

# Provincial Railway Guide

Application to Construct, Acquire, or Alter a Railway

PRG 1001

## Introduction:

Provincially regulated railways are required to obtain authorization from the Minister prior to beginning or altering their railway and/or operations. This guide is intended to assist provincial railways in applying for required authorizations in accordance with Section 3 and Section 5 of *The Railway Act* which states:

*3(1) Subject to subsection (2), no person shall construct, acquire, alter, operate, discontinue service on, or dismantle all or any part of a railway, except in accordance with this Act.*

*(2) This Act does not apply to any construction of, alteration to, the dismantling of, maintenance of or repair to all or a part of a railway line if service on the railway line or part of the railway line being constructed, altered, dismantled, maintained or repaired will be offered at the same level and in substantially the same way as it was offered before the construction, alteration, dismantling, maintenance or repair.*

*5(1) Any railway company who wishes to construct, acquire, or alter a railway line shall apply to the minister in accordance with this section.*

*(2) An application pursuant to subsection (1) shall:*

*(a) include any information and details; and*

*(b) be in the form;*

*that the minister may require.*

It is against the law for a person to construct, alter, acquire, or operate a railway except in accordance with *The Railway Act* (the Act).

In order to Construct, Acquire, or Operate a railway in accordance with the Act, a person must obtain:

1. Authorization to Construct, Acquire, or Alter a Railway
2. An order from the Minister to Open the Railway
3. Authorization to Operate a Railway

NOTE: This application process does not supersede other regulatory requirements for the jurisdiction of construction.

## **New Railways:**

All new provincially regulated railways must obtain an Authorization to Construct any new greenfield railway facility including new railway lines, sidings, storage yards, or loading tracks.

## **Existing Railway Expansions and Alterations:**

Existing railways must obtain an authorization to alter or construct any railway that expands or relocates an existing railway line in accordance with this section.

Existing railways are not required to obtain an Authorization to Construct or Alter if the proposed rail expansion or alteration:

1. Does not cross any public road
2. Does not cross any existing utility lines
3. Extends the railway line(s) a combined total of less than 500 m
4. Alters the centerline of an existing railway line by less than 5 m from the original centerline and is within the railway's existing right of way or property boundaries
5. Does not require the acquisition of additional land; and
6. Is not intended for the storage, loading, or transportation of dangerous goods.

## **Application to Construct or Alter a Railway:**

### **General Standards for Proposed Construction or Alteration:**

Any new or altered railway infrastructure should be designed in accordance with AREMA standards, *CN Engineering Specifications for Industrial Tracks*, and/or CPR's *Engineering Guidelines for Private Siding Design and Construction*.

Newly constructed or altered track must also meet or exceed the requirements of RRD1000 *Saskatchewan Track Safety Standards* or Transport Canada's *Rules Respecting Track Safety*.

Any new utility crossing associated with the new or altered track must be designed and constructed in accordance with the most recent version of the applicable CSA standards. Additional details on utility crossing standards can be found in PRG 2004 Utility Crossings. Any new vehicle or pedestrian crossing related to the proposed railway construction or alteration must be designed and constructed in accordance with the requirements and specifications in Transport Canada's *Grade Crossing Regulations and Grade Crossing Standards*.

### **Submission to the Ministry:**

Application to Construct or Alter should include the following:

1. Name, address, telephone, and email of the applicant
2. Name of the individual responsible for the application
3. Name of the individual who is responsible for the construction or the project manager
4. Project schedule showing start and completion

5. Location of the proposed railway including subdivision or track designation(s) and railway mileage (in miles)
6. Description of the operations and purpose of the track (loading or switching plans should be provided if available)
7. Description of commodities to be transported or loaded
8. List of municipalities containing the railway and documentation demonstrating the municipalities have been provided notice of the proposed project; and
9. Drawing package

### **Drawing Package:**

The drawing package for an application for authorization to construct or alter should meet the following requirements:

