

# **Appendix B**

## **CP Railway – Minimum Safety Requirements for Contractors Working On CP Property in Canada and Operational Constraint**



## Minimum Safety Requirements for Contractors Working on CP Property in Canada



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# Introduction

At Canadian Pacific (CP), safety is an integral part of the way we do business. We expect everyone working on Canadian Pacific's property to be unconditionally committed to safety. Safety must be given top priority and will take precedence over deadlines, production schedules, and all other considerations.

## 1 Application

### 1.1 Application

- 1.1.1 These Minimum Safety Requirements are applicable to all who work on CP property (except as noted in 1.13 and 1.14 below) including Contractors and other persons performing Work or otherwise providing services to Canadian Pacific on CP Property in Canada.
- 1.1.2 These Minimum Safety Requirements cannot be waived or altered, in whole or in part, without a prior Risk Assessment specific to the Work conducted and the Manager-In-Charge has provided written consent.
- 1.1.3 Notwithstanding the foregoing, these Minimum Safety Requirements do not apply to other railway companies who only operate trains on CP Property under various trackage or interchange agreements.
- 1.1.4 Further, notwithstanding the foregoing, these Minimum Safety Requirements may not apply to Work or services provided in CP Property in Canada that are Office Premises, in which case, CP's Minimum Safety Requirements for Contractors Working In CP's Office Premises may apply.

## 2 Definitions and Interpretation

### 2.1 Definitions

- 2.1.1 In these Minimum Safety Requirements, the following capitalized terms shall have the ascribed meaning below:
  - (a) **"Applicable Legislation"** means all applicable legislation, regulations, by-laws, codes, rules, standards, policies, procedures, promulgated by any federal, state, and municipal governmental body, including those of its agencies, having authority over CP and, or a Contractor in relation to the Work in the matter of health and safety of the person, property and, or the environment;
  - (b) **"Canadian Pacific"** or **"CP"** means Canadian Pacific Railway Company Ltd., and its subsidiaries and affiliates, and includes each of their respective directors, officers, employees, agent, and representatives;
  - (c) **"CP Personnel"** means CP's employees, agents, and representatives;
  - (d) **"CP Property"** means any building, facility, yard, track, right of way or other property owned or controlled by CP;
  - (e) **"Contractor"** means the company or person, and their respective employees and authorized agents, representative and subcontractors who are providing goods or services to CP; or on behalf of a third party working on CP property.
  - (f) **"Contractor Personnel"** means the Contractor's employees, and authorized agents, representative and subcontractors;
  - (g) **"Co-mingled Work"** means Work where Contractor Personnel works directly with or, in close proximity (time or space) to CP Personnel;

- (h) **“eTest”** an efficiency test. It is a planned procedure to evaluate compliance with rules, instructions and procedures, with or without the employee's knowledge.
- (i) **“Foul of Track”** means the placement of an individual or equipment within 4' feet of the outside rail of a railway track that could be struck by a moving train or on- track work equipment (e.g. Hi-rail equipment).
- (j) **“Hazardous Materials”** means any substance, which is hazardous to persons or property and includes, without limiting the generality of the foregoing:
  - (i) radioactive, explosive, poisonous, or toxic substances;
  - (ii) any substance that if added to any water, would degrade or alter the quality of the water to the extent that it is detrimental to its use by man or by any animal, or plant;
  - (iii) any solid, liquid, gas or odour or combination of any of them that, if emitted into the air, would create or contribute to the creation of a condition of the air that endangers the health, safety, or welfare of persons, or the health of animal life, or causes damage to plant life or to property; and
  - (iv) substances declared to be hazardous, toxic or dangerous under any law or regulation now or hereafter enacted by any governmental authority having jurisdiction.
- (k) **“Manager-in-Charge”** means a CP manager as designated or otherwise identified by CP as being responsible for overseeing the Work to be performed, such Manager-in-Charge may include, but is not limited to Local CP Management, Regional Superintendents, Division Engineers, and Project Managers.
- (l) **“Mobile Equipment”** means any motorized and self-propelled equipment, excluding Railway equipment and highway vehicles, but including, for example, forklifts, tractors, cranes, ATVs, mules, motorized scissor lifts, and similar equipment that are not designed to operate or move on railway tracks;
- (m) **“Office Premises”** means any building, facility, or portion thereof, or other premises, whether owned or controlled by CP, which is used solely for clerical or administrative purposes and which does not contain heavy equipment or machinery, as designated by CP from time to time;
- (n) **“Qualified and Authorized”** means a status attained by a person who has successfully completed any required training and demonstrated proficiency in the duties of a particular position or function and who has been given the right to act.
- (o) **Railway equipment** means trains, locomotives, railcars, track units, hi-rail vehicles and any other equipment designed to operate or move on railway tracks;
- (p) **“Site Safety Plan”** means a contractors' documented plan which set out how Work is to be conducted in a safe manner, as required by Applicable Legislation see 3.16;
- (q) **“Third Party Project”** means any work being performed on CP property that CP is not managing (i.e, road authority, utility company, commuter agency, or other similar entity, are on CP property for their own purposes, and not a project sponsored or managed by CP.
- (r) **“Work”** means the provision of products and services and related activities;
- (s) **“Work Site”** means any CP Property where CP Personnel or Contractor Personnel are present, or permitted to be present, while engaged in any Work, including any railway equipment, Mobile Equipment and highway vehicles operated by or used to convey a person engaged in such Work. This applies also to work immediately adjacent to CP property, which can pose a risk to safe railway operations (i.e., blasting, excavation next to Right-of-Way (ROW), etc.).

## **2.2 Interpretation & Application**

- 2.2.1 Where legislation is referred to in these Minimum Safety Requirements, it shall include all amendments and replacements thereto as promulgated from time to time.
- 2.2.2 Where standards, such as those of the Canadian Standards Association (CSA), is referred to in these Minimum Safety Requirements, they shall include all amendments and replacements thereof from time to time.
- 2.2.3 Where there is any ambiguity, inconsistencies, or omissions between or among any agreements with CP, expressed or implied; any Applicable Legislations; any applicable CP policies and practices; and any applicable industrial standards and practices, Contractor and Contractor Personnel shall adhere to that which is most stringent and current.

# **3 Contractor Compliance & Responsibilities**

## **3.1 General Compliance**

- 3.1.1 Contractor shall be fully and solely responsible for ensuring the safety and health of Contractor Personnel and for ensuring that its Work and other activities do not compromise the health and safety of CP Personnel or any other party, the protection of the environment, the protection of CP's property and those of any other party, and do not interfere with the safety of CP's railway operations.
- 3.1.2 Contractor shall comply with and shall ensure all of Contractor Personnel are trained and qualified to safely perform the Work and that they comply with all Applicable Legislation pertaining to the protection against fire, safety, health, and environmental hazards, and with any license, permits, authorizations issued by the respective authority.
- 3.1.3 Contractor shall comply with and shall ensure all of Contractor Personnel comply with all terms and conditions of all agreements, expressed or implied, between Contractor and CP, and all applicable CP policies and practices.
- 3.1.4 Subject to the requirements of CP's Access Control Procedures, the contractor shall provide CP eRailsafe training for each employee engaged in work on CP property. Where there is no agreement between CP and the Contractor, the Contractor is responsible for meeting the additional requirements outlines within CP's Access Control Procedures.
- 3.1.5 Contractor shall provide Contractor Personnel, at its own expense, all safety equipment required to protect against injuries during the performance of the Work and shall ensure that Contractor Personnel are knowledgeable of and utilize safe practices in performing the Work.
- 3.1.6 The Contractor shall have a copy of the following documents at the Work Site at all times, and shall produce them as and when requested by CP:
  - (a) These Minimum Safety Requirements for Contractors Working on CP Property;
  - (b) Licenses, Certifications, permits, training records or other documents required by Applicable Legislation or these Minimum Safety Requirements;
  - (c) Contractor's Site Safety Plan;
  - (d) Contractor's Emergency Information Sheet (see Attachment A); and
  - (e) Any additional documents required by Contract or by agreement with Manager-in-Charge.
  - (f) Employee identification (eRailsafe badge – see 9.1.1).

