

ADMINISTRATIVE AGREEMENT PROTOCOL

Between

Ministry of Transportation and Infrastructure

And

British Columbia Safety Authority

(Technical Safety BC)

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Section 1: Purpose and Principles

This Administrative Agreement Protocol (hereafter referred to as the "Protocol") establishes consistent and effective processes and procedures to successfully meet the terms and conditions of the Restated Rail Safety Administrative Agreement between the Province, represented by the Transportation Policy Branch ("TPB") of the Ministry of Transportation and Infrastructure (the "Ministry"), and British Columbia Safety Authority (hereafter referred to as "Technical Safety BC").

The Protocol is characterized by a set of consistent and efficient processes and practices anchored by an interdependent relationship: one that recognizes and believes that the safety of British Columbians can best be achieved through a working relationship that is collaborative and respectful in both principle and practice.

The processes and practices described within the Protocol are guided by the following core principles.

1. **Collaboration:** mutually respectful working relationship based upon mutual interest and jointly developed structures and shared responsibility; respect for complimentary authority and accountability to achieve success.
2. **Transparency:** healthy dialogue through open communications and open sharing of information leading to informed decision-making.
3. **Continuous Improvement:** the Protocol is meant to be an organic document that reflects both parties' experience in working collaboratively on a variety of issues. As a result, the parties will review the effectiveness of the Protocol every three years, or more frequently if necessary, and make any revisions as mutually agreed upon.

In accordance with the above principles, the Ministry and Technical Safety BC wish to revise the initial protocol settled as of September 20, 2016 (the "Initial Protocol") for the purpose of incorporating certain housekeeping matters into and updating certain provisions of the Initial Protocol and have done so by replacing the Initial Protocol with this consolidated Protocol.

For certainty, on signing of this Protocol by authorized representatives of the Ministry and Technical Safety BC, in the manner set out in Section 10 "Approvals", the Initial Protocol is, as between the Ministry and Technical Safety BC, superceded, terminated and replaced in its entirety and for all purposes by this Protocol.

Section 2: Communications

Technical Safety BC is an independent authority as set out by the *Safety Authority Act* and the Administrative Agreement with the Province of British Columbia. Although Technical Safety BC is responsible for its own operations, including communications (media relations and incident reporting), it acknowledges the Ministry's interest in evaluating the effectiveness of the safety system and being informed of significant issues and railway accidents and incidents (referred to as occurrences) within Technical Safety BC's jurisdiction. Accordingly, Technical Safety BC

and the Ministry's Government Communications and Public Engagement (GCPE) shop have intend to follow the communications alert process identified below.

2.01 Technical Safety BC as Reporting Entity for Provincially Regulated Railways and Railway Companies

In support of and to facilitate the more efficient discharge of Technical Safety BC responsibilities, the Ministry confirms that subject to compliance with all applicable laws, safety management systems are to include the requirement that reporting of accidents, incidents and any other legally reportable occurrences is to be made to Technical Safety BC. Technical Safety BC has the responsibility to establish reporting guidelines, consistent with all applicable laws, in order to receive timely information regarding railway occurrences, including guidelines requiring railway companies to report preliminary details of occurrence, primary cause, contributing factors, and corrective actions taken. Technical Safety BC reviews corrective actions taken by railway companies to evaluate their ability to meet safety standards.

2.1 Communications Regarding Railway Occurrences

Due to the reporting requirements of provincial railways, Technical Safety BC will likely receive a report of an incident or accident before the Ministry and will take the following steps to notify the Ministry.

2.1.1 Notification

A. Critical Communication Alerts for Immediate Contact - When Technical Safety BC is made aware of a railway occurrence meeting one of the criteria below and involving a provincial railway, Technical Safety BC's Leader, Communications and Media Relations, or alternate, will notify the GCPE Director, GCPE Manager and GCPE Public Affairs Officer responsible as soon as possible.

