

TRANSPORT CANADA

**RAILWAY/ROAD GRADE CROSSING POLICY**

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October 16th/2000

Canada 

# RAILWAY SAFETY ACT

## RAILWAY/ROAD GRADE CROSSING POLICY

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### 1. Policy objective

The objective of the crossing policy is to clarify Transport Canada's (TC) role and responsibilities concerning railway/road crossings at grade.

**(NOTE:** The railway/road grade crossing regulation will specify the roles of other parties concerned with road crossings.)

### 2. Policy background

Historically, federal government agencies have been significantly involved with the day to day responsibility to ensure safety at railway road crossings. The basis for this was the requirement to issue orders for virtually all aspects of the crossings, including construction details and financial responsibilities. In practice, the federal agencies usually took the lead in involving the railways and road authorities in discussions and decisions on crossing issues prior to issuance of an "Order". A Canadian Transport Commission (CTC) "Order" relating to crossing works was, in both origin and effect, a legal and binding record of a decision taken by consensus, or in the absence of consensus, by the CTC itself.

The Railway Safety Act (RSA) of 1989 and the amendments which came into force on June 1<sup>st</sup> 1999 redefined roles by implicitly placing crossing safety responsibilities on the railways and the road authorities. This policy reflects the objectives of Section 3 of the RSA, which are to:

- a) *promote and provide for the safety of the public and personnel, and the protection of property and the environment, in the operation of railways;*
- b) *encourage the collaboration and participation of interested parties in improving railway safety;*
- c) *recognize the responsibility of railway companies in ensuring the safety of their operations; and*
- d) *facilitate a modern, flexible and efficient regulatory scheme that will ensure the continuing enhancement of railway safety. “*

Transport Canada’s national transportation strategy calls for a transportation system that is safe, smart, strategic, and sustainable — the top priority being safety. The Safety and Security Strategic Plan (see next page) defines how the department intends to contribute to the safety and security of Canada’s transportation system. The railway/road crossing policy, through its requirements, will support and fulfill the mandate of the Strategic Plan.

## THE SAFETY & SECURITY STRATEGIC PLAN OVERVIEW

### Where we are headed- Our Vision

*The safest transportation system in the world*

### The impact we want to have - Our intended Outcomes

*Protection of life, health, environment and property*  
*Public confidence in the safety & security of our transportation system*

### How we get there - Our Mission

To further advance the safety and security of an efficient, accessible and sustainable transportation system through:

*Awareness & Education*  
*Monitoring & Enforcement*  
*Establishment and Implementation of Policies & Rules*

### What we want to achieve

*Safe Practices   Risk Reduction   Stakeholder Awareness*  
*Positive External and Internal Impact   Effective Intervention*

### How we do it

*Continue to develop a new safety culture*  
*Build constructive relationships internally and with stakeholders*  
*Implement a systematic approach to risk management*  
*Improve our tools, practices & techniques*  
*Adopt a systems approach to human resources management*  
*Broker international best practices*

### 3. Authority

Under subsection 2.(2) of the RSA, the federal government has jurisdiction in “*respect of transport by railways to which Part III of the Canada Transportation Act applies*”. In general, this means that TC has jurisdiction over companies which have a certificate of fitness issued by the Canadian Transportation Agency (CTA). This jurisdiction applies to all road crossings on rail lines under federal jurisdiction.

The authority to regulate engineering standards of road crossings is provided in Section 7 of the RSA. The authority to regulate the operation and maintenance of crossing works is provided under subsection 18.2 of the RSA. Under subsection 24.(1) this authority respecting road crossings is not limited to the physical crossing itself but also extends to vehicles, pedestrians, road approaches and adjoining lands. Jurisdiction includes items such as approach grades, signage, nearby intersections, removal of sight line obstructions, and under subsection 31.(2.1), further includes powers respecting the method of operating a vehicle over a road crossing.

The jurisdiction of the federal government is intended only to extend to those aspects which have a direct relationship to the safety of the road crossing, respecting the jurisdiction of the Provinces for the design, construction and maintenance of roads within the Province.

### 4. Policy requirements

To maximize the department’s impact on transportation safety, the focus of this policy is to ensure a positive approach to railway/road crossing safety through awareness of regulatory requirements, education through guidance, counselling and advice, and compliance monitoring to ensure compliance of regulated parties. Departmental activities to fulfil this policy will be accommodated in the Rail Safety Business Plan, in accordance with approved resources.

The policy of Transport Canada is to:

- 1) Maintain and enhance public safety by requiring through regulation or other means permitted under the RSA, uniform safety standards for all farm, private and public railway/road crossings at grade. The regulation will establish responsibilities for implementation of the standards by all federally regulated railways, 2,500 road authorities and many individuals and companies that have railway/road crossings under federal jurisdiction.

- 2) Promote awareness of regulatory requirements and education through guidance, counselling and advice to railways, road authorities, municipalities, police departments, consultants and other interested and affected parties concerning railway/road crossing safety.
- 3) Maintain a compliance monitoring program including surveillance, site inspections and audits to assess regulatory compliance and ensure effective intervention.
- 4) Support, initiate and conduct railway/road crossing safety research to identify emerging technologies and best practices and to encourage railways, road authorities and municipalities to adopt those best practices which are not regulatory requirements.
- 5) Obtain data through research, accident/incident investigation, and in partnership with railways, road authorities, municipalities, police departments and other government departments.
- 6) Analyse data to identify safety concerns, trends and emerging risks for use directly at individual railway/road crossings or systemically in the orientation of our regulatory, research or program activities.
- 7) Support and carry out safety promotional activities with respect to crossing safety through continued support of Direction 2006, Operation Lifesaver as well as TC programs.
- 8) Funding grade crossing safety improvement and crossing consolidation projects based on risk management principles.

## **5. Role and responsibilities**

The Rail Safety Directorate is responsible to ensure the regulatory instruments (i.e. regulations) are enacted and enforced and to develop the national programs, policies, guidelines, data analysis requirements and methodologies for consistent application throughout the Regions. A key role is to establish constructive and beneficial relationships with partners through comprehensive consultation.

The Surface Regions are responsible to ensure that regulated parties meet the regulatory requirements and that regional activities are implemented and carried out consistently and in accordance with the national programs, policies, guidelines, data collection requirements and methodologies. A key role is to contribute and participate with headquarters during formulation of national policy and programs.

In accordance with Section 31 of the RSA, Railway Safety Inspectors shall take action where a threat or immediate threat is identified.

## **6. Monitoring**

The implementation and effectiveness of this policy will be assessed by the Director General Rail Safety through periodic internal audits, program reviews and input from interested and affected parties.

## **7. Inquiries**

Inquiries about this policy should be directed to

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