### **3.2 Compliance Assurance**

- 3.2.1 CP reserves the right to observe, inspect, test and audit Contractor and Contractor Personnel for compliance with all requirements herein, and to demand and receive all relevant records, documentation, and materials evidencing compliance, at any time, and from time-to-time.
- 3.2.2 Failure of the Contractor or Contractor Personnel to comply with any applicable provisions herein may be considered a material breach, and in addition to all other remedies available, CP may without prejudice:
  - (a) take over control of that Work or activity;
  - (b) order the Work to stop; and/or
  - (c) order Contractor Personnel to leave CP Property.
- 3.2.3 Upon the earlier of the completion of the Work, the expiration of the applicable agreement, or the request of a Manager-in-Charge, Contractor and Contractor Personnel shall return all identification, badges, access cards, and decals, issued or provided by CP to the Manager-in-Charge.

## **4 Site Safety Plan**

### **4.1 General Requirements**

- 4.1.1 Prior to starting any Work on CP Property, the Contractor must have a written Site Safety Plan that identifies:
  - (a) All applicable legislation, rules, policies and work practices in relation to the Work being performed;
  - (b) Specific hazards that are associated with the Work being performed on CP property for CP, and Work being performed not for CP:
    - For example:
      - (i) Construction, maintenance or inspections of buildings;
      - (ii) Working on or adjacent to railroad tracks;
      - (iii) Maintenance or inspection or railroad tracks, crossings or signal systems;
      - (iv) Maintenance, reconstruction or construction of railway crossings, crossing approaches, grade separations, passenger facilities, passenger platforms, utility crossings or any other work which may affect the safe movement of trains;
      - (v) Operating Railroad Equipment on CP tracks; or
      - (vi) When/where Contractor Personnel work directly with or in proximity (time or space) to CP Personnel; and
    - (c) Methods of verifying compliance.
- 4.1.2 The Contractor will provide Manager-in-Charge with a copy of this Safety Management Plan on reasonable request.
- 4.1.3 The Contractor must be able to demonstrate an awareness of applicable legislation, rules, policies and work practices in relation to the work being performed.

## **5 Safety Training**

### **5.1 Minimum Training & Qualifications**

- 5.1.1 At its sole cost and expense, Contractor shall ensure that all Contractor Personnel be fully trained and qualified for the Work they will be performing. Contractors and Contractor Personnel shall meet, or exceed, all applicable legislation requirements relating to training and qualification.
- 5.1.2 Additionally, Contractor Personnel training and qualification shall meet or exceed all applicable industry standards.

### **5.2 Proof of Training & Qualification**

- 5.2.1 Contractor Personnel shall at all times have proof of such training and qualifications and shall produce them as and when requested by the Manager-in-Charge.
- 5.2.2 CP reserves the right to inspect qualification certificates, licenses, training records and/or Work-history records for any Contractor Personnel, and, or to be provided with copies thereof, on reasonable request. In addition, CP reserves the right to perform eTests on contractor employees, and request discipline for non-conformance.

## **6 Safety Orientation**

### **6.1 General Requirements**

- 6.1.1 Prior to beginning Work, all Contractor Personnel shall participate in a CP authorized safety orientation, including on-site orientation presented by the Manager-in-charge or designate.
- 6.1.2 Any time the scope of Work, location, condition or supervision changes, Contractor Personnel may be required to attend additional safety orientation sessions.
- 6.1.3 After successful completion of such safety orientation, Contractors must be able to produce company identification or an eRailsafe photo identification badge authorizing access to CP property unescorted for the purposes of conducting work. Managers have the ability to enter the tracking code into CM (Compliance management). Third parties who hire subcontractors must ensure required compliance while on CP property. The eRailsafe identification card shall be worn or be made visible at all times, or produced upon request and cannot be transferred under any circumstances.

## **7 Job Safety Briefing**

- 7.1.1 Contractor Personnel shall attend all Job Safety Briefings as and when conducted. Contractor Personnel shall be solely and fully responsible for understanding the content of the Job Safety Briefing, and at a minimum shall:
  - (a) have an understanding of the scope of Work to be performed and an appreciation of the nature of the location, environment, and conditions where such Work is to be performed;
  - (b) be aware of specific or unusual hazardous condition, existing or potential and the control measures required to protect against, control, mitigate, or where possible, avoid said hazard; and
  - (c) Have emergency response plan/evacuation procedures.



- 7.1.2 Where Contractor Personnel are working directly with or in proximity (time or space) to CP Personnel, job briefings must include both CP Personnel and Contractor Personnel, and any other affected third parties. The Job Safety Briefing shall identify nature and extent of the interaction between the Work being performed by Contractor Personnel, and those performed by CP Personnel or other third parties. Contractor Personnel shall inform CP Personnel, and any other third parties of known or potential unsafe conditions and hazards that may be created by, resulting from, or inherent in their Work and the corresponding preventative, mitigation, and/or control measures at all job safety briefings prior to commencing Work, or as soon as Contractor Personnel becomes aware of such conditions.
- 7.1.3 In all situations, all Contractor Personnel are expected to:
- (a) continually identify hazards and assess risk of hazards and to continually and clearly communicate all hazards to the Manager-in-Charge and to all other parties that may be affected at job briefings, and at any other time as and when appropriate or necessary;
  - (b) take actions that are within their assigned responsibility to eliminate or control hazards and risks; and
  - (c) immediately notify their supervisor or the Manager-in-charge of hazards that pose unacceptable risk that they are unable to eliminate or control.
- 7.1.4. Where Contractor Personnel are unable to eliminate or control a hazard, Contractor Personnel shall take interim measures to protect people, property, equipment and the environment until the hazard can be properly assessed and appropriate corrective actions taken.

## **8 Applicable Legislation**

### **8.1 General Requirements**

- 8.1.1 Contractor and Contractor Personnel shall be solely responsible for identifying and complying with all Applicable Legislation. Contractors and Contractor Personnel providing Work to CP are likewise required to comply with all Applicable Provincial and Federal Legislations. At a minimum, Contractor and Contractor Personnel shall comply with the federal legislations set out below which list is intended solely for general guidance, and not as a comprehensive list of all applicable legislation.
- 8.1.2 Additionally, the Railway Association of Canada (RAC) is an industry association which can provide support and guidance on matters related to railway safety and the transportation of dangerous goods.

### **8.2 Transportation of Dangerous Goods**

- 8.2.1 When Work involves the handling or transportation of dangerous goods, that Work must comply with the federal *Transportation of Dangerous Goods Act*, (TDG). Contractor shall be solely responsible for ensuring that all Contractor Personnel who handles, offers for transport and/or transports dangerous goods by any transportation mode be trained and holds a valid training certificate or is working under the direct supervision of someone who is trained and holds a valid training certificate. The training must be based on the Work that the person is expected to perform and the DG that the person is expected to handle, offer for transport or transport.
- 8.2.2 Contractors shall be solely responsible for ensuring that Contractor Personnel who handles, offers for transport and/or transports dangerous goods by any transportation mode are trained and hold a valid training certificate or is working under the direct supervision of someone who is trained and holds a valid training certificate. That training must be based on the Work that the person is expected to perform and the dangerous goods that the person is expected to handle, offer for transport or transport.

