



Rail Noise and Vibration Complaints



Are you affected by the noise or vibration of a railway?

As communities and railways grow and expand in close proximity to each other, careful planning and communication is critical in order to balance the needs of railways and the concerns of communities.

Occasionally, however, disputes about the noise and vibration from rail construction or operations arise.

The Canadian Transportation Agency is an independent federal tribunal that can assist individuals, municipalities, railway companies and other parties in resolving these types of disputes.

The Agency has developed *Guidelines for the Resolution of Complaints Concerning Railway Noise and Vibration*. The guidelines explain the process to be followed and include a complaint form. They are available online at www.cta.gc.ca/eng/rail-complaints.

How do I proceed?

Before filing a complaint:

1 Consult your municipal government concerning the railway noise and vibration issues you are experiencing.

Your municipal government may have information and expertise that could help you resolve your complaint, and may wish to become involved in the discussion with the railway company.

2 Communicate directly with the railway company.

If you have not already done so, ensure the railway is aware of the problem you are experiencing. You and the other parties involved must explore options and assess solutions in an effort to resolve the issue before bringing it to the attention of the Agency.

3 Determine if the railway is subject to the Agency's jurisdiction.

A list of federally-regulated railways (www.cta.gc.ca/eng/federal-rail) and urban transit authorities (www.cta.gc.ca/eng/urban-transport) is available on the Agency's Web site. If the railway or urban transit authority is not on either of these lists, it is likely under the jurisdiction of your province or territory.

Working together towards solutions



What types of complaints can the Agency help with?

➤ The Agency **can** help resolve complaints over noise or vibrations resulting from the construction and operation of railways under federal jurisdiction, as well as public passenger service providers, including urban transit authorities.

This can be noise from passing trains, idling locomotives or the shunting of rail cars.

➤ The Agency **cannot** help with complaints concerning provincially-regulated railway companies.

➤ Also, train whistling at railway crossings is a safety-related issue that falls under Transport Canada's responsibility.



The collaborative approach

Collaboration allows both you and the railway company to have a say in resolving an issue.

If both parties have input, the solution is more likely to be long-term. It may also be implemented more effectively and efficiently than a formal Agency decision.

There are a number of informal and collaborative measures, such as **facilitation and mediation**.

In facilitation and mediation, a neutral third party helps to keep the discussion focused and assists the parties in finding a mutually beneficial solution. While you are encouraged to consider local facilitation and mediation services, you may wish to discuss your options with Agency staff.

The parties must have tried and exhausted collaborative measures before the Agency can investigate a complaint. These measures are expected to be completed within 60 days of the railway receiving a written complaint.

For more information, visit *Mediating Your Transportation Dispute* online at www.cta.gc.ca/eng/mediation-docs.

The formal complaint process

If you are not able to resolve the issue through collaboration, or if one of the parties has failed to collaborate, you may file a complaint with the Agency requesting a determination under the formal adjudication process.

For more information on the formal process, or for details on how the Agency will determine whether the noise or vibration caused by a railway is reasonable, please go to www.cta.gc.ca/eng/rail-complaints.



Contact us

If you are considering filing a complaint, please read the *Guidelines for the Resolution of Complaints Concerning Railway Noise and Vibration*.

For more information, or to request a copy of the guidelines and complaint form:

Canadian Transportation Agency
Ottawa, Ontario
K1A 0N9

Telephone: 1-888-222-2592
TTY: 1-800-669-5575
Facsimile: 819-997-6727
E-mail: info@otc-cta.gc.ca

