



TECHNICAL STANDARDS BRANCH

RAILWAY GRADE SEPARATIONS

APPLICATION GUIDELINES OVERVIEW

**Version 1.0
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PREFACE

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GOVERNMENT OF THE PROVINCE OF ALBERTA**

IMPORTANT NOTE

This information has been compiled by Infrastructure Systems Ltd., for the use and guidance of Alberta Transportation and their assigns. It provides an outline of the process involved in obtaining approval from Transport Canada, and the Canadian Transportation Agency to construct/reconstruct railway grade separations.

It is the responsibility of others using this information to ensure that it is suitable for their use and to supplement it as necessary to ensure that all the requirements of the Canadian Transportation Act are met with respect to any approvals required by the Canadian Transportation Agency. It should be noted that matters of rail safety fall under the purview of Transport Canada.

Alberta Transportation assumes no responsibility for errors or omissions and will not accept liability of any nature whatsoever that may be suffered by use of the information contained in this manual.

1. OVERVIEW

1.1 INTRODUCTION

Alberta Transportation and other provincial transportation departments were involved in a dialogue with the Federal Railway Transport Committee of the Canadian Transport Commission from the early 1970's to 1990 in an effort to arrive at an equitable formula for cost sharing of grade separation projects between Road Authorities, Railways and the Federal Government. The ramifications of continuing with the existing system without a new cost sharing formula or new Federal support program was that the Provinces would be paying practically all of the cost for these facilities.

The culmination of the negotiations resulted in a new guideline "Guidelines on Apportionment of Costs of Grade Separations" being issued by the National Transportation Agency on October 23, 1990. These guidelines were updated by the Agency in July, 2002 and are still being used by all parties to apportion costs. The guidelines outline cost apportionment ratios for different situations of highway and railway development. In addition to outlining cost apportionment ratios, the guidelines include recognition of the basic grade separation concept, the elimination of the Railway's ceiling, the cost apportionment of future facilities, the present day needs criteria, the clearance box criteria, and the responsibility of each party at crossings.

Consistent with Section 101 of the CTA, the Agency now expects the parties involved in a grade separation project to attempt to come to an agreement on all issues relative to the project, including apportionment of costs. An agreement that is filed with the Agency becomes an Order of the Agency authorizing the parties to construct or reconstruct a grade separation. In the event that the parties cannot agree on certain issues, the Agency will resolve the disagreement by providing a decision on each individual issue.

1.2 MANDATE OF THE CANADIAN TRANSPORT AGENCY (AGENCY)

Among other duties, the Agency is responsible for resolving issues arising between railway companies under its jurisdiction and other interested parties such as road authorities, utility companies or landowners.

In general, the Agency issues Orders and Decisions authorizing or approving certain railway-related works, sets terms and conditions for such works, makes determinations on railway matters, and resolves disagreements (including the apportionment of costs) between parties for any works that involve a railway under its jurisdiction.

Agency's website is at: http://www.cta-otc.gc.ca/index_e.html

1.3 MANDATE OF TRANSPORT CANADA (TC)

Transport Canada, as the regulator of the Railway Safety Act, continues to play the lead role in overseeing safety in the rail transportation industry.

Among other duties, Transport Canada is involved in the grade separation program where a proposed railway works departs from standards established under the Railway Safety Act, or where a safety objection to carrying out the work remains unresolved. In these cases, approval must be obtained before work is undertaken. Grants for construction or alteration of grade separations are administered by Transport Canada (this provision has not been used for many years). In addition, persons proposing to carry out certain railway works are required to give notice of their intention, which involves Transport Canada.

Transport Canada's website is at: <http://www.tc.gc.ca/en/menu.htm>

A copy of the Railway Safety Act in its entirety can be found on Transport Canada's website is at: <http://www.tc.gc.ca/acts-regulations/GENERAL/R/rsa/act/rsa.html>

2. PROCESS

2.1 TASKS & TIMELINES

The process in general involves preparing assessments, field surveys, producing preliminary engineering drawings, negotiations with the railway, making submissions to the Canadian Transportation Agency and Transport Canada, addressing environmental issues, preparation of agreements, detail designs, preparation of tender packages, construction, and post construction documentation.