- 8.2.3 Transport Canada enables the Transportation of Dangerous Goods Act to publish Transportation of Dangerous Goods Regulation. The TDG Regulations divide dangerous goods into 9 classes according to the type of hazard they present

### **8.3 Canada Labour Code**

- 8.3.1 Where Work is being performed that may create a risk to the health and safety of CP Personnel, Contractor Personnel must comply with Part II of the Canada Labour Code.
- 8.3.2 Additionally, Contractor and Contractor Personnel shall comply with all applicable provisions of the Occupational Health and Safety Regulations (COHS) which are intended to prevent accidents and injuries to employees working for federally regulated companies. Compliance with these regulations may extend to Contractors, depending on the type of Work being done and their proximity to CP Personnel (i.e. Co-mingled Work). Alternatively, provincial occupational health & safety regulations will govern Contractors.

### **8.4 Railway Safety Act**

The *Railway Safety Act* (RSA) governs all federally certified railways in Canada and some provincial railways through various agreements with Transport Canada. The RSA addresses all

- 8.4.1 matters relating to the construction, alteration, operation, inspection and maintenance of railway works and railway equipment, and contains training and qualification requirements for certain types of Work. When applicable, Contractor and Contractor Personnel shall perform Work in accordance with the RSA, as if directly bound by it.

### **8.5 Environmental Protection Act**

- 8.5.1 Where Work is being performed that may impact the environment, that Work must comply with all applicable federal and provincial environmental acts and regulations. Some examples of applicable legislations includes the Canadian Environmental Protection Act; Fisheries Act, Navigable Waters Protection Act; Species at Risk Act; Migratory Birds Convention Act; and all corresponding Regulations. Provincial requirements are normally set out in a general Environmental Protection Act which is complemented by numerous regulations addressing more specific areas of concern. Canadian Environmental Protection Act <http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>

## **9 Security Access to CP Property**

### **9.1 Access to CP Property**

- 9.1.1 All Contractor Personnel must have the following identification in their possession at all times while on CP Property, and present them for review to any Manager-in-Charge, other CP managers and employees, Police Officer, security guard, or regulatory officer upon request:
- (a) photo identification (e.g. driver's license);
  - (b) proof of employment document or card;
  - (c) identification card, or other proof of safety orientation issued by CP;
  - (d) access pass, issued and signed by a CP manager, where Work requires Contractor Personnel to ride in any locomotive or other non-passenger rolling stock;
  - (e) security identification card, where required by CP; and
  - (f) building access pass, where required by CP or by a third party having control of the premises.
  - (g) Valid eRailsafe card
- 9.1.2 Where any Work requires Contractor Personnel to ride in locomotive or other non-passenger railroad equipment, the Contractor must also possess a CP ACCESS PASS for riding non-passenger railroad equipment, signed by the responsible operating manager.

Such a signed pass must be presented to the train crew or operator when boarding the equipment. Failure to possess such a pass will result in the equipment not moving, removal from the equipment, and/or the filing of trespasser charges.

## **9.2 Security Awareness**

- 9.2.1 The Contractor shall conduct such background check as is necessary to ensure that Contractor Personnel do not pose a security risk to CP, such security risk includes the risk of the commission of terrorist activities, sabotage, vandalism, theft, and violence. CP reserves the right, at all times, to require that Contractor undertake certain security training and/or perform background checks of Contractor Personnel, prior to allowing such Contractor Personnel to enter onto CP Property.
- 9.2.2 On request CP can make available a copy of CP's Railway Security Awareness program for use by Contractor Personnel.

## **9.3 Firearms & Explosives**

- 9.3.1 Firearms (loaded or empty) are not permitted on CP Property, except for Police officers and other designated government officials when authorized to do so.
- 9.3.2 No explosives will be permitted on CP Property without written approval by the Manager-in-Charge.

## **9.4 Reporting**

- 9.4.1 Contractor Personnel must report any security concern, security incident, criminal activity (known or suspected), suspicious happenings and/or suspicious persons on CP Property to the Manager-in-Charge or to CP Police Services in accordance with Section 18.

# **10 Personal Conduct**

## **10.1 Drug and Alcohol Standards**

- 10.1.1 The Contractor and Contractor Personnel shall comply with CP's Alcohol and Drug Policy and Procedure while under contract to perform services for CP. Any contravention of these requirements will be considered a breach of contract.
- 10.1.2 The Contractor and Contractor Personnel shall report fit to work and remain fit for work as scheduled and when on scheduled call and be able to perform their duties free from the negative effects, including the after effects of alcohol, legal recreational cannabis, illicit or illegal drugs, other mood altering substances or medications including medical marijuana, any of which can have the potential to adversely affect the way a person thinks, feels or acts.
- 10.1.3 It is prohibited to be in control of a CP vehicle or moving equipment (either on or off duty), while under the influence of alcohol and/or drugs, including the after effects of such use.
- 10.1.4 All Contractors must comply with these requirements when scheduled on call and/or subject to duty.
- 10.1.5 If there are grounds to believe a contract worker is unfit for work, the worker will be removed from CP property in a safe manner under the care of another adult person, to a safe place for example, to their local place of residence, or provided the opportunity to arrange the same or an escort is arranged to the nearest appropriate medical facility if there is a medical problem that requires immediate attention. The primary contractor is required to ensure appropriate investigation, follow up and a fitness for duty assessment is conducted to ensure the contractor

is fit to return to work prior to any return to CP property or work. CP reserves the right not to allow a contractor back on CP property or to CP work.

- 10.1.6 In the event a contract worker is directly involved in a significant work related incident as described by CP's Alcohol and Drug Policy and Procedure, the worker may be subject to Post Incident Testing under the CP Testing Program. They may be removed from CP premises pending the results of the investigation, including receipt of alcohol and drug testing results. Depending on the test results and the outcome of the investigation, a fitness for work medical assessment may also be required through the primary contractor before the Contractor can return to CP premises or work. CP reserves the right not to allow a contractor back on CP property or to CP work.
- 10.1.7 CP reserves the right to request drug and alcohol testing for Contractor Personnel performing Safety Critical and Safety Sensitive duties under CP's workplace testing program requirements as and where permitted by law.

## **10.2 Inappropriate Behavior**

- 10.2.1 CP is committed to maintaining a Work environment that supports the dignity of all individuals. No person working at CP may be subjected to any form of discrimination or harassment, including sexual harassment.
- 10.2.2 Acts or threats of violence are unacceptable at all times on CP Property. Uttering of threats or committing acts of violence will result in the removal of the responsible Contractor Personnel from CP Property, termination of the Contract, and/or criminal charges.
- 10.2.3 Horseplay, practical jokes, fighting or any other activity that may create a safety hazard will not be tolerated.
- 10.2.4 Inappropriate language directed at any CP employee or agent of CP, will not be tolerated.

## **10.3 Electronic Entertainment and Communication Devices**

- 10.3.1 The use of personal entertainment devices, including portable audio and video devices such as compact DVD, CD, video game players, tablets, SMART watches and MP3 players, is prohibited:
  - (a) while working on CP Property;
  - (b) while transporting CP personnel, whether on and off CP property; and
  - (c) while operating any CP highway vehicles, Railroad Equipment or Mobile Equipment, when on and off CP property
- 10.3.2 The use electronic communication devices, including cell phones, Smart Phones, Blackberries, walkie-talkies, PDAs, iPads, tablets, GPS navigation units, portable computers and similar devices, is prohibited:
  - (a) while operating a highway vehicle, unless it is stopped and parked in a safe location;
  - (b) while operating or assisting in the operation of any railroad equipment or mobile equipment;
  - (c) while operating power tools, equipment or machinery;
  - (d) when Foul of Track for any reason;
  - (e) whenever use of such a device creates an unsafe condition.

