

**Provincial Railway Guides**

Section:

**ADMINISTRATION**

Subject:

**APPLICATIONS TO CONSTRUCT,  
OPEN OR OPERATE A RAILWAY**

Provincially regulated railways are required to obtain authorization from the Minister prior to beginning or altering their operations. This guide is intended to assist provincial railways in applying for required authorizations.

**INTRODUCTION:**

It is against the law for a person to construct, alter, acquire or operate a railway except in accordance with *The Railway Act*.

In order to own and/or operate a railway in accordance with *The Railway Act*, a person must obtain:

1. Authorization to Construct, Acquire or Alter a Railway

Section 5, requires a railway company that wishes to construct, acquire, or alter a railway line to apply for an *Authorization Certificate*.

2. An order from the Minister to Open the Railway

Section 24, requires a person who wishes to open a railway to get the Minister to *authorize the opening* by order.

3. Authorization to Operate a Railway

Section 14 requires a person to obtain an *Operating Authority Certificate* from the Highway Traffic Board to operate a railway.

Applications to own, open and/or operate a railway will be handled in accordance with this guide.

**EXISTING RAILWAYS:**

Railways previously issued an Authorization Certificate or an Operating Authority Certificate by the Minister, are not required to make any new applications with regard to those previously issued certificates.

**APPLICATIONS:**

Submit applications to:

Rail Services  
900-1855 Victoria Avenue  
Regina, Saskatchewan S4P 3T2  
Email: [rail.services@gov.sk.ca](mailto:rail.services@gov.sk.ca)

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**Application for an *Authorization Certificate* (to Construct, Acquire or Alter a Railway)**

A person must apply to the Minister for written authority to construct, acquire or alter a railway before the acquisition; construction or alteration of the railway is underway. Railways already constructed but not holding an Authorization Certificate or Federal Certificate of Fitness must also apply under this section as *Authorization of Existing Railways*.

There is no standard form to apply to the Minister to acquire, construct or alter a railway. The applicant should fax or mail a signed letter addressed to the Minister stating its wish to acquire, construct or alter a railway. The application should include the following:

1. Name, address, telephone and facsimile number of the applicant;
2. Name of individual responsible for the application;
3. Subdivision or track designation(s) and railway mileage (in miles);
4. A safety management plan (see Guide to Rail Safety Management Plans);
5. A request for a complete or partial exemption from *The Railway Act* (see Guide to Exemptions from *The Railway Act*);
6. Additional information, depending on type of application, as listed below:

Acquisition

- a) Agreement for sale or transfer from current owner;
- b) List of all properties (real and other) to be included in sale or transfer;
- c) Interchange agreement(s) where applicable;
- d) List of loading/unloading facilities and commodities to be handled;
- e) List of municipalities containing railway (including name, phone number of contact);
- f) A feasible business plan demonstrating the applicant's ability to successfully provide service on the railway.

Alteration

- a) Drawings, to scale, of proposed alterations;
- b) Reasons for proposed alterations;
- c) List of parties affected by proposed alterations (shippers, landowners, etc.).

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- a) Drawings, to scale, of proposed construction;
- b) List of all properties;
- c) Interchange agreement(s) where applicable;
- d) List of loading/unloading facilities and commodities handled;
- e) List of municipalities containing railway (including name, phone number of contact).

Authorization of Existing Railways (unregistered railways)

- a) List of all properties (real and other) to be included in sale or transfer;
- b) Interchange agreement(s) where applicable;
- c) List of loading/unloading facilities and commodities to be handled;
- d) List of municipalities containing railway.

**Application for an Order to Open a Railway**

There is no standard form to request the Minister to open a railway. The applicant should fax or mail a signed letter addressed to the Minister stating its wish to open a railway. The application should include the following:

1. Name, address, telephone and facsimile number of the applicant;
2. Name of individual responsible for the application;
3. Subdivision name(s) and railway mileage (in miles);
4. A report or certificate, in a form acceptable to the Minister, sealed by a professional engineer certifying that the railway is safe and adequate for the railway operations as specified in the report or certificate.

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OAC's are issued and administered by the Highway Traffic Board. For more information on the HTB's insurance submission requirements and the process for obtaining an Operating Authority Certificate, contact:

Manager  
Highway Traffic Board  
1621A McDonald St.  
REGINA SK S4N 5R2  
Phone: (306) 775-6661  
Email: [contactus@highwaytrafficboard.sk.ca](mailto:contactus@highwaytrafficboard.sk.ca)

**Further Information**

After an initial review of any application, the Minister may request any further information that may be required to assess the application.

**Inspections**

Approval from the Minister may be subject to an onsite inspection of the railway or proposed railway by a designated railway inspector. Affected parties may be invited to attend the inspection or contacted by the railway inspector to provide information.

**Minister's Approval and Orders**

The Minister may approve the application on whatever terms and conditions, if any, the Minister considers necessary. Orders are binding upon the parties and remain in effect until amended or rescinded.

**Confidentiality**

All applications and attached documents become part of the public record and may be available for public viewing. Upon request, certain aspects of an agreement or application may, to the extent permitted by law, be kept confidential.

Any financial information filed in support of an application for an Operating Authority Certificate shall not be made public except where required by provincial law.

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900-1855 Victoria Avenue

Regina, Saskatchewan S4P 3T2

Phone: (306) 787-4900

Email: [rail.services@gov.sk.ca](mailto:rail.services@gov.sk.ca)