The following is a summary of the activities associated with the construction of railway grade separation projects, and an estimate of the time required to complete each activity. It could take up to 8 months to secure an agreement with the Railway if the Agency needs to be involved to resolve issues.

Activity

1. Preliminary Engineering

Review existing information, determine responsibility, obtain the survey, geotechnical and environmental requirements, obtain the Railway requirements, review a select number of alternative structure types, undertake life cycle costs, select best alternative, and prepare Design Data (DD) drawings. (6 weeks)

2. Forward notice of intent to landowners, Railway, Agency, and Transport Canada (TC)

Adjacent landowners are given 60 days to respond to the notice on safety concerns with respect to the proposed works. If there are safety issues, TC arranges to hold a site inspection to resolve the objection. Upon resolving the objection, TC issues approval for the project to proceed. (10 weeks)

3. Negotiation of an agreement with Railway

If an agreement has been reached on all issues

- The Road Authority and Railway negotiate an agreement between themselves that would allow construction or reconstruction of a grade separation to take place. Initial negotiations are based on the Design Data (DD) drawings. (6 weeks)

If an agreement has not been reached on all issues

- If an agreement cannot be reached with the Railway on all issues, an application with appropriate information including a structure outline drawing, a plan/profile drawing, and an environmental assessment are forwarded to the Agency for resolution of the issues in question.
- The Railways are allowed 30 days to respond to the application upon receipt.
- The Road Authority and Railway are each allowed to further submit a rebuttal letter to the response within a 10 day time frame.
- The Agency then issues a Decision with respect to the issue in question which allows the Road Authority and Railway to finalize their agreement. The Agency, in accordance with the new Act, must issue a Decision within 120 days of receipt of the application.

4. Submission of the Agreement to the Agency

A copy of the agreement should be filed with the Agency for their records, by the Road Authority or the Railway. (1 week)

Total Time:* 4 to 8 months

- * Total time depends on whether or not a submission to the Agency is required. Obtaining approval with respect to an application can be expedited by a few timely placed phone calls to the Canadian Transportation Agency. It is possible to work on several items concurrently.

2.2 SPECIFIC REQUIREMENTS DURING THE APPROVAL PROCESS

2.2.1. NOTICE OF INTENT (WORKS)

Issuance of Notice of Intent (works)

Section 8 of Chapter 40 of the Railway Safety Act stipulates that proponents of a grade separation shall not proceed with the work unless notice has been given to the Agency, the Railway, Transport Canada, and adjacent landowners. The notice of intent should contain the following information.

- a drawing showing the location of the proposed works;
- a description of the proposed works including drawings showing general elevation;
- a description of any impact that the proposed works may have on adjacent properties; and
- the proposed date of commencement and the project time for completion of the works.
- For details see “Notice of Railway Works Regulations, SOR/91-103, and 17 January, 1991.

2.2.2 ENVIRONMENTAL SELF-ASSESSMENT (REQUIRED WITH A SUBMISSION TO THE AGENCY)

An application for the authorization of a road crossing of a federal railway (Canada Transportation Act subsection 101(3)), will trigger the requirement for an environmental assessment under the Canadian Environmental Assessment Act (CEAA). If approvals are required from the Fisheries and Oceans Canada (fish habitat or navigable waters), Infrastructure Canada (funding), or Transport Canada (rail safety or funding), they too will require an environmental assessment. The federal authorities must complete their environmental assessment(s) prior to permitting a road crossing project to proceed.

The Canadian Environmental Assessment Agency's website is at:

http://www.ceaa.gc.ca/index_e.htm

The latest Agency's document entitled "Environmental Self-Assessment of Rail Infrastructure Projects" is available from the Agency. The Agency has prepared this guide to assist proponents with their environmental assessments of rail infrastructure projects. Annex C of the guide contains an environmental assessment information report which contains a series of straight forward questions. A proponent's responses

provide the basic information required for the Agency to complete its environmental assessment. To obtain a copy of the document and Annex C, consult the Agency's senior environmental officer at 819-953-9924 or bill.aird@cta-otc.gc.ca.