10.3.3 Notwithstanding the foregoing, company cell phones, radios, walkie-talkies, GPS units, iPads, tablets, and other communication devices may be used solely for the conduct of business when authorized by the CP Manager-in-Charge and where not prohibited by state or municipal legislation. Any electronic communication device may be used when it is necessary to communicate an emergency condition.

#### **10.4 Smoking**

10.4.1 Smoking, including the use of e-cigarettes is prohibited on all CP Property, and in or on all highway vehicles, Railroad Equipment, and Mobile Equipment, except for CP designated outdoor smoking areas.

## **11 Personal Protection**

#### **11.1 Work Clothing**

11.1.1 The Contractor must ensure that Contractor Personnel wear clothing that meets Applicable Legislation and is suitable to perform the Work safely. This includes at minimum ankle length pants and waist length shirts with a minimum quarter-length sleeves at all times. Clothing must not interfere with vision, hearing or use of hands and feet.

#### **11.2 Personal Protective Equipment (PPE)**

11.2.1 The Contractor shall ensure that Contractor Personnel wear personal protective equipment required by Applicable Legislation, regulations, codes and industry standards as necessary to protect against personal injuries while on Railway property. All personal protective equipment shall be approved by the Canadian Standards Associations (CSA) or by the American National Standards Institute (ANSI), and shall be in good condition and be properly fitted.

11.2.2 The following mandatory personal protective equipment (“PPE”) shall be supplied by the Contractor at its own expense, and shall be worn at all times by Contractor Personnel while on CP Property:

- (a) safety hard hat, meeting CSA standard Z94.1 or ANSI 89.1 standards;
- (b) safety boots with protective toe caps and soles, meeting CSA standard, Z195 (Green Triangle - Grade 1);
- (c) safety glasses with permanently attached side shields, meeting CSA standard Z94.3;
- (d) high visibility fluorescent outerwear with retro reflective striping (meeting CSA standard Z96, class 2 level 2), with such high visibility fluorescent outerwear not covered by other clothing or equipment, except where necessary for safety reasons such as where fall protection or pole climbing equipment is being used; and
- (e) any other PPE as required by Applicable Legislation, CSA standard, or otherwise required to protect Contractor Personnel from injuries.

11.2.3 In addition to the foregoing minimum requirements, the following table contains further recommendations in relation to specific types of PPE:

Type of Protection	Additional Recommendations
Hard Hats	Have hi-visibility characteristics which are not obscured by markings or decals
Safety Eye & Face Protection	<p>Tinted safety eyewear must meet Canadian standards for red signal recognition if operating railway equipment (safety eyewear meeting this requirement is available from Acklands-Grainger; ask for CP approved tinted safety eyewear)</p> <p>Transition lenses are discouraged and should be worn with caution when working in changing light conditions</p> <p>Personal sunglasses are discouraged and must not be worn when operating railway equipment</p> <p>Wear mesh face shields over top safety glasses when using any striking tool while performing on track maintenance work (e.g. spiking, snapping on/off anchors, etc.). If working alongside CP employees you will be required to comply with this practice.</p>
Safety Footwear	<p>Have defined heels</p> <p>Be laced and tied securely for ankle support</p> <p>When snow and ice conditions are present wear anti-slip winter footwear</p>
High-Visibility Apparel	Lime-green is recommended when working on, or near tracks, or when performing Co-mingled Work

11.2.3 Contractor and Contractor Personnel shall be solely and fully responsible for assessing the risks related to the Work and determining whether additional PPE may be required such as:

- (a) Nomex or Proban fire-retardant protective gear when performing certain TDG Work and or handling certain Hazardous Materials or performing specialized Work.
- (b) hearing protection when working in any area where noise exposure levels:
  - (i) are consistently greater than 84 dBA) ;
  - (ii) exceed 115 dBA at any time; and
  - (iii) any other Work areas where posted, or so notified by CP management.
- (c) respiratory protection where Contractor Personnel may be exposed to occupational dusts/particulates, fumes, mists, gases and vapors, in which case, in which case Contractors must have a written Respiratory Protection Program that meets or exceeds Applicable Legislation;
- (d) additional eye and face protection meeting CSA standard Z94.3 (i.e. face shields, impact/splash goggles, welding/cutting goggles and welding helmets); and
- (e) fall protection systems and equipment meeting appropriate CSA standards as required by Applicable Legislation and appropriate for the related fall hazards.
- (f) fall protection when working on an unguarded surface over water, where the water is deeper than 1.2 meters (4 feet), or where there is a hazard of drowning due to terrain, winter conditions, water velocity or current; contractors must use a fall protection system or a personal floatation device (PFD) meeting approved standards.

## 12 Railroad Track Protection

### Contractor's Responsibilities for the Protection of Railroad Traffic and Property

- 12.1.1 Where the Work Site is in close proximity to, or is located on, above, or below railroad tracks, special attention, care and precautions shall be taken to ensure the safety of all Contractor Personnel, CP Personnel, all other third parties and to protect CP's property and railroad operations.
- 12.1.2 Contractor shall ensure that Contractor Personnel is made aware of all unique and inherent hazards in working near, on, above or below railroad tracks and shall ensure that all Contractor Personnel are fully trained and equipped to work safely.
- 12.1.3 Contractor Personnel shall at all times remain alert to the movement of trains, rolling stock and other Railway equipment.
- 12.1.4 No temporary structure, materials, or equipment shall be permitted closer than 3.66 meters (12 feet) to the nearest rail of any track without prior approval in writing of the Manager-In-Charge.
- 12.1.5 Contractor Personnel shall be especially alert in yards and terminal areas as
  - (a) Railway equipment that appears to be stationary may be moving;
  - (b) the rate of movement of Railway equipment may be faster than it appears;
  - (c) Railway equipment change tracks often; and
  - (d) movements may be occurring simultaneously on adjacent tracks
- 12.1.6 The Contractor shall, at all times, conduct its operations in a wholly responsible manner to avoid damage to CP's tracks or property.

### 12.2 15 m (50 ft.) Clearance Requirement

- 12.2.1 All work shall be performed as far away from railway tracks as possible.
- 12.2.2 Unless authorized by CP, Contractor Personnel, equipment, and vehicles are not permitted within 15 m (50 ft.) of the closest track centerline.
- 12.2.3 In the event work must be carried out within 15 m (50 ft.) of the closet track centerline, written authorization must be obtained from the Manager-in-Charge, and Contractor Personnel must still remain at the maximum practicable distance from all railway tracks at all times.
- 12.2.4 When crossing tracks, Contractor Personnel shall ensure a minimum of 15 m (50 ft.) separation between standing Railway equipment, stay at least 15 feet away from the end of the nearest equipment, and look both ways before crossing tracks, and if clear, walk at a right angle to the tracks. The 15 meters (50 feet) distance must take in account the swing radius of work equipment, vertical grade differences, and overhead work distances.
- 12.2.5 No work activities or processes are allowed within 15 m (50 feet) of the track while trains are passing through the work site unless specifically authorized.

