



Canadian
Transportation
Agency

Office
des transports
du Canada

Railway Operation Compensation

A Resource Tool



Making Transportation Efficient and Accessible for All

Available in multiple formats

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 refers to specific sections of the [Railway Safety Act](#) (RSA) and is designed for the owners, lessees or occupiers of:

- land adjoining the land on which a line of railway is situated;
- buildings or other structures on that land; or
- mines or other works operated on that land.

It covers compensation they are entitled to for any losses they suffered because of the railway.

Legislation

According to [section 24 of the RSA](#), the Governor in Council can make regulations restricting specific activities on land adjoining the land on which the railway is situated, where those activities may threaten safe railway operations. These regulations may include the control or prohibition of such activities, for example:

- the construction, alteration or maintenance of buildings or structures;
- the construction, alteration or operation of a mine;
- the construction, alteration or maintenance of drainage systems;
- the storage of specified materials;
- the clearing of sight lines or the removal of weeds; and
- the prevention of unauthorized access to railway lands.

[Section 25 of the RSA](#) allows railway companies to access land adjoining their railway under certain circumstances. These circumstances include:

- where no other access to railway land is reasonably available to allow the railway company to carry out its railway works or remove obstructions;
- when a railway company must deal with a fire on those lands;
- when brush clearing is required for sight lines; or
- when a snow fence must be erected or maintained.

If an owner, lessee or occupier as set out above suffers a loss resulting from any such activities carried out by a railway company, they are entitled to compensation from the railway company pursuant to subsections 24(2) and 25(3). When parties cannot agree on the compensation that should be paid, any party may ask the Canadian Transportation Agency to determine the appropriate compensation.

Application

If you wish to apply to the Agency, please submit your written, signed application:

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.

Safety

Authority to determine compensation as set out in this document does not relieve the parties of any safety obligations under the RSA. Transport Canada is responsible for safety and funding matters under the RSA. 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