3. ALBERTA TRANSPORTATION'S GUIDELINES MANUAL

3.1 OVERVIEW

The "Procedural Guidelines for Railway Grade Separations" manual has been developed for use by Alberta Transportation, their assigns, and provides guidelines outlining the procedure for obtaining approval to construct or reconstruct railway grade separation projects. It outlines the process for negotiating agreements with the railways and the procedure for applying to the Canadian Transportation Agency to resolve issues in dispute during the negotiation process.

This manual also explains the legislative requirements at a crossing, and a procedure for obtaining approval from Transport Canada (TC) – Railway Safety Directorate with respect to safety issues.

The manual includes a copy of the most recent cost apportionment guidelines that were updated by the Canadian Transportation Agency in 2002. The guidelines outline cost apportionment ratios for different situations of highway and railway development. In addition to outlining cost apportionment ratios, the guidelines include recognition of the basic grade separation concept, the elimination of the railway's ceiling, the cost apportionment of future facilities, the present day needs criteria, the clearance box criteria, and the responsibility of each party at crossings.

The manual provides detailed flow charts for both an overhead bridge and a subway grade separation. The flow charts summarize all the major steps necessary for the construction or reconstruction of railway grade separation projects. Some of the major steps include assessments, preliminary engineering, client reviews, evaluations, cost sharing negotiations, preparation of agreements, submissions to the Agency and Railway, issuance of Decisions and Orders, detail design of the project, preparation of the tender package, construction of the grade separation, and post construction documentation.

The manual also includes actual samples of: agreements that were negotiated between Road Authorities and Railways, Agency submissions requesting decisions, environmental self assessment documents, application drawings, and "notice of intent" requirements. The environmental self assessment document is still in draft form and is expected to be finalized by the Agency in the near future.

A copy of the 2004 Guide to Railway Charges which is currently in use is appended in the manual. This guide is a set of instructions designed to help railways and other parties by providing a third party assessment of rail costs and setting a consistent, nation-wide fee structure.

3.2 OBTAINING A COPY OF THE MANUAL

- Copies of Alberta Transportation’s ‘Procedural Guidelines for Railway Grade Separations’ by Alberta Transportation can be purchased for \$50.00 by contacting Bob Readner at the following address and phone number:

Tender Administration
1st Floor, Atrium 1, Twin Atria Building
4999 – 98 Avenue
Edmonton, Alberta
T6B 2X3

Phone: (780) 415-1068

4. LINKS OF INTEREST

4.1 RESOLVING DISAGREEMENTS THROUGH MEDIATION

Request for Mediation, Agreement to Mediate, Rules, Rights and Responsibilities of the Mediation Participants, Mediation Ground Rules, Publications and Contacts Rules can be found on the following web site:

http://www.cta-otc.gc.ca/rail-ferro/common/mediation_e.html

4.2 CONTACTS AND ADDITIONAL INFORMATION

- i) Canadian National Railway
Public Works Officer
Engineering Services
Canadian National
Edmonton, Alberta

AL.ERICKSON@CN.CA

- (ii) Canadian Pacific Railway
Engineer, Public Works

British Columbia & Alberta
Structures & Projects – Engineering Services
Canadian Pacific Railway

Doug.Younger@cpr.ca

4.3 SHORT-LINE RAILWAYS

Short-line railway companies, not covered by these guidelines, operate solely within Alberta, and are under the jurisdiction of the Alberta Government.