### 12.3 Flagging Protection

- 12.3.1 When the Work requires Contractor Personnel to be within 15 m (50 ft.) of any railway tracks, Contractor or Contractor Personnel shall notify and obtain the written approval of the Manager-in-Charge in advance of the intended start date, and when approved, shall only perform Work strictly in accordance with all terms and conditions of that approval.
- 12.3.2 Unless otherwise indicated by the Manager-in-Charge, proper protection against the movement of trains, rolling stock and other Railway equipment shall be deemed required at all times

- whenever Work or Contractor Personnel must be within 50 feet (approximately 15 metres) of the closet track centerline. Protection may be provided only by a qualified CP employee through use of a flag person, Canadian Railway Operating Rules (CROR) Track Occupancy Protection (TOP), mechanical blue flag protection or other protection methods designated by the Manager-in-Charge.
- 12.3.3 Where CP determines that flagging is required, then Work must be strictly conducted under the direction of a CP flag person or such other person designated by the Manager-in-Charge.
- 12.3.4 Contractor Personnel shall ensure that there is clear communication at all times between Contractor Personnel and any CP flag person. Contractor Personnel shall ensure that they are aware of:
- (a) flagging distance limits;
  - (b) time limits; and
  - (c) any adjacent tracks where movement of Railway equipment may still occur.
- 12.3.5 Contractor Personnel shall not assume that a train movement is being stopped or cleared unless clear communication is received directly from the CP flag person.
- 12.3.6 A job safety briefing between the CP flag person and all Contractor Personnel must occur before beginning any Work on or Foul of Track, or within CP's ROW depending on the nature of the site.
- 12.3.7 Blue flag protection is used to indicate that CP or Contractor Personnel are working on, under or between Railway equipment and movement of trains or other Railway equipment is prohibited. Blue flags must not be tampered with or obstructed. Blue flags can only be removed by the person or group of persons who originally applied it. Application, use, and removal of blue flags, when appropriate, may only be done under the authorization and guidance of the Manager-in-Charge.
- 12.3.8 Red flag protection is used to indicate that CP or Contractor Personnel are working on or Foul of Track, or the track is out of service and movement of trains or other Railway equipment is prohibited. Red flags must not be tampered with or obstructed. Application, use, and removal of red flags, when appropriate, may only be done under the authorization and guidance of the Manager-in-Charge. Similarly, as with all other flags; blue, yellow and green flags.

## **12.4 Working on or near Tracks**

- 12.4.1 When authorized to perform Work Foul of Track or otherwise be near railway tracks, Contractor Personnel shall ensure at Contractor Personnel, equipment, and vehicles are kept as far away from railway tracks as practicable, and shall at all times:
- (a) be alert to train movements and shall expect the movement of trains, engines, cars, or other mobile Railway equipment at any time, on any track, and in any direction, even if they appear to be stationary or in storage;
  - (b) not rely on others to protect them from train movement;
  - (c) stay at least 15 feet (approximately 5 meters) away from the ends of stationary railway equipment when crossing the track;
  - (d) ensure a minimum of 50 feet (approximately 15 meters) separation prior to crossing between railway equipment;
  - (e) look both ways before crossing tracks, and if clear, walk at a right angle to them.



- (f) never climb on, under or between railway equipment;
- (g) be aware of the location of structures or obstructions where track clearances are close;
- (h) not stand on the track in front of an approaching engine, car or other equipment;
- (i) when possible, stand at least 20 feet back from the track(s) when there is a passing movement of trains, engines, cars, or other mobile Railway equipment, to prevent injury from flying debris or loose rigging and shall observe the train as it passes and be prepared to take evasive action in the event of an emergency;
- (j) not stand on or between adjacent tracks in multiple track territory when a train is passing;
- (k) not walk, stand or sit on the rails, between rails or on the end of ties, unless absolutely necessary. As the rail surface can be extremely slippery, personnel must step over the rails when crossing tracks. Personnel shall also be aware railway ties can also be slippery and that railway ballast can shift while walking on top of it. Situational awareness and use of proper footwear is important;
- (l) not remain in a vehicle that is within 15.2 meters (50 feet) of a passing train unless specifically authorized, or where this is not possible, park the vehicle as far away from the tracks as possible and walk to as safe a distance whenever trains pass.
- (m) keep away from track switches as remotely operated switch points can move unexpectedly with enough force to crush ballast rock. Personnel shall stay away from any other railway devices they are unsure of. Personnel shall not disturb or foul the ballast at any time.
- (n) Third party work that has a potential to impact rail traffic must take into account machine swing radius, vertical grade differences, overhead work, etc to ensure it will not impact a passing train; work and equipment must maintain a distance of 15.2 meters (50 feet) of a passing train.
- (o) When exiting on track machinery as trains are passing; exit on the opposite side.
  - (a) use 3-point contact when getting on/off any vehicle, equipment or track unit;
  - (b) face the vehicle or equipment/track unit when getting on/off
  - (c) place handheld items onto equipment/track unit or seek help prior to getting on/off
  - (d) get on/off on the operators side when possible

## **12.5 Equipment on or near tracks**

- 12.5.1 Contractor Personnel shall not be Foul of Track with any piece of equipment without a CP flag person or other authorized track protection;
- 12.5.2 Contractor Personnel shall not move equipment across the tracks except at established road crossings, or unless under the protection and authorization of a CP flag person and only if the Work Site has been properly prepared for such a move. Tracked equipment will require a CP flag person any time railroad tracks are crossed.
- 12.5.3 Contractor Personnel shall not move equipment across railroad bridges or through tunnels, except as expressly authorized and only under such conditions as stipulated by the Manager-in-Charge.
- 12.5.4 Contractor Personnel shall move equipment away from the tracks at least 50 feet, or where not possible, park the equipment as far away from the tracks as possible, and walk to a safe distance whenever trains pass.
- 12.5.5 Buckets, shovels, and loads on cranes must be lowered to the ground to rest, and cranes without a load must have their load line tightened or retracted to prevent movement, whenever there are passing trains.

## 12.6 Railway Signs, Signals, Flags and other Communication Infrastructure

- 12.6.1 Signs, signals and flags shall not be obstructed, removed, relocated, disabled or altered in any way without proper authorization and qualification.
- 12.6.2 Only qualified Contractor Personnel who are authorized by CP are permitted to operate switches, derails, electric track mechanisms, signal and communication systems or other track control appliances.
- 12.6.3 Railway pole lines carry electric power and should be treated as any other power lines.
- 12.6.4 The Contractor shall keep all Contractor Personnel informed of current weather conditions. Personnel shall stay alert for possible high water conditions, or flash floods. During severe weather conditions:
  - a) Personnel shall be prepared to take cover in the event of a tornado;
  - b) Personnel shall not work while lightning is occurring;
  - c) If storm conditions arise unexpectedly, Contractor Personnel shall ensure that equipment is in the clear of the tracks and secured before seeking cover. Contractor Personnel shall stay away from railroad tracks when visibility is poor, such as during fog or blizzard conditions.

**Any Contractor personnel discovering a hazardous or potentially unsafe condition, which may affect the safe passage of railway traffic, must advise CP Police immediately by calling the CP Police Communications Centre – 1-800-716-9132**

## Excavation

- 12.7.1 Before starting excavation operations, the Contractor shall ascertain that there are no underground wires, fiber optic cables, pipelines or other utilities which could be damaged or, if present, that such installations are properly protected. Fiber optic cables are present on most segments of the right-of-way. Prior to commencing any excavation, the Contractor shall contact the proper authority to obtain the necessary permit and to locate and protect such cables or other underground utilities.
- 12.7.2 Excavations shall not be left unattended unless they are properly protected; and the Manager-in-Charge shall be notified.
- 12.7.3 Contractors MUST obtain and maintain utility locates in accordance with applicable law.

## 13 WHMIS

- 13.1.1 If at any time Contractor's Work involves the use, handling, storage, or disposal of Hazardous Materials ("Handling of Hazardous Materials"), Contractor Personnel must inform the Manager-in-Charge.
- 13.1.2 Contractors shall ensure that all Contractor Personnel are fully trained in the Handling of Hazardous Materials and that Contractor and Contractor Personnel are in full compliance with all Applicable Legislation, and as directed by the Manager-in-Charge.

13.1.3 Contractor Personnel shall have appropriate processes, systems and controls in place to prevent or otherwise mitigate potential environmental, health and safety risks associated with the Handling of Hazardous Materials.

