

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6489

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Transportation of dangerous substances — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Transportation of Dangerous Substances Regulation, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to facilitate the application of the regulation pertaining to the transportation of dangerous substances by taking into consideration the multitude of goods transported and the requirements of the Transportation of Dangerous Goods Regulations made by the federal government under the Transportation of Dangerous Goods Act (Statutes of Canada, 1992, chapter 34) and amended on 28 August 2002 and 13 August 2003. It also proposes to incorporate the amendments to the federal regulation for reasons of harmonization and will thereby enable Québec carriers and consigners to remain competitive with their counterparts in the other Canadian jurisdictions.

The amendments proposed in the draft Regulation, other than a few minor restrictions pertaining to the installation and transportation of liquefied gas cylinders, have been expected by the industry and for the most part concern amendments to harmonize with the federal regulation, relax certain rules or clarify certain provisions so as to facilitate the application of the Transportation of Dangerous Substances Regulation. The changes will involve very few new constraints for small and medium-sized businesses and any additional costs will be minor. The amendments seek specifically to update certain safety standards and will have no impact on citizens.

Impact studies were conducted by the federal government in connection with the making of the Dangerous Goods Regulations and subsequent amendments. Since the amendments proposed in the draft of the Transportation of Dangerous Goods Regulations are consequential

amendments in relation to the federal regulation, no impact study has been conducted by the Minister of Transport because many interprovincial carriers are already required to comply with the federal regulatory requirements.

The main regulatory amendments proposed in the draft of the Transportation of Dangerous Goods Regulation

— adopt by reference the regulatory amendments that apply to the transportation of dangerous goods made by the federal government and brought into force on 28 August 2002 and 13 August 2003;

— give the owners of vehicles used for farming purposes a 4 1/2-month extension before requiring their means of containment for petroleum products with a capacity of more than 450 litres to be standardized;

— require a specific extinguisher to be installed on board a vehicle when a means of containment with a capacity of more than 450 litres is used to transport petroleum products, rather than require an extinguisher as soon as small means of containment are transported;

— require a 40BC extinguisher instead of a 20BC extinguisher to be installed on tank trucks transporting petroleum products and liquefied petroleum gas;

— ensure that safety valves cannot be opened when tank trucks carrying petroleum products are left unattended;

— integrate the requirements of CSA Standard CSA-B149.2-00 in the Propane Storage and Handling Code directly into the Regulation rather than adopt them by reference;

— enable peace officers and highway controllers to more easily verify the validity of emergency response assistance plans accepted by Transport Canada;

— harmonize the Québec requirements that apply to the transport of propane gas cylinders with those of the other Canadian jurisdictions;

— specify that means of containment of dangerous substances, objects or non-dangerous goods in the vehicle must be secured;

— prohibit the installation of means of containment of dangerous substances on or in front of the front bumper of a motor vehicle;

— specify that a double train transporting dangerous substances requiring the display of warning placards must be a Type B double train;

— extend for 2 years the time period within which owners of tank trucks must equip their vehicles with a speed recording system capable of recording the date and the time at which the speed was recorded;

— prohibit, in the regulated tunnels, the total capacity of all means of containment of inflammable liquids from exceeding 25 litres;

— prohibit, in the regulated tunnels, the carrying of tanks for equipment secured to the vehicle that contain more than 75 litres of inflammable liquids; and

— permit, in the regulated tunnels, two 46-litre cylinders on cranes, as is permitted for any other vehicle.

Further information may be obtained by contacting

Raynald Boies
Ministère des Transports du Québec
Direction du transport routier des marchandises
700, boulevard René-Lévesque Est, 2^e étage
Québec (Québec) G1R 5H1
Telephone: (418) 528-8640 - Fax: (418) 528-5670
E-mail: rboies@mtq.gouv.qc.ca

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1.

YVON MARCOUX,
Minister of Transport

Regulation to amend the Transportation of Dangerous Substances Regulation*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 622, first par., subpars. 3, 4, 6 and 8)

1. The Transportation of Dangerous Substances Regulation is amended in section 1

(1) by striking out “, or to be transported,” in the definition of “handling”;

(2) by replacing in the French text of the definition of “Transportation of Dangerous Goods Regulations”, “2001-1336” by “2001-1366” and by adding at the end of the English text “, and amended by the regulation made by Order in Council P.C. 2002-1404 dated 8 August 2002, SOR/2002-306, dated 8 August 2002 and published in the Canada Gazette, Part II, on 28 August 2002 and by the regulation made by Order in Council P.C. 2003-123 dated 14 July 2003, SOR/2003-273, dated 24 July 2003, published in the Canada Gazette, Part II on 13 August 2003;”.

