



Canadian
Transportation
Agency

Office
des transports
du Canada

Railway Line Construction

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 assist railway companies under the Canadian Transportation Agency's jurisdiction that want to construct a railway line and to assist parties who may be affected by any such construction.

Construction of a railway line

Under [section 98](#) of the *Canada Transportation Act*, the following provisions apply to the construction of railway lines, including main lines, branch lines, yard tracks, sidings, spurs or other track auxiliary to a railway line.

1. A railway company shall not construct a railway line without the Agency's approval.
2. If the railway company applies to construct a line, the Agency may approve the application if it considers the location of the railway line reasonable. The Agency must consider requirements for railway operations and services, and the interests of the localities that the line will affect.
3. No approval is needed to construct a railway line
 - a. within the right-of-way of an existing line; or
 - b. within 100 metres of the centre line of an existing railway line for a distance of no more than 3 kilometres.

Additionally, under the [Canadian Environmental Assessment Act, 2012](#)¹ (CEAA 2012), the railway company must ensure that any environmental assessment required of its proposed railway line construction project is undertaken.

For railway line construction projects subject to CEAA 2012, the Agency can only proceed with approval under Section 98 once an environmental assessment has been conducted and if it has been determined that the project will not cause significant adverse environmental effects.

Notice

When a railway company wants to construct a railway line covered by the Act, it must properly notify all parties who may be affected by or have an interest in the proposed line, so that they can have the opportunity to make a submission to the Agency regarding the proposed line. Such notification may include direct notice to affected landowners, communities and others, as well as public notices in local newspapers. Applicants should contact Agency staff to determine the specific notice requirements for the proposed line.

¹ <http://laws-lois.justice.gc.ca/eng/acts/C-15.21/FullText.html>

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.

Include the following information in the application:

1. the following project details:
 - the right-of-way of the proposed railway line,
 - the property lines and names of the owners of the land that the railway line will cross,
 - all proposed road, utility and private crossings,
 - all open drains, watercourses, road allowances (rights-of-way) and railways that the railway line may cross or affect,
 - the approximate location and alignment of the track, and
 - the profile of the proposed line;
2. a map showing the general location of the proposed railway line and accurately indicating the beginning and end of the line, and the localities that the potential construction would affect;
3. the purpose of the project, when it is not clear;
4. two copies of a plan or drawing, prepared to scale and appropriately dated and signed;
5. any other pertinent information, including:
 - any environmental assessment of the project required pursuant to CEEA 2012;
 - the results of consultation with interested parties.

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](#).²

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](#).³

Safety

Authority to construct a railway line under the Act does not relieve the parties of any safety obligations under the [Railway Safety Act](#)⁴ (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](#)⁵ section of Transport Canada's Web site or contact one of the following [Transport Canada Surface Regional Offices](#)⁶:

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

² <http://www.cta.gc.ca/eng/decisions/>

³ <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-35/index.html>

⁴ <http://laws-lois.justice.gc.ca/eng/acts/R-4.2/index.html>

⁵ <http://www.tc.gc.ca/eng/railsafety/menu.htm>

⁶ <http://www.tc.gc.ca/eng/regions.htm>

For more information

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