlights some important changes that may affect your work in the rail industry.

### What has changed?

The TSB has put in place new regulations that repeal and replace the previous version. The new regulations are simpler and better aligned with other federal legislation, industry standards and international agreements. This has changed some of what you must report to the TSB in the event of a transportation occurrence and how we investigate. In particular, the new regulations:

- Make it easier to understand what needs to be reported;
- Clarify basic rules pertaining to witness interviews; and
- Bring certain definitions and terminologies up-to-date.

The new regulations make it easier for you to understand what needs to be reported

### Who do the regulations apply to?

The new regulations apply to all rail occurrences in Canada if the railway is within the legislative authority of Parliament, including local railway companies<sup>1</sup> that fall directly under the authority of the *Railway Safety Act* when operating on federally-regulated railway lines. They also apply to any occurrence outside Canada if the TSB is investigating.

**Compliance with the new regulations is mandatory.** Companies that don't comply can be held accountable under the [Canadian Transportation Accident Investigation and Safety Board Act](#).

<sup>1</sup> A "local railway company" is a provincially-regulated railway company or light-rail commuter service which operates on a federally-regulated railway.

## Effective 12 March 2014 – TSB Regulations, Part 2

### Witness interviews

TSB investigators interview witnesses for the sole purpose of advancing transportation safety. The interviews are confidential and protected under our Act. To help ensure witnesses feel comfortable and speak openly, the new regulations specify that:

- Interviews are held in private.
- Interviews must be recorded.
- Witnesses may choose one representative to accompany them during an interview as long as this person is not also a witness.
- TSB investigators may exclude a witness' representative from the interview if their actions or behaviour interfere with the interview.
- Witnesses may request in writing a copy of the interview records.

## Effective 1 July 2014 – TSB Regulations, Part 1

### Definitions

Definitions have been brought up-to-date with terminology used in other federal acts and regulations, industry standards, and international agreements. Here are some definitions that may affect what you report to the TSB:

Term	Definition	Change
<b>Dangerous goods</b>	"Dangerous goods" has the same meaning as in section 2 of the <i>Transportation of Dangerous Goods Act</i> .	Aligned with other legislation
<b>Derailment</b>	Any time one or more wheels of rolling stock come off the normal running surface of the rail.	Clarified
<b>Main track</b>	"Main track" has the same meaning as in the <i>Canadian Rail Operating Rules</i> .	New
<b>Serious injury</b>	Any bone fracture (except fingers, toes or the nose); lacerations that cause severe hemorrhage or nerve, muscle or tendon damage; internal organ injury; second or third degree burns or any burns affecting more than 5% of the body; exposure to infectious substances or harmful radiation; or an injury likely to require hospitalization.	Added various injuries in addition to those that likely require hospitalization
<b>Subdivision track</b>	"Subdivision track" has the same meaning as in the <i>Canadian Rail Operating Rules</i> .	New

### Reporting requirements

#### When are you required to report an occurrence to the TSB?

In addition to the previous requirements, you must now report an occurrence when:

- Rolling stock is involved in any derailment.
- Rolling stock occupies a main track or subdivision track, or track work takes place, in contravention of the *Canadian Rail Operating Rules*.
- A movement of rolling stock passes a signal indicating stop in contravention of the *Canadian Rail Operating Rules*.
- There is an unplanned and uncontrolled movement of rolling stock.
- Any dangerous goods that meet or exceed the quantity or emission level specified in Part 8 of the *Transportation of Dangerous Goods Regulations* are released.

## What are you required to report?

In addition to the previous requirements, your reports to the TSB must now include:

- The train's tonnage, length and authorized speed.
- The number of loaded and empty cars on each train and cut of cars.
- The number of rolling stock or intermodal platforms damaged or derailed and their reporting marks;
- A list of all damaged or derailed cars, and a description of whether or not they were loaded, empty or contained residue.
- A list of all dangerous goods on board each damaged or derailed rolling stock, including the shipping name or UN number of the dangerous goods.
- The local weather conditions at the time of the occurrence and any climatic conditions such as snow, ice, wind, fog, dust or severe heat.
- A description of any action taken to protect people, property and the environment, including any evacuation as a result of the occurrence.
- The name and title of the person making the report and their phone number and address; and
- Send to TSB as soon as possible and by the quickest means available, all the information required that is available at the time of the occurrence;

If dangerous goods are released, your reports must also include:

- The shipping name or UN number of each dangerous goods;
- The reporting marks of each rolling stock from which the dangerous goods were released;
- A brief description, the specifications and condition of each container from which dangerous goods were released;
- The quantity of dangerous goods on board each rolling stock or container prior to the occurrence;
- The quantity of dangerous goods that is known or suspected to have been released.

## For more information

For more information about reporting a rail occurrence, please visit our [Report an occurrence webpage](#). You can also consult the following documents:

- *Transportation Safety Board Regulations* (Canada Gazette, Part 2)
- [Canadian Transportation Accident Investigation and Safety Board Act](#)

If you have specific questions about the new regulations, please contact [communications@bst-tsb.gc.ca](mailto:communications@bst-tsb.gc.ca).

This fact sheet has been prepared for convenience of reference and does not have an official character. It is of a general nature only. For all purposes of interpreting and applying the Regulations, please consult the official version of the *Transportation Safety Board Regulations*.

Ce document est également disponible en français : [bst.gc.ca/reg](http://bst.gc.ca/reg)