

# Bulletin

## Developments in Proximity to Rail Facilities

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# 1 BACKGROUND

## 1.1 Intent

This bulletin provides guidance to staff and the development industry on how the City will evaluate proposals in proximity to freight and passenger rail facilities (not including TransLink or other light rail infrastructure). The objectives of this bulletin are to:

- Enable development of lands in proximity to rail operations
- Ensure a consistent approach to assessing risks and mitigation measures related to rail operations;
- Allow rail operations to continue in accordance with federal legislation.

Throughout 2025 and 2026, the Railway Association of Canada (the 'RAC') will be updating the Guidelines for New Development in Proximity to Railway Operations (the 'FCM-RAC Guidelines'). Once these modernized Guidelines are complete, the City will bring forward Vancouver-specific policies and/or regulations to align with the updated direction. In the meantime, this bulletin sets out interim direction based on the 2013 FCM-RAC Guidelines.

The terms that are in bold are for this bulletin are defined in Section 3: Definitions at the end of this document.

## 1.2 Regulatory Context

Railways play an essential role in the economic health of Canada. Railway companies are granted special legal authority, powers, and obligations through the federal or provincial legislation that governs them. Notably, a **Rail Authority** may choose to upgrade an existing **Rail Facility** and intensify operations within Vancouver without first consulting with the City or private property owners. Trains operating in Vancouver may also transport or store dangerous goods, including toxic or explosive materials.

Recognizing the issues that may arise when people live and work in close proximity to railway operations, the Federation of Canadian Municipalities ('FCM') and the Railway Association of Canada ("RAC") launched the Rail Proximity Initiative to assist with addressing these issues. This led to the development of Guidelines for New Development in Proximity (2013) ("FCM-RAC Guidelines").

Over 150 Canadian municipalities have adopted rail policies that use the FCM-RAC Guidelines; however, the design measures stipulated may not be directly applicable to a dense urban context. In response, some larger municipalities, including Calgary and Toronto, have developed policies informed by and/or supplementing the FCM-RAC Guidelines. In Vancouver, a formal policy remains forthcoming, with this bulletin providing interim direction.

### 1.3 Vancouver Context

Vancouver's **Rail Facilities** include both **Rail Lines** and **Rail Yards**.

Most **Rail Lines** within the city are classified as main track corridors, including:

- The waterfront line along Burrard Inlet, through Hastings-Sunrise, Grandview-Woodland, Strathcona and Downtown; and
- The line running along Grandview Highway, through Renfrew-Collingwood, Kensington-Cedar Cottage and Grandview-Woodland.

These lines are owned by Canadian Pacific Kansas City ('CPKC') and BNSF Railway ('BNSF') and operated by freight carriers (CPKC and Canadian National Railway 'CN') as well as passenger carriers (VIA Rail Canada, Rocky Mountaineer, West Coast Express and Amtrak).

The CPKC-owned line along the Fraser River (through Killarney, East Fraser Lands, Victoria-Fraserview, Sunset and Marpole) currently experiences infrequent freight usage. Developments along this line will be assessed on a case-by-case basis by the Director of Planning.

**Rail Yards**, owned by CN, are located along Burrard Inlet (Downtown and Strathcona) and in the False Creek Flats (Strathcona).

Rail operations are subject to change at any time, including expansion of facilities, shifts in capacity and variations in usage or frequency. Refer to the RAC Canadian Rail Atlas for current track designations. For clarity in the development review process, the Burrard Inlet Line should be treated as a **Main Track** given the anticipated capacity increase..

### 1.4 Application

This bulletin applies to all rezoning and development permit applications proposing **High-Occupancy Uses** and/or **Sensitive Uses** where any portion of a site subject falls within one or more of the three **Rail Influence Areas**: physical safety, noise, and vibration (see Table 1).

**Table 1: Rail Influence Areas by Rail Facility Type**

<b>Rail Facility Type</b>	<b>Physical Safety Influence Area</b>	<b>Noise Influence Area</b>	<b>Vibration Influence Area</b>
Yard	30 m*	300 m	75 m
Main Track			

**\*Note:** The 300 m setback from **Rail Yard**, as noted in Section 3.3.1 of the FCM-RAC Guidelines, does not apply for the purposes of this bulletin, as the physical risk of derailment has been determined to be equivalent for both **Rail Lines** and **Rail Yards**.

