

Provincial Railway Guides

Section:

INFRASTRUCTURE

Subject:

**CONSTRUCTION OR ALTERATION OF
PUBLIC RAILWAY CROSSINGS**

A public railway crossing (public crossing) is an at-grade crossing and intersection of a railway and a public highway, road, street, lane etc. intended for use by the general public for the passage of vehicles or pedestrians. This guide applies to provincially-regulated public crossings and is intended to provide guidance on the application process established in *The Railway Act* related to construction and alteration of public crossings.

INTRODUCTION:

It is against the law for a public road authority to construct a public crossing on a provincially regulated railway or to alter a public crossing without the written approval of the Minister responsible for *The Railway Act* of Saskatchewan.

A public road authority includes the municipal or provincial government department or agency responsible for direction, control and management of a public highway, road, street, or lane within the boundaries of their jurisdiction or municipality.

Applications to construct or alter public crossings and disputes arising from existing or planned public crossings will be handled in accordance with this guide.

EXISTING CROSSINGS:

Authorization is not required for existing public crossings unless either the railway or road authority wishes to make alterations to the location, crossing protection, or fundamental design of the crossing. If a party is uncertain as to whether proposed changes may require prior authorization to alter from the Minister, it is recommended that the proponent contact the Railway Policy and Programs Unit for guidance.

APPLICATIONS:

A road authority or railway owner must apply to the Minister for written approval to construct or alter a public crossing before the construction or alteration of the crossing is underway. Applications submitted for approval will be checked to ensure the design, crossing protection and planned maintenance complies with provincial standards.

The road authority or railway owner must concurrently provide the other party with a copy of the application and all documents filed in support of the application.

Provincial Railway Guides

Section:

INFRASTRUCTURE

Subject:

**CONSTRUCTION OR ALTERATION OF
PUBLIC RAILWAY CROSSINGS**

The road authority and railway are encouraged to establish an agreement for allocating maintenance and inspection costs and duties prior to submitting an application.

Where to Apply:

Submit application to:

Railway Policy and Programs
900 -1855 Victoria Avenue
REGINA SK S4P 3T2
E-mail: rail.services@gov.sk.ca

Form of Application:

There is no application form to apply to the Minister to construct or alter a public crossing. The road authority or railway owner should submit a signed letter addressed to the Minister stating its wish to construct or alter a public crossing. The application should include the following:

1. The name, address, telephone number and email of the affected railway owner and road authority.
2. Detailed scale drawings of the proposed installation including:
 - a) Subdivision name and railway mileage (in miles)
 - b) City, town, village or municipality name, street name and/or land description
 - c) Plan and profile of tracks and crossings including:
 - position and angle of the crossing relative to the tracks
 - railway and public right-of-way property lines
 - general layout of track(s) and railway facilities
 - other structure or crossings in the immediate area
 - road approach gradient
 - road width
 - crossing surface material
 - proposed and existing protection and signage at the crossing
 - required sightlines calculated as per RTS 2001 Public Grade Crossing Standards
3. Average annual daily traffic (AADT) 15 year projection if possible. If it is not possible and/or suitable to provide this AADT projection, please provide the alternative AADT projection and rationale.

Provincial Railway Guides

Section:

INFRASTRUCTURE

Subject:

**CONSTRUCTION OR ALTERATION OF
PUBLIC RAILWAY CROSSINGS**

4. Expected daily train runs (or train runs per week where appropriate)
5. Where negotiations or discussions between the railway and road authority have taken place but are unable to develop an agreement regarding the crossing:
 - a) Any proposed agreement detailing construction, maintenance and inspection duties and cost allocation;
 - b) a list or description of the issues that the parties have agreed to, if any; and
 - c) a list or description of the contentious issues to be resolved by either the Minister or the Highway Traffic Board.

INSPECTIONS:

Approval from the Minister to construct or alter a public crossing may be subject to an onsite inspection of the proposed construction or alteration by a designated railway inspector. Affected parties may be invited to attend the inspection or contacted by the railway inspector to provide information.

TIMELINES:

All comments or concerns from the other party must be submitted to the Minister within 10 business days of receiving a copy of the application. Once comments on the application are received, the approval process will normally take no more than an additional 10 business days.

APPROVAL & ORDERS:

The Minister may approve the application on whatever terms and conditions, if any, the Minister considers necessary. Orders are binding upon the parties and remain in effect until amended or rescinded.

CONFIDENTIALITY:

All applications and attached documents become part of the public record and may be available for public viewing. Upon request, certain aspects of an agreement or application may, to the extent permitted by law, be kept confidential.

