2. For the purpose of item 5, British Columbia grants intra-provincial reciprocity to recreational vehicles used exclusively for touring purposes, with reciprocity being provided for a maximum period of up to 6 months from the date of last entry into British Columbia.

3. British Columbia does not grant intra-provincial reciprocity to charter buses or private buses designed to carry more than 10 persons if used in the Province of British Columbia.

(2) Saskatchewan

For the purpose of temporary intra-provincial operation as provided for in item 4, in Saskatchewan the time period for temporary operation of category B vehicles as described in item 1*(a)*(i) is limited to 90 days in a calendar year with these 90 days including any operation of the vehicle in the Province of Saskatchewan.".

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

103365

Gouvernement du Québec

O.C. 161-2018, 20 February 2018

An Act to ensure safety in guided land transport (chapter S-3.3)

Safety of the Réseau électrique métropolitain

Regulation respecting the safety of the Réseau électrique métropolitain

WHEREAS sections 50 and 52 to 54 of the Act to ensure safety in guided land transport (chapter S-3.3) empower the Government to make regulations on the matters set forth therein, among other things to set out the safety standards applicable to guided land transport systems;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the safety of the Réseau électrique métropolitain was published in Part 2 of the *Gazette officielle du Québec* of 22 November 2017, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Regulation respecting the safety of the Réseau électrique métropolitain, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the safety of the Réseau électrique métropolitain

An Act to ensure safety in guided land transport (chapter S-3.3, s. 50 and ss. 52 to 54)

CHAPTER I
GENERAL

1. This Regulation contributes, with other means implemented by the operator, to ensure the safe operation of the Réseau électrique métropolitain by preventing in particular fire and accident hazards.

The Regulation also specifies the tenor and frequency of the traffic reports and accident reports that will have to be sent by the operator, and determines the types of work and changes made to the REM the performance of which is subject to the publication of a prior notice under sections 5 and following of the Act to ensure safety in guided land transport (chapter S-3.3).

2. A reference to the Réseau électrique métropolitain means the REM referred to in section 1 of the Act respecting the Réseau électrique métropolitain (2017, chapter 17).

For the purposes of this Regulation, unless the context indicates otherwise,

(1) the "REM" includes in particular

(a) the infrastructures, such as guideways, permanent structures, track equipment, maintenance centres, depots for storing the rolling stock and stations;

(b) technical and safety installations, such as the operating support systems, signalling systems, traction installations to provide electric power to the rolling stock, and control, monitoring and communication installations:

(c) the rolling stock;

(d) critical systems, namely, the systems whose failure or malfunction may have serious consequences, such as death, serious injuries or significant material damages; and

(e) an operation site, in a secured right of way, corresponding to the area occupied by the guideways on a dedicated site, without level crossing or interference with a public road, that is delimited by a gate and secured access allowing the automatic and safe movement of the automated guided transport system, driverless;

(2) the "operation" includes all the operation activities of the rolling stock and systems and activities for the maintenance of the rolling stock, equipment, systems and infrastructures of the REM.

CHAPTER II
SAFETY CODE

DIVISION I
OBLIGATIONS OF USERS AND THIRD PERSONS

3. Without restricting the application of sections 24, 27 and 37 to 39 of the Act to ensure safety in guided land transport (chapter S-3.3), no person may, unless authorized by the operator,

(1) be in the path of moving rolling stock;

(2) ride on the side, under or on the roof of moving rolling stock;

(3) obstruct or hinder the operation of the gate or secured access mechanisms installed by the operator;

(4) manoeuvre or use in any manner an apparatus, device or equipment the use of which is related to the operation of the REM and reserved for the operator's staff;

(5) be in a location reserved for the operator's staff; and

(6) transport, deposit or abandon dangerous substances, in particular explosives and fireworks, in the rolling stock and in the secured right of way.