2. Section 2 is amended by striking out “, or to be transported,”.

3. Section 5 is revoked.

4. Section 15 is replaced by the following:

“**15.** The standards applicable to means of containment provided for in Part 5 of the Transportation of Dangerous Goods Regulations apply to this Regulation.

Those standards do not apply if the means of containment of dangerous substances are exempted from the application of Part 5 by Part 1 of the Transportation of Dangerous Goods Regulations.

Despite the second paragraph, large means of containment intended for the transportation of petroleum products and exempted from the application of the provisions of sections 1.21 and 1.22 of the Transportation of Dangerous Goods Regulations must comply with the standards referred to in the first paragraph as of 1 January 2005.”.

5. Section 20 is amended by replacing “21” by “23”.

6. Section 21 is amended by striking out “CAN/CGSB Standard 43.150-97 or”.

7. Section 22 is revoked.

8. Section 27 is amended

(1) by replacing “the tank” in the first paragraph by “each tank”;

(2) by replacing “20 BC” in the first paragraph by “40BC”;

(3) by inserting “with a capacity of more than 450 litres” after “means of containment” in the second paragraph;

(4) by striking out “truck’s” in the second paragraph;

* The Transportation of Dangerous Substances Regulation, made by Order in Council 866-2002 dated 10 July 2002 (2002, G.O. 2, 4073), has not been amended since it was made.

(5) by striking out “An inspection sticker must be placed on the extinguisher.” in the third paragraph.

9. Section 29 is replaced by the following:

“**29.** Where a tank truck is not supervised by a person holding a training certificate in accordance with Part 6 of the Transportation of Dangerous Goods Regulations, the driver must ensure that the safety valve cannot be opened.”.

10. Section 31 is replaced by the following:

“**31.** This Division applies to the handling and transportation of the Class 2 liquefied petroleum gases listed below:

Shipping Name	UN Number
Butane	UN1011
Butylene	UN1012
Isobutane	UN1969
Isobutylene	UN1055
Propane	UN1978
Propylene	UN1077

The handling and transportation of liquefied petroleum gas must be carried out in compliance with the standards referred to in sections 31.1 to 31.5 of the Transportation of Dangerous Substances Regulation in addition to complying with the standards prescribed in Part 5 of the Transportation of Dangerous Goods Regulations.”.

11. The Regulation is amended by inserting the following after section 31:

“**31.1.** It is prohibited to transport liquefied petroleum gas cylinders in a vehicle unless the space intended to hold the cylinders is vented to the outside.

31.2. It is prohibited to transport liquefied petroleum gas in a tank truck unless the tank truck has two wheel chocks on board or is equipped with a parking brake.

31.3. The driver of a tank truck must use the parking brake or set two wheel chocks to ensure that the truck does not move during the unloading of a liquefied petroleum gas.

31.4. The owner of a tank truck used to transport liquefied petroleum gas must have a dry chemical fire extinguisher with an effective total rating of at least 40BC installed near each tank.

The owner of a tank truck must have fire extinguishers immediately recharged after each use and have them inspected each year in accordance with the North American Standard NFPA 10: Standard for Portable Fire Extinguishers.

31.5. A liquefied petroleum gas cylinder installed on the outside of a vehicle must be protected, if installed at the rear of the vehicle, by extending the bumper beyond the cylinder using materials having a resistance at least equal to that of the bumper.

A liquefied petroleum gas cylinder may not be installed on the roof of a vehicle, in front of the front axle of a motor vehicle or on a door of the vehicle and it may not exceed the sides of the vehicle.”.

12. Section 33 is replaced by the following:

“**33.** A consignor who offers for transport a quantity of dangerous substances whose index is higher than the index in column 7 of Schedule 1 to the Transportation of Dangerous Goods Regulations must comply with the standards in section 7.1 of those Regulations.”.

13. The Regulation is amended by replacing the heading of Division VIII by the following:

“ACCIDENTAL RELEASE”.

