

Order under Section 32.01 of the Railway Safety Act due to COVID-19, No. 11

From: Transport Canada

Whereas the World Health Organization has characterized COVID-19 as a pandemic and this pandemic is affecting Canada;

Whereas across Canada, all levels of government are taking measures to mitigate the transmission of COVID-19;

And whereas, pursuant to section 45 of the *Railway Safety Act*, the Minister of Transport has, in writing, authorized the Director General, Rail Safety, to make an order under section 32.01b of that Act;

Therefore, the Director General, Rail Safety, considers it necessary in the interests of safe railway operations to make this order under section 32.01 of the *Railway Safety Act* requiring certain companies to follow the procedures set out below.

Ottawa, March 31, 2021

Le Directeur général, Sécurité ferroviaire,

Michael DeJong

Director General, Rail Safety

Order under Section 32.01 of the *Railway Safety Act* due to COVID-19, No. 11

Interpretation

Definition

1 In this Order, **COVID-19** means the coronavirus disease 2019.

Health Check

Health check — listed companies

2 Subject to section 4, a company listed in the schedule to this Order must not operate railway equipment on a railway unless the company has conducted a health check of every person prior to their boarding the railway equipment.

Health Check

3 (1) A company conducting a health check must ask questions of every person to verify whether they exhibit the following symptoms:

- (a) a fever;
- (b) a cough; and
- (c) breathing difficulties.

Additional question

(2) In addition to the health check, the company must ask every person

- (a) whether they have been refused boarding by a company or any other carrier in the past 14 days due to a medical reason related to COVID-19, and
- (b) whether they are subject of a provincial or local public health order.
- (c) whether they have, or suspect that they have, COVID-19.

False declaration – obligation for company

(3) The company must advise every person not to provide answers to the health check or the additional question in a way that they know to be false or misleading.

Exceptions

4 The company is not required to conduct the health check for any of the following persons:

- (a)** an employee of the company who works on board the railway equipment;
- (b)** a person who provides a medical certificate certifying that the symptoms referred to in subsection 3(1) are not related to COVID-19.

Prohibition

5 The company must not allow a person to board railway equipment if

- (a)** the person's answers to the health check indicate that they exhibit
 - (i)** a fever and cough, or
 - (ii)** a fever and breathing difficulties;
- (b)** the company observes, during the health check, that the person is exhibiting
 - (i)** a fever and cough, or
 - (ii)** a fever and breathing difficulties;
- (c)** the person's answer to the additional question asked to them under subsection 3(2) is in the affirmative; or

(d) the person is a competent adult and refuses to answer any questions asked of them under subsections 3(1) or (2).

Expiry

6 This Order expires on May 31, 2021.

Coming into Force

April 1, 2021

7 This Order comes into force on April 1, 2021.

Schedule

(Section 2)

List of Companies

1 Great Canadian Raitour Company Ltd.

2 Keewatin Railway Company

3 National Railroad Passenger Corporation (AMTRAK)

4 Pacific & Arctic Railway Navigation, British Columbia & Yukon Railway, British Yukon Railway doing business as White Pass & Yukon Route Railroad (WP&YR)

5 Transport Ferroviaire Tshiuetin Inc.

6 VIA Rail Canada Inc.

i Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.

You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit **Canada.ca/coronavirus**.

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