DIVISION II
OBLIGATIONS OF THE OPERATOR

§1. *Precautionary measures in the operation of the REM*

1. — *GENERAL*

4. In applying the Safety Code and the responsibilities incumbent on the operator to ensure the safety of the REM, the operator must take into consideration, in particular,

(1) the importance of centralized management of the communications, systems and equipment of the REM;

(2) the adequate management of movements and transfers of REM users;

(3) the strategic nature of the management and control measures applied to the rolling stock of the REM, in particular, in relation to the location, speed monitoring, movement authorization and stoppage of the rolling stock;

(4) the necessity for rigorous management of the safety of the right of way, stations, guideways of the REM and means for escape;

(5) the importance of a clear distribution of internal responsibilities related to the safety and availability of reliable means of communication between persons in all locations of the REM;

(6) the implementation of alternatives and mitigation measures to maintain the safety level of the operations of the REM in case of failure or malfunction of equipment or an automated system.

5. The operator must take appropriate measures to notify REM users of the prohibition to transport dangerous substances therein.

6. The operator must ensure

(1) that the REM remains free of level crossings and of any interference with a public road;

(2) that the possibility of accessing the right of way and guideways is limited at all times by a gate and secured access; and

(3) the availability and functionality of means of evacuation of tunnels, guideways and rolling stock of the REM.

7. The operator must hold civil liability insurance related to the operation of the REM. The minimum amount of insurance that the operator must purchase is $100,000,000 and the amount of the deductible may not exceed $5,000,000.

2. — *TRAFFIC COMMAND AND CONTROL SYSTEM*

8. The operator develops and applies appropriate measures to command and control the traffic of rolling stock used for movement of users and service rolling stock.

The traffic command and control system must ensure the safe movement of the rolling stock, regardless of its position, its direction and the condition of REM infrastructures.

In addition to the measures applicable in normal situations, the system must be adapted to deal with disturbances or partial or complete failures of the various systems.

9. Unless safe bypass measures are applied, the malfunction or loss of use of the command or control equipment must cause the immediate stoppage of the movement of the rolling stock on the REM.

10. The traffic command and control system must allow the detection of the presence and the location of any rolling stock on the guideways.

11. The operator must ensure the maintenance and verify the good operation of equipment related to traffic command and control. The operator must immediately take corrective measures where a defect threatening safety is brought to the operator's attention.

12. The operator must periodically submit each element of the traffic command and control system used on the REM to a technical safety verification made by a person who has the knowledge, training and experience necessary to diagnose and repair defects.

13. The operator must carry out an independent external safety audit every 3 years to verify to what extent the practices put in place comply with the measures developed under section 8 and with this subdivision.

3. — *ROLLING STOCK AND EQUIPMENT MAINTENANCE*

14. The operator develops and applies appropriate procedures for daily operational tests before the daily operation of the rolling stock used for the movement of users.

The procedures developed must specify the procedures that apply to every rolling stock item when defects have been detected on it.

15. The operator may not allow rolling stock movement on the guideway, elsewhere than in a maintenance shop, if it is not equipped with a device, in good working condition that ensure its complete standstill at any place and in any circumstances.

16. The operator ensures the maintenance and verifies the good operation of the equipment related to rolling stock. The operator must immediately take corrective measures where a defect that threatens safety is brought to the operator's attention.

17. The operator must periodically submit each rolling stock item used on the REM to a technical safety verification made by a person who has the knowledge, training and experience necessary to diagnose and repair defects.

18. The operator must periodically submit each item of equipment contributing to the safety of the use of the rolling stock to a technical safety verification made by a person who has the knowledge, training and experience necessary to diagnose and repair defects.

19. The operator must carry out an independent external safety audit every 3 years to verify to what extent the practices put in place comply with the procedures developed under section 14 and with this subdivision.

4. — *GUIDEWAY MAINTENANCE*

20. The operator must ensure that the guideways benefit from regular verification and maintenance measures.

21. Before beginning maintenance work on a guideway, the person in charge of the work must so inform the person responsible for the operation and obtain that person's authorization.

22. The person responsible for the operation must, before authorizing work on a guideway, guarantee the safety of the area in which the work will take place.

23. A visual inspection of the guideways of all the segments of the main tracks must be completed before the daily operation of the REM in order to verify the good condition of the tracks and ensure that they are free of any obstacle that may disrupt service and traffic.

24. If a malfunction or an anomaly is detected on a guideway, the person responsible for the operation must not authorize service to begin without having implemented applicable risk reduction measures.