- Any significant railway occurrence that may or could be perceived as a **public safety threat** and/or potentially damaging to public confidence in the safety system.
- Any railway occurrence that involves a fatality or significant property or environmental damage.
- A railway occurrence or issue that attracts **media interest**, including if Technical Safety BC receives a **media call** or learns of local/regional media reports or interest.
- A commuter incident that involves property damage, environmental damage, or a threat to public safety.

B. Communication Alerts for Notification within 24 Hours: When Technical Safety BC is made aware of one of the following situations, the Leader, Communications & Media Relations, or alternate, will notify the GCPE Communications Manager and GCPE Public Affairs Officer within 24 hours.

- Technical Safety BC is alerted to an FOI request by media.

- Technical Safety BC is alerted to a railway occurrence where the parties involved have threatened to go to the media.
- Technical Safety BC is contacted by a stakeholder who threatens or seems likely to notify the media or government about an issue related to a provincial railway (e.g. member of public expresses concern about the Railway Safety Program or complaint about Technical Safety BC).

C. Invested parties

Email notification includes cc's to the following Ministry employees:

- GCPE Communications Manager
- GCPE Public Affairs Officer
- Registrar of Railway Safety
- Manager, Legislation and Program Support

Email notification includes cc's to the following Technical Safety BC employees:

- Director, Policy and Regulatory Affairs
- Leader, Program and Policy Development
- Safety Manager, Railway

2.1.2 Information to Provide

As much as possible, communications include the following information (where applicable):

Incident date and time
Date and time of incident report
Injuries, damages, or fatalities
Client (which railway operator)
Location
Media coverage (link to any known media coverage)
Incident summary (description of incident, what happened/causes and what is being done about it)

In addition, Technical Safety BC will provide more pertinent information as it becomes available.

2.1.3 Additional Information

The parties will provide each other with additional information/updates on railway occurrences when available.

2.1.4 Ministry Aware First

In situations where the Ministry becomes aware of a railway occurrence or an emerging issue (including communication from a member of the public) before Technical Safety BC, the GCPE Communications Manager and/or GCPE Public Affairs Officer responsible will notify Technical Safety BC's Leader, Communications & Media Relations

with a cc to media@technicalafetybc.ca, according to the timelines and notification structure under 2.1.1 above. The information provided should adhere to the template under 2.1.2 as much as possible.

2.1.5 Messaging

Railway occurrences are unpredictable and the facts are not always immediately available for verification. While Technical Safety BC recognizes the public's right to information especially with regards to public safety, as an independent regulator, it must exercise caution in conducting an investigation and be prudent in sharing its findings with the public. The following sample statements will serve as a guide for Technical Safety BC in the early stages of a railway occurrence, while the facts are unavailable or unverified, the manager of railway safety is unavailable, and while an inspection is ongoing.

1st message	Thank you for connecting with us. If the reported occurrence is within our jurisdiction (provincially regulated railways), we will assess the occurrence. Public safety is our top priority.
2nd message	A railway safety inspector is en route to the site of the occurrence to conduct an safety and compliance inspection. We will need them to make an initial assessment of the situation and verify the information that we received. Once we get more details I will get back to you.
3rd message	A railway safety inspector is presently onsite and conducting a safety and compliance inspection. They are checking details and speaking to those on the ground. As soon as it's possible, we will have our safety officer available to address your questions. In the meantime, we are focused on gathering and verifying all the facts. Public safety is our top priority.

For situations where specific information about a railway occurrence is not immediately available, general information about safety regulation for provincially regulated railways will be provided to the Province and to reporters as appropriate (see section 2.1.2 for background / general information to be prepared and kept on file).

2.2 Media Relations

Both parties acknowledge that the public understanding of safety issues affecting provincial railways regulated by Technical Safety BC may, at times, be well served by working with the media in providing information and appropriate messages. Technical Safety BC will take the lead in relating with the media and will inform Registrar of Railway Safety of all communications with respect to railway occurrences and media inquiries identified above.

2.2.1 Reporting

When Technical Safety BC receives a media inquiry that is not related to a current railway occurrence but is related to provincial railways, the following steps shall be taken by the Leader, Communications & Media Relations or alternate.

