



DESIGN AND CONSTRUCTION
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August 17, 2016

CN File: 8525-1 Mile 2.84 - 3.89 Rivers Sub
Your File : 11-0107-018

City of Winnipeg
c/o KGS Group
3rd Floor
865 Waverley Street
Winnipeg, Manitoba R3T 5P4

Attention: Ray Offman

roffman@ksgsgroup.com

RE: Proposed Stormwater Retention Basin Within 100m, to the South of CN property between Mile 2.84 – 3.89 Rivers Subdivision, in the City of Winnipeg, MB. Near Portage Junction.

CN has no objection to the proposed Stormwater Retention Basin within 100 m of CN right-of-way provided the attached "indemnification form" is signed and returned to this office prior to the start of any construction.

In case of an emergency, the CN Rail Traffic Control Centre must be notified immediately at 1-800-465-9239 or 1-800-661-3963, using the track mileage noted above as reference.

Application fee in the amount of **\$367.50** (includes GST) is now due. Please make cheque payable to *Canadian National Railway Company* at the above address. This fee applies even if the program is cancelled (GST Registration Number 10076 8779 RT0001).

Yours truly,

Sara Lovegrove
Utilities Coordinator
sara.lovegrove@cn.ca

Indemnification Form

CN File: Number: 8525-1 MILE 2.84 – 3.89 RIVERS SUBDIVISION

RE: Proposed Stormwater Retention Basin Within 100m, to the South of CN Property between Mile 2.84 – 3.89 Rivers Subdivision for THE CITY OF WINNIPEG. Near Portage Junction.

Canadian National Railway Company, hereinafter referred to as CN, hereby grants permission to THE CITY OF WINNIPEG, to conduct the construction, operation and maintenance of a proposed Stormwater Retention Basin within a distance of 100 meters from its Right of Way as above captioned; as requested on the following conditions:

1. THE CITY OF WINNIPEG shall indemnify and save harmless CN from and against all loss and expense of whatsoever nature which may be incurred by CN and from and against all claims, demands, actions, suits or other proceedings for or in respect of damage or injury to persons or properties made, brought or prosecuted, arising out of, or connected with this permission or anything done or maintained, or the exercise of any right or privilege hereunder by THE CITY OF WINNIPEG, excepting only such damages, injury or claim which may have been caused by the gross negligence of CN, its employees or agents. THE CITY OF WINNIPEG acknowledges and agrees that any matter involving occupier's liability or protection and security of Stormwater Retention Basin or the public from the Stormwater Retention Basin shall be its sole responsibility.

2. THE CITY OF WINNIPEG have no claims of any kind in respect of loss, injury or damage to property, business, employees, or otherwise howsoever, against CN in any manner, based upon, arising out of, attributable to or connected with the existence of this permission or anything done or maintained hereunder, excepting only claims for loss, or damages or injury where such loss, damage or injury shall have been caused in whole or in part by the gross negligence of CN, its employees or agents.

Dated at _____ this _____ day _____, 2016.

THE CITY OF WINNIPEG

Signed as acknowledgment and acceptance
of the stipulations outlined above.

Printed Name and Title

Canadian National Railway
Design and Construction
Building "B", Floor 2
10229 – 127th Avenue
Edmonton, Alberta T5E 0B9

Return via email to:
sara.lovegrove@cn.ca



SAFETY GUIDELINES FOR CONTRACTORS AND NON-CN PERSONNEL

Introduction

The objective of this document is to outline CN's Safety Guidelines for Contractors and non-CN personnel. For the purposes of this document "Contractor" may also apply to individuals on CN property, whether under contract to CN or not.

These guidelines are not to be considered as a substitute for the applicable government regulations. These guidelines are the minimum requirement and must be exceeded where the hazard or government regulations warrant.

It is not possible to deal with every hazard in this one document. These guidelines are to be employed in conjunction with Government Acts, Regulations, local Ordinances, CN Safety and Operating Rules Standards, and good judgment to facilitate the safe completion of the work.

Additional information regarding safe work practices may be included in contract documents and specifications. In the event of a discrepancy between these guidelines and the contract, the contract shall govern.

CN's Basic Safety Requirements

The Contractor's attention is drawn to the following highlights from CN's "Basic Safety Requirements":

1. Take all reasonable measures to ensure the protection of employees, customers, property, and the general public.
2. Address promptly all environmental and safety concerns.
3. Analyze all accidents or incidents resulting in, or having potential for, loss or injury, and take remedial action promptly to prevent recurrence.
4. Require all persons granted access to Company property to comply with applicable Risk Management policies, standards, and procedures.
5. Provide employees with appropriate training to enable them to work safely.
6. Inspect personal protective equipment (PPE), tools and equipment before use to ensure that they are in good working condition.
7. Contractor's employees or subcontractors performing work within the CN right-of-way must familiarize themselves with CN's Contractor Safety Package, complete a Contractor Orientation Course and must be registered on the Contractor Completion Database which can be found at the following website: <http://www.railroadcourses.com> If you have been contracted by CN and are completing work on behalf of CN, you are required to ensure anyone working on the project within CN right of way has completed eRailSafe. This can be found at the following website: www.erailsafecanada.com

CN's Risk Management policy is premised on the following:

- to work in a safe manner is a condition of employment/Contract;
- all accidents or incidents resulting in loss or injury are preventable;
- it is possible to eliminate or safeguard all operating conditions that may result in injury, property damage, or other losses;
- employees will be provided with appropriate training to enable them to work safely;
- employees and management must work jointly in efforts to promptly resolve and improve safety and health conditions in the workplace.