For Information on Alberta's Short-Line Railways, contact:

Shaun Hammond
Executive Director
Dangerous Goods and Rail Safety Branch
Ph: (780) 415-0686

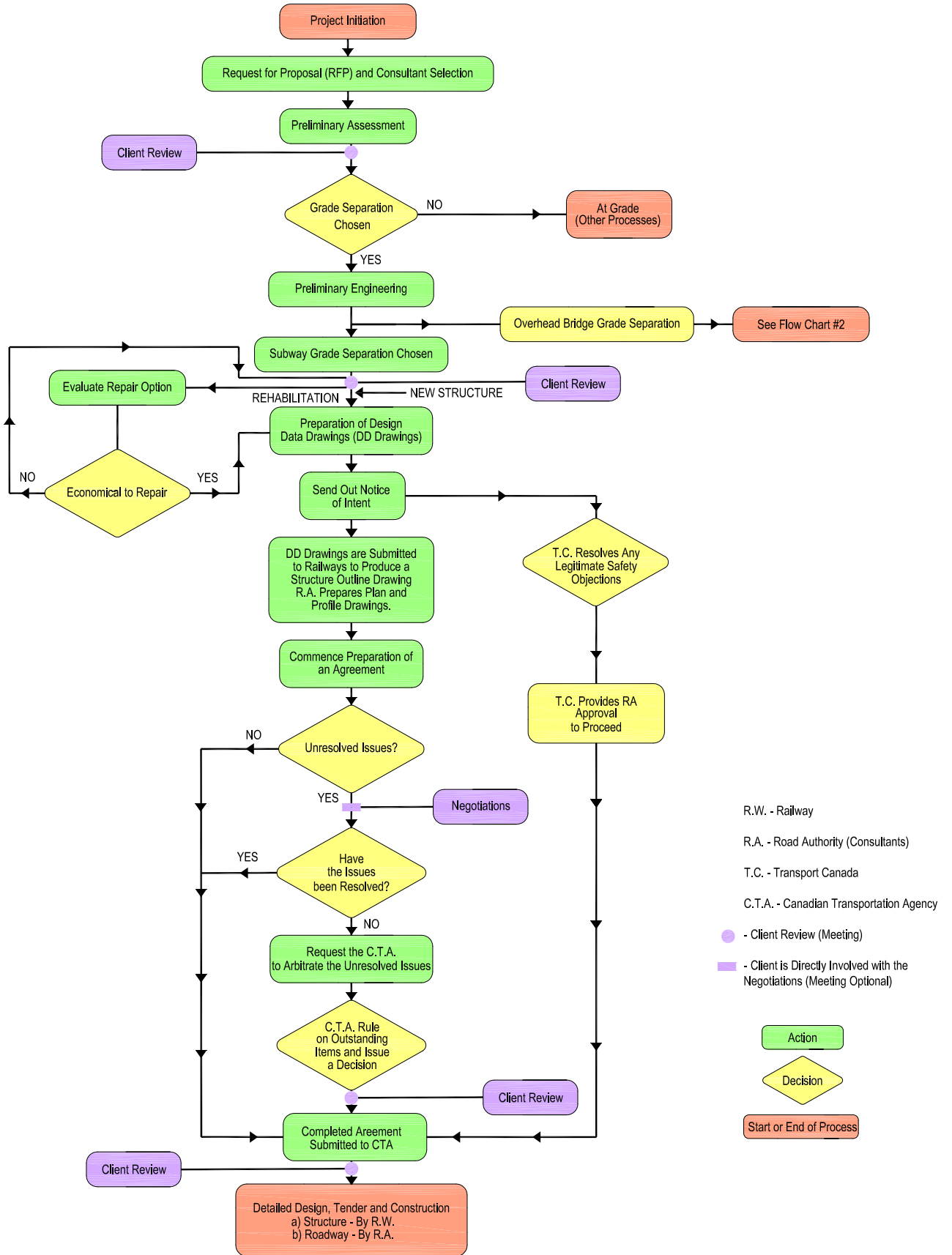
Shaun.hammond@gov.ab.ca

or

Bob Clyne
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4999 – 98 Avenue
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Ph: (780) 415-6147

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Process Chart for Subway - Flow Chart # 1



Process Chart for Overhead Bridge - Flow Chart # 2