### **13.2 Access to Safety Data Sheets (SDS)**

13.2.1 Prior to beginning any Work that may expose CP Personnel to Hazardous Materials, Contractor or Contractor Personnel shall:

- (a) provide a copy of the respective Safety Data Sheet (SDS) to the Manager-in-Charge; and
- (b) keep a copy of the SDS at the Work Site and shall such that it is readily available at all times.

### **13.3 Hazardous Material Incident or Spill**

13.3.1 In the event of a hazardous material incident or spill, the Contractor must:

- (a) ensure that no Contractor or CP Personnel have or will be exposed;
- (b) take all reasonable actions to contain the spill;
- (c) respond in accordance with its emergency response plan; and
- (d) notify CP immediately in accordance with Section 18.

## **14 Operation of Highway Vehicles**

### **14.1 Highway Vehicles**

14.1.1 The following requirements apply to all highway vehicles, when operated on CP Property; or used to transport CP Personnel.

### **14.2 Regulations and Inspection**

14.2.1 Before using a highway vehicle, Contractor Personnel shall:

- (a) complete a pre-trip inspection;
- (b) maintain an inspection log;
- (c) ensure periodic inspections are completed at official testing locations as required;
- (d) ensure the vehicle is maintained and in safe operating conditions at all times; and
- (e) ensure the vehicle is in compliance with applicable motor vehicle regulations and license requirements.

14.2.2 Vehicle maintenance, inspection records and logs must be made available to the Manager-in-Charge on request.

### **14.3 Vehicle Operator Requirements**

- 14.3.1 Operation of highway vehicles is restricted to those Contractor Personnel who are licensed, qualified and authorized to do so. Such Contractor Personnel shall be responsible for the safety of all passengers at all times. For greater certainty, such Contractor Personnel shall:
- (a) hold a valid license for the class of vehicle being operated, in accordance with applicable local, state and federal requirements, and
  - (b) strictly comply with all posted traffic signs, signals, and all shall obey all Applicable Legislations; and
  - (c) maintain the required driver log, and make the log available to the Manager-in-Charge on request, and
  - (d) comply with the requirements on the use of electronic devices as set out in Section 10 above.

### **14.4 Driving on CP Property**

- 14.4.1 In addition to the requirements set out above, while on CP Property, Contractor Personnel shall:
- (a) travel only on designated roadways unless otherwise instructed;
  - (b) keep daytime running lights on (if so equipped);
  - (c) not exceed 15 mph unless otherwise posted;
  - (d) come to a full stop at all blind corners, rail and roadway crossings;
  - (e) yield the right of way to all Mobile Equipment and other non-highway equipment or service vehicles;
  - (f) not operate vehicles (or any internal combustion equipment) inside buildings or enclosed structures unless adequate ventilation is provided;
  - (g) not park Foul of Track unless on-track protection is provided;
  - (h) not leave vehicles running unnecessarily;
  - (i) park only in pre-determined or designated areas;
  - (j) always use the parking brake (or wheel chocks) when leaving an unoccupied vehicle running;
  - (k) prior to operation of a vehicle the driver must conduct a walk around of the vehicle to identify any obstacles, clearance restrictions, or adjacent vehicles that may interfere with executing a safe movement.
  - (l) where safe and practicable, pull vehicles through or back into marked parking spaces to avoid reverse collisions when exiting.
  - (m) If a passenger is present, he exit the vehicle prior to a reverse movement to provide guidance and direction to the driver during the reverse movement and applies to commercial vehicles and vehicles with restricted rear views
- 14.4.2 All Contractor Personnel who will be operating a highway vehicle or Mobile Equipment in any CP intermodal facilities must complete a Driver Safety Orientation program prior to first entry, and from time-to-time thereafter as directed by the Manager-in-Charge.

## **14.5 Seat Belts**

- 14.5.1 Seat belts must always be worn while operating or riding in any equipped vehicle unless Contractor Personnel is actively engaged in inspections requiring said Contractor Personnel to be free of such restraint, and then only when the vehicle is operating at less than 25 km/h.

## **14.6 Loads**

- 14.6.1 Contractor Personnel shall ensure vehicles are loaded according to weight and dimensional requirements as authorized by state regulations and permits, and properly load and secure tools, material, equipment and freight to avoid shifting, falling, leaking or otherwise escaping from vehicles during operation.

## **14.7 Riding in CP Vehicles**

- 14.7.1 Contractor Personnel are prohibited from operating or riding in any CP vehicles unless authorized to do so, or in case of emergency.

# **15 Tools, Equipment and Machinery**

## **15.1 General Safety Requirements Respecting All Tools, Equipment and Machinery**

- 15.1.1 Contractor Personnel shall ensure that all tools, equipment, and machinery used be:
- (a) in compliance with all applicable legislation;
  - (b) in good working order, properly serviced and maintained;
  - (c) safe for their proposed use and used only for purposes specified by the manufacturer;
  - (d) operated and maintained only by persons properly trained and qualified for that duty;
  - (e) seat belts (if present on equipment) must be worn while operating or riding any such equipped mobile equipment;
  - (f) if mobile, equipped with appropriate safety devices (e.g. lights, horns, back-up alarms, safety beacons), and prevented from moving through use of the hand brake, wheel blocking, wheel chocking and/or a derail where applicable.
- 15.1.2 The Contractor shall provide adequate lighting when performing work between sunset and sunrise.
- 15.1.3 Use of CP tools, equipment and machinery by Contractor Personnel is prohibited unless specifically authorized by local CP management.

## **15.2 Hazardous Energy Control- Lockout/Tagout**

- 15.2.1 Contractor Personnel shall employ such hazardous energy lockout/tagout procedures as required to eliminate the accidental or unexpected start-up, energizing, or release of stored (residual) energy during maintenance, repair and/or servicing activities.
- 15.2.2 All tools, equipment and machinery must be made safe and isolated from all energy sources rendering the machine, equipment, or process inoperative prior to performing maintenance, repair or servicing related tasks.
- 15.2.3 No Contractor Personnel can remove any CP applied lock or tag, including bad-order tag.
- 15.2.4 Notwithstanding the foregoing, if Contractor's Work may create an energy hazard to any CP Personnel, then all affected parties must follow the requirements set forth in CP's Lockout – Hazardous Energy Control Policy and Code of Practice.
- 15.2.5 If CP Personnel and Contractors are jointly performing maintenance, repair or servicing activities on the same machine, equipment or using the same energy source, then they must apply a multi-

lock hasp and individual locks and tags (as per CP's Lockout – Hazardous Energy Control Policy and Code of Practice).

### **15.3 Electrical Safety Requirements**

15.3.1 In addition to the hazardous energy control lockout requirements above, all electrical Work must comply with Applicable Legislation, CSA and National Fire Protection Association (NFPA) requirements.

15.3.2 Contractor Personnel Working on electrical systems must:

- (a) if in proximity to CP Personnel, inform them of:
  - (i) existing or potential electrical hazards;
  - (ii) any specific additional personal protective equipment that may be required;
  - (iii) applicable safe Work practices;
  - (iv) applicable emergency and evacuation procedures; and
  - (v) apply lock out procedures as per section above on Hazardous Energy Control-Lockout
- (b) have practices, procedures and training that comply with:
  - (i) applicable sections of CSA-Z462 Workplace Electrical Safety Standards;
  - (ii) Canadian Electrical Code Parts 1 and 2; and
  - (iii) any other Applicable Legislation
- (c) not operate or allow cranes or other mobile equipment to approach closer to any live electrical power line than is permitted by CSA Z150 Standards for mobile cranes.