1. The Leader, Communications & Media Relations or alternate will notify GCPE in a timely manner, by sending an email adhering to the following template:

Template	
Subject	Media request from (outlet) re (issue)
Date and Time	When request was received
Deadline	When information is needed or when interview is scheduled
Media	Media outlet
Reporter and Contact Info	Name of reporter/phone number/email address
Topic	What report is about or information required
Questions	Main questions
Responses	Messages or information that may be shared
Background Information	Other relevant information

2. An email will be sent to the GCPE Public Affairs Officer with a cc to the GCPE Communications Manager and the GCPE Media Relations Officer. If communication via electronic mail is not immediately available, a call will be made to the Public Affairs Officer.
3. The parties will provide each other with additional information on the media inquiry when available.

In situations where the Ministry (GCPE) receives a media inquiry that is best addressed by Technical Safety BC, the inquiry will be referred to Technical Safety BC and the GCPE Communications Manager will notify the Leader, Communications & Media Relations, or alternate in absence, with a cc to media@technicalafetybc.ca, in a timely manner.

If a media inquiry is addressed solely to the Minister's office and is relevant to Technical Safety BC the following steps shall be taken by the GCPE Communications Manager or alternate.

1. The GCPE Communications Manager will notify Technical Safety BC in a timely manner, by sending an email adhering to the above template to Technical Safety BC's Leader, Communication & Media Relations with a cc to media@technicalafetybc.ca:
2. If communication via electronic mail is not immediately available, a call will be made to the Leader, Communications & Media Relations.
3. GCPE will consult with Technical Safety BC on technical matters as needed. After, GCPE will take the lead and provide Technical Safety BC with a timely account of communications with the media.

Internal communications is the responsibility of each respective organization.

If the media inquiry is the result of a current railway occurrence, procedures outlined under 2.1 Communications Regarding Railway Occurrences will take precedence.

2.3 General Communications

2.3.1 Public Announcements

Where practical, each party will be informed in advance (two to three business days as a minimum) of any public announcement that may impact the other party. Where advance notice

is not possible (e.g. a media telephone enquiry), each party will be informed as soon as possible of the media contact and the nature of the call.

2.3.2 Premier/Ministerial Correspondence/Telephone Calls

Technical Safety BC employees are the technical experts on safety issues within the railway sector that it oversees. When the Premier and/or Minister receive correspondence concerning safety issues in this sector, the TPB will use all reasonable efforts to ensure that Technical Safety BC has an opportunity to contribute to any response. This will be done either by:

- forwarding the letter or record of phone call to the Director, Policy and Regulatory Affairs with a cc to the Leader, Program and Policy Development and Leader, Communications & Media Relations and media@technicalafetybc.ca for Technical Safety BC to respond directly; or
- asking the Director, Policy and Regulatory Affairs with a cc to the Leader, Program and Policy Development and Leader, Communications & Media Relations and media@technicalafetybc.ca to provide response points that will be incorporated into the Minister's response.

For correspondence and telephone calls to the Premier/Minister's Offices concerning purely technical safety issues within the responsibility of Technical Safety BC, TPB will refer the matter to Technical Safety BC to research the matter and respond directly with copies of their response sent to the Registrar of Rail Safety with cc to the Manager, Legislation and Program Support. In these instances, letters or calls should begin by identifying that the Premier/Minister's Office had referred the person's concern of [specific date] to Technical Safety BC for review and response. If, after researching the matter, Technical Safety BC thinks the matter should best be replied to by the Premier/Minister's Office, Technical Safety BC can refer the matter back to TPB.

2.3.3 Media Release Exchange

The parties will provide each other with copies of media releases, speaking notes, media clips or transcripts as they become available, as well as with feedback on the content and tone of interviews related to important safety issues. For general public announcements of a safety nature, Technical Safety BC will provide GCPE with a copy of the media release being distributed.

