

**Enclosure:****Federal Authority Advice Record: Designation Request under IAA****Response due by August 16, 2021**

The CP Logistics Park Vancouver and the Pitt Meadows Road and Rail Improvements Projects

Department/Agency	Canadian Transportation Agency
Lead Contact	John Woodward
Full Address	15 Eddy St, Gatineau, QC J8X 4B3
Email	John.Woodward@otc-cta.gc.ca
Telephone	(819) 953-9918
Alternate Departmental Contact	Stephen Karasmanis Stephen.Karasmanis@otc-cta.gc.ca (819) 665-0568

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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

The Canadian Transportation Agency has not, to date, exercised a power, performed a duty or function under any Act of Parliament or taken any action in relation to the Project.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

Based on the information available to the Canadian Transportation Agency's staff and the public, the Canadian Transportation Agency will be required to exercise a Project-related power under Section 98 of the Canadian Transportation Act (CTA), that would enable the CP Vancouver Logistics Park to proceed. The Canadian Transportation Agency does NOT expect to be required to exercise a Project-related power that would enable the Pitt Meadows Road and Rail Improvements to proceed.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

The Canadian Transportation Agency will conduct public and Indigenous consultations related to the CP Vancouver Logistics Park, but not the Pitt Meadows Road and Rail Improvements, given the answer to question 2 above.

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

Canadian Transportation Agency staff have expertise in the area of railway construction, noise and vibration, and environmental effects related to railway line construction and operation.

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

Canadian Transportation Agency Staff have had previous contact and involvement with CP and members of the public concerning the Projects. Staff have been contacted by members of the local community who are concerned about the Projects. Staff have informed them that there is currently no application in front of the Agency concerning the Projects and have provided links to the Canadian Transportation Agency's website.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Projects have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

The proposed CP Vancouver Logistics Park project description has the potential to cause railway related adverse effects resulting from the construction and operation of railway line that could be managed through the Canadian Transportation Agency's regulatory framework. While an application to the Agency is expected, staff are not in a position to opine on whether the Agency would or would not include conditions in relation to those effects.

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7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Projects? In particular, the following issues have been raised by the requestor:
- Potential impacts to Katzie First Nation's rights, including current use of lands and resources for traditional purposes;
  - Potential impacts to rearing habitat for juvenile salmon in the Lower Fraser River;
  - Potential cumulative effects of land development and uses within Katzie First Nation territory, including past and ongoing developments by Canadian Pacific Railway Company; and
  - Potential for loss of wildlife habitat, as raised through public concerns.

If yes, please specify the program or authority.

While an application to the Agency is expected, staff are not in a position to opine on whether the Agency would or would not include conditions and potential solutions in relation to these issues.

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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

The Agency's decision under s. 98 of the Canada Transportation Act would trigger the Crown's duty to consult since it may adversely impact established or asserted aboriginal rights. The Agency can only issue an approval once it is satisfied that the Crown's duty to consult has been fulfilled. The Agency must satisfy itself that the duty has been fulfilled, since it cannot issue a determination that is not in compliance with the law. The Agency will follow the approach described in its Indigenous Consultation Framework to inform this decision. This approach includes initial analysis and outreach prior to receipt of an application and consultation following the application.

In anticipation of an application for the Project under s. 98 of the Canada Transportation Act, the Canadian Transportation Agency has conducted initial research into the rights and interests of Indigenous groups in the vicinity of the Project. Specifically, a search in the Aboriginal and Treaty Rights Information System (ATRIS) identified 42 potentially-impacted Indigenous communities and organizations.

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9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

In accordance with the *Canada Transportation Act*, before a federally regulated railway company constructs a line, it is required by law to obtain approval from the Agency. An applicant must follow the Canadian Transportation Agency's guide, [How to Apply for Approval to Construct a Railway Line: A Guide For Federally Regulated Railway Companies](#).

In accordance with the *Canada Transportation Act*, the Canadian Transportation Agency could be involved in future noise & vibration complaints related to the potential for the railway line construction or operation to cause noise and vibration. Any application concerning noise and vibration must follow the [Guidelines for the Resolution of Complaints Over Railway Noise and Vibration](#) and [complaint form](#). More information and methods to estimate the noise created by a railway line can be determined using the [Railway Noise Measurement and Reporting Methodology](#) and [Noise and Vibration from Idling Locomotives](#) guides.

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Name of departmental / agency responder

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Title of responder

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Date