



Canadian
Transportation
Agency

Office
des transports
du Canada

Railway Crossings of Other Railways

A Resource Tool



Making Transportation Efficient and Accessible for All

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Canada 

This document and other Canadian Transportation Agency publications are available on our Web site at www.cta.gc.ca.

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Introduction

This resource tool is designed to help parties who wish to construct a railway line across another railway line.

Agreements

The parties involved in constructing a railway line across another railway line may negotiate any aspect of a crossing. Under [section 99 \(Part III\)](#) of the [Canada Transportation Act](#), they may file an agreement, or an amendment to an agreement, with the Canadian Transportation Agency. The filed agreement becomes an order of the Agency authorizing the parties to construct the railway line, as provided for in the agreement.

Any such order for a railway crossing establishes a statutory right to cross at a specific location and registers the agreement with the Agency as a court of record in the event of a future dispute.

When negotiating an agreement the parties may want to consider the following items:

- location of the crossing;
- a description of the project;
- the purpose of the project;
- plans or drawings prepared to scale, signed, and dated;
- liability;
- design;
- material standards;
- duration (including removal provisions);
- costs, such as those related to construction, maintenance and restoration;
- safety requirements;
- environmental impact; and
- other project-specific issues.

The agreement must clearly demonstrate the consent of both parties. A written, signed agreement may be submitted to the Agency:

By mail

Secretary
Canadian Transportation Agency
Ottawa, Ontario
K1A 0N9

By fax

819-997-6727

By courier

Secretary
Canadian Transportation Agency
15 Eddy Street
17th Floor, Mailroom
Gatineau, Quebec
J8X 4B3

In addition, you should send a copy of the application to each of the parties involved.

Disputes

Under section 99 (Part III) of the Act, if the parties are unable to reach an agreement respecting a railway crossing, the party proposing to construct the crossing may apply to the Agency. The Agency may authorize the construction of the railway line or any related work, and may rule on the disputed issues.

A written, signed application may be submitted to the appropriate address above. A copy of the application should be sent to each of the parties involved.

In order for the application to be considered complete, the following information should be included:

- the location of the crossing (including railway mileage and subdivision of each line);
- a description of the project, in the level of detail that would ordinarily be included in an agreement;
- the purpose of the project, when it is not clear;
- a list or description of the issues to which both parties have agreed;
- a list or description of the contentious issues to be resolved by the Agency, on which the other party will be given an opportunity to comment; and
- an [environmental assessment](#) of the project that must be conducted by the applicant and screened by the Agency. (This is a requirement of the [Canadian Environmental Assessment Act](#)).

The application should also include two copies of a general arrangement plan or drawing, prepared to scale and appropriately dated and signed. The plan should include the following information:

- a title block containing the names of the railway companies, the subdivisions and mileages, and the plan number;
- a plan view of the railway crossing, including:
 - the location and width of the railway companies' rights-of-way, including all the

- railway infrastructure, for at least 400 metres in each direction from the crossing;
- drainage and utility facilities relating to the railway crossing; and
- any necessary changes to the infrastructure or to the rights-of-way of the railway companies;
- a profile of the railway lines for at least 400 metres in each direction from the crossing with the elevation of the original ground at the centre line of the track; and
- for a railway line crossing under or over another railway line:
 - the limits of the project within which the parties could share costs, in the applicant's opinion;
 - an elevation of the proposed work indicating horizontal and vertical clearances; and
 - a cross section of the proposed work showing the track structure, number and spacing of tracks, walkways, railings, drainage and utility facilities.

Process

In any proceeding before it, the Agency ensures that each party has the opportunity to file submissions. In general, the Agency reviews the complaint or application and invites the other party(ies) to comment within 21 days. The applicant then has 7 days to respond. In more complex cases, the time allowed may be increased to 30 and 10 days, respectively.

The Members of the Agency are responsible for issuing decisions and orders. Members consider all the evidence filed, as well as all applicable legislation, regulations and legal principles.

The Agency strives to deal with each of its cases within 120 days. However, it may take more than 120 days to issue a decision due to the complexity or particular circumstances of a case.

For more information, consult the Agency's Process for Making Decisions at:
<http://www.cta.gc.ca/eng/decisions>

Decisions and appeals

An Agency order or decision is binding upon the parties and remains in effect until it is amended or rescinded. However, any order or decision may be:

- reviewed by the Agency if there are new facts or circumstances;
- appealed to the Federal Court of Appeal on a question of law or jurisdiction, within one month of the date of the order or decision; and
- amended or rescinded at any time if a petition is filed with the Governor in Council.

Confidentiality

All documents filed with the Agency become part of the public record unless otherwise ordered by the Agency. A party may make a claim for confidentiality in accordance with the Agency's [General Rules](#).

Safety and funding

Authority to establish or modify a railway crossing under the Act does not relieve the parties of their obligations under the [Railway Safety Act](#) (RSA). Transport Canada is responsible for safety and funding matters under the RSA. See Transport Canada's website for more information on the [Grade Crossing Improvement Program](#). For more information on RSA safety requirements, go to the [Rail Safety](#) section of Transport Canada's Web site or contact one of the following [Transport Canada Surface Regional Offices](#):

Atlantic Region: 1-800-387-4999

Quebec Region: 514-633-2714

Ontario Region: 416-952-0154

Prairie and Northern Region: 1-888-463-0521

Pacific Region (B.C.): 604-666-3518

For more information

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