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PART 10

RAIL

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RAIL

Definitions

Definitions for the following terms, used in this Part, are provided in Part 1, Coming into Force, Repeal, Interpretation, General Provisions and Special Cases:

aircraft	dangerous goods safety mark	person
carrier	emergency response assistance plan or ERAP or ERP	railway vehicle
49 CFR	handling	ship
class	ICAO Technical Instructions	shipping document
classification	IMDG Code	shipping name
consignment	large means of containment	train UN Recommendations
consignor	means of containment	
dangerous goods		

According to the definition of “import”, when dangerous goods being imported are being transported to a place in Canada, the person who imports the dangerous goods is the consignor. If the dangerous goods are being transported through Canada, each person who transports them in Canada (that is, each carrier) is the consignor while in possession of the dangerous goods.

10.1 Transporting Dangerous Goods from the United States into or through Canada

Consignments of dangerous goods that originate in the United States are subject to expert inspection by U.S. inspectors. These consignments can be transported in Canada under the requirements of 49 CFR. However, consignments that originate in Canada are not permitted under these Regulations to be transported in Canada under 49 CFR only, because these consignments are not subject to expert inspection by U.S. inspectors.

- (1) Despite the requirements in Part 2, Classification, Part 3, Documentation and Part 4, Dangerous Goods Safety Marks, a person may handle or transport dangerous goods by railway vehicle from a place in the United States to a place in Canada or from a place in the United States through Canada to a place outside Canada in accordance with the classification, marking, labelling, placarding and documentation requirements of 49 CFR if
- (a) the information required on the shipping document is easy to identify, legible, in indelible print, in English or French and includes
 - (i) when dangerous goods are transported to a place in Canada, the name and address of the place of business in Canada of the consignor,
The consignor in this case is the consignee in Canada.
 - (ii) when dangerous goods are transported from a place in the United States through Canada to a place outside Canada, the name and the address of the place of business of each consignor, except that in this case the name and address may be shown on a separate document attached to the shipping document and is required only while that person is the consignor,
The consignor in this case is the carrier.
 - (iii) the classification in Schedule 1 or in the UN Recommendations, for dangerous goods that have the letter “D” assigned to them in column 1 of the table to section 172.101 of 49 CFR, except for dangerous goods with the shipping name “Consumer commodity”, and
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 - (iv) in accordance with section 3.6 of Part 3, Documentation, the emergency response assistance plan reference number and the telephone number to call to activate the plan when an emergency response assistance plan is required under Part 7, Emergency Response Assistance Plan, for the dangerous goods shown on the shipping document;
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 - (b) the person complies with the following sections in Part 3, Documentation:
 - (i) section 3.2, Carrier Responsibilities,

(ii) section 3.8, Location of a Shipping Document and Consist: Rail, and

(iii) section 3.10, Location of a Shipping Document: Storage in the Course of Transportation, and
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(c) on or after August 31, 2008, the labels and placards displayed for dangerous goods included in Class 2.3 or 6.1 are the labels and placards required in these Regulations for the dangerous goods. The labels or placards may be displayed before August 31, 2008.
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(2) Subsection (1) does not apply to dangerous goods that

(a) are forbidden for transport by these Regulations;

(b) are not regulated by 49 CFR but are regulated by these Regulations;

(c) are transported under an exemption issued in accordance with Subpart B of Part 107 of 49 CFR; or

(d) are given dangerous goods safety mark or packaging exceptions in 49 CFR that are not permitted by these Regulations.

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10.2 Transporting Dangerous Goods to or from an Aircraft, an Aerodrome or an Air Cargo Facility

(1) Despite the requirements in Part 2, Classification, Part 3, Documentation, and Part 4, Dangerous Goods Safety Marks, if transport has been or is to be by aircraft, a person may handle or transport dangerous goods by railway vehicle to or from an aircraft, an aerodrome or an air cargo facility in accordance with the classification, marking, labelling and documentation requirements of the ICAO Technical Instructions, if

(a) the information required on the shipping document is easy to identify, legible, in indelible print, in English or French and includes, in accordance with section 3.6 of Part 3, Documentation, the emergency response assistance plan reference number and the telephone number to call to activate the plan when an emergency response assistance plan is required under Part 7, Emergency Response Assistance Plan, for the dangerous goods shown on the shipping document; and

(b) the person complies with the following provisions in Part 3, Documentation:

(i) section 3.2, Carrier Responsibilities,

(ii) paragraph 3.5(1)(f) and subsection 3.5(2), concerning a 24-hour number on a shipping document,

(iii) section 3.8, Location of a Shipping Document and Consist: Rail, and

(iv) section 3.10, Location of a Shipping Document: Storage in the Course of Transportation.

