
Overview Report

Role of Transportation Safety Board of Canada and Its Investigations of the OLRT System

1. Scope of Overview Report

1. This overview report sets out the jurisdiction of the Transportation Safety Board of Canada (TSB) and its investigations of the Ottawa Light Rail Transit (OLRT) system. Finally, this overview report lists what the TSB has submitted to the Commission.

2. The TSB's Jurisdiction over Transportation Occurrences

2. The TSB is an independent federal agency established by section 4 of the *Canadian Transportation Accident Investigation and Safety Board Act* (the TSB Act).¹ In general, the TSB's object is to advance transportation safety by: 1) conducting independent investigations; 2) identifying safety deficiencies; and 3) reporting publicly on its investigations and findings.²
3. The TSB is empowered under the TSB Act to investigate "transportation occurrences," which is a term defined under the TSB Act to include any accident or incident associated with the operation of rolling stock on a railway.³
4. The TSB has jurisdiction to investigate transportation occurrences involving the OLRT system.⁴
5. The City of Ottawa (City) is required under subparagraph 5(1)(b)(i) of the Transportation Safety Board Regulations to report any derailment to the TSB.⁵

DISCLAIMER

Please note that in accordance with the Commission's Rules of Procedure, the statements in this Overview Report may be challenged or supplemented through evidence led before the Commission or submissions made to the Commissioner. The Commissioner will consider all the evidence entered in the Commission's public hearings in determining the weight to be ascribed to anything contained in the Overview Report.

3. The TSB's Investigations into the OLRT System

6. The TSB has initiated the following investigations into transportation occurrences involving the OLRT system:
 - a. Rail Transportation Safety Investigation R21H0099, into a derailment on August 8, 2021
 - b. Rail Transportation Safety Investigation R21H0121, into a derailment on September 19, 2021
 - c. Rail Transportation Safety Investigation R20H0079, into cracked wheels discovered on OLRT light rail vehicles (LRVs) in July 2020

Derailment investigations

7. Both investigations R21H0099 and R21H0121 have been completed. These investigations were classified by the TSB as involving “class 5” occurrences. Under the TSB’s Policy on Occurrence Classification, a class 5 occurrence “has little likelihood of identifying new safety lessons that will advance transportation safety.” An investigation into a class 5 occurrence is limited to gathering data, and no report is produced.⁶
8. Regarding investigations R21H0099 and R21H0121, the TSB has issued two Rail Safety Advisory letters:
 - a. Rail Safety Advisory Letter 617-02/21 was issued on September 27, 2021.
 - b. Rail Safety Advisory Letter 617-03/21 was issued on November 2, 2021.

Cracked wheel investigations

9. The TSB is currently undertaking Investigation R20H0079, into cracked wheels discovered on LRVs in July 2020. That investigation involves a “class 3” occurrence, which TSB’s policy states “may have significant consequences that attract a high level of public interest.” The TSB issues reports following class 3 occurrences.⁷
10. Regarding the investigation R20H0079, the TSB issued Rail Safety Advisory Letter 617-08/20 on December 15, 2020, and the investigation has not yet released a report.⁸

4. Documents that the TSB has Provided to the Commission

11. The TSB has provided the following documents to the Commission:
 - a. The TSB's Railway Safety Advisory letters^{9,10,11}
 - b. Photos taken by TSB investigators at the derailment sites in R21H0099 and R21H0121¹²

12. Under section 33 of the TSB Act, "[a]n opinion of a member or investigator is not admissible in evidence in any legal, disciplinary, or other proceedings." As a result, the TSB has redacted investigators' opinions from the Railway Safety Advisory Letters.

NOTES

¹ *Canadian Transportation Accident Investigation and Safety Board Act, Statutes of Canada 1989, c.3.*

² *TSB Act, S.C. 1989, c.3 at section 7(1).*

³ *TSB Act, S.C. 1989, c.3 at section 2.*

⁴ *TSB Act, S.C. 1989, c.3 at paragraph 3(4)(a).*

⁵ *Transportation Safety Board Regulations, SOR/214-37.*

⁶ Transportation Safety Board of Canada. "Policy on Occurrence Classification" at Appendix C. Effective May 1, 2018, last modified February 24, 2021.

⁷ TSB. "Occurrence Classification Policy - May 1, 2018", Appendix C.

⁸ Transportation Safety Board of Canada. 2020. "Rail transportation safety investigation R20H0079." Updated September 2020. (COM0009711)

⁹ Transportation Safety Board of Canada. *Rail Safety Advisory Letter 02/21*, September 27, 2021. (COM0001435)

¹⁰ TSB. *Rail Safety Advisory Letter 03/21*, November 2, 2021. (COM0001437)

¹¹ TSB. *Rail Safety Advisory Letter 08/20*, November 4, 2020. (COM0001883)

¹² Transportation Safety Board of Canada. Photographs. (COM0001438; COM0001439; COM0001440; COM0001441; COM0001442; COM0001443; COM0001444; COM0001445; COM0001446; COM0001447; COM0001448; COM0001449; COM0001450; COM0001451; COM0001452; COM0001453; COM0001454; COM0001455)