Section 3: Information Sharing

3.1 Purpose

Information sharing is critical to a collaborative and transparent relationship. This section is intended to identify specific pieces of information that will be shared between the parties to:

1. Help TPB understand emerging safety issues;
2. Provide TPB with Technical Safety BC's planning and reporting documents;
3. Provide Technical Safety BC with a clear understanding of the work undertaken by the Province that may impact Technical Safety BC; and
4. Help identify opportunities for the parties to collaborate on specific issues.

3.2 Technical Safety BC Information Dissemination

Technical Safety BC will provide TPB, upon request, for its information, the following Technical Safety BC documents::

1. State of Safety Report (which may include statistical updates on railway occurrences within the jurisdiction of Technical Safety BC; regulatory safety updates; a summary of any proceedings or litigation by or against Technical Safety BC, or in which Technical Safety BC is an interested party, that may affect the interests of the Province as per article 13 of the Administrative Agreement);
2. annual report;
3. annual business plan; and
4. a copy of certificate of insurance and a summary of any substantive changes to the policy from the previous version.

3.3 Provincial Government Initiatives

TPB will provide information to Technical Safety BC, as soon as practicable, about any actions and initiatives undertaken by other ministries or agencies of the Provincial Government that may impact Technical Safety BC. In some instances TPB may not be able to immediately share information because of government confidentiality and privilege requirements. In these instances, TPB will work with Technical Safety BC to manage confidentiality and privilege requirements and provide necessary information as soon as possible.

Section 4: Planning and Prioritization

4.1 Purpose

The purpose of this section is to identify the information necessary to plan and prioritize collaborative work and to establish forums where the planning and prioritizing can take place.

4.2 Regulatory/Legislative Amendments

There are three general types of legislative/regulatory amendments or initiatives under the *Railway Safety Act (B.C.)* and associated regulations:

1. Adoption of provisions (and changes to the adopted provisions) of specific Government of Canada Acts and applicable regulations, standards, codes, rules or procedures and codes or standards regarding railway safety established by other standard making bodies;
2. Delegation to Technical Safety BC (or other delegates), of the administration of sections of the *Railway Safety Act (B.C.)*, associated regulations and provisions that have been adopted by the Province (as per the previous subsection); and
3. Changes that may be made to the *Railway Safety Act (B.C.)* and associated regulations.

To ensure that the TPB is able to allocate the necessary resources to work with Technical Safety BC to complete these amendments in a timely manner, Technical Safety BC will provide lists of these proposed amendments. These lists should include all amendments Technical

Safety BC intends to propose and should be updated semi-annually so they may be discussed at a priority planning session (see section 4.4.1). TPB will review the list prior to the semi-annual meetings and provide feedback on resourcing and priorities. Both TPB and Technical Safety BC will sign-off on the plan at the Priority Planning Sessions.

4.3 Policy Initiatives

Both parties may undertake a significant number of policy initiatives that may or may not result in a legislative or regulatory amendment proposal. Several of these policy initiatives may impact and require input from the other party. When this is the case, it is critical that both parties have an opportunity to be involved at the outset of any project.

To ensure that the parties have an opportunity to work collaboratively on relevant policy initiatives, both parties will provide a list of upcoming policy initiatives that may impact the other party and invite the other party to be involved in the project. These lists should include all initiatives that the party is aware of and should be updated semi-annually so they may be discussed at the priority planning session (see section 4.4.1).

4.4 Joint Planning and Prioritizing

To foster a transparent and collaborative relationship and to ensure that future collaborative work is appropriately resourced, the parties will hold joint planning and prioritization sessions.

4.4.1 Priority Planning Session

Employees from TPB and Technical Safety BC will meet on a semi-annual basis for joint planning and prioritization sessions. These sessions will allow the parties to identify and discuss emerging issues, as well as the lists of upcoming legislative/regulatory amendments (section 4.2) and policy initiatives (section 4.3), to prioritize collaborative work over the upcoming year.

Because the Priority Planning Session is a high-level planning session that will drive work priorities for both organizations over the coming year, it is important that appropriate employees, including senior management, attend the session. The following lists are meant to provide some guidance with respect to employees who should attend the session and are not meant to limit attendance.

