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Safety Board
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Bureau de la sécurité
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Update on locomotive voice and video recordings

ITSA, May 2018

Canada

Bill C-49

Proposed amendments to the *CTAISB Act*:

- Allowing the use of on-board recordings, when there is no reportable occurrence.
- Allowing the use of on-board recordings, when the TSB does not investigate a reportable occurrence.

Proposed amendments to the *Railway Safety Act*:

- Mandatory installation of on-board recorders for lead locomotives.
- Specifying what use Transport Canada and the railways can make of the recordings.
- Providing authority for Transport Canada to make regulations governing LVVR.

Omnibus bill that contains many other policy items



Progression of Bill C-49

- Legislation tabled in Parliament in May 2017
- Parliamentary committee study in September 2017
- Approved by House of Commons in November 2017
- Tabled in Senate in November 2017
- Senate committee study from December 2017 to March 2018
 - Significant lobbying by railways and unions
- Legislation amended by Senate committee in March 2018
- Amended version approved by Senate in March 2018
- Bill referred back to House of Commons in March 2018



Major discussion points

- Privacy of workers
- Permissible uses beyond TSB investigations
- Need for both voice and video recorders
- Application of rules across the Canada - US border



Railway Safety Act – Permitted Uses by Companies

- 1) To determine the causes or contributing factors of an accident or incident that the TSB does not investigate
- ~~2) Random sampling to conduct analyses under section 13, 47 or 74 of the Railway Safety Management System Regulations~~
- 3) To address a prescribed threat to the safety of railway operations
- 4) Not admissible as evidence in any proceedings against a worker who was recorded in his workplace, except if related to #3 above



Latest Developments

- Government rejected the Senate amendments
- House of Commons rejected amendments
- Bill back to Senate for reconsideration of amendments
- Senate insists its amendments be adopted (May 9)
- Senate will develop its rationale for rejection and send Bill back to House of Commons again



Next Steps / Timeline

- Government decision to support amendments or not
- House of Commons approves or rejects amendments
- If rejected, Bill goes back to Senate again
- Back-and-forth continues until both chambers agree
- If approved, then Royal Assent is given (current target is June 2018)
- Development of specific regulations, policies and procedures for Rail mode only
- Review and modification of TSB procedures for handling of on-board recorders
- Implementation in Rail mode only in early 2019
- Consider implementation of expanded use in other modes



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