SOR/2002-306

(2) Subsection (1) does not apply if these Regulations forbid the transport of the dangerous goods or if the dangerous goods are not regulated by the ICAO Technical Instructions but are regulated by these Regulations.

(3) When dangerous goods are transported to or from an aircraft, an aerodrome or an air cargo facility, by railway vehicle, the railway vehicle, or any means of containment visible from outside the railway vehicle must have placards displayed on it in accordance with Part 4, Dangerous Goods Safety Marks.

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10.3 Transporting Dangerous Goods to or from a Ship, a Port Facility or a Marine Terminal

(1) Despite the requirements in Part 2, Classification, Part 3, Documentation, and Part 4, Dangerous Goods Safety Marks, if transport has been or is to be by ship, a person may handle an international consignment of dangerous goods or transport it by railway vehicle to or from a ship, a port facility or a marine terminal in accordance with the classification, marking, labelling, placarding and documentation requirements of the IMDG Code if

(a) the information required on the shipping document is easy to identify, legible, in indelible print, in English or French and includes, in accordance with section 3.6 of Part 3, Documentation, the emergency response assistance plan reference number and the telephone number to call to activate the plan when an emergency response assistance plan is required under Part 7, Emergency Response Assistance Plan, for the dangerous goods shown on the shipping document; and

(b) the person complies with the following provisions in Part 3, Documentation:

- (i) section 3.2, Carrier Responsibilities,
- (ii) paragraph 3.5(1)(f) and subsection 3.5(2), concerning a 24-hour number on a shipping document,
- (iii) section 3.8, Location of a Shipping Document and Consist: Rail, and
- (iv) section 3.10, Location of a Shipping Document: Storage in the Course of Transportation.

SOR/2002-306

- (2) Subsection (1) does not apply if these Regulations forbid the transport of the dangerous goods or if the dangerous goods are not regulated by the IMDG Code but are regulated by these Regulations.
- (3) When dangerous goods are transported in a large means of containment to or from a ship, a port facility or a marine terminal, the large means of containment must have placards displayed on it in accordance with Part 4, Dangerous Goods Safety Marks, or the IMDG Code.
SOR/2012-245

10.4 Reshipping in Canada

- (1) When a consignment of dangerous goods is transported from a place outside Canada to a place in Canada and is reshipped within Canada by railway vehicle, the dangerous goods safety marks displayed in accordance with 49 CFR, the ICAO Technical Instructions or the IMDG Code at the time of entry into Canada may continue to be displayed, except that the large means of containment containing the dangerous goods must have placards displayed on it in accordance with Part 4, Dangerous Goods Safety Marks.

If the dangerous goods are not regulated in Canada, the placards are not required to be displayed on the large means of containment.

SOR/2012-245

- (2) The shipping document that accompanies the dangerous goods must include a notation that the dangerous goods safety marks are in accordance with 49 CFR, the ICAO Technical Instructions or the IMDG Code, if they differ from the ones required to be displayed by Part 4, Dangerous Goods Safety Marks.

10.5 Repealed *SOR/2008-34*

10.6 Location of Placarded Railway Vehicle in a Train

SOR/2008-34

- (1) Unless it is likely to have a serious impact on train dynamics, a person must not, in a train, locate a railway vehicle that contains dangerous goods described in column 1 of the table to this subsection for which a placard is required to be displayed in accordance with Part 4, Dangerous Goods Safety Marks, next to a railway vehicle described in the same row in column 2.

