

# Order under Section 32.01 of the Railway Safety Act due to COVID-19 (MO 20-04)

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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;

Therefore, the Minister of Transport considers it necessary in the interests of safe railway operations to make this order under section 32.01 <sup>a</sup> of the *Railway Safety Act* <sup>b</sup> requiring certain companies to follow the procedures set out below.

Ottawa, March 27, 2020

Le ministre des Transports,

Marc Garneau

Minister of Transport

## Order under Section 32.01 of the *Railway Safety Act* due to COVID-19 (MO 20-04)

### Interpretation

### Definition

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

# Health Check

## Health check — listed companies

**2** Beginning on March 30, 2020, at 12:00 p.m. Eastern Daylight Time, 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.

## 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** Beginning on March 30, 2020, at 12:00 p.m. Eastern Daylight Time, 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 April 30, 2020.

# Coming into Force

**March 30, 2020**

**7** This Order comes into force on March 30, 2020, at 12:00 p.m. Eastern Daylight Time.

## Schedule

(Section 2)

## List of Companies

1 Great Canadian Railtour 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.

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a 2015, c. 31, s. 27

b R.S.C. 1985, c. 32 (4<sup>th</sup> Supp.)

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## **i Did you find this information helpful?**

**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**.

### **Date modified:**

2020-05-28