



The McMillan Rail Shippers' Guide

Railway Crossings (Private, Road, and Utility Crossings)

Other areas where you may need recourse to the Act and the Canadian Transportation Agency's (Agency) remedies include when you need to cross a railway company's line that is on or next to your land or issues that arise when you operate a passenger rail service.

Crossing a Rail Line

Private Crossings

Sometimes, a railway line may be on or adjacent to your property, making it difficult or impossible to access your property. In these instances, you may need to contact the railway company to discuss building a crossing.

Under the Act, you can get a private crossing in one of the following circumstances:

- **Section 102 Crossing:** you have evidence that the railway line split a parcel of land into two when it was built and there is no way to get to the other side without a crossing. The railway company is responsible for the costs of building this crossing.
- **Section 103 Crossing:** you own land adjoining a railway line and you and the railway company do not agree on the construction of a crossing of that railway line. You are responsible for paying the costs of building and maintaining this crossing.

Road and Utility Crossings

Section 101 of the Act allows a person who is unsuccessful in negotiating a road crossing or utility crossing of a railway line to apply to the Agency for authority to construct the crossing.

A crossing must be suitable, meaning that it is adequate and appropriate for its intended purpose. Factors affecting this determination include whether the crossing will be safe and how the crossing will affect the railway's operations, as well as the people and property in the area.

To discuss questions regarding crossing a rail line, send an email or telephone a member of McMillan's Rail Transportation Group at the contacts below.

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