GENERAL RULES AND INFORMATION

“Expect the movement of a train, engine, rail car or track unit at any time, on any track, in either direction. Protect yourself and others from the movement of trains, engines, railcars and track units and do not expect them to stop.”

If any situation arises which affects the safe movement of trains, CN must be contacted immediately at:

1-800-465-9239.

Alternatively, contact CN's Network Operations Centre in Edmonton at:

1-800-661-3963.

Before any digging is performed on CN property, proper clearance and instructions must be obtained through the Information Technology Command Centre (ITCC Network Management Centre) at:

1-800-661-3687 or 1-800-NO1-FOTS.

In an emergency, any object waved violently by anyone on or near the track is a signal for trains to stop.

Violation of CN's "Risk Management Policy" or contravention of these guidelines may result in the immediate removal of the Contractor or the offending personnel from CN property.

Compliance with Government Regulations

Contractors shall follow all applicable Federal, Provincial, and Municipal Acts, Regulations, Laws and Codes, including but not limited to those related to the licensing of workers, occupational health and safety, transportation or handling of dangerous substances, inspection and certification of equipment. As CN is a federally regulated enterprise, Contractors are advised that work undertaken on CN right-of-way may be governed by Federal regulation.

The Contractor shall become familiar with CN's Risk Management Policy as well as all applicable regulations and shall ensure compliance by workers at the job site. Supplementary instructions may be issued by CN representatives from time to time.

Instructions

1. Before entering upon CN right-of-way, the Contractor must have all documentation properly executed and available for review by CN personnel at the working site. (i.e. Permits, Licenses, Contract Documents, Contractor Safety Approved Sticker and/or Waivers).
2. Periodic briefings must be held at every work site to review the contents of these guidelines and any unique conditions at the site relating to safety.
3. Unless explicitly permitted by CN, no equipment or vehicle may enter upon the operated right-of-way.
4. Unless explicitly permitted by CN, no work shall take place within eight (8) meters or approximately twenty-five (25) feet of the nearest rail except in the presence of a CN Protecting Foreman. The CN Protecting Foreman is concerned only with the safe movement of trains and will not be responsible for the safety of the Contractor, the Contractor's personnel or the Contractor's equipment.
5. Equipment operating within eight (8) meters, or approximately twenty-five (25) feet, of the nearest rail must come to a complete stop prior to the passage of engines, railcars, or track units.
6. No vehicle or heavy equipment may be situated or moved closer than eight (8) meters, or approximately twenty-five (25) feet from the nearest rail unless a CN Protecting Foreman has placed a block on train movements.

Instructions (Cont'd.)

7. Upon the passage of a train, Contractor's personnel shall stand no closer than six (6) meters, or approximately twenty (20) feet from any switch stand and, if possible, on the opposite side of the track.

8. Contractor's personnel shall not crawl under, climb over or pass through standing railway equipment.
9. Contractor's personnel shall not cross a track within eight (8) meters, or approximately twenty-five (25) feet, of standing railway equipment.
10. CN has many power and/or communication cables buried within the CN right-of-way. The Contractor shall be sure of their location before making any excavation, driving stakes or otherwise penetrating the ground surface.
11. In accordance with CN's safety standards, Contractor's personnel must wear CN required personal protective equipment at all times while on CN right-of-way. Such equipment will include hard hats, safety footwear (protective footwear shall meet or exceed CSA Z195 and/or ANSI 41.1, shall cover and support the ankle and have a defined heel a minimum of 13 mm (1/2 inch) and shall not exceed 25 mm (1 inch), boots must be equipped with laces, which must be laced to the top and tied), safety glasses and reflective apparel. Hearing and respiratory protection and fall arrest equipment shall be worn where signs are posted or when a potential hazard exists.
12. No CN plant, signal, structure, equipment or property of any kind may be tampered with, modified or removed.
13. "Hi-rail" equipment shall only be operated on the track by personnel qualified in the latest version of the "Canadian Rail Operating Rules".
14. Horseplay, practical jokes, fighting or any other activity that may create a hazard will not be tolerated.
15. Contractor's personnel shall immediately abide by instructions from CN personnel.