### **15.4 Lifting Devices**

15.4.1 All lifting devices, including but not limited to jacks, cranes, cables, slings, chains and hooks shall:

- (a) meet Applicable Legislation governing design, inspection, maintenance and operation;
- (b) be safety certified and labeled or tagged with load capacity limits where required;
- (c) have sufficient capacity for the planned lift;
- (d) have sufficient footing or support area to properly distribute the load during a lift.

### **15.5 Welding and Torch Cutting**

15.5.1 When welding or torch cutting, Contractor Personnel shall:

- (a) be properly trained and qualified;
- (b) ensure that all closed containers have been properly purged;
- (c) direct flame or sparks away from other Workers, equipment and flammable material;
- (d) have a fire extinguisher readily available;
- (e) keep compressed gas and oxygen cylinders stored in a secure, vertical position, with regulators removed and caps applied, labeled properly and located in vented cabinets or other designated locations.

## **15.6 Explosive Actuated Tools**

15.6.1 Only Contractor Personnel who are qualified and licensed in accordance with Applicable Legislation, and authorized by CP, may use explosives or explosive actuated tools.

## **15.7 Unattended Equipment or Machinery**

15.7.1 Tools, Equipment and Machinery shall not be left unattended at any time and shall not be stored on CP Property, unless expressly permitted pursuant to a written agreement with CP or by the Manager-in-Charge in writing, and where so permitted, Contractor shall ensure that:

- (a) storage shall be restricted to the designated area, or as otherwise specified by CP.
- (b) all such tools, equipment and machinery shall be secured in a safe position well clear of all tracks to prevent accidental contact with trains and moving equipment and to not restrict train crew sightlines;
- (c) as much as possible, tools, equipment and machinery shall be stored in locations out of public view.
- (d) Machines must be secured in accordance with on-track machinery rules.

# **16 Emergency Response**

## **16.1 Emergency Response Plan**

16.1.1 The Contractor must maintain a current emergency response plan and make it available to CP on request. Emergency response plans must include at a minimum:

- (a) contractor reporting procedures in the event of an incident or spill;
- (b) emergency response contacts and phone numbers, including phone numbers for CP incident reporting and local CP managers (See Attachment A); and
- (c) containment measures to be taken in the event of an incident or spill.

## **16.2 Initial Response**

16.2.1 Initial response to any emergency condition must follow the following sequence:

- (a) Protect the safety and security of all individuals and communities
- (b) Provide environmental protection and mitigation
- (c) Conduct incident investigation and evidence preservation
- (d) Restore railroad operations

## **16.3 First Aid**

16.3.1 Contractor Personnel must have sufficient First Aid qualified personnel and the required First Aid kit and any other required First Aid equipment at the Work Site, suitable for the crew size, nature of Work being performed and location, all of which shall, at a minimum, comply with Part II of the Canada Labour Code.

## 16.4 Fire Protection

16.4.1 The Contractor must have appropriate fire extinguishers, suitable in type, size and quantity having regards to the nature of Work and Applicable Legislation, readily available at all times on:

- (a) the Work Site; and
- (b) all Contractor equipment, machinery and highway vehicles.

16.4.2 Contractor Personnel shall ensure that all necessary precautions are taken to prevent fires, including the following:

- (a) storing flammable material (e.g., paper, rubbish, sawdust, oily or greasy rags, etc.) in proper containers;
- (b) storing and transporting fuel, gasoline or other flammable liquids in approved containers. Use of unapproved containers is prohibited;
- (c) proper disposal of flammable material daily;
- (d) preventing static electricity when dispensing or transferring flammable liquids by using proper grounding and bonding techniques;
- (e) avoid using cutting or welding torches during the last one-half hour of shifts, if possible;
- (f) taking special precautions with fusees, including:
  - (i) store and transport in approved containers;
  - (ii) do not allow fusees to come in contact with any combustible material, including railroad ties or wooden timbers; and
  - (iii) fully extinguish fusees before leaving the location where used;
- (g) promptly advise CP management of any fire on CP Property; and
- (h) fully extinguish or provide protection for any fire prior to leaving the Work Site.

16.4.3 Contractors Working on the CP right-of-way where a high risk of fire exists (e.g., during rail grinding, rail welding) must have:

- (a) appropriate fire prevention and suppression plans (including emergency numbers for CP, local firefighters and fire control districts); and
- (b) additional firefighting equipment and trained Contractor Personnel on site, as required by Applicable Legislation or the Manage In Charge.

## 17 Confined Space

### 17.1 Confined Space

- (a) Qualified and authorized Contractor Personnel must follow all required confined space entry procedures in accordance with applicable legislation and standards prior to entering into a confined space.
- (b) Rescue procedures and equipment must readily available when required to enter a confined space.



## **18 Reportable Accidents, Incidents and Injuries**

### **18.1 Reportable Injuries**

18.1.1 Reportable injuries include any personal injury to:

- (a) Contractor Personnel;
- (b) any CP Personnel; or
- (c) to any third party on CP Property.

### **18.2 Reportable Accidents**

18.2.1 Reportable accidents include any occurrence that results in:

- (a) damage to railroad tracks, right of way, buildings or other CP Property;
- (b) damage to railroad equipment;
- (c) damage to CP highway vehicles;
- (d) release of hazardous material;
- (e) spill or loss of transported commodities; and
- (f) any threat to the environment.

### **18.3 Reportable Incidents**

18.3.1 Reportable incidents include:

- (a) unintended movement of railroad equipment;
- (b) failure to provide track protection for Workers when required;
- (c) movement of railroad equipment beyond authorized limits;
- (d) operation of railroad equipment by an unqualified person;
- (e) unauthorized handling of a track switch;
- (f) damage, vandalism or tampering with any railroad signals, structures or railroad safety device;
- (g) seepage, leakage, spills of, or other contamination from, Hazardous Materials;
- (h) actual, threaten or suspected security related incidents;
- (i) slides, washouts or other on-track obstructions; or
- (j) any occurrence that may disrupt the movement of trains or affect safe rail operations.

## 19 Reporting

### 19.1 Emergency Reporting

- 19.1.1 In the case of an emergency, Contractor Personnel must call:
- (a) 911, where this emergency response system exists, or
  - (b) the local police, fire or emergency department in all cases; and
  - (c) **CP Police Services Communication Center- 1-800-716-9132.**

### 19.2 Accident, Incident, Injury Reporting

- 19.2.1 When an accident, incident or injury occurs on CP Property, the Contractor must:
- (a) immediately report it to the
    - (i) **CP Police Services Communication Center 1-800-716-9132;** and
    - (ii) **CP Manager-in-Charge**
  - (b) follow all instructions given to protect the scene.
- 19.2.2 CP does not report Contractor Personal Injuries to WCB. Such WCB reporting remains the Contractor's responsibility.

### 19.3 Information to Report

- 19.3.1 Information required with the initial report includes:
- (a) type of incident;
  - (b) date and time of occurrence;
  - (c) location (mileage, subdivision, building, yard or other physical description);
  - (d) identity of person(s) involved or injured (company & name);
  - (e) description of any hazardous materials involved;
  - (f) type & unit number of any railroad equipment or vehicle involved;
  - (g) description of occurrence, damage and/or injury, and cause if known;
  - (h) description of any emergency response;
  - (i) name and contact information of person making the report; and
  - (j) any such other information that CP may require.

### 19.4 Environmental Incidents and Spills

- 19.4.1 In the event of an environmental incident or spill that could have a negative impact on the environment, the Contractor must immediately:
- (a) report the incident to the Operations Center, the Manager-in-Charge, and the designated CP contact as per the governing agreement relating to the Work;
  - (b) take all reasonable actions to contain the spill;
  - (c) respond in accordance with its emergency response plan; and
  - (d) provide CP with the following information;
    - (i) description of location and surrounding area, including any sensitive environmental areas nearby (e.g., rivers, parks, sewers);
    - (ii) type and quantity of substance released;

- (iii) cause of spill or deposit, if known; and
- (iv) details of any immediate action taken or action proposed to be taken to contain spill and recover substance.