25. The operator must carry out an independent external safety audit every 3 years to verify to what extent the practices put in place comply with the measures related to guideway maintenance and safety and to verify whether the standards applied are still adequate to ensure safety.

5. — *COMMUNICATION SYSTEMS*

26. The operator must at all times control and maintain in good order a communication system on the secured right of way of the REM so that the field staff, REM users and the control centre may communicate in any circumstances.

27. In addition to allowing internal communications between all the users of the system, the communication system installed by the operator must be designed to at least allow

(1) the identification or location of persons who access the communication system;

(2) a complete coverage of tunnels, tracks and stations of the REM;

(3) bidirectional communication with the control centre, including for REM users;

(4) the possibility to communicate safety information to users; and

(5) the recording of the information.

28. Unless a staff member equipped with a communication system is present, only rolling stock equipped with a functional system allowing users to communicate with the control centre may be used to provide passenger service.

29. In addition to what is provided for in section 28 for rolling stock, all other premises accessible to the public must be equipped with a communication system, accessible to users allowing them to communicate with the control centre. Failing that, a designated staff member, equipped with a communication system, must be present.

30. Any person performing duties essential to safety must, in the performance of duties, have in his or her possession communication equipment.

6. — *QUALIFICATION MANAGEMENT AND ROLE OF STAFF*

31. Every employee of the operator is required to immediately report to the operator, using a communication means the employee considers the most appropriate, any situation that appears to the employee to pose a serious threat to the safety of property or persons.

The operator must take the necessary measures to notify staff members of the importance of that obligation and inform them of the person to contact when they notice a threat to safety.

32. The operator must establish and implement a qualification management process to ensure that all employees having a responsibility as part of the safety management system and the emergency action plan have the required skills and training to achieve the objectives set, in a safe, efficient and effective manner, whatever the circumstances.

The operator must ensure that the level of competence and knowledge of the staff is maintained.

§2. *General safety control and follow-up measures*

1. — *ESTABLISHMENT AND UPDATING OF THE SAFETY RECORD*

33. As part of the commissioning of the REM or any substantial modification to the REM, the operator must prepare a safety record describing the main technical and functional characteristics of the infrastructures, equipment and systems, and the risk assessment of any nature that could affect the REM, including those associated with the environment.

34. A separate safety record may be established for each temporary, partial or full operation of the REM and for each substantial modification to the REM. In addition to the risk assessment, the safety record must contain the measures considered to deal with them.

35. The safety record must demonstrate, from the completed risk assessment, that the REM's functional, technical, operational and maintenance provisions make it possible to achieve the safety objective throughout the entire life of the REM, to prevent the various types of incidents, hazards and other risks identified and to reduce their consequences.

36. Work related to the REM may only be started after the approval of the safety record by the safety committee provided for in section 43, except in case of emergency, in which case the work is approved while being carried out or as soon as possible.

37. Where the safety committee is satisfied with the safety record and the achievement of the safety objective, it authorizes the commissioning of the portion of the REM concerned and issues an operation certificate for that purpose.

2. — *SAFETY MANAGEMENT SYSTEM*

38. The REM operator must develop a safety management system to ensure compliance with all the processes contributing to the planning, performance and monitoring of the REM's operation and maintenance.

39. The safety management system must describe all the processes implemented for the safety of the REM, in particular, the operation of the REM, the management of incidents and accidents, the determination of safety concerns and safety governance rules.

40. The safety management system must at least provide for the processes chosen in connection with the following elements:

(1) the respective responsibilities within the organization and the obligation to render account;

(2) the safety policy;

(3) the means used to ensure compliance with the regulations, rules and other directives;

(4) the management of accidents;

(5) the identification of safety concerns;

(6) the risk assessment;

(7) the implementation and assessment of corrective measures;

(8) the establishment of objectives and the development of initiatives;

(9) the reporting of safety breaches and hazards;

(10) the management of knowledge;

(11) the setting of work schedules;

(12) the continuing enhancement of the safety management system;

(13) the management of internal and external interfaces.

