



ALBERTA
TRANSPORTATION

*Office of the Minister
Deputy Government House Leader
MLA, Calgary-Hays*

MO No.: 24/20

GOVERNMENT OF ALBERTA

DEPARTMENT OF TRANSPORTATION

MINISTERIAL ORDER

WHEREAS the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA;

WHEREAS section 52.1(3) of the PHA authorizes the Minister of Transportation to make an order without consultation, to suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions the Minister prescribes, if the Minister is satisfied that the application or operation of all or part of the enactment is not in the public interest;

WHEREAS I am satisfied that the application or operation of all or part of the Railway Regulation is not in the public interest as the requirement under that Regulation to conduct audits where the terms of an approval require periodic safety audits requires travel by and interaction with third party auditors, which may increase the risk of COVID-19 transmission to the employees of railway operators; and

WHEREAS I am satisfied that the application or operation of all or part of the Industrial Railway Regulation and the Heritage Railway Regulation is not in the public interest because the re-examination and medical fitness for duty assessment requirements under each such Regulation may increase the risk of COVID-19 transmission and involve health resources needed elsewhere;

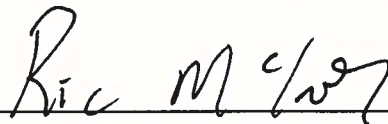
THEREFORE, I, Ric Mclver, Minister of Transportation, pursuant to section 52.1(2) of the *Public Health Act*, do hereby order that:

1. Notwithstanding section 6(2)(b) of the Railway Regulation, where the terms of a current approval under the *Railway (Alberta) Act* require periodic safety audits, the holder of an approval who wishes to obtain a new approval or renew an approval may apply to the Railway Administrator for a new approval or to renew an approval without submitting the results of a safety audit that is satisfactory to the Railway Administrator.
2. Notwithstanding Rule 11.1 of Schedule 8 of the Industrial Railway Regulation and Rule 11.1 of Schedule 6 of the Heritage Railway Regulation, an industrial railway operator and heritage railway company are not required to have an employee who has been qualified to work in a railway yard or site re-examined, subject to the following:
 - a. An industrial railway operator and heritage railway company shall retain a record identifying each of its employees who has not been re-examined for a period of three years or longer.
3. Notwithstanding Rule 2.1(c) of Schedule 10 of the Industrial Railway Regulation and Rule 2.1(c) of Schedule 8 of the Heritage Railway Regulation, an employee of an industrial railway operator or heritage railway company is not required to undergo a medical fitness for duty assessment every five years until the age of 40 and every three years after that date until the employee retires or no longer occupies a safety critical position, subject to the following:
 - a. An industrial railway operator and heritage railway company shall retain a record identifying each of its employees under the age of 40 who occupies a safety critical position and who has not, every five years or

longer, undergone a medical fitness for duty assessment and each of its employees 40 years of age or older who occupies a safety critical position and who has not, every three years or longer, undergone a medical fitness for duty assessment.

4. This Order lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council under section 52.811(3) of the PHA, at the earliest of the following:
- a. August 14, 2020;
 - b. 60 days after Order in Council 080/2020 is terminated by the Lieutenant Governor in Council, if Order in Council 080/2020 is terminated before June 15, 2020;
 - c. when this Order is terminated by the Minister under section 52.811(2) of the PHA because the Minister is satisfied that this Order is no longer in the public interest; or
 - d. when this Order is terminated by the Lieutenant Governor in Council under section 52.811(1)(c) of the PHA.

DATED at Edmonton, Alberta this 2 day of April, 2020.



Honourable Ric McIver
Minister of Transportation