

	<b>JURISDICTION RESPONSIBILITY AT RAIL CROSSINGS</b>		Issued: JAN 2015
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<b>RECOMMENDED PRACTICES</b>	PART	AT-GRADE RAIL CROSSINGS	
	SECTION		
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## Introduction and Definitions

“At-grade rail crossing” is where a road passes across a line of railway.

“Railway Administrator” means a person designated under section 51 of the Railway (Alberta) Act as the Railway Administrator.

“Crossing surface” consists of the surface between the rails and about 1 foot on the outside of each rail. The rails themselves do not constitute a part of the crossing surface.

“Grade crossing warning system” (a.k.a. automatic protection signals) consists of a set of red beacons that begin to flash automatically when a train is approaching a crossing.

“RCIA” is Alberta Transportation’s inventory management application for railway crossings, named Railway Crossings Information Application.

“Railway company,” in respect of a grade crossing, is a railway company that owns or operates over the line of railway at the grade crossing.

“Road authority” in respect of a grade crossing, is the road authority that has the legal authority to open and maintain the road that passes across the line of railway at grade.

“Existing at-grade crossing” is a crossing on a line of a federally regulated railway and must have been in existence for public use for at least three years.

## Jurisdiction Responsibility

Public at-grade railway crossings on national railway (CPR and CNR) are under federal jurisdiction. Improvements on existing crossings or construction of new ones require not only agreement from the affected railways but also adherence to federal guidelines and standards.

For short haul local railways that do not operate outside the province, their operating authorities are granted by the Railway Administrator. Alberta Transportation (Dangerous Goods, Vehicle and Rail Safety Branch) conducts safety reviews and inspection of public at-grade crossings on those lines based on federal standards and guidelines.

There are two federal agencies responsible for railway crossing matters.

1. **Transport Canada (TC) Rail Safety Directorate** is responsible for setting and updating all railway safety and engineering standards. Upon approval by the federal Transport Minister, Transport Canada also provides partial funding toward certain crossing improvements at existing at-grade crossings, such as grade crossing warning systems, sightline improvements, active advance warning systems, etc.

Transport Canada can issue an administrative order to close any public crossings that are deemed not meeting the federal standards.

2. **Canadian Transportation Agency (CTA)**, among other mandates, is intended to serve as a central registry for all public crossings under federal jurisdiction.

Under federal rules, the road authority and the railway can negotiate among themselves all aspects of a railway crossing without CTA's involvement during the initial stage. This includes an agreement, or an amendment to an agreement, relating to the construction, maintenance or cost apportionment of road crossings. After an agreement is reached, the completed agreement signed by all parties should be filed with CTA. A fully executed agreement, after being filed at CTA, becomes a crossing order after which time the proposed construction work can proceed.

If there is a dispute among the parties and no agreement can be reached, or if either party wishes to ensure that the matter will be resolved in 120 days or less, an application may be made to CTA. CTA is required to arbitrate and rule on all disputes and issue an order within 120 days. If the parties negotiate an agreement before the CTA order is issued, the application may be withdrawn.

See CTA's website on their roles, services and procedures on dealing with dispute resolution of rail crossings.

### Regulatory Requirements

Subsection 8(1) of the *Railway Safety Act* requires that a Notice of Railway Works be given at least 60 days prior to the start of certain types of projects as specified in the *Notice of Railway Works Regulations*.

Section 11 of the Act requires that a professional engineer be responsible for the

engineering work.

Pursuant to the *Canadian Environmental Assessment Act* (CEAA), an environmental assessment (EA) of a project may have to be completed prior to Transport Canada providing financial assistance that would enable a project to be carried out in whole or in part. If determined to be necessary, proponents shall conduct an EA of their project proposals, to be completed in accordance with TC instructions, prior to the commencement of any project-related works.

### References to Standards

Canada Railway Safety Act	Alberta Railway Safety Act
Notice of Railway Works Regulations.	Canadian Environmental Assessment Act