Drug and Alcohol Policy

Contractor's personnel will be bound by the provisions of CN's "Policy to Prevent Workplace Alcohol and Drug Problems" while on CN property. All employees are required to report and remain fit for duty, free of the negative effects of alcohol and other drugs. It is prohibited to be on duty or to be in control of a vehicle or equipment while under the influence of alcohol or other drugs, including the after-effects of such use.

1. **Policy Standards:** The Contractor is to ensure that all employees and employees of sub-contractors adhere to the following standards when on CN business or premises:
 1. No use, possession, distribution, offering or sale of illegal drugs or drug paraphernalia.
 2. No use, possession, distribution, offering or sale of alcohol.
 3. Responsible use of prescribed and over-the-counter medications.
 4. No trafficking, distribution, offering or sale of prescription medications.
 5. Report fit for duty and remains fit for duty.
2. **Policy Violation Procedures:** Where a CN representative has reasonable grounds to believe any individual in the employ of the Contractor is on duty in an unfit condition, or where during the preliminary phase of an investigation an individual has been identified as being directly involved in the chain of acts or omissions leading up to an accident or incident:
 1. The Contractor will be notified.
 2. The Contractor will be required to conduct the individual(s) to a safe place.
 3. The Contractor will investigate the situation.

Drug and Alcohol Policy (Cont'd.)

4. The Contractor must satisfy CN that there has been no policy breach.
5. If a breach of policy has occurred, the individual(s) will not be allowed to return to any position with CN without the written permission of a CN official and will be required to adhere to any conditions regarding their return.

3. **Consequences of Violation:** Failure of the Contractor, its employees or sub-contractors to meet these standards will be considered a breach of contract.

Firearms

Firearms (loaded or empty) are not permitted on CN property, except for CN Police officers and other designated persons performing authorized work and when authorized to do so. In all cases, any firearms must be accompanied with a written authorization from the Chief of CN Police and the person should have in his possession all pertinent government permits.

Explosives

No explosives will be permitted on CN property without written CN approval.

Vehicles

Contractor's vehicles on the site must be in safe operating condition. Operators must observe all site speed limits. Unattended vehicles must not be left running unnecessarily. Where they must be left running, the hand brake must be applied. The operator is responsible for the safety of all passengers and the stability of materials being transported.

Smoking in the Workplace

Smoking is not permitted in any CN interior workplace or motor vehicle.

Security

All vehicles will be parked in a pre-determined area and where required, a designated Contractor entrance shall be used.

Contractor's personnel will proceed directly to the Contractor's work location. Contractor's employees must remain at their designated work site and must not wander about the site.

The Contractor shall not permit persons other than the Contractor's personnel to enter the site without the prior written authority of the CN representative.

Emergency Evacuation Procedures

Prior to commencing work, all Contractor's employees must be familiar with the emergency evacuation plan for that work site. The Contractor shall issue written emergency and rescue procedures to the Contractor's personnel and shall post such procedures on the job site.

Unsafe Conditions or Practices

Contractors shall correct or report any unsafe conditions or practices they observe. All such conditions or practices shall be reported to the CN representative at the work site as soon as practical.

Reporting Accidents/Incidents

All accidents/incidents occurring on CN property, that result in or had the potential of causing serious injury, lost work days, vehicle or property damage must be reported to the CN representative within twenty-four (24) hours. All such incidents will be fully investigated by the Contractor.

The Contractor shall subsequently provide a written report to CN (i.e. Company Officer assigned as Liaison to Contractor) within seven (7) days detailing the nature of the incident, the cause(s), regulatory authorities notified, and a specific action plan to prevent recurrence.

Treatment of Injured Personnel (Contractors)

Contractors shall ensure the following is provided for their personnel as required by CN and in accordance with applicable government regulations:

1. Adequate first-aid supplies and equipment.
2. Qualified personnel to render first-aid treatment.

Personal Identification

When not accompanied by a CN representative, Contractor's personnel shall carry an identification card on their person. Such identification card will be issued by the Contractor and will be of standard business card size (3-1/2" X 2"). It will contain the following information:

1. Contractor's name, address and telephone number,
2. CN representative responsible for the job,
3. Employee's full name and personal identification details (e.g. Driver's License No.),
4. Name of Contractor's representative issuing the card.

Such personnel shall also have a CN approved sticker (CN Safety Guidelines for Contractors Sticker) affixed to Contractor's personnel hard hat.

Audio and Visual Recording Equipment

Cameras and audio-visual equipment are not permitted on CN property without prior approval.

Summary

In conclusion, CN requires the full cooperation of the Contractor and the Contractor's employees with these guidelines and all other applicable regulations. Should there be any doubt as to the meaning or interpretation of these guidelines, consult with the CN representative responsible for the worksite.

Contractor Acknowledgement

Contractor/Sub-contractor personnel must read and understand CN's "*Safety Guidelines for Contractors and Non-CN Personnel*". The Contractor/Sub-contractor must sign the proper document to confirm compliance to the above.