

CN Rail and CP Rail Land Use Guidelines

CN Rail

CN Rail adopted a set of recommended development guidelines for residential development adjacent to the rail right-of way. The buffering requirements are dependent on the classification identified by the rail company for the purpose of applying the acceptable protective measures.

The rail lines, yards and stations are categorized into classes and include: principal main lines, secondary main lines, principal branch lines, secondary branch lines and spur lines. These classifications were determined based on the frequency, speed and the average number of locomotives per train. For example, principal main lines have higher speed trains and higher traffic volumes with heavier trains than on the secondary main lines. Branch lines have slower speed trains and lower traffic volumes, with generally light to moderate weight trains. Spur lines have unscheduled traffic on a demand basis on limited speeds. While not explicitly stated in their guidelines, CN Rail also suggests their guidelines be incorporated into future residential development. CN Rail land use development guidelines are summarized in the attached table (Table 1a).

CP Rail

CP Rail recognizes the fact that train operations result in the transmission of noise, vibration and other related industrial nuisances to adjacent properties. The company introduces the “Residential Development Adjacent to the CPR” guidelines for any residential development adjacent to the rail right-of-way. In general, CP Rail opposes all residential development within 75 m of the railway right-of-way, as it is not compatible with railway operations since there is the possibility that the safety, health, and welfare of residents could be adversely affected by railway activities.

Moreover, the guidelines also note that notwithstanding the company’s opposition, if a municipality decides to approve a proposed residential subdivision application within 75 m of the railway right of way, the CP Rail requests that consideration be given to the recommendations summarized in the following table (Table 1b).

Table 1a - CN Rail Land Use Guidelines for Residential Uses abutting the Rail Right-of-Way

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Table 1a – CN Rail Land Use Guidelines for Residential Uses abutting the Rail Right-of-Way

	Setback of Dwelling	Noise Assessment and Ground-borne Vibration Assessment	Noise Attenuation Barrier	Berm and Fence	Buyer Awareness	Drainage Pattern/Utilities	Others
CN Rail							
Railway yards	300 m	All residential uses located between 300m and 1000 m (Noise and Ground-borne Vibration)					
principal main lines	30 m	All residential uses located within 300 m (Noise)	A min. of 5.5 m above top-of-rail	2.5 m safety berm with Acoustic fence (subject to the noise report)	A clause be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sales or lease of each dwelling unit within 300m of the railway right-of-way, advising the property owners of the potential adverse impacts as a result of the railway operations.	Alterations to the existing drainage pattern affecting railway property requires prior concurrence from CN.	Restrictive Covenants on title advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for maintaining these features. 1.83m min. height chain link fence along the mutual property line.
secondary main lines	30 m	All residential uses located within 75 m (Ground-borne Vibration)	A min. of 4.5 m above top-of-rail	2.0 m safety berm with Acoustic fence (subject to the noise report)			
principal branch lines	15 m		A min. of 4.0 m above top-of-rail	2.0 m safety berm with Acoustic fence (subject to the noise report)			
secondary branch lines	15 m		A min. of 4.0 m above top-of-rail	2.0 m safety berm with Acoustic fence (subject to the noise report)			
spur lines	15 m		n/a	n/a			1.83m min. height chain link fence along the mutual property line.

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Table 1b - CP Rail Land Use Guidelines for Residential Uses abutting the Rail Right-of-Way

	Setback of Dwelling	Noise Assessment and Ground-borne Vibration Assessment	Berm and Fence	Buyer Awareness	Drainage Pattern/Utilities	Others
CP Rail						
Applies to all residential development within 75 m of the CP Rail right-of-way	30 m	All residential uses located within 75 m requires both Noise Assessment and Ground-borne Vibration Assessment (if in excess of the acceptable levels, all dwellings within 75 m of the railway right-of way should be protected through adequate measures)	2.5 m safety berm with Acoustic fence (subject to the noise report)	A clause be inserted in all offers to purchase, agreements of sale and purchase or lease, and in the title deed or lease of each dwelling, informing prospective purchasers or tenants of the existence of the railway's operating right-of-way; the possibility of alterations, including the possibility that the railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual unit; and that the railway will not be responsible for complaints or claims arising from use of its facilities and/or operations	<p>Alterations to the existing drainage pattern affecting railway property requires prior concurrence from CP.</p> <p>Any proposed utilities under, over or along railway property to serve the development must be designed in accordance with applicable standards. All plans for utility occupancies of railway property must be approved by the Railway prior to construction and installation.</p>	<p>1.83m min. height chain link fence along the mutual property line if no solid noise attenuation fence is required by the noise assessment.</p> <p>A clause on all agreements of sale and purchase or lease, and in the title for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for maintaining these features.</p> <p>Any access roads across the railway will be subject to Railway approval, and must be in compliance with the latest Transport Canada regulations concerning same.</p>