



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**.

For more information about the Agency, please contact:

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Ottawa, Ontario K1A 0N9
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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.

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 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

For more information

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