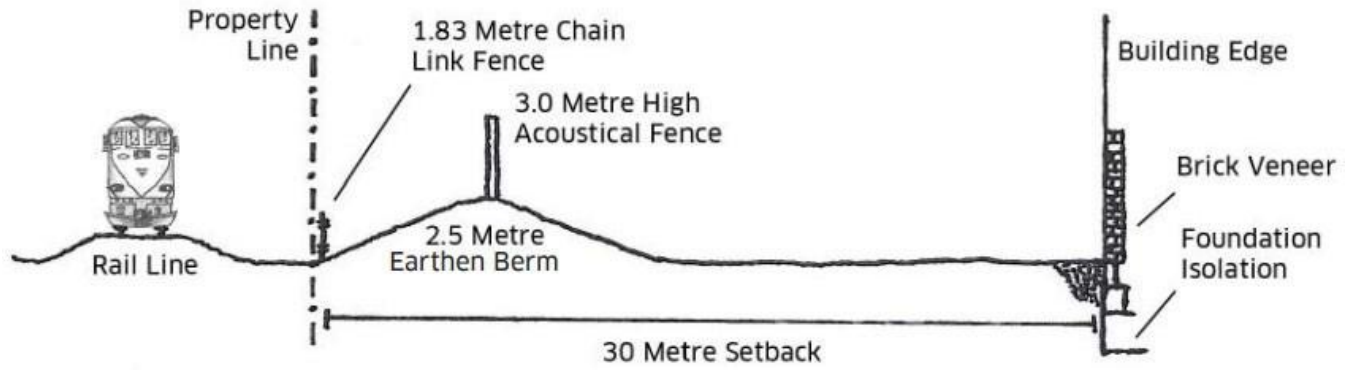
The rail physical safety influence area is for mitigating physical risk arising from potential derailments and is derived from the standard recommended building setbacks outlined in the FCM-RAC Guidelines.

## **1.5 Mitigating Measures**

The FCM-RAC Guidelines identify mitigating measures for all **Rail Facilities**. Mitigating measures are design strategies and/or engineered infrastructure intended to mitigate the effects of externalities produced by rail operations on developments in proximity to a **Rail Facility**. Development proposals with **High-Occupancy Uses** and/or **Sensitive Uses** should meet the standard mitigation measures shown in Figure 1.

As per the FCM-RAC Guidelines, the standard mitigating measures have building setback requirements with a straight-line horizontal distance that varies based on the type of **Rail Facility**.

**Figure 1: Standard Mitigation Measures for a main track as per FCM-RAC Guidelines – 30 m horizontal building setback, 2.5 m high earthen berm, 1.83 m high chain link fence and 3.0 m high acoustical fence. (Reference FCM-RAC Guidelines Figure 2)**



## 2 APPLICATION PROCESS

### 2.1 Submission Requirements

Table 1: Required Application Documents by Rail Influence Area

<b>Rail Influence Area (Distance from the Railway Facility PL/ROW)</b>	<b>Required Documents</b>	<b>Applicable Uses</b>
PHYSICAL SAFETY 30 m from any <b>Rail Facility</b>	I. Physical Safety and Risk Mitigation Report II. Fugitive Emissions and Air Quality Report III. Stormwater Management and Drainage Plan IV. Protective Action Plan	<b>High Occupancy and Sensitive Uses</b>
VIBRATION 75 m from any <b>Rail Facility</b>	Vibration Study	<b>High Occupancy Uses, Sensitive Uses</b> and all other <b>Dwelling Uses</b> as defined by Section 2 of the Zoning and Development By-Law
NOISE 300 m from any <b>Rail Facility</b>	Noise Study	
NOISE 300 m to 1000 m from <b>Rail Yard</b>	Noise Study (strongly recommended) *	

\* Applicants with a site located between 300.0 and 1000.0 metres from a **Rail Yard** must provide written justification for not undertaking a noise study.