14. Section 37 is revoked.

15. Section 38 is amended

(1) by replacing “secured to the vehicle” in the first paragraph by “secured”;

(2) by inserting “or objects” after “goods” in the second sentence of the first paragraph;

(3) by replacing “arrimées” in the first paragraph of the French text by “arrimés”;

(4) by inserting “, retenus ou immobilisés” after “arrimés” in the second sentence of the first paragraph of the French text;

(5) by adding the following paragraph at the end:

“It is also prohibited to install a means of containment of dangerous substances on or in front of the front bumper of a motor vehicle.”.

16. Section 39 is replaced by the following :

39. It is prohibited to transport dangerous substances requiring the display of placards required by Part 4 of the Transportation of Dangerous Goods Regulations in a double train unless it is a Type B double train within the meaning of subparagraph 8 of the first paragraph of section 4 of the Vehicle Load and Size Limits Regulation, made by Order in Council 1299-91 dated 18 September 1991.

It is also prohibited to transport dangerous substances in a road train of more than 25 metres in overall length.”.

17. Section 40 is amended by replacing “2004” by “2006”.

18. Section 43 is amended

(1) by replacing “total of more than 25 litres of a Class 3 flammable liquid” in subparagraph 2 of the first paragraph by “Class 3 flammable liquid if the total capacity of the means of containment exceeds 25 litres;”;

(2) by replacing “Class 2.1 flammable gas cylinders or Class 2.3 (2.1), 2.2 (5.1) or 2.3 (5.1) oxidizing gas” in subparagraph 3 of the first paragraph by “Class 2.1, 2.3 (2.1), 2.2 (5.1) and 2.3 (5.1) gas cylinders”;

(3) by inserting “secured to the vehicle” after “operation of equipment” in subparagraph 3 of the second paragraph;

(4) by striking out “however, only one propane cylinder with a maximum capacity of 46 litres may be used for the air conditioning of the crane’s cab and the cylinder must be located above the level of the wheels;” in subparagraph 5 of the second paragraph.

19. Section 44 is amended by replacing “28, 29 and 30” by “26, 28 to 30, 31.1 and 31.3”.

20. Section 45 is amended

- (1) by inserting “12,” before “14”;
- (2) by striking out “31,”;
- (3) by inserting “3.7,” before “4.9”.

21. Section 46 is amended by replacing “sections 3.7 and” by “section”.

22. Section 47 is amended

(1) by replacing “and 27” by “, 27, 31.1, 31.2, 31.4 and 31.5”;

(2) by adding “or carrier of dangerous substances” after “owner”.

23. Section 49 is amended by adding “or carrier of dangerous substances” after “operator”.

24. Section 50 is amended

(1) by striking out “5,”;

(2) by replacing “,14, 15, “ by “to”;

(3) by replacing “37 to 39” by “38, 39”;

(4) by replacing “3.7,” by “3.5 (5) “;

(5) by adding “or carrier of dangerous substances” after “operator”.

25. Section 52 is amended

(1) by striking out “5,”;

(2) by replacing “3.4 to 3.6,” by “3.4,”;

(3) by striking out “4.22,”;

(4) by replacing “5.4” by “5.5”.

26. Section 53 is amended

(1) by replacing “of sections 21, 22, 26, 31 to 32” by “of sections 26 and 32”;

(2) by striking out “5.1, 5.2, 5.4 to 5.6, 5.12 to 5.15,”;

(3) by replacing “or operator” by “, operator or carrier of dangerous substances”.

27. Schedule I is amended by replacing the table “Small Means of Containment Equivalents (s. 21)” by the following:

Small means of containment volume	Types of small means of containment compliant with CAN/CGSB Standard 43.150-97	Equivalent standard for petroleum products
0 to 45 litres (plastic)	3H1 3H2	NFPA 30-1996 ASTM F 852 (gasoline) ANSI /UL 1313 CSA B376-M 1980 (R1998)
0 to 45 litres (metal)	3A1 3B1 3A2 3B2	CSA B376-M 1980 (R1998)
46 to 227 litres (plastic)	1H1 1H2	NFPA 30-1996
46 to 227 litres (metal)	1A1 1B1 1A2 1B2	NFPA 30-1996
228 to 450 litres	1A1 1B1 1A2 1B2	NFPA 30-1996 NFPA 386 ULC/ORD-C142.13-M1997

28. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.