Railway

The railway sector is complex, making a multidisciplinary legal team with business, regulatory and compliance experience essential. This includes a firm understanding of the operation of, and key contacts within, federal and provincial regulatory agencies. Increasing pressures from consolidation, competitors, new technology and disruptors mean that rail carriers must keep a watchful eye on future challenges and legal issues.

We advise federally- and provincially-regulated railways and associated entities, including interconnected marine terminals, roadways and bridges, light rail transit systems and commuter rail systems.

With offices across Canada, we advise clients on regulatory regimes to assist them with compliance issues, including:

- general rail operations
- rail line construction
- commuter and light rail transit
- right-of-way rights and approval
- service obligations
- interswitching regulation
- confidential transportation agreements and tariffs
- applications before the CTA

Our significant railway litigation experience includes:

- derailments
- environmental incidents and emergency response
- personal injury
- occupiers' liability
- regulatory hearings
- employment
- tax issues
- disputes over rail land use and crossings

We also advise on:

- rail crossing agreements (utilities and other)
- joint access and use rail corridor agreements (e.g., telecommunication facilities and other railways)
- transportation service agreements
- marine terminal service agreements

- maintenance services
- procurement of rail/road sector goods and services, including rail cars and fleets
- corporate governance for rail sector clients
- customs and trade

We represent parties across all segments of the global transportation industry, including:

- federally- and provincially-regulated railways
- ocean carriers and operators
- container and bulk commodity terminals
- trucking and transport companies
- freight forwarders
- shippers
- a national passenger transportation management company serving transit agencies
- global providers of integrated logistics services, including comprehensive logistics solutions, global supply chain management, freight forwarding, logistics and specialized services over land and sea (including chemical transportation and labelling, and the transportation of dangerous goods)

Experience

- Advise clients in claims involving rail carriers and property damage, cargo and business losses, delay, and the applicability of rail tariffs.
- Advise clients in disputes regarding rights to install and maintain utilities and services on rail corridors, and negotiating related agreements.
- Advocate before the Canada Transportation Agency (CTA) and Transport Canada (TC) regarding investigations and orders related to rail carriers, rail lines and related matters and incidents.
- Advise on project and procurement planning, and negotiate agreements for implementing new rail transit systems, including procurement structure and process matters, all procurement documents, and the regulatory planning and approvals process involving agencies at the federal, provincial and municipal levels.
- City of Ottawa, Stage 2 Transit Project: land assembly including expropriations, municipal and railway regulatory advice, and negotiating complex agreements with public authorities, crown corporations, educational institutions and private sector property owners. The Stage 2 Rail Transit Project is a $3.6 billion investment.

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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