

April 9, 2020

Temporary Exemption - Safety Audits

Dear Sir/Madam :

I am writing to advise you of an exemption for the requirement to conduct annual railway audits and submit an external railway audit every three years when applying to renew railway operating approval certificate.

The purpose of this temporary external audit deferral is to mitigate the health risks involved with audit personnel traveling or assembling in groups to conduct external audits 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.

The *Railway Regulation AR177/2002* requires the holder of an approval who wishes to obtain a new approval or to renew an approval must apply to the Railway Administrator at least 60 days before an approval expires.

EXEMPTION

The exemption applies to Section 6(2)(b) whereas the Railway Administrator requires the submission of a safety audit with the renewal of a railway operating approval if the current approval requires periodic safety audits.

Annual railway audits can now be deferred to on or before August 14, 2020 see 1, 2, 3 for more information.

1. OPERATING RENEWAL SUBMISSION

The 60 day on-line submission of the required renewal documentation, *with the exception of the external railway audit*, must be submitted with 60 days of certificate expiry a letter stating the railway has elected deferred the external audit as per the exemption.

The letter must state the railway has elected to use the exemption and will, on completion of the external audit, forward same to Rail Safety railsafety@gov.ab.ca. The deferral letter must also be appended to the company's safety management system.

2. ANNUAL INTERNAL AUDITS CONDUCTED BY THIRD PARTIES

For railways that utilize third parties to conduct annual internal audits the exemption also applies. The deferral must be noted in the company's safety management system.

3. ANNUAL INTERNAL AUDITS

For railway that conduct annual self-audits or peer audits the exemption also applies. The deferral must be noted in the company's safety management system.

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 60 days after the public health emergency order ends, whichever is earlier:

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