



ASSESSMENT OF THE RESPONSE TO RAIL SAFETY RECOMMENDATION R01-03 - R99H0007

BACKGROUND

On 23 April 1999, at approximately 1200 eastern daylight time, VIA Rail Canada Inc. train No. 74, travelling eastward on the north main track of the Canadian National Chatham Subdivision, at Thamesville, Ontario, encountered a reversed switch, crossed over to the south main track and derailed at Mile 46.7. The derailed train collided with stationary rail cars on an adjacent yard track. The three cars that were struck were loaded with ammonium nitrate. All four passenger cars and the locomotive of the passenger train derailed as well as four of the stationary cars on the adjacent yard track. The two train crew members in the locomotive cab were fatally injured. Seventy-seven of the 186 passengers and crew on board were treated at hospital. Four people were admitted with serious injuries. Numerous others received first aid on site. Approximately 50 m of main track and 100 m of the adjacent yard track were destroyed. The locomotive was damaged beyond repair and the leading two passenger cars sustained substantial damage.

Board Recommendation R01-03

The Board identified safety deficiencies at Thamesville, relating to the storage of dangerous goods in rail cars for prolonged periods of time at locations adjacent to main tracks, where train speed is not restricted and passenger trains also operate. Although it is rare that a derailed train would come into contact with stored dangerous goods, it is believed that the risks posed, particularly within municipal areas and when passenger trains are involved, are unacceptable.

In consideration of the facts of this occurrence the Board recommended that:

The Department of Transport review the current regulatory framework and industry policy to help ensure that an adequate level of safety is maintained regarding the storage of dangerous goods within the rail transportation system and during the transition of shipments of dangerous goods to or from the rail transportation system.

R01-03

Response From Transport Canada to Recommendation R01-03

TC is holding discussions with municipal, industry and railway company representatives to review the full range of safety issues affecting storage of dangerous goods on railway property, and preparing a consultation paper.

TC has published the clear-language version of the *Transportation of Dangerous Goods Regulations* with changes as follows:

- 3.2(3) Dangerous goods in transport are in the possession of a carrier from the time the carrier takes possession of them for transport until another person takes possession of them.
- 3.2(6) At or before the time a person, other than another carrier, takes possession of the dangerous goods, the carrier of the dangerous goods must give to that person a document that identifies the dangerous goods or, with that person's agreement, an electronic copy of a document that identifies the dangerous goods.

In his response, the Minister informed that officials of Transport Canada (TC) agreed with this recommendation and were taking action to address it.

Additional Information on Response to R01-03

Since the response was received at TSB, TC has taken action by redefining the term “in transport” in the clear-language version of the *Transportation of Dangerous Goods Regulations*. The new wording clarifies when a shipment is considered to have been delivered to destination and mandates that the documentation accompany the shipment. This is most likely to have a positive effect on the level of safety in the storage of dangerous goods at places like Thamesville, as the possession of and responsibility for the shipment is prescribed.

Board Assessment of Response to R01-03 (January 2002)

In consideration of the response from TC indicating agreement and a plan of action, and with the subsequent action taken within the new regulations, the response to Recommendation R01-03 is assessed as “*Fully Satisfactory*”.