From Technical Safety BC:

- Vice President, Regulatory Leadership
- Director, Policy and Regulatory Affairs
- Director, Marketing, Communications and Engagement
- Safety Manager, Railway
- Leader, Program and Policy Development

From TPB:

- Assistant Deputy Minister (ADM) of Ministry of Transportation and Infrastructure
- Executive Director
- Manager, Legislation and Program Support

- Registrar of Rail Safety

4.4.2 Policy Team Meetings

In addition to Priority Planning Sessions, key employees from TPB and Technical Safety BC policy teams will also attend semi-annual policy team meetings on the alternate quarters from the Priority Planning Sessions. The purpose of the meeting is to: discuss upcoming and current collaborative projects, identify emerging issues, plan consultations and divide work and resources between organizations.

The scheduling of policy team meetings is meant to ensure that scheduled discussions occur. However, it is not meant to limit communication between the parties and it is expected that employees will communicate on a regular basis, as necessary.

The policy team meetings should include the following employees from Technical Safety BC:

- Director, Policy and Regulatory Affairs
- Leader, Program and Policy Development
- Safety Manager, Railway

Participation from TPB should include the following employees:

- Executive Director
- Manager, Legislation and Program Support
- Registrar of Rail Safety

Other employees from either party who are involved in collaborative projects may be invited to join in the policy team meetings as and when necessary.

Section 5: Requests for Amendments (RFA)

5.1 Purpose

An RFA is the process by which Technical Safety BC formally presents to the TPB a legislative or regulatory amendment proposal. The purpose of this section is to establish a clear process that captures the role of each party in this process.

As a result of the information sharing provisions above, both organizations will be aware of the analysis and safety rationale for an amendment proposal before the RFA is formally sent from Technical Safety BC to the TPB. One goal of cooperation and information sharing during the RFA process is to reduce the time from initial policy discussions to the completion of an amendment proposal for consideration by the Minister or Cabinet.

5.2 Commencement

Proposed RFAs can evolve from a number of different sources but most often they emerge from the actions of Technical Safety BC 's Railway Safety Program. These proposed RFAs may be one of the following types identified in section 4.2:

1. Adoption of provisions (and changes to the adopted provisions) of specific Government of Canada Acts and applicable regulations, standards, rules or procedures and standards regarding railway safety established by other standard making bodies (Minister's Regulation);
2. Delegation to delegates, such as Technical Safety BC, of the administration of sections of the *Railway Safety Act (B.C.)*, associated regulations and provisions that have been adopted by the Province (as per the previous subsection) (Lieutenant Governor in Council Regulation); and
3. Changes that may be made to the *Railway Safety Act (B.C.)* and associated regulations (Legislation or Lieutenant Governor in Council Regulation).

Technical Safety BC utilizes a "Request for Amendment" Form (RFA) that addresses all of the information required by the Ministry when proposing legislative or regulatory amendments. (See Appendix A: RFA Form).

5.3 Submission

The formal RFA submission, as detailed on the signed RFA Form, will be forwarded by Technical Safety BC's Vice-President, Regulatory Leadership (with a cc to the Director, Policy and Regulatory Affairs and Safety Manager, Railway) to the ADM of Ministry of Transportation and Infrastructure (with a cc to the Registrar of Rail Safety and Manager, Legislation and Program Support). TPB will acknowledge reception of the RFA Form by email within a 48 hour timeline.

5.4 Consultation

TPB and Technical Safety BC will work in collaboration when planning consultations that are anticipated to involve changes to the Railway Safety Program and anticipated to result in legislative and/or regulatory amendments. Factors influencing the design of consultations include, but are not limited to: whether the amendment proposal is for legislation (e.g., the *Railway Safety Act*) or for a regulation under the *Railway Safety Act*, the scope and magnitude of the changes; the political sensitivity of the topic; and the urgency.

