



Canadian  
Transportation  
Agency

Office  
des transports  
du Canada

# Crossings

## 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](http://www.cta.gc.ca)**.

For more information about the Agency, please contact:

Canadian Transportation Agency  
Ottawa, Ontario K1A 0N9  
Telephone: 1-888-222-2592  
TTY: 1-800-669-5575  
Facsimile: 819-997-6727  
E-mail: [info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca)  
Web site: [www.cta.gc.ca](http://www.cta.gc.ca)

Catalogue No. TT4-21/2011E-PDF  
ISBN 978-1-100-19684-8

© Minister of Public Works and Government Services Canada  
November 2011

# Table of Contents

Introduction.....	1
Road and utility crossings of railways .....	1
Agreements.....	1
Disputes.....	2
Private crossings of railways .....	4
Legislation.....	4
Disputes.....	4
Railway works cost apportionment .....	5
Disputes.....	5
Crossing applications .....	5
Process.....	6
Decisions and appeals.....	6
Confidentiality .....	6
Safety .....	7
For more information .....	7

## Introduction

This resource tool will assist railway companies, utility companies, landowners and other stakeholders in their interactions with railway crossings.

It provides information for:

- **road authorities** and **railway companies** when they want to construct or reconstruct a road crossing;
- **landowners** who need to cross the track of a railway company to access their property;
- **utility companies** and **railway companies** who want to install or modify a utility crossing; and
- **railway companies** and **road authorities, municipalities, landowners or utility companies** that have disputes related to railway crossings.

## Road and utility crossings of railways

This section is designed to help road authorities and railway companies when they want to construct or reconstruct a road crossing.

It can also help utility companies and railway companies who want to install or modify facilities where they cross each other. Utility companies include any company that transmits goods or energy, or provides services through wires, cables, pipelines or similar means.

## Agreements

The parties may negotiate any aspect of a crossing. Under [section 101 \(Part III\)](#) of the [Canada Transportation Act](#), an agreement, or an amendment to an agreement, may be filed by either party with the Canadian Transportation Agency. The filed agreement becomes an order of the Agency authorizing the parties to construct or maintain the crossing, or apportioning the costs, as provided for in the agreement.

Any such order for a road or utility 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;
- terms and conditions, such as those governing alteration, notice, process and

supervision;

- 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.

## Disputes

Under section 101 of the Act (Part III), if the parties are unable to reach an agreement respecting a road or utility crossing, the party proposing to construct or reconstruct the crossing may apply to the Agency. The Agency may authorize the construction of a suitable road or utility crossing or related work, and may rule on any disputed issue within its jurisdiction.

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, the name of the road and town and/or land title co-ordinates);
- a description of the project, in the level of detail that would ordinarily be included in an agreement;
- the purpose of the project
- 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.)

## For road crossings of railways:

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:

1. a title block containing the name of the road authority, the road identification, the name

of the railway company, the railway subdivision and mileage, the plan number and the date;

2. a key map showing the location of the proposed work and all road crossings affected by it;
3. a **plan view of the road crossing** and of its approaches showing all the pertinent information, including:
  - a. the location and width of the railway right-of-way, including all the railway infrastructure, for at least 400 metres in each direction from the road crossing;
  - b. the location and width of the road allowance, including all the road infrastructure, for at least 100 metres in each direction from the road crossing;
  - c. the angle of the crossing;
  - d. drainage and utility facilities relating to the road crossing; and
  - e. any necessary changes to the railway or road infrastructure;
4. a profile of the railway for at least 100 metres in each direction from the road crossing with the elevation of the original ground at the centre line of the track;
5. a profile of the road for at least 100 metres in each direction from the road crossing, showing the elevation of the road surface, the existing and proposed gradients and the elevation of the original ground at the centre line of the road;
6. a typical cross section of the road allowance around the road crossing showing the location and width of the traffic lanes, shoulders, curbs, medians, sidewalks, drainage and utility facilities; and
7. for **grade separations**:
  - a. the limits of the project within which the parties could share costs, in the applicant's opinion;
  - b. the boundaries of the existing road allowance and of the proposed road allowance that will contain the proposed work, its approaches, and any related drainage and utility facilities;
  - c. an elevation of the proposed work indicating horizontal and vertical clearances; and
  - d. a cross section of the proposed work showing:
    - i. for an overhead bridge: the location and width of the traffic lanes, shoulders, curbs, medians, sidewalks, railings, drainage and utility facilities; or
    - ii. for a subway: the track structure, number and spacing of tracks, walkways, railings, drainage and all utility facilities.
8. information such as existing and proposed signage and signals, posted or proposed road speeds, vehicle count and seniority may also be useful.

