These criteria apply to federal, provincial and private railways in Alberta. The criteria apply to all railways which disturbed the land surface, whether or not trains ever ran on them.

The following dates are important for reclamation of abandoned railways:

- Railways abandoned before August 15, 1978 are not considered specified land and are therefore not subject to the requirement to obtain a reclamation certificate.
- The Conservation and Reclamation Regulation, as amended, exempts operators from the obligation to get a reclamation certificate if they abandoned a line between August 15, 1978 and September 1, 1993. However, the operator is responsible for reclamation of those lines. Operators are expected to meet the intent of the criteria.
- Lines abandoned after September 1, 1993 must obtain a reclamation certificate.

August 15th, 1978 was the date on which the reclamation of railways was first legislated under the Land Surface Conservation and Reclamation Act. September 1, 1993 was the date the Environmental Protection and Enhancement Act was proclaimed.

DEFINITIONS

Abandoned Railway means the right-of-way and the developed infrastructure that was used, or held for or in connections with, the operation of the railway after August 15, 1978, including, but not limited to, the rail bed, main lines, branches, extensions, sidings, station grounds, yards, other tracks, bridges, tunnels, trestles, culverts, ditches, road crossings, and other structures. The date of abandonment is the date of the abandonment order from the National Transportation Agency (in the case of federally regulated railway lines) or the date of the order from the Public Utilities Board or Alberta Transportation and Utilities (for provincially regulated railway lines).

Operator means the railway company.

Rail bed means the constructed base on which the tracks are laid plus the related infrastructure. The rail bed may consist of grade or ballast material.

Ballast means the granular material on which the ties and tracks are laid.

BACKGROUND

These criteria have been jointly developed by representatives of the provincial government, the railroad industry, the Farmers’ Advocate and the Alberta Association of Municipal Districts and Counties.

The certification criteria recognize that:

- railways have been a part of the landscape for many years and the land may have been undeveloped at the time of construction.
- environmental factors, such as soil salvage, were in most cases not recognized at the time of construction nor required by the federal government which regulates construction and operation of national railway lines. The criteria do not address soil replacement for this reason. However, operators are now encouraged to salvage topsoil to be used in future reclamation.
- surface water drainage has, in many cases, established new patterns that are now stable.
- much of the original land disturbance may have revegetated naturally.

CRITERIA

The following criteria will be used to judge the success of the operator’s reclamation.

1. General

- abandoned railways have a number of potential land uses and reclamation of a railway should accommodate these uses. For example, railway line segments that are used as roadways may require that culverts and ballast stay in place and should not be expected to have vegetation on the road surface.
- the criteria take into account existing land uses, landscape stability, future potential land uses as well as the land use that occurred before the activity commenced.
- future potential land uses will be determined by the operator based on their discussions with the local municipality, potential land purchasers and existing...
land owners. Where no potential land purchasers are identified, the operator will be expected to work with the municipality and the Conservation and Reclamation Inspector to identify the most appropriate land uses.

2. Contaminants

- the operator will assess the site to determine if any contamination may have occurred.
- contaminants identified in soil, surface water or groundwater must be remediated to meet Alberta Environmental Protection standards.

3. Landscape

- remove rail infrastructure (including, but not limited to rails, ties, ballast, bridge structures, culverts, telegram and power poles and lines, underground materials such as wires and pipelines related to the railway operation, signs, fences with the exception of boundary fences, and road crossings) unless otherwise specified in the purchase and sale agreement.
- the rail bed must be stable and non-erosive with no visible evidence of slope movement. Recontouring will be required to correct stability concerns or erosive conditions found in the rail bed or caused as a result of the removal of rail infrastructure.
- the rail bed and culverts must not impede the current pattern of drainage.

4. Vegetation

- vegetative species present must be suitable for the intended land use.
- noxious weeds must not be present.
- other weeds must not be present in densities greater than on adjacent land.
- plant cover must be 80% or greater unless otherwise authorized by the Inspector.

**RECLAMATION CERTIFICATE**

The Railway Reclamation Certificate Application must be filled out and sent to Alberta Environmental Protection. Copies of the appropriate sections of the purchase and sale agreements with existing land owners or potential land purchasers must be attached to the application where infrastructure is to be left in place.

Where seeding occurs, the application may be submitted one year after seeding if the site is not fertilized, or two years after the last fertilization. Where no seeding is required to meet the reclamation goals, the operator may apply at any time.

Once a complete application is received, the Inspector will schedule an on-site inquiry with the operator and existing land owners (if any) to determine if the criteria have been met. The Inspector will try to schedule the inquiry within two months of receipt of the application. The inquiry must be held during snow-free conditions.

