



Information on Private Railway Crossings and Grade Crossing Regulations

Transport Canada regulates all at-grade or level crossings over railway tracks. Crossings are either public crossings – crossings on public roads or private crossings – crossings on private property, such as farmland.

Private crossings are those where there is no public use of the crossing, and the same person, business, etc. owns the land on both sides of the tracks. Numerous farm properties have an active railway line passing through the farm, and a private level crossing over the rail line that serves as the farmers only means of access to fields on the opposite side of the tracks.

In March 2019, Transport Canada amended its Grade Crossing Regulations, which apply to both private crossings as well as to public crossings, resulting in new requirements to enhance safety related to sightlines and grade levels. The “in force” date for these requirements is set for November 28, 2021. However, on June 18, 2021, [Transport Canada proposed additional amendments](#) to the Grade Crossing Regulations which would establish new compliance deadlines to meet the requirements of the Regulations based on the various levels of risks posed by grade crossings.

This includes:

- a one-year extension for existing public grade crossings which present a higher risk;
- a three-year extension for all remaining public and all private grade crossings; and
- an exclusion from the construction and maintenance requirements for very low-risk grade crossings (such as field-to-field crossings with minimal train traffic).

Transport Canada is proposing the following amendments for private crossings:

1. Permanently excluding 30% of private crossings from the requirements (an estimated 3420 crossings)
2. Providing a three-year extension for an additional 70% of private crossings.

OFA members can use Transport Canada's Grade Crossings Database to determine whether their crossing can be defined as 'low risk' and therefore exempt from the regulations or 'Other Grade Crossing' subject to the three-year extension. The database can be accessed here: <https://open.canada.ca/data/en/dataset/d0f54727-6c0b-4e5a-aa04-ea1463cf9f4c>

Three categories have been identified by Transport Canada:

High-Priority Grade Crossings

Public Grade Crossings with average annual daily railway movements of 10 or more and a railway design speed of 97km/h or more (subject to one year extension of the deadline).

Low Risk Crossings

Crossings meeting all the criteria in any one of the following three categories would be considered low risk (as long as they continue to satisfy the criteria). These would be exempted from compliance with the regulations:

1. Public grade crossings where the average annual daily railway movements are less than 3, the railway design speed is 17 km/h (10 mph) or less, no more than one track crosses the grade crossing, the storage distance is 30 metres or more, whistling is required or permitted when railway equipment is approaching the grade crossing, and the cross-product is less than 2 000;
2. Private grade crossings where the railway design speed is 17 km/h (10 mph) or less, no more than two tracks cross the grade crossing, and the cross-product (obtained by multiplying the average annual daily train movements by the average annual daily vehicular traffic) is less than 100; or
3. Private grade crossings where the railway design speed is 41 km/h (25 mph) or less for freight trains and 49 km/h (30 mph) or less for passenger trains, no more than one track crosses the grade crossing, the storage distance (the shortest distance between the rail line and the nearest intersection) is 30 metres or more, the cross-product is less than 100, and there is no sidewalk.

Other grade crossings

Grade crossings which are not high-priority, and which do not fall under any of the three above categories of low-risk crossings. This category currently includes an estimated 17,783 crossings and would be subject to a three-year extension of the deadline.

After the November 28, 2024 deadline has passed, for any crossings still not in compliance, Transport Canada suggests that they would take a graduated and proportionate enforcement approach in accordance with the Rail Safety Oversight Policy to educate, deter, and, when necessary, penalize those who contravene the *Railway Safety Act* or its associated regulations. This could range from a letter of warning to an administrative monetary penalty of up to \$250,000.

Transport Canada has posted Grade Crossing Information on its website at: <https://tc.canada.ca/en/rail-transportation/grade-crossings/grade-crossings-regulations-what-you-need-know>.

Transport Canada also has some private crossing specific information available at: <https://tc.canada.ca/en/rail-transportation/grade-crossings/private-grade-crossings>.

For more information regarding Grade Crossing Regulations, visit <https://laws-lois.justice.gc.ca/PDF/SOR-2014-275.pdf>.

OFA hosted a [webinar on Farm Safety and Rail Crossings](#) on June 17, 2021. This webinar is recommended for members who have [private grade crossings](#) that are affected by the Grade Crossings Regulations.

OFA will continue to monitor this process and will inform members accordingly as more information becomes available.