2.1.1 **Physical Safety and Risk Mitigation Report:** Where the site, or any part of it, is located within 30 m (98 ft.) of a **Rail Facility** and cannot meet the required setback distances and standard mitigation measures, the applicant must complete a **Physical Safety and Risk Mitigation Report** prepared by a **Qualified Professional** using the criteria outlined in the FCM-RAC Guidelines Appendix A: Development Viability Assessment. The report should include the following:

- (a) Assessment of the potential derailment and/or other risks associated with the proposed development's proximity to a **Rail Facility**;

- (b) Description of the proposed development and the identification, description and location of all land uses within the development;
- (c) Description of the proposed safety and risk mitigation measures within the context of the development application and the proposed land uses of the subject site;
- (d) Practical and/or technical rationale for the proposed safety and risk mitigation measures;
- (e) The City, Rail Authority, and agencies as applicable may identify additional considerations to be examined that may have an adverse effect on safety that are specific to the subject site.

2.1.2 **Vibration Study:** Where the site, or any part of it, is located within the 75 m (246 ft.) of a **Rail Facility**, the applicant must complete a Vibration Study prepared by a **Qualified Professional** using the criteria outlined in the FCM-RAC Guidelines Appendix C: Noise and Vibration Procedures and Criteria. The study should:

- (a) Assess the impact of vibration associated with **Rail Facility** operations on the adjacent development; and
- (b) Identify any recommended mitigation measures to be incorporated into the development proposal.

2.1.3 **Noise Study:** Where the site, or any part of it, is located within 300 m (984 ft.) of a **Rail Facility**, the applicant must complete a Noise Study prepared by a **Qualified Professional** using the criteria outlined in the FCM-RAC Guidelines Appendix C: Noise and Vibration Procedures and Criteria (a “Noise Study”). This study should:

- (a) Assess the impact of noise associated with **Rail Facility** operations on the adjacent development; and
- (b) Identify any recommended mitigation measures to be incorporated into the development proposal.

Where the site is located between 300 m (984 ft.) and 1000 m (3,241 ft.) of a **Rail Yard**, it is strongly recommended that the applicant complete a Noise Study. If a Noise Study is not completed for a site within this area, the applicant must provide written justification for not undertaking a noise study.

2.1.4 Where a site is located within 30 m (98 ft.) of a **Rail Facility**, the applicant must provide the following additional reports and plans prepared by a **Qualified Professional**:

- (a) Fugitive Emissions and Air Quality Report;
- (b) Stormwater Management and Drainage Plan; and

(c) **Protective Action Plan**

2.1.5 The above items are required at the time of a rezoning or development permit application and will be subject to third-party peer review as described in 2.2 Third-Party Peer Review.

## **2.2 Third-Party Peer Review**

2.2.1 All applications for sites that fall within the 30 m Physical Safety Influence Area will be subject to a third-party peer review by a **Qualified Professional** with rail proximity expertise retained on behalf of the City at the applicant's expense. Applicants will submit the items as described in 2.1 'Submission Requirements'.

2.2.2 The objective of the peer review process is to provide Vancouver City Council and the Director of Planning with an independent, expert, third party assessment of the potential land use compatibility issues as well as the proposed mitigation measures. The purpose is to assist Council and the Director of Planning in making fully informed land use planning decisions. The Peer review will evaluate:

- (a) If the proposed setback distance from the most proximate rail infrastructure property line meets the best practices and recommended derailment protection measures in the FCM-RAC Guidelines; and
- (b) If not, that the proposed alternative measures provide the same level of safety as the best practice approach set out in the FCM-RAC Guidelines and are deemed sufficient to reduce the identified risks associated with the proposed development's proximity to rail operations to be acceptable.

2.2.3 Minimum peer review consultant qualifications, terms of reference, etc., will be determined by Planning, Development & Sustainability staff with input from other City departments as needed, as part of the application process.