Since much of the right-of-way may have been undisturbed since the time of construction and may have naturally revegetated, the focus of the inquiry will be on the recently disturbed and reclaimed portion of the right-of-way and those other areas of disturbance identified by the operator. The Inspector will investigate other portions of the right-of-way, or off the right-of-way, if he or she notices adverse effects related to the railway.

After the reclamation certificate is issued, the operator is liable for five years for conservation and reclamation matters that were not apparent to the Inspector at the time the certificate was issued. After the five year period, the government assumes liability for conservation and reclamation problems relating to the above criteria. The five year period does not apply to contaminants not readily apparent at the inquiry.

**RECLAMATION CERTIFICATE WITH CONDITIONS**

Where infrastructure is left in place at the request of a potential land purchaser, the operator will receive a reclamation certificate with conditions. The certificate will be valid for a specified period of time.

When the operator provides the Inspector with written proof of sale, the conditions will be taken off the certificate.

If the land is not sold to the potential land purchaser, or another purchaser willing to meet the conditions within the specified time period, the certificate or a portion of the certificate may be cancelled or amended at the discretion of the Director. Where the certificate is cancelled, the operator will have to reapply for a reclamation certificate.

A reclamation certificate for railway line segments that are owned by someone other than the operator will not have these kinds of conditions.

**FOR MORE INFORMATION**

For general information on reclamation requirements and methods, and application requirements, contact:

Environmental Sciences Division
Alberta Environmental Protection
4th Floor, 9820 -106 Street
Edmonton, Alberta T5K 2J6.
Phone (780) 427-5883.
Fax (780) 422-4192.

Environmental Sciences Division will coordinate the reclamation certificate process and arrange contacts between the operator and the various government agencies that may have an interest in the reclamation process. The operator may also directly contact these agencies:

For matters related to reclamation of railways through public land in the Green Area, contact:
For matters related to the reclamation of railways through public land in the White Area, contact:

Alberta Agriculture, Food and Rural Development
Public Land Management Branch,
2nd Floor, 7000 -113 Street
Edmonton, Alberta T6H 5T6.
Phone (780) 427-3932.
Fax (780) 422-4244.

For drainage issues, contact:

Water Resources Administration
Alberta Environmental Protection
9th Floor, 9820 -106 Street
Edmonton, Alberta T5K 2J6.
Phone (780) 422-1405
Fax (780) 422-0202.

For fisheries concerns when removing culverts, bridges or trestles, contact:

Fisheries Management Division
Alberta Environmental Protection
2nd Floor, 9920 -108 Street
Edmonton, Alberta T5K 2M4.
Phone (780) 427-8205
Fax (780) 422-9559.
ABANDONED RAILWAY RECLAMATION CERTIFICATE APPLICATION

I. GENERAL INFORMATION

Operator¹: ___________________________ Application Date: ___

Address: _______________________________________________________

_________________________________________________________________

Contact Name: ____________________________________________________

Phone: ___________ Fax: __________________________________________

Provide a map showing the railway to be certified.

II. SITE INFORMATION

Location:
  Start: Mile Marker _________ Section ___ Township ___ Range ___ W ___ M
  End: Mile Marker _________ Section ___ Township ___ Range ___ W ___ M

Subdivision Name: .

Railway Plan Number: _____________________________________________

Abandonment Order Number: ________________________________________

Seeding Date(s): _________________________________________________

Species Seeded: _________________________________________________

Fertilized: □ Yes     Date: _________________ □ No

Contamination:
  Attach information on specific sites where contaminants were identified, the type and amounts of the contaminants, the methods used to remediate the contaminants, and the final contaminant levels. Compare final contaminant levels with contaminant criteria.

¹ The railway company requesting the reclamation certificate
III. **SITE DATA**

Compare the site to the criteria in the *Reclamation Criteria for Abandoned Railways* (C&R/IL/96-3)

Meets Landscape Criteria: □ Yes □ No.

If No, explain where and why: ________________________________

Meets Vegetation Criteria: □ Yes □ No.

If No, explain where and why: ________________________________

Facilities Left in Place:

Provide a table identifying the Mile Marker where the facility is located and the type of facility. Attach a copy of the relevant portions of the purchase and sale agreement for each facility left in place.

IV. **DECLARATION**

This Declaration must be signed by a representative of the operator.

I, __________________ of __________________ certify that, to the best of my knowledge, all of the information that forms part of this application is accurate and that all other conditions described in the document *Reclamation Criteria for Abandoned Railways* have been met.

NAME (SIGNATURE) POSITION DATE

Return this application, all attachments and a duplicate copy to:
Environmental Sciences Division,
Alberta Environmental Protection,
4th Floor, 9820 - 106 Street,
EDMONTON, Alberta T5K 2J6.