41. The operator appoints a senior manager responsible for the operations and activities of the REM who is required to report on the compliance with the requirements of the safety management system, including its effectiveness to reach the highest level of safety in operating the REM.

42. The operator must provide to the Minister the name of the senior manager in charge as soon as possible after the manager is appointed.

43. In order to oversee all aspects related to the safety of the REM, the operator must establish a permanent safety committee.

As part of its mission, the committee must, in particular,

(1) keep and maintain up to date the safety record, prepared from the technical and functional characteristics of the REM and its operation and maintenance conditions, that must include all the information pertaining to safety for the design, construction, operation and maintenance of the REM;

(2) impose the conditions that it considers appropriate with respect to all the work that could affect the safety of the REM;

(3) supervise the preparation and updates of the safety management system of the REM;

(4) send to the Minister, for information purposes, the safety management system and any modification made by the committee within 30 days of their adoption;

(5) supervise the proper performance of the safety management system of the REM;

(6) prepare an annual report which includes the conclusions of its monitoring activities for the implementation of the safety management system;

(7) issue the initial operation certificate and its modifications authorizing the commissioning of the various portions of the REM and so inform the Minister; and

(8) supervise the preparation and update of the qualification management process.

44. The operator must carry out every 3 years an independent external audit of its safety management system, particularly to assess to what extent the requirements of each process have been implemented.

45. The operator records the findings of the independent external audit in a report.

The senior manager in charge of the safety management system certifies, by signing the report, that he or she accepts it.

46. The operator must adopt an action plan describing the measures provided for to respond to the findings of the audit report that the operator identifies as deficiencies of its safety management system requiring the implementation of corrective measures.

The senior manager in charge of the safety management system certifies, by signing the action plan, that he or she approves it.

§3. Emergency action plan

47. The operator must adopt an emergency action plan related to the operation of the REM.

48. The emergency action plan must provide for preventive, preparative, intervening and restorative actions to mitigate or eliminate various natural, technical and anthropogenic risks that may have an impact on the safety offered by the REM.

49. The emergency action plan must be prepared with a view to ensure the safety of the public and employees, facilitate decision-making and support the work of emergency responders.

50. The operator appoints a senior manager responsible for the operations and activities of the REM, who is required to report on the compliance with the measures provided for in the emergency action plan.

51. The operator must provide the Minister with the name of the designated senior manager in charge of the plan as soon as possible after the manager is appointed.

52. The risk assessment required for the preparation and implementation of the emergency action plan must be based on recognized methods, in particular most recent version of NFPA 130 Standard for Fixed Guideway Transit and Passenger Rail Systems.

53. The assessment must consider particularly the following risks:

(1) fire or smoke;

(2) accident, collision or derailment;

(3) loss of power;

(4) evacuation of passengers in a tunnel;

(5) panic of users;

(6) flooding in a tunnel;

(7) interruption of service after a catastrophe or dangerous conditions;

(8) dangerous substances accidentally or intentionally introduced in the REM;

(9) vandalism or criminal acts;

(10) medical assistance to users present in the rolling stock or in stations;

(11) extreme climatic conditions;

(12) earthquake;

(13) any other emergency situation considered as such by the persons responsible for police and fire protection services of the municipal authorities concerned.

54. The important elements of the emergency action plan, in particular emergency communication procedures, must be tested at least once per year during a structured drill. The operator plans and organizes structured drills in collaboration with the police and fire protection services of the municipal authorities concerned.

The risk assessment must be updated every 3 years or before if the situation warrants it.

55. The emergency action plan is prepared in collaboration with the police and fire protection services of the municipal authorities concerned for the elements of the plan related to their responsibilities.

The approved emergency action plan must be sent to the persons responsible for police and fire protection services of the municipal authorities concerned and to the Minister before the commissioning of the REM; the same applies to any update of the plan.

56. The operator's emergency action plan must at least contain

(1) a description of the environment and risks, in particular, specifying the name of the local municipality, regional municipality or any other governmental entity whose territory could be affected;

(2) the coordination of the emergency action plan, in particular collaboration with the police and fire protection services of the municipal authorities concerned;

(3) the role and responsibilities of the internal emergency responders;

(4) a list of the intervention material and relief supplies on the rolling stock, in stations and those readily available, and their location;

(5) the alert procedures of the police and fire protection services of the municipal authorities concerned;

(6) emergency intervention procedures, including emergency intervention methods to deal with emergencies;

(7) a list of the training and qualification programs;

(8) the administration of the emergency action plan; and

(9) the safety alert levels.