The RFA Form includes a section for completed consultations which informed the proposal. Generally, consultation on a legislative or regulatory amendment proposal entails Technical Safety BC requesting comments and feedback from respective industry stakeholders, other potentially interested parties, such as other delegates (e.g. WorkSafe B.C., etc.) and any other key contact Technical Safety BC may identify for the particular amendment.

Because TPB will participate in collaborative projects through the planning and prioritization process, TPB will have an opportunity to identify additional stakeholders they believe should be involved in consultations prior to consultations being completed by Technical Safety BC.

Results of all consultations should be included on the RFA Form or attached as an appendix if the consultations are substantial in number and scope.

5.4.1 Consultation with Other Provinces

From time to time the Province enters into inter-provincial trade agreements. Examples include the Canadian Free Trade Agreement (CFTA) and the New West Partnership Trade Agreement (NWPTA).

The CFTA is an agreement between Canada's provinces and territories and the federal government. It is designed to reduce and/or eliminate barriers to the free movement of persons, goods, services, and investment within Canada.

NWPTA was signed by British Columbia, Alberta and Saskatchewan in July 2010. This agreement is more comprehensive than the CFTA and seeks to further address the standards and regulations that operate to restrict or impair trade, investment or labour mobility between the signatory provinces.

Any legislative or regulatory amendments that may materially restrict or impair trade, investment or labour mobility must be sent for review and comment by the signatories to the CFTA and/or NWPTA agreement. The purpose is to ensure that any proposed amendments do not result in a trade, investment or labour mobility barrier between jurisdictions.

Consultations under trade agreements are the responsibility of TPB. However, to ensure technical accuracy, Technical Safety BC should be included in any technical discussions and TPB will provide Technical Safety BC with the draft consultation package prior to sending to other jurisdictions for comment. Any consultation documents, including responses from other jurisdictions, should be provided to Technical Safety BC to accompany the RFA Form.

Consultation under these agreements is a formal process between provincial governments. It is not meant to replace or preclude any consultation between Technical Safety BC and its provincial counterparts.

5.4.2 Consultations and Confidentiality

The design and conduct of consultations on legislative or regulatory amendment proposals shall consider the need and/or obligation for confidentiality. Policy and technical discussions that inform amendment proposals are generally considered to be unrestricted discussions. However, when an amendment proposal has received Ministerial and/or Cabinet endorsement, or has entered the drafting stage, confidentiality provisions apply. In such cases, confidentiality in discussions of the substantive and temporal nature of issues may apply to all parties and individuals who will be privy to the consultations, including Technical Safety BC employees. In cases where confidentiality is required, all parties will be required to sign an undertaking of confidentiality or confidentiality agreement in the case of Technical Safety BC Counsel. If undertakings of confidentiality are not obtained, discussions with stakeholders must be limited to the policy intent underlying the legislative or regulatory amendments proposed. TPB's Manager, Legislation and Program Support and Technical Safety BC's Director, Policy and Regulatory Affairs will review any ambiguous cases to reach a consensus.

5.5 Legislative Review Process

Periodic reviews of legislation may be required. Before undertaking a legislative review process Technical Safety BC and TPB will identify drafting team members in each organization, and use

all reasonable efforts to develop a joint work plan, to review and agree on confidentiality protocols and to develop a targeted stakeholder consultation plan.

5.6 Review Timeline

The Ministry will provide Technical Safety BC with a projected timeline for formally reviewing the RFA within one month of its receipt by TPB staff.

5.7 Response

Once the TPB has reviewed the RFA, the TPB will respond with one of the following decisions:

1. **Accept and proceed** - TPB confirms that all of the RFA requirements have been met and commits to working with Technical Safety BC on the proposed amendment. However, TPB is not a decision-making authority for the Province and whether an amendment proceeds is a decision for the Minister or Cabinet, depending on the nature of the amendment.
2. **Accept but delay required** - TPB confirms that all of the RFA requirements have been met. However, with due consideration of the priority of the subject matter of the RFA, TPB determines it is unable to work on the amendment in the immediate future (e.g. due to insufficient resources).
3. **Reject** – TPB determines that the RFA cannot proceed and provides written explanation for the rejection to Technical Safety BC.

