

April 9, 2020

Temporary Exemption - Medical Fitness

Dear Sir/Madam :

I am writing to advise you of the issuance under Part 1, Section 9 of the *Alberta Railway Regulations* AR177/2002 of a set of temporary exemptions to certain sections of the regulations that pertain to the qualification of railway personnel of those provincial railways operating and holding a current provincial Railway Operating Authority Certificate.

The purpose of this temporary medical fitness deferral for positions critical to safe Industrial or Heritage railway operations is to mitigate the health risks involved with training personnel traveling or assembling in groups to conduct medical fitness for duty following the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza.

The Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA.

EXEMPTION

The *Railway Regulations* AR177/2002 Part 1, Section 9 allows a set of temporary exemptions to certain sections of the regulations that pertain to the qualification of railway personnel.

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

1. Schedule 10 – Industrial Railway Medical Rules for Positions Critical to Safe Industrial Railway Operations, Section 2.1(c) of the *Industrial Railway Regulation* AR 338/2009; and
2. Schedule 8 – Heritage Railway Medical Rules for Positions Critical to Safe Heritage Railway Operations, Section 2.1(c) of the *Heritage Railway Regulation* AR 352/2009; and

These sections of the regulations requires every employee in a Safety Critical Position to undergo a company organized medical fitness for duty assessment every five years until the age of forty , and then every three years thereafter until retirement, or until that person is no longer occupies a safety critical position.

NOTE: Transport Canada Exemptions 20-04 issued March 20, 2020 apply to Alberta Public Railways (short lines) ref exemptions noted as:

- Subsection 10(1) of the Railway Employee Qualification Standards Regulations;
- Paragraph 7.1c) and 7.3d) of the Rules Respecting Track Safety; and
- Part A 9vii) of the General Rules of the Canadian Rail Operating Rules.

The exemptions 1 and 2 are subject to certain conditions and will remain in effect until August 14, 2020 or 60 days after the public health emergency order ends, whichever is earlier:

The exemption is subject to the following terms and conditions:

- Companies shall retain records identifying each of the employees who has not been re-examined for a period of three years or longer.

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

These exemptions will be in effect until August 14, 2020, or until the date on which the Railway Administrator revokes these exemptions.

Should you have any questions regarding the exemptions please contact Alberta Transportation, Dangerous Goods & Rail Safety unit at railsafety@gov.ab.ca