## **19.5 Additional Contractor Requirements**

19.5.1 Contractor and Contractor Personnel must:

- (a) ensure an appropriate emergency response is initiated;
- (b) protect any evidence until released by the CP Manager-in-Charge;
- (c) cooperate fully with any CP investigation;
- (d) cooperate fully with any investigating government agency; and
- (e) notify CP if information is requested by any investigating government agency.

## **20 Contractor & Contractor Personnel Acknowledgement**

### **Acknowledgement**

- 20.1.1 Contractor and Contractor Personnel who Work on CP Property shall be deemed to have read and understood the content of these Minimum Safety Requirements for Contractors While Working on CP Property in Canada, as amended from time to time, and to agree to be bound by them.
- 20.1.2 These Minimum Safety Requirements for Contractors While Working on CP Property in Canada are subject to change without prior notice. The most current version of these Minimum Safety Requirements can be viewed at [www.cpr.ca](http://www.cpr.ca) or by contacting the Manager-in-Charge.





<b>WORK SITE INFORMATION</b>		
	<b>PHONE</b>	<b>LOCATION</b>
Work Site Location Name		
Railroad Subdivision & Mileage		
Address, Number and Street		
Nearest Town		
CP Manager-in-Charge		
Emergency Site Access Route (Describe route from nearest emergency services location in detail including access roads & physical landmarks OR provide sketch on back.)		
Contractor Supervisor		
Site Telephone		
Certified First Aid Attendant		
Location of First Aid Supplies at Site		
Location of Fire Extinguishing Equipment:		
Location of WHIMS data sheets		
<b>UTILITY INFORMATION</b>		
<b>UTILITIES CONTACT</b>	<b>PHONE</b>	<b>LOCATION</b>
Natural Gas:	( )	
Electrical:	( )	
Fiber Optic Line:	( )	
Water & Sewer:	( )	
Telephone:	( )	
Cable System:	( )	
Qualified employee(s) in:	( )	
Confined Space Entry, (if applicable):	( )	
Equipment requirements for Confined Space Entry, (if applicable):	( )	
Other:		



**CANADIAN  
PACIFIC  
RAILWAY**

## **OPERATIONAL CONSTRAINT FOR WORK ON, ABOVE OR BELOW RAILWAY RIGHT OF WAY**

### **GENERAL**

- 1) The term Railway refers to Canadian Pacific Railway.
- 2) This Operational Constraint shall be read in conjunction with Canadian Pacific Railway Minimum Safety Requirements for Contractors Working on Railway Property and where applicable the more restrictive requirement shall apply.
- 3) The Contractor shall comply fully with all requirements of the Railway in planning, scheduling and control of the works within the Railway right of way.
- 4) No work shall be progressed by the Contractor on, over or below the Railway right of way until proof of liability insurance in accordance with requirements stipulated elsewhere have been complied with.
- 5) The Contractor shall plan and carry out the works in a manner that does not interfere with rail traffic or cause clearance restrictions and minimizes the requirement for railway flagging.

### **RAILWAY FLAGGING**

- 6) The Railway will assign one Railway flagperson per project.
- 7) The provision of a Railway flagperson by the Railway shall not relieve the Contractor from liability for damages to Railway facilities caused by the Contractor's operations.
- 8) All communications with the Railway shall be done through the Road Authority or its agent. The Railway will not deal directly with the Contractor.
- 9) Charges for Railway flagperson services shall be invoiced to and paid by the Road Authority.
- 10) The Contractor shall make the following facilities available for the flagperson's use during the course of the project: washroom/lavatory, lunch room, fax machine, four lockers.

- 11) The Contractor shall have a responsible person present at all times to whom the Road Authority or its agent will issue orders regarding work on the Railway right of way.
- 12) All instructions from the Railway flagperson shall be obeyed immediately by all personnel on site.
- 13) A Railway flagperson will be required when any personnel or equipment is working on the Railway right of way; within 15 metres of the centreline of the nearest track or on the structure or any falsework or protective devices where the work, in the opinion of the Road Authority, or its agent, or the Railway, may be exposed to or interfere with the operation of the Railway tracks.
- 14) When a Railway flagperson is required, the Contractor, through the Road Authority, or its agent, shall provide a minimum written notice of 90 days, in advance, to allow the Railway time to bulletin the position to the unionized labour force. If prior to work commencing, the Contractor, through the Road Authority, or its agent, should receive confirmation that such Railway flagperson is not available, the Contractor, through the Road Authority, or its agent, shall reschedule the proposed work to a date and time when such flagging protection will be available.
- 15) The Railway flagperson will be available a maximum of 40 hours per week inclusive of travel time, to and from assigned headquarters, and time to set up and remove track protection each day.
- 16) Bulletined flagging positions will be invoiced a minimum of 8 hours per day, 5 days per week, until properly cancelled.
- 17) Bulletined flagging positions may only be cancelled by providing the Railway with written notice a minimum of 10 business days prior to the cancellation date.
- 18) In the event that flagging protection is arranged for a given day and the Contractor does not show up at the site, or no work is done that day, a minimum charge of 8 hours for flagging services will be invoiced to the Road Authority.



## CONSTRUCTION

- 19) In no case shall the Contractor or any of the Contractor's equipment or personnel work closer than 3.66 metres from the nearest rail of the nearest track without prior written consent of the Road Authority or its agent.
- 20) The Contractor shall provide full details of their plans for track protection, work scaffolding, formwork construction, formwork removal, shoring, falsework and equipment placement and shall allow a minimum of six (6) weeks for review by the Road Authority and/or its agent and the Railway. All submissions shall be stamped and signed by a Professional Engineer in good standing in the Province in which the work is to take place. A minimum of four (4) copies of plans and calculations should be forwarded for review by the Railway.
- 21) All scaffolding, formwork and any other protective coverings to be used on the project must be satisfactorily secured such that they will not come loose by the movement of passing high speed trains.
- 22) All equipment must stop working on the approach of any train when said equipment is on the Railway right of way, or within 15 metres of the centreline of the nearest track; or when said equipment is in the vicinity of the track(s) and where the work, in the opinion of the Road Authority or its agent or the Railway, may be exposed to, or interfere with the operations of the Railway.
- 23) The Contractor shall not be permitted to cross any Railway tracks with equipment or vehicles. Contractor's personnel will only be permitted to cross the Railway tracks under the protection of the Railway flagperson.
- 24) The construction of a temporary construction crossing will only be permitted where, in the opinion of the Railway, it is safe to do so and subject to a temporary crossing agreement being executed.
- 25) The Contractor shall ensure that both rails of the same track are never connected with any conductor of electricity such as a steel measuring tape or metal traction equipment.
- 26) The Contractor shall maintain positive drainage during construction.
- 27) No material or debris will be permitted to be stored or stockpiled on the Railway right of way. The Railway right of way shall be restored to its original condition at the end of the project including track ballast that has become fouled as a result of the construction. The Road Authority shall bear all costs to restore the site.

## **SAFETY**

- 28) Canadian Standards Association (CSA) approved hard hats, safety footwear and safety glasses for head, foot and eye protection and safety vests for high visibility must be worn at all times while on the Railway right of way.
  
- 29) The colour red shall not be used for hard hats, safety vests or survey markers on or adjacent to the Railway right of way in order to avoid conflict with Railway operational practices. Other highly visible colours such as yellow, orange or white are acceptable.

Mississauga, May 1, 2009