

Canadian  
Transportation  
Agency



Office  
des transports  
du Canada

# Guide to Relocation of Railway Lines in Urban Areas



**Rail Infrastructure Directorate  
Rail and Marine Branch**



## INTRODUCTION

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The purpose of the *Railway Relocation and Crossing Act* (the RRCA) is 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 on the terms of any such relocation or rerouting. The RRCA empowers the Canadian Transportation Agency (the 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 railways 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, again provided Parliament has previously set aside money for that purpose.

This guide 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 (RRCA)

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- ◆ “urban area” means an area and areas adjacent thereto that are classified by Statistics Canada in its most recent census of Canada as urban.
- ◆ “transportation plan” means 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” means a plan respecting the development and use of land within or within and adjacent to an urban area whereby it is proposed to control and regulate the use of that land for purposes of industry, commerce, government, recreation, transportation, hospitals, schools, churches, residences, homes for the elderly or for other purposes or classes of users, with or without subdivisions of the various classes.
- ◆ “accepted plan” means an urban development plan and transportation plan agreed to by a province and all municipalities within a transportation study area comprising an urban area.

# RELOCATION OF RAILWAY LINES

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## Application

In the event that 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 to 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 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 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 moneys 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 interests 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 matters, 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 to operate 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, having regard to any 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 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

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An application must be made, in writing, must be signed by the applicant and sent to the Agency at the following address:

Secretary  
Canadian Transportation Agency  
Ottawa, Ontario K1A 0N9

If you wish to hand deliver or courier your application, please use the following address:

Secretary  
Canadian Transportation Agency  
15 Eddy Street  
17th Floor, Mailroom  
Gatineau, Quebec J8X 4B3

Fax: (819) 997-6727

In addition, a copy of the application should be sent to each of the parties involved.

## PROCESS

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In accordance with its General Rules, after receiving an application the Agency ensures that each interested party has the opportunity to comment on the application and any disputed issues. In general, the Agency invites the other interested parties to comment within 30 days, and then allows the applicant 10 days to comment. The Agency reviews all material submitted, makes the final decision or determination, and issues the necessary decisions or orders.

The Agency must process all applications within 120 days of receiving the originating documents unless the parties to the application agree to an extension.

Parties are encouraged to continue any negotiations even though an application may be before the Agency.

## DECISIONS AND APPEALS

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Any Agency decision is subject to the following conditions:

- ◆ it is binding upon the parties and remains in effect until it is amended or rescinded;
- ◆ it may be reviewed by the Agency, if there are new facts or circumstances;
- ◆ it may be appealed to the Federal Court on a matter of law or jurisdiction, within 30 days of the order or decision; and
- ◆ it may be appealed to the Governor in Council at any time.

## CONFIDENTIALITY

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All documents filed with the Agency become part of the public record and may be made available for public viewing. However, in accordance with the Agency's General Rules, a claim for confidentiality can be made.

## OTHER AVAILABLE DOCUMENTS

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- ◆ Agency General Rules
- ◆ *Determining Net Salvage Value*
- ◆ *Environmental Assessment Procedures*
- ◆ *Guidelines on Apportionment of Costs of Grade Separations*
- ◆ *Guide to Certificates of Fitness*
- ◆ *Guide to Private (Farm) Crossings of Railways*
- ◆ *Guide to Railway Charges for the Maintenance and Construction of Road Crossings*
- ◆ *Guide to Railway Crossings of Other Railways*
- ◆ *Guide to Railway Line Construction*
- ◆ *Guide to Railway Operation Compensation*
- ◆ *Guide to Railway Works Cost Apportionment*
- ◆ *Guide to Road Crossings of Railways*
- ◆ *Guide to Utility Crossings of Railways*
- ◆ Railway Safety Management Systems Regulations
- ◆ Railway Third Party Liability Insurance Coverage Regulations
- ◆ *Resolving Disputes Through Mediation*
- ◆ *The Canada Transportation Act and the Rail and Marine Transportation Branch*
- ◆ *The Rail Infrastructure Directorate: A Guide*
- ◆ *Transfer and Discontinuance of Railway Line Operations and Railway Track Determinations*

The above are available in alternate formats.

## FOR MORE INFORMATION

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For more information or copies of the above documents, please contact one of the following staff members of the Rail Infrastructure Directorate:

Director  
(819) 953-0327

Manager, Approvals and Determinations  
(819) 953-0365

Manager, Engineering and  
Environmental Services  
(819) 953-2117

Fax: (819) 953-8353

Toll Free: 1-888-222-2592

TTY: 1-800-669-5575 or (819) 953-9705



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For more information on the *Canada Transportation Act*, the Agency and its responsibilities, or Agency decisions and orders you can access the Agency's Web site at [www.cta.gc.ca](http://www.cta.gc.ca)

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