CHAPTER III
REPORTS

57. The operator sends to the Minister, at the Minister's request,

(1) the last annual report referred to in paragraph 6 of section 43;

(2) the signed report reporting the independent external audit referred to in section 45; and

(3) the results of the last independent external audit reports referred to in sections 13, 19 and 25.

58. The detailed accident report referred to in section 44 of the Act to ensure safety in guided land transport (chapter S-3.3), that is required for any accident resulting in injuries or the death of a person or that causes damages to a guideway, permanent structures or the equipment, must be written according to the tenor provided for in Schedule I.

59. The operator must also notify the Minister and produce an incident report for any significant malfunction of equipment, rolling stock, traffic command and control system or any other component of the REM ensuring the safety of its operation and for any serious violation of a safety rule by an employee.

For the purposes of this section, a significant malfunction and a serious violation refer to events whose impact threatened or could have threatened the safety of the REM.

60. The operator is exempted from the obligation to produce a report provided for in section 58 or 59 where the accident occurred inside a shop or a maintenance centre.

61. The traffic report referred to in section 49 of the Act to ensure safety in guided land transport (chapter S-3.3) must be prepared by the operator for each year of activity of the REM. It is drafted according to the tenor provided for in Schedule II.

The report must be sent to the Minister not later than 1 March of the year following the year concerned.

CHAPTER IV
ANNOUNCEMENT OF WORK

62. Work that must be announced in accordance with section 5 of the Act to ensure safety in guided land transport (chapter S-3.3) is work that, following the complete commissioning of the Deux-Montagnes, Sainte-Anne-de-Bellevue, Aéroport and Rive-Sud branches, concern

(1) the extension of the REM tracks over a length of 2 km or more that requires the acquisition of an immovable situated outside the REM's right of way; and

(2) the construction of a new station for the REM that requires the acquisition of an immovable situated outside the REM's right of way.

63. The announcement must be made through a notice published in a daily newspaper and in a weekly newspaper circulated in the territory where the work will be carried out.

64. The period during which one may oppose the work must be at least 60 days.

CHAPTER V
OFFENCES

65. The following persons are guilty of an offence and are liable to the fines provided for in section 82 of the Act to ensure safety in guided land transport (chapter S-3.3):

(1) a person who contravenes section 3;

(2) the operator who contravenes section 7;

(3) the operator who contravenes section 61.

CHAPTER VI
FINAL

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

Despite the first paragraph, the obligations and requirements imposed on the operator, in particular the establishment of an emergency action plan and a safety management system, may be completed in an evolutionary manner to take into account the date of the commissioning of the various branches of the REM.

Every measure, system or plan required must be implemented, with respect to a branch of the REM, not later than the date of its initial commercial commissioning.

SCHEDULE I
(section 58)

ACCIDENT REPORT

Operator:

_____

Description of the rolling stock: _____

Direction: _____

Location of the accident: _____

Date: _____ Time: _____

Description of the accident: _____

_____

_____

_____

_____

_____

Number of persons injured: _____

Number of persons killed: _____

Status of the victims (passenger, employee, other):

_____

Apparent causes of the accident:

_____

_____

_____

Investigation to come: Yes _____ No _____

Other observations:

_____

_____

_____

_____

Place and date of signature: _____

Signature: _____
(name, address and position or title of the writer of the report)

SCHEDULE II
(section 61)

ANNUAL TRAFFIC REPORT

OPERATOR'S NAME:

_____

YEAR: _____

TRACKS:

Length of operated REM: _____ km

Length of main tracks: _____ km

ROLLING STOCK IN SERVICE:

_____

_____

_____

OPERATION PARAMETERS:

Passengers/km:

Cars/km:

Cars/branch:

Place and date of signature: _____

Signature: _____
(name, address and position or title of the writer of the report)

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