## **2.3 Registrations on Title and Agreements**

2.3.1 Prior to rezoning enactment or development permit issuance, an applicant may be required to enter into a legal agreement with the City that includes:

- (a) a covenant under section 219 of the Land Title Act to construct the proposed mitigation measures identified in the required reports and studies prior to issuance of an occupancy permit for the proposed development, and thereafter to maintain and replace those mitigation measures as deemed necessary;

- (b) an acknowledgement that the site is located adjacent to an active **Rail Facility**, which may result in an increased risk to the development; and
- (c) a release and indemnity in favour of the City in respect of any costs, damages, claims or expenses that may be incurred by the City as a result of a breach of the covenant under paragraph (a), the issuance of any City permit in connection with the proposed development, or the use or development of the Lands, if such loss arises from adjacent rail operations, whether typical or atypical.
- (d) provision of notices on title and notices to rental tenants that their residence is in proximity to a Rail Facility.

## **2.4 Confirmation Letter from Rail Authority**

- 2.4.1 As Condition of Approval on any rezoning or development permit application, the applicant will provide written notification to all relevant rail authorities, including the owners of a **Rail Facility** and any rail operators making use of the facility, of the complete application package and reports.
- 2.4.2 Written acknowledgment from the **Rail Authority** confirming receipt of the complete application, reports, and studies from the applicant is required. This acknowledgment must be issued on company letterhead, addressed to the City of Vancouver, and include the relevant rezoning or development permit application number.

### 3 DEFINITIONS

The following definitions are for the sole purpose of this bulletin.

**Table 3: Definitions**

<b>Term</b>	<b>Definition</b>
High-Occupancy Uses	Uses in which a high density of people live, work, sleep or conduct other activities at any time of day, including, but not limited to buildings containing: Multiple Dwelling, Cultural and Recreational, Office, high density Manufacturing and Institutional uses, as well as Retail and Service uses with high occupancies such as Hotels and Restaurants. Does not include Single Detached House and Duplex.
Low-Occupancy Uses	Uses that do not accommodate a high density of people to gather throughout the day such as Parking, Transportation and Storage, and Utilities and Communication uses.
Physical Safety and Risk Mitigation Report	The <b>Physical Safety and Risk Mitigation Report</b> should be developed using the criteria as outlined in Appendix A of the FCM-RAC Guidelines: Development Viability Assessment (DVA). It is a report prepared by a <b>Qualified Professional</b> that evaluates the conditions specific to a site and suitability for development used when standard mitigations cannot be achieved.
Protective Action Plan	Is a pre-defined set of actions to safeguard building occupants during an emergency. This plan is designed to address specific threats from the railway, such as derailment leading to a fire or chemical release. There would be two primary protective actions - shelter-in-place and evacuation.
Qualified Professional	Consultant that is either an accredited acoustics expert (noise only) or a qualified Professional Engineer (noise and/or other)
Rail Authority	The owner and/or operators of freight and passenger rail of any classification (Class I, II or III), including but not limited to: Canadian National (CN); Canadian Pacific Kansas City (CPKC); Burlington Northern and Santa Fe (BNSF); VIA Rail Canada (VIA); and Rocky Mountaineer. Does not include TransLink infrastructure or other light rail under this definition.
Rail Facility	Land and/or infrastructure used for rail operations, limited to freight and passenger rail, including <b>Rail Lines</b> , rail sidings, train stations, inter-modal facilities, <b>Rail Yards</b> and associated uses, including designated lands for future rail facilities. Does not include TransLink infrastructure or other light rail under this definition.

Term	Definition
Rail Influence Areas	<p><b>Physical Safety Influence Area:</b> The area in which a development could be exposed to the physical hazards of a train derailment.</p> <p><b>Noise Influence Area:</b> The area in which a development may be exposed to adverse noise impacts.</p> <p><b>Vibration Influence Area:</b> The area in which a development may be exposed to adverse vibration impacts.</p>
Rail Line	The physical tracks on which trains operate. <b>Rail Lines</b> may be categorized by the <b>Rail Authority</b> as either a main track, Siding, or Spur, based on the speed and frequency of trains.
Rail Yard	A system of non-main tracks, utilized to switch equipment and for other purposes over which movements may operate subject to prescribed signals, rules and special instructions
Sensitive Uses	Any use that may include continuous occupancy, occupants with mobility issues, or occupants who require assistance to evacuate a building. Examples of <b>Sensitive Uses</b> include Child Care, Hospitals, and Supportive Housing.