

Provincial Railway Guides

Highway Traffic Board - Insurance

Provincially regulated railways are required to obtain insurance policies and file certificates of insurance with the Highway Traffic Board (HTB). Certificates are required to be filed with the HTB prior to being issued an Operating Authority Certificate. This guide is intended to set out the minimum insurance levels for provincial railways.

Introduction:

Section 18 of *The Railway Act* requires the railway owner, operator or the railway owner and operator to file a Certificate of Insurance with the HTB.

Insurance Requirement:

Minimum requirements for third party liability insurance vary based on railway classification and the commodity being handled and / or carried. In the case of multiple classes, the highest required insurance level applies. The Board will assess each railway applicant on a case by case basis and may require insurance amounts higher than the minimums noted below if the railway possess additional risk factors that may warrant a higher insurance level.

In the case where the proposed railway operator is a separate railway company from the railway owner, the board may require both the railway owner and railway operator to provide certificates of insurance. In the case where the proposed operator is a separate railway company from the railway owner, the minimum insurance requirements will be imposed on the party that holds the authority to determine the scope of railway operations on the site and type of commodity that will be handled on the railway.

Categories:

Minimum requirements for third party liability insurance:

\$5,000,000

- Passenger Railway

\$10,000,000

- Industrial Railway Operations (non-dangers goods)
- Common Carrier - Shortlines (non-dangerous goods)
- Common Carrier - Shortlines (empty/residue/last contained dangerous goods cars)

\$25,000,000:

- Industrial Railways Operations (dangerous goods or special dangerous goods)
- Common Carrier - Shortlines (loaded dangerous goods cars)
- Common Carrier - Shortlines (loaded special dangerous goods cars - less than 15 mph)

\$50,000,000:

- Common Carrier - Shortlines (loaded special dangerous goods - more than 15 mph)

Storage Cars:

For the purpose of determining minimum insurance requirements, “empty” railcars are those that have been cleaned and purged of dangerous goods.

“Residue” or “Last Contained” railcars are those that last contained dangerous goods and may still contain a small amount of dangerous goods.

Dangerous Goods:

For the purpose of determining minimum insurance requirements, “Dangerous Goods” means any product, substance or organism included by its nature or by the regulations (*Transportation of Dangerous Goods Regulations (Canada)*), in any of the prescribed classes of dangerous goods.

Special Dangerous Goods:

For the purpose of determining minimum insurance requirements, “Special Dangerous Goods” means any product, substance or organism that requires the development of an approved ERAP before being offered for transport.

Emergency Response Assistance Plan (ERAP):

ERAPs are required only for the most potentially harmful dangerous goods. A list of commodities requiring ERAPs is contained in Schedule 1 of the *Transportation of Dangerous Goods Regulations (Canada)*.

Timelines:

The above noted minimum requirements for Common Carrier and Industrial Railways will become effective as of February 1, 2020 unless otherwise notified in writing by the HTB.

Submissions:

A certificate of insurance or proof of insurance must be completed by the head office of the insurer confirming the type, effective and expiry date, and amount of insurance. A certificate of insurance or proof of insurance can be submitted directly to the HTB in conjunction with a request for an Operating Authority Certificate. For more information on the HTB's insurance submission requirements and the process for obtaining an Operating Authority Certificate, contact:

Manager
Highway Traffic Board
1621A McDonald Street
REGINA SK S4N 5R2
Phone: 306-798-0095
Email: contactus@highwaytrafficboard.sk.ca