

Manitoba Infrastructure
Railway Operating Licence Application Requirements and Procedures

Purpose

This document outlines the application requirements and procedures for railway operators to apply for railway operating authority in the Province of Manitoba.

Effective March 1, 2019

Definitions

“**applicant**” means a railway company that owns or proposes to own a railway and makes an application for a licence to operate the railway.

“**Superintendent**” means the Superintendent of Railways appointed under Section 14.1 of The Provincial Railways Act.

1. Railway Operating Licence Application

1. An applicant must apply for a licence to operate a railway in the Province of Manitoba by submitting an application to the Superintendent of Railways.
2. The applicant must complete the *Railway Operating Licence Application Form* available from the Motor Carrier Branch of Manitoba Infrastructure.

The following information must be attached to the form:

- a. Description of the organizational structure and an organizational chart
- b. Terms of licence sought
 - i. If dangerous goods are proposed, additional information is required
- c. Location and infrastructure of proposed railway which must include the following:
 - i. Scale plan
 - ii. List of level crossings
- d. Safety Fitness Certificate
- e. Engineer’s Report and Certification
- f. Current or proposed timetable
- g. Current or proposed General Operating Instructions

Upon request by the Minister of Infrastructure or the Superintendent, the applicant may be required to provide the following additional information:

- h. Articles or Letters Patent of Incorporation
- i. Points and shippers currently serviced and proposed to be served by the railway
- j. Safety Management System
- k. Maintenance and/or rehabilitation plans
- l. Evidence of compliance with Grade Crossing Standards s.4(1) concerning information sharing with road authorities
- m. Any other information that may be requested

3. The applicant should contact the Railway Safety Officer to confirm that the application is complete. If there are deficiencies, the Railway Safety Officer will request that deficiencies be addressed.
4. The applicant should submit the application to the Superintendent, if the Railway Safety Officer confirms that the applicant has complied with the requirements of the form.

2. Application Review

1. The Superintendent and Railway Safety Officer meet to review the application.
2. The Superintendent may request a meeting with the applicant, if necessary, to review the application.

3. Decision

1. If the Superintendent is satisfied on the basis of the information in the application submitted, the Superintendent may approve the application and issue a licence to the applicant subject to any terms and conditions the Superintendent considers appropriate.
2. If the Superintendent is dissatisfied on the basis of information in the application submitted, the Superintendent may:
 - a) Request that the applicant submit further information and evidence in support of the application; or,
 - b) Deny the application.
3. Where the applicant submits further information after the Superintendent's request, the Superintendent may:
 - a) If satisfied, on the basis of information submitted, approve the application and issue a licence to the applicant subject to any terms or conditions the Superintendent considers appropriate; or,
 - b) If dissatisfied, on the basis of information submitted, deny the application.

4. Notification

1. The Superintendent will issue a notice to the applicant with the decision.

5. Appeal

1. An applicant can file a written appeal with the Minister of Infrastructure within 30 days after the applicable decision.
2. The Minister may either refer the matter back to the Superintendent for reconsideration, approve the licence or dismiss the appeal.