

	RAIL CROSSINGS AGREEMENT PROCEDURES		<i>Issued: JAN 2015</i>
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RECOMMENDED PRACTICES	PART	AT-GRADE RAIL CROSSINGS	
	SECTION		
	SUB-SECTION		

Crossing Agreement Procedures

Crossing agreement procedures were drastically revised over the years by the Canadian Transportation Agency (CTA). Refer to the CTA website on the various types of crossings procedures.

In brief, the road authority, railway, and other parties can now proceed to negotiate an **agreement**, or an amendment to an agreement, on construction, maintenance and cost apportionment on the road crossing in question. Once an agreement is reached, it is to be submitted to CTA and becomes a crossing order. After the agreement is filed, the proposed construction work may proceed, provided the 60 day “notice of Intent” period has expired. The “Notice of Intent” requirement applies to new crossings only, See the section on advising adjacent landowners (Notice of Intent) below.

However, if the parties are unable to reach an agreement, the party proposing the construction can apply in writing to the CTA for intervention and a ruling on the issues in dispute will be made within 120 days.

Items that need to be taken into consideration in negotiating a railway crossing agreement include: location of the crossing, project description and purpose, crossing plans, liability, duration, cost, compensation, safety requirements, environmental impact, and other project specific issues.

Recommended Steps in Crossing Agreement Negotiation

1. Preliminary planning
2. Design and prepare a crossing plan
3. Transmit the below items to the railway for review
 - a. A letter detailing project description and purpose, duration, cost apportionment proposal
 - b. Crossing plan
 - c. Environmental impact assessment report
4. Advise adjacent landowners and operators of utility lines which may be impacted
 - a. Notice of intent
5. File the agreement or disagreement with CTA.

Preliminary Planning

If the proposed road construction works will significantly affect a railway crossing, the railway should be consulted in a timely manner for their review of potential impacts to their operations and engineering requirements, and for a cost estimate. Railway input especially on drainage treatment, utilities, and signal hardware placement is also needed to avoid potential conflicts, costly re-construction or delays in awaiting an agreement.

A general review of traffic, train volumes and the safety record will also help determine signals and other protection needs.

Design and Prepare Crossing Plans

The crossing should be designed in accordance with current standards set out by Transport Canada. For crossings where signals are warranted, a detailed sightline clearance survey and proposal should also be provided on the plan.

Surveying the Crossing Vicinity:

- Details of the physical environment including the geometrics and profiles for the road and railway involved;
- The existing sightlines available;
- The names and complete addresses of all adjacent landowners;
- Details of all utilities in vicinity of proposed work.

The completed railway Crossing Plan should include:

- A Plan View, Roadway Profile, Railway profile, Roadway Cross Section (at the tracks), Sightline Chart, Key Plan, and a Title Block.

Preparing the Crossing Agreement Package:

- Details of project description, duration
- Cost apportionment proposal and commitment
- Project manager name and contact phone number
- Notice of intent to the adjacent landowners
- Environmental assessment information report

Besides the railway, the application package on behalf of the road authority should also be forwarded to the below:

- CTA – Ottawa
- Transport Canada-Regional office

- Road Authority Project Sponsor

Advising Adjacent Landowners (Notice of Intent)

Federal regulation stipulates that landowners of all adjacent property of a proposed new crossing must have a minimum of 60 days notice of the proposed works. This is done via a “Notice of Intent” that is accompanied by “Comment” forms and copies of the Railway crossing plan.

A typical “Notice” is attached for reference.

Concerned parties can send in their comments or objections to the proposed party with a copy sent to the Director General, Rail Safety Directorate, Transport Canada in Ottawa.

File Agreement or Disagreement with CTA

Once an agreement is made, either the railway or roadway authority can file the agreement with CTA. If no agreement can be reached, the party proposing the works can apply to the CTA for arbitration and ruling.

How to file an agreement with the Agency

Under section 101 (Part III) of the Canada Transportation Act, you can file an agreement, or an amendment to an agreement, with the Agency. The filed agreement becomes an order of the Agency that:

- establishes a statutory right to cross at a specific location; and
- registers the agreement with the Agency as a court of record in the event of a future dispute.

A written, signed agreement may be

submitted to the Agency Secretariat.

In addition, you should send a copy of the agreement to each of the parties involved.

References to Standards

Canada Railway Safety Act	Grade Crossings Regulations
Canada Transportation Act	Canadian Transportation Agency

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Example of Notice of Intent letter to Adjacent
Landowner

TO BE DEVELOPED!