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Table
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Item	Column 1 Dangerous Goods	Column 2 Railway vehicle
1.	Any class of dangerous goods	(a) an operating engine or an engine tender unless all the railway vehicles in the train, other than engines, tenders and cabooses, have placards displayed on them; (b) an occupied railway vehicle unless all the other railway vehicles in the train, other than engines, tenders and cabooses, are occupied or have placards displayed on them; (c) a railway vehicle that has a continual source of ignition; or (d) any open railway vehicle, (i) when the lading protrudes beyond the railway vehicle and may shift during transport, or (ii) when the lading is higher than the top of the railway vehicle and may shift during transport.
2.	Dangerous goods included in Class 1.1 or Class 1.2	Any railway vehicle that is required to have a placard displayed on it for Class 2, 3, 4 or 5.
3.	UN1008, BORON TRIFLUORIDE COMPRESSED UN1026, CYANOGEN UN1051, HYDROGEN CYANIDE, STABILIZED UN1067, DINITROGEN TETROXIDE or NITROGEN DIOXIDE UN1076, PHOSGENE UN1589, CYANOGEN CHLORIDE, STABILIZED UN1614, HYDROGEN CYANIDE, STABILIZED UN1660, NITRIC OXIDE, COMPRESSED UN1911, DIBORANE, COMPRESSED UN1975, NITRIC OXIDE AND DINITROGEN TETROXIDE MIXTURE or NITRIC OXIDE AND NITROGEN DIOXIDE MIXTURE UN2188, ARSINE UN2199, PHOSPHINE UN2204, CARBONYL SULPHIDE or CARBONYL SULFIDE UN3294, HYDROGEN CYANIDE, SOLUTION IN ALCOHOL	Any railway vehicle that is required to have a placard displayed on it for Class 1, 2, 3, 4 or 5 unless the railway vehicle next to it contains the same dangerous goods

- (2) Dangerous goods that are being transported in railway vehicles in a train from the United States to Canada or from the United States through Canada to a place outside Canada may be located in the train in accordance with sections 174.84 and 174.85 of 49 CFR.

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10.7 Coupling of Railway Vehicles

- (1) A person must not couple a railway vehicle with another railway vehicle at a relative coupling speed greater than 9.6 km/h (6 mph) if either of the railway vehicles that make contact on coupling contains dangerous goods for which a placard is required to be displayed in accordance with Part 4, Dangerous Goods Safety Marks.
- (2) Despite subsection (1), a person may couple a single railway vehicle moving under its own momentum at a relative coupling speed less than or equal to 12 km/h (7.5 mph) when the ambient temperature is above -25°C.
- (3) If a person couples a tank car that contains dangerous goods for which a placard is required to be displayed in accordance with Part 4, Dangerous Goods Safety Marks, with another railway vehicle and the three conditions in any one of the four rows set out in the table to this subsection apply, the person must

- (a) visually inspect the underframe assembly and coupling and cushioning components of the tank car to ensure their integrity before the tank car is moved more than 2 km from the place where the coupling occurred; and
- (b) report, in writing, to the owner of the tank car within 10 days after the coupling and include a copy of the text of this section and information about any damage that compromises the integrity of the underframe assembly or draft gear of the tank car discovered as a result of the inspection.

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Table
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Item	Column 1 Combined Coupling Mass: Tank Car and Other Railway Vehicle, and their Contents, in Kilograms	Column 2 Ambient Temperature: in Degrees Celsius	Column 3 Relative Coupling Speed: in Kilometres per hour
1.	> 150 000	≤ -25	> 9.6
2.	> 150 000	> -25	> 12
3.	≤ 150 000	≤ -25	> 12.9
4.	≤ 150 000	> -25	> 15.3

- (4) The owner of a tank car who receives the report must not use the tank car or permit the tank car to be used to transport dangerous goods, other than the dangerous goods that were contained in the tank car at the time of the coupling, until the tank car undergoes
 - (a) a visual inspection and a structural integrity inspection in accordance with clause 9.5.6(a) and clause 9.5.7 of TP14877; and *SOR/2014-152*
 - (b) for a tank car equipped with a stub sill, a stub sill inspection covering at least the following areas:
 - (i) the termination of the stub sill reinforcement pad closest to the mid-point of the tank car and associated welds for a 30-cm length from that point back towards the other end of the pad,
 - (ii) all welds
 - (A) connecting the head brace to the stub sill,
 - (B) between the head brace and the head reinforcement pad, and
 - (C) between the tank and the head reinforcement pad and, if the head reinforcement pad is connected to the stub sill reinforcement pad, 2.5 cm past that connection towards the centre of the tank,
 - (iii) all metal of the stub sill assembly, other than welds, from the body bolster to the coupler, and
 - (iv) the draft gear pocket.

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- (5) This section does not apply if either the tank car or the other railway vehicle that was coupled is equipped with a cushioning device designed for a displacement of 15 cm or more in compression and capable of limiting the maximum coupler force to 453 600 kg when impacted at 16.1 km/h (10 mph) by a railway vehicle having a gross mass of 99 792 kg.

SOR/2008-34