## Private crossings of railways

This section is designed to help landowners who want a private crossing to access their property.

### Legislation

Under [section 102 \(Part III\)](#) of the Act, if the construction of a railway line crosses a landowner's land, the owner can ask the railway company to construct and maintain a suitable crossing that allows the landowner to enjoy the land. If the landowner and the railway company cannot agree, the Agency may determine whether such a right exists and what constitutes a suitable crossing.

Under section 103 (Part III) of the Act, if the construction of a railway line does not divide a landowner's land, but the railway company and the landowner adjoining the railway disagree on some aspect of a private crossing, the landowner can apply to the Agency. The Agency may order the railway company to construct a suitable crossing, if the Agency considers such a crossing necessary to the landowner's enjoyment of the land. It may also determine what constitutes a suitable crossing, and what terms and conditions should govern the crossing, such as liability, compensation, duration and the use of the crossing. In these cases, the landowner pays the costs of constructing and maintaining the crossing.

### Disputes

If the parties are unable to agree on a private crossing, the party proposing to install the crossing may apply to the Agency for an order authorizing the crossing, including a ruling on the disputed issues.

To help the Agency fully appreciate the situation, the following information should be included in an application:

- the location of the crossing (railway mileage and subdivision are essential, while town and/or land title co-ordinates are also helpful but less critical);
- sufficient evidence of historical ownership to date of the land on both sides of the railway, if applying under section 102;
- a description of the project, such as a description of the approaches to the crossing, to the level of detail that would normally be part of an agreement;
- the purpose and necessity of the project, when it is not clear;
- two copies of a plan, drawing, sketch or other map that helps describe the location of the crossing;
- 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.

## Railway works cost apportionment

Under the [Railway Safety Act](#), the Agency may apportion the costs of constructing, altering, maintaining or operating a railway work when the parties who may benefit from that work cannot agree. Railway companies include only those companies under the Agency's jurisdiction.

A railway work includes not only road and utility crossings of railways, but also railway lines and their supporting structures, any system of switches or signals that facilitates railway operations, or any other structure along, across or beside a railway line that also facilitates railway operations. Typically, such railway works are crossing warning systems – such as bells, lights and gates – at road crossings, or structures along railway right-of-ways.

If a railway company and a road authority, municipality or landowner cannot agree on the allocation of costs for the project, either party may refer the matter to the Agency, before, during or after construction or alteration of the railway work.

## Disputes

In the event of a dispute, any party that may benefit from the railway work may ask the Agency to apportion the costs of the project.

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

- a description of the existing conditions;
- a description of the work;
- the reason for the work;
- the reason why the existing condition is no longer adequate;
- other options considered in lieu of the work;
- a list of the benefits each party will receive when the work is completed;
- a cost estimate, where appropriate;
- the location of the site (railway mileage and subdivision, street name and municipality, if available); and
- any other supporting information, including seniority.

## Crossing applications

If you wish to apply to the Agency for any of the situations above, 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.

## 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

Authority to establish or modify a road 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. 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

Canadian Transportation Agency

Ottawa, Ontario K1A 0N9

Telephone: 1-888-222-2592

TTY: 1-800-669-5575

Facsimile: 819-997-6727

E-mail: [info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca)

Web site: [www.cta.gc.ca](http://www.cta.gc.ca)