



Canadian
Transportation
Agency

Office
des transports
du Canada

ANNUAL CERTIFICATE OF COMPLIANCE FOR RAILWAY OPERATIONS IN CANADA



Canada 

Note: This form is to be filed by a certificate of fitness holder, along with the required supporting documentation (listed below), as soon as practical prior to the expiry date of the insurance coverage on record with the Canadian Transportation Agency, and no less than once a year.

1. Certificate of fitness holder information

Certificate of fitness number:

Date of issue:

Legal names(s) of the certificate of fitness holder (as it appears on the incorporation document): (hereafter, COF holder)

Note: The supporting documents listed below must be in the COF holder's legal name

- ✓ Certificate of insurance
- ✓ Indemnity agreement (if applicable)

2. Type of railway operation

- ☐ Freight
- ☐ Passenger
- ☐ Freight and passenger

3. Contact information

Head office address:

Contact person for certificate of fitness:

Full name and title:

Phone number:

Email address:

Address (if different from head office):

Section 4 is not applicable to COF holders that are involved exclusively in the transportation of passengers and do not host freight volumes carried by another railway company over the COF holder's tracks.

4. Type and volume of freight traffic (tonnes) in Canada

A COF holder that declares itself to be in insurance category 4 (the category with the highest minimum liability insurance coverage amount of one billion dollars (\$1B) per occurrence, as set out in Item 4 of Schedule IV of the *Canada Transportation Act*) **is not required to submit a volume report.**

Declaration:

☐ The COF holder declares that it complies with the minimum liability insurance coverage requirement set out in Item 4 of Schedule IV of the *Canada Transportation Act*. Further to this, the carriage of crude oil is involved in the COF holder's operation:

☐ Yes

☐ No

If the above declaration does not apply, provide a summary of the historical, current and forecast traffic volumes (in tonnes) per calendar year for the commodities indicated below, as defined in the *Canada Transportation Act*, for the two previously completed calendar years, the current calendar year (year-to-date and balance-year forecast), and for the upcoming calendar year.

Commodity	Historical years		Current year		Forecast year
			year-to-date	balance-year forecast	
Toxic Inhalation Hazard					
Crude oil					
Other dangerous goods					

Using the template available at [detailed volume report](#), also provide a detailed breakdown of the commodities summarized above by their respective UN, and/or HAZMAT codes. For forecasted volumes, provide the rationale, all assumptions and the methodology used to derive each figure for the type and volume of freight traffic in Canada. Be prepared to substantiate volume submissions with source data on request.

Volumes hosted but not carried: If applicable, for the same time periods indicated above, provide separately, the estimated volume of prescribed commodities involved in the COF holder's operation carried over the COF holder's tracks by a railway company or a person other than a railway company, that is not transported by the COF holder.

- ☐ Not applicable
- ☐ Report of volumes host but not carried attached

5. Minimum liability insurance coverage

Provide a completed and executed Agency [Certificate of Insurance form](#).

- ☐ A completed certificate is attached

6. Assessment of capability to self-insure (self-insured retention or deductible)

- a) Provide the legal name of the company that is responsible to pay the amount of self-insurance.
- b) In the event that the company named in a) above is not the COF holder:
 - i. describe its relationship (e.g., parent company) to the COF holder;
 - ii. provide an executed copy of an indemnity agreement between the parties to this effect.
- c) Be prepared, on request, to provide audited financial statements for the responsible company for the three most recent complete fiscal years.

7. Notification of changes

- ☐ The COF holder acknowledges the following:

In accordance with Section 94 of the *Canada Transportation Act* (CTA), the COF holder is obligated to notify the Agency in writing without delay:

- a) if the liability insurance coverage is cancelled or altered;
- b) if there are any changes to the operation that may affect the liability insurance coverage.

Any such changes that have been previously unreported must be reported immediately. Failure to report changes in a timely manner can result in administrative monetary penalties of up to \$100,000 per violation.

- ☐ The COF holder has fully informed its insurers of any factors, including changes to previously disclosed factors, that might affect the insurers' risk assessment of the COF holder's operation.

Examples of possible changes

Changes may include, but are not limited to:

- if the COF holder's traffic volumes of crude oil, TIH or other dangerous goods are

anticipated to change in a manner that might result in the requirement to obtain additional insurance coverage;

- if new persons carrying prescribed commodities are anticipated to use the tracks of the COF holder and at what volumes;
- if, as a result of claims filed or paid, or other circumstances that might cause exhaustion of policy limits, the COF holder's per-occurrence insurance limit or total policy aggregate limit may no longer be fully available;
- if other persons or railway companies are to be covered by the insurance policy of the COF holder;
- if the ownership or the corporate structure of the COF holder or its parent company is anticipated to change;
- if the legal name(s) of the COF holder or its indemnitor is anticipated to change;
- if the COF holder's financial situation has changed or could change in a manner that might result in the failure of the COF holder to pay its insurance premiums or in its inability to cover the self-insurance portion of its coverage (in the case of an indemnity agreement provided by an affiliated company, the same would apply if the financial situation of the affiliated company were to change);
- if the COF holder is planning to become involved in the transportation of passengers;
- if the termini and routes of railway appearing on the COF holder's certificate of fitness are intended (or are anticipated) to change; and
- if there are any other circumstances that might result in the COF holder failing to comply with the insurance requirements of the CTA.

8. Continued compliance

☐ The COF holder acknowledges that to continue to hold its certificate of fitness:

- a) it must maintain at all times insurance coverage that meets the liability insurance requirements of the CTA; and,
- b) it must file as soon as practical prior to the expiry date of the liability insurance coverage on record with the Agency, and no less than once a year, an Annual Certificate of Compliance, along with the required supporting documentation.

9. Authorized officer statement

I am an authorized officer of the COF holder and as such have knowledge of all matters declared in this certificate. I certify that the information given, or in any and all documents submitted in support of this application, is true, accurate and complete.

Name of COF holder's authorized person or agent:

Title:

Signature:

Signature must be by the person named above; not stamped, electronic, or signed by procuration (i.e. by another person on their behalf).

Date signed:

Note: Under subsection 173(1) of the CTA, no person shall knowingly make any false or misleading statement or knowingly provide false or misleading information to the Canadian Transportation Agency or the Minister of Transport or to any person acting on behalf of the Agency or the Minister in connection with any matter under the CTA. Pursuant to section 174 of the CTA, every person who contravenes a provision of this Act or a regulation or order made under this Act, other than an order made under section 47, is guilty of an offence punishable on summary conviction and liable to a fine.

10. Filing instructions and confidentiality

Submit the information, along with all supporting documentation, to the Agency by email: determinations@otc-cta.gc.ca.

Third party confidential information, as described in section 20 of the *Access to Information Act*, will not be disclosed publicly unless you provide consent or otherwise in accordance with law. Questions concerning the certificate of fitness requirements described in this form may be addressed to determinations@otc-cta.gc.ca.

Note: If your submission contains large files or sensitive information that you do not wish to send via email, please contact us at determinations@otc-cta.gc.ca. We will promptly make arrangements to allow for easy electronic transmission through secured channels.