1. As a minimum, preliminary engineering drawings must be provided in an application for authorization to Construct or Alter. More detailed Issue for Construction (IFC) drawings including track specifications and layout and associated civil works should be provided as soon as available and must be provided prior to beginning track construction
2. Drawings should identify which standard the railway line is to be designed and constructed in accordance with (i.e. AREMA, CN Industrial standard, CP private track standard, TC standards, etc.)
3. Drawings should be in PDF format with an 11x17" sheet size
4. Drawings should have the stamp/seal of the engineer of record or design engineer;
5. Drawings should identify the location of any public or private road or pedestrian crossings. Crossing safety assessments should be provided if available. As a minimum, crossing safety assessment and details regarding crossing design and proposed protection must be provided prior to beginning construction;
6. Drawings should include utility crossing locations and details regarding the utility line purpose and owner information. Drawings showing crossing location and design specifications must be provided prior to construction and opening; and
7. Drawings should include structure (Bridge) details. Detailed location and design drawings (stamped/sealed by a Professional Engineer) must be provided prior to beginning construction.

### **Authorization to Acquire an Existing Railway (No Construction or Alteration):**

There is no standard form to apply to the Minister to acquire a railway. The applicant should mail or email a letter addressed to the Minister stating its intent to acquire a railway. The application should include the following:

1. Name, address, telephone, and email address of the applicant
2. Name of the individual responsible for the application
3. Subdivision or track designation(s) and railway mileage (in miles)
4. If available, a safety management plan (see Guide to Rail Safety Management Plans). An SMP must be provided prior to the commencement of operations on the track by a new OAC holder

5. If desired by the applicant, a request for a complete or partial exemption from *The Railway Act* (see Guide to Exemptions from *The Railway Act*)
6. Additional information, depending on the type of application, is listed below:
  - a) Copy of the agreement for sale or transfer from the current owner (or letter from the current owner confirming intent to sell the railway line)
  - b) List of all properties (real and other) to be included in the sale or transfer
  - c) Description of the operations and purpose of the track (common carrier, private industrial, other purposes, etc.)
  - d) List of loading/unloading facilities and commodities to be handled; and
  - e) List of municipalities containing the railway and documentation demonstrating the municipalities have been provided notice of the proposed sale and transfer.

### **Order from the Minister to Open the Railway:**

*Section 24 of the Act*, requires a person who wishes to open a railway to get the Minister to authorize the opening by Order.

The railway should apply to the Minister to request the Order and should include:

1. Name, address, telephone, and email of the applicant
2. Name of the individual responsible for the application
3. Most recent IFC drawings available
4. A report or certificate, in a form acceptable to the Minister, sealed by a professional engineer certifying that the railway is safe and adequate for railway operations as specified in the report or certificate. Engineering-stamped IFC drawings along with an inspection report from a qualified track inspector will be required as a minimum. Prior to issuing an order to open, the minister may require additional specialized inspections be completed by the applicant or require an inspection by a provincial railway inspector be completed; and
5. A Safety Management Plan (see PRG 1005 - Safety Management Plans).

### **Authorization to Operate a Railway (OAC):**

*Section 14 of the Act* requires a railway to obtain an Operating Authority Certificate (OAC) from the Highway Traffic Board to operate a railway.

OACs are issued and administered by the Highway Traffic Board.

For more information on the Highway Traffic Board insurance submission requirements and the process for obtaining an Operating Authority Certificate, contact:

Manager  
Highway Traffic Board  
1621A McDonald St.  
Regina, Saskatchewan S4N 5R2

Phone: (306) 775-6661  
Email: [contactus@highwaytrafficboard.sk.ca](mailto:contactus@highwaytrafficboard.sk.ca)

**Contact:**

For more information, contact:

Ministry of Highways  
Transportation Programs  
800 - 1855 Victoria Avenue  
Regina, Saskatchewan S4P 3T2

Phone: (306) 787-4900

Email: [rail.services@gov.sk.ca](mailto:rail.services@gov.sk.ca)