The formal response to the RFA will be sent from the ADM of Ministry of Transportation and Infrastructure to Technical Safety BC's Vice-President, Regulatory Leadership (with a cc to the Director, Policy and Regulatory Affairs).

Note: There may be situations where an addendum is required before a decision can be made on whether the amendment will proceed. In this case, a final decision will be delayed until the addendum is submitted and reviewed.

5.8 Drafting

After the RFA has been accepted and it is determined that the amendment or initiative will proceed, TPB will prepare drafting instructions. Technical Safety BC will be available to support as needed.

Technical Safety BC employees, who have been designated by Technical Safety BC to be part of the drafting team, will each sign an undertaking of confidentiality or confidentiality agreement to keep all material related to draft regulatory or legislative amendments and the drafting process confidential (see section 5.4.2).

Drafting instructions and drafts of the amendments will be shared with Technical Safety BC employees who have signed an undertaking of confidentiality for their review and feedback and to seek their advice on technical expertise on drafting issues.

Due to the significance of decisions that may be made during the drafting process affecting operational matters and stakeholder relations, Technical Safety BC's Director, Policy and Regulatory Affairs, and TPB's Manager, Legislation and Program Support will communicate regularly to identify and address issues as they arise.

5.9 Notification

Once the amendment comes into force, Technical Safety BC will post the final version on its website and distribute to appropriate stakeholder associations.

Section 6: Administration of Regulatory Activity

6.1 Regulated Party Dispute Resolution

The parties may agree to participate in non-binding dispute resolution involving TPB, Technical Safety BC and a regulated party in response to any complaint by a regulated party relating to the parties' administration of the *Railway Safety Act (B.C.)*. Unless otherwise agreed during the dispute resolution process, participation is on a 'without prejudice' basis and neither party is under any obligation to re-consider, vary or alter any decision or action giving rise to the

6.2 Investigation and Prosecution of Offences

TPB is solely responsible for initiating and conducting investigations and prosecutions of offences under Part 3 of the *Railway Safety Act (B.C.)*, including communicating with Crown Counsel. Technical Safety BC may recommend investigations and prosecutions to TPB, and in any event TPB will advise Technical Safety BC promptly of any contemplated investigations and prosecutions. In the event of any contemplated or actual prosecution, BCSA will provide all reasonable assistance to TPB and Crown Counsel.

Section 7: Records Storage

7.1 Purpose

When Technical Safety BC was established in April 2004, some of the provincial railway records were transferred to Technical Safety BC while the Ministry retained others. The purpose of this section is to capture the processes for accessing records, destroying records and invoicing for records storage costs.

7.2 Access to Records

Under the Administrative Agreement, Technical Safety BC has access to some provincial railway records that are stored by the Ministry. To ensure that Technical Safety BC employees are able to access these records, Technical Safety BC Records, Information and Privacy Analyst ("Technical Safety BC's Analyst") will provide the Ministry Records Analyst ("RA") with a list of employees who require access to these records. An updated list should be provided identifying any new Technical Safety BC employee requiring access or when a Technical Safety BC employee no longer requires access to these records.

The RA will provide the updated list to employees at the records storage facility, allowing Technical Safety BC to requests records directly from the facility.

7.3 Destruction of Records

Records held by the Province are regularly destroyed according to a disposition schedule. When provincial railway records held by the Province reach their disposition date, meaning they are scheduled for destruction or transfer to the BC Archives, all reasonable efforts will be made to ensure that the RA will send notification (known as 60 day notices or ARS196's) to the TPB Registrar of Rail Safety who will provide the notification to Technical Safety BC's Analyst for review.

Technical Safety BC will determine whether they want any of the records outlined in the notification retained by the Province longer than the disposition date shown on the notice. Technical Safety BC's Analyst will then advise the TPB Registrar of Rail Safety by providing a list of the records to be retained to the RA. The list should include how long Technical Safety BC would like the records retained.