AGREEMENTS:

A road authority and the railway may enter into a written agreement covering the location, and the cost apportionment for the construction, alteration and/or maintenance of a public crossing and associated protection. An agreement must provide for a crossing that meets or exceeds provincial crossing standards. Agreements should

Date

2017 01 19

Page

3 of 6

Provincial Railway Guides

Section:

INFRASTRUCTURE

Subject:

**CONSTRUCTION OR ALTERATION OF
PUBLIC RAILWAY CROSSINGS**

specifically apportion costs for maintenance and inspection of crossing surfaces and, where applicable, automatic crossing protection. Where an agreement exists it can be filed with the Minister as part of the application as evidence that both parties agree to the crossing. However, if the parties wish to keep the agreement confidential, they may provide alternative documentation which demonstrates the railway and road authority agree with the location and design of the crossing.

DISPUTES:

Disputes Related to Safety, Location and/or Design:

The Railway Act contains provisions to resolve disputes regarding the location of a proposed crossing or if there is a dispute regarding the design or safety aspects of the crossing. Railway Policy and Programs will handle initial requests for dispute resolution through mediation. Failing resolution through mediation, the Minister and provincial railway inspector have the authority to issue orders pursuant to *The Railway Act* to resolve disputes regarding the location and design of railway crossings.

In the event that a public grade crossing does not meet the sightline requirements in RTS 2001 Public Grade Crossing Standards (the Standards) the railway should work co-operatively with the road authority in order to meet the sightline requirements in the Standards. If the road authority does not co-operate to ensure the sightline requirements are met and the railway has practicably exhausted all remedial actions within their ability, the railway may request the approval of the Minister pursuant to Section 9 of *The Railway Act* to place a Stop sign at the public grade crossing.

Submit requests for mediation or crossing alteration orders to:

Railway Policy and Programs
900 - 1855 Victoria Avenue
Regina, Saskatchewan S4P 3T2
E-mail: rail.services@gov.sk.ca

1. Form of Request

Requests for mediation may be made by either party, by letter or email and must include the following information:

Date

2017 01 19

Page

4 of 6

Provincial Railway Guides

Section:

INFRASTRUCTURE

Subject:

**CONSTRUCTION OR ALTERATION OF
PUBLIC RAILWAY CROSSINGS**

- a) Specifics of issue under dispute – e.g. location, safety concerns, method of crossing protection, construction and maintenance responsibilities (not related to cost apportionment), design parameters etc.
- b) Parties to the dispute: names, addresses and contact numbers
- c) Location of crossing in question: subdivision, mileage, land location

2. Mediation Process

Mediation will be arranged within 10 business days of an application. Railway Policy and Programs will arrange a meeting between the parties at a location and time convenient to both parties. Participants should bring any record of previous negotiations and any evidence they feel will assist them in their discussions.

Railway Policy and Programs will provide clarification on crossing standards and clarification on the roles and responsibilities of both the railway and road authority. Railway Policy and Programs will also attempt to help the parties identify a mutually acceptable location that ensures the highest possible level of safety for a new or relocated crossing.

3. Minister's Orders and Orders of Inspector

If the parties are unable to come to a mutual agreement regarding the location of a proposed crossing, Section 10(1) of *The Railway Act* gives the Minister the authority issue an order fixing the location of a crossing.

Furthermore, Section 11(1) of *The Railway Act* gives the Minister the authority to make any order that the minister considers necessary to ensure safety of the public and the railway at a proposed crossing.

Section 23.1 gives a provincial railway inspector, designated under the Act, the authority to issue orders to railway owners and operators to correct safety concerns if an unsafe condition is identified at an existing railway crossing.

Provincial Railway Guides

Section:

INFRASTRUCTURE

Subject:

**CONSTRUCTION OR ALTERATION OF
PUBLIC RAILWAY CROSSINGS**

Disputes Related to Cost Apportionment:

The Railway Act contains provisions to resolve disputes regarding the apportionment of costs related to construction and maintenance of crossings. The authority to determine and resolve cost apportionment disputes has been delegated to the Highway Traffic Board.

RELATED GUIDES AND STANDARDS:

All new and existing public crossings and associated protection must be constructed and maintained in accordance with the following standards:

RTS 2001 Public Grade Crossing Standards

Additional guidance and information on roles and responsibilities of railways and road authorities with respect to maintenance of provincial crossings can be found in the following guideline:

PRG 2007 Crossing Maintenance Responsibilities of Road Authorities and Railways

CONTACTS:

For more information:

Railway Policy and Programs
900 - 1855 Victoria Avenue
REGINA SK S4P 3T2
Phone: (306) 787-4900
E-mail: rail.services@gov.sk.ca