



Canadian
Transportation
Agency

Office
des transports
du Canada

Relocation of Railway Lines in Urban Areas 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**.

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
Web site: www.cta.gc.ca

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Introduction

The [Railway Relocation and Crossing Act](#) (RRCA) is designed to facilitate the relocation of railway lines or the rerouting of railway traffic in urban areas in situations where a railway company and the relevant government body cannot agree. The RRCA empowers the Canadian Transportation Agency to order a railway company to do such things as remove railway structures, build new facilities, stop operating on certain lines or allow other railway companies onto their trackage in urban areas. However, these powers may only be used when certain criteria are met, including a determination by the Agency that any such relocation or rerouting would occur at no net cost to the railway company.

The Agency may also recommend a grant to help offset the costs of relocation or rerouting but only when Parliament has previously set aside money for that purpose. Financial assistance to help prepare a transportation plan for any such relocation or rerouting may also be available from the Minister of Transport, Infrastructure and Communities, again provided Parliament has previously set aside money for that purpose.

This resource tool is designed to inform railway companies and provincial or municipal authorities of the RRCA process to be followed in the relocation of railway lines or the rerouting of railway traffic in urban areas.

Definitions

- *urban area*: an area and areas adjacent thereto that are classified as urban by Statistics Canada in its most recent census.
- *transportation plan*: a plan for the control of transportation within a defined area proposing as of some specific time the layout of any streets, highways, bridges, railway lines, railway crossings at level or at grade separations, bus routes, rapid transit lines, railway stations, bus terminals, rapid transit stations and wharves and airports within the defined area.
- *urban development plan*: a plan for the control of the development and use of land within or within and adjacent to an urban area to regulate the use of that land for purposes of industry, commerce, government, recreation, transportation, hospitals, schools, churches, residences, or for other purposes or classes of users, with or without subdivisions of the various classes.
- *accepted plan*: an urban development plan and transportation plan agreed to by a province and all municipalities within a transportation study area that is comprised of an urban area.

Relocation of railway lines

Application

If provincial or municipal authorities cannot reach an agreement with a railway company on the relocation of railway lines, [subsection 3\(1\) of the RRCA](#) permits an application to the Agency for an order to carry out an accepted plan. The accepted plan will facilitate the relocation of specific railway lines or operations around and away from an urban area in order to promote urban development. The Minister of Transport, Infrastructure and Communities may authorize the payment, out of funds set aside by Parliament, of not more than 50% of the cost of preparing the urban development plan or the transportation plan or both.

Before the Agency may receive the application, the Minister of Transport, Infrastructure and Communities must be satisfied that any federal programs contemplated for use in the urban development plan are available and would contribute significantly to the improvement of the urban area. The Governor in Council must also be prepared to authorize the allocation of the necessary funds for relocation grants for the transportation plan.

An application must contain a financial plan showing how the costs and benefits of the transportation plan are to be shared by the province, the municipalities and the railway companies or any other parties affected by the accepted plan. It must also indicate how and when the costs of the transportation plan are to be met and all financial assistance available to meet those costs.

The Agency may accept the transportation and financial plan as submitted or with changes it considers necessary if, among other factors, the Agency finds that the financial plan will not (a) impose on the railway company any losses greater than the benefits received or (b) confer on the railway company any benefits greater than the losses incurred. The Agency must also be satisfied that the financial assistance set out in the financial plan will be committed.

Agency order

Following a hearing, the Agency may under [section 7 of the RRCA](#) order the railway company to cease operations over any line within the transportation study area and, if necessary, to remove tracks, buildings, bridges and other structures in the transportation study area.

For the purpose of carrying out the transportation plan, the Agency may, as per requirements under the [Railway Safety Act](#), require a railway company to permit the operation of another railway company, rapid transit or public transit system to operate over its lines within the transportation study area. If so, the railway company would receive the compensation set out in the financial plan according to rules prescribed by the Agency.

Relocation grant

The Agency may recommend to the Minister of Transport, Infrastructure and Communities that a relocation grant be paid to meet part of the implementation costs. The grant can meet up to half of the net costs of railway relocation as determined by the Agency.

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.

Documentation

To help the Agency make its determination, you should provide all relevant documentation along with your application to relocate a railway line. This documentation should include the following items:

- a copy of the financial plan;
- a copy of the transportation plan;
- all relevant correspondence between the parties;
- maps showing the location of the railway line and land boundaries.

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](#).

For more information

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