If Technical Safety BC does not provide a list of records to be retained, the records will be destroyed or transferred to the BC Archives according to the disposition schedule.

7.4 Invoicing for Records Storage

Under the Agreement, Technical Safety BC is responsible for paying the Province for the storage of relevant provincial railway records that have not been transferred to Technical Safety BC. To facilitate this process, the Contract Administrator at the Information Management Branch of the Ministry will invoice Technical Safety BC Analyst each January for the previous calendar year. It is expected that Technical Safety BC will submit payment within 30 days after receiving the invoice.

Section 8: Implementation of and Amendments to this Protocol

In order for these protocols to be implemented in an efficient and effective manner the following roles and responsibilities will be operative.

- Both parties to this protocol have the responsibility to ensure that the appropriate representatives of the other party have accurate and timely information from which to make informed decisions.
- TPB's Manager, Legislation and Program Support and Technical Safety BC's Leader, Policy and Program Development, as liaison persons, will monitor all agreed upon actions. In addition to the normal ongoing communications, they will establish designated times to assess, review and recommend any actions needed to improve the implementation process.
- The parties will meet in person or by telephone to review the effectiveness of the Protocol.
- Both parties, every three years or as need dictates, will formally assess, evaluate and recommend any necessary changes to the protocols.

In implementing this Protocol, the Ministry and Technical Safety BC acknowledge that this Protocol and the matters contemplated in this Protocol are subject to law. Neither this Protocol nor any part or provision of this Protocol is intended to be or is inconsistent with or in conflict with any law including any statutes or regulations and in the event of any such inconsistency or conflict arising, the applicable law will prevail and govern the particular circumstance.

Nothing in this Protocol is intended to or will derogate from or fetter the discretion of the Legislature or the exercise or discharge on the part of the responsible Minister, the Province, or the Registrar of Railway Safety of their respective statutory or regulatory functions, duties or authorities.

Section 9: Revision History

Revision	Revision Date	Revision History	Revised by
00	2016/09/20	New Release	Guiton/Abbott, Technical Safety BC; DeMeo, MOTI
01	2018/03/05	Revision	Aggarwal/Abbott, Technical Safety BC; DeMeo, MOTI

Section 10: Approval

This document has been approved for adequacy by:

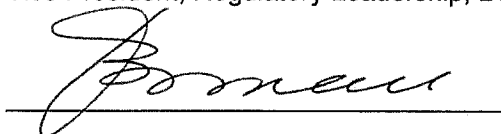


Derek Patterson

Vice President, Regulatory Leadership, BC Safety Authority

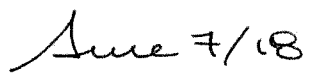


Date



Deborah Bowman

Assistant Deputy Minister, Ministry of Transportation
and Infrastructure



Date

Appendix A: Request for Amendment Form

REQUEST FOR AMENDMENT FORM	
RFA NUMBER:	DATE OF RFA:
APPROVER (SIGNATURE):	
OBJECTIVE	
Provide a high level statement briefly explaining what the requested amendment proposes to do about the problem	
ISSUE STATEMENT	
Summarize the issue (e.g. safety concern, technological change) that you are trying to address	
BACKGROUND	
What has brought this problem to your attention (e.g. important safety issue/incident, industry groups, etc.)?	
Also include other pertinent background information that may be useful for consideration.	
RECOMMENDATION	
Describe the requested amendment (you may refer to specific sections of the legislation/regulation for clarity but do not provide a draft of the proposed amendment).	
RATIONALE FOR MAKING THE PROPOSED CHANGE	
Why is this particular solution chosen (that is, how do you expect that it will address the problem)?	
What are the risks if this change is not made , including any safety impacts.	
POLICY ISSUES	
Are there any potential policy issues that may result from the proposed change?	
CONSULTATIONS	
Provide details of consultations taken, including parties consulted with and responses to proposed amendment (may be attached as an Appendix if the consultations are substantial).	
APPROACHES IN OTHER JURISDICTIONS (IF APPLICABLE)	