

February 2, 2021

Rail Safety Consultations
Transport Canada
333 Sparks St
Ottawa ON
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Sent via email: TC.RailSafetyConsultations-ConsultationSecuriteFerroviaire.TC@tc.gc.ca

To Whom It May Concern;

RE: Transport Canada would like to Modify the Grade Crossings Regulations

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA appreciates the opportunity to provide comments on the proposed tiered, risk-based approach to changing the Grade Crossings regulations which otherwise require any private owner of an existing crossing to comply with the requirements of the regulations by November 28, 2021.

As outlined in the consultation, Transport Canada's proposed tiered, risk-based approach to changing the regulations includes:

1. Changing the scope of the regulations so that defined low-risk crossings do not need to meet all requirements; and

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2. Extending the deadline using a risk-based approach for all grade crossings by one year for high-risk grade crossings, and three years for all other crossings

OFA fully recognizes the need for these proposed regulatory changes. With about 14,000 public and 9,000 private grade crossings along more than 40,000 kilometers of federally regulated railway tracks in Canada, inspecting, assessing the work to be done, communicating the results of these assessments and completing the identified work is a huge undertaking. The date of November 28, 2021 for the regulatory requirements as currently written to take effect is not practical. This has caused undue anxiety and hardship for farmers.

Both public and private crossings are important to OFA members. Closing or restricting the use of a crossing could result in a farmer not having any way to access some of their farmland with their farm machinery. Such a result would be unacceptable.

OFA is pleased to provide our specific feedback on Transport Canada's proposed recommendations.

- 1. Change the scope of the regulations so that defined low-risk crossings don't need to meet all requirements.**

Transport Canada proposes updating the regulations to define those crossings which would be considered 'low-risk,' including those with very low train and traffic volumes such as field-to-field crossings used by farmers as well as private crossings on rail lines that are no longer being used.

OFA cannot stress enough the importance of having safe private crossings. Unsafe private crossings must be upgraded to keep farm families, farm workers, and the farmers themselves safe. We greatly appreciate that Transport Canada has provided contact information should landowners have safety concerns regarding their private grade crossing.

OFA supports the development of a measurable framework to determine the level of risk of a crossing. We agree that field-to-field crossings used by farmers are low risk. OFA strongly recommends that representation from the agricultural community be a participant in developing a measurable framework for identifying the risk level of a crossing.

Transport Canada has acknowledged that private landowners could face high costs for upgrading crossings that see little traffic. OFA recommends enhancing the Rail Safety Improvement Program to provide financial assistance to fully cover the cost of grade crossing improvements required of the private landowner on crossings through farmland.

- 2. Extend the deadline using a risk-based approach for all grade crossings by:**
 - **One year for high-risk grade crossings, and**
 - **Three years for all other crossings**

OFA is strongly in favour of extending the November 28, 2021 deadline for private crossings. Under a risk-based approach, the proposed one-year extension for high-risk grade crossings would likely apply to frequently used public crossings. We agree with Transport Canada that the safety benefits would be kept by making sure that crossings that are considered high-risk are dealt with first.

OFA recommends Transport Canada ensure that all private crossings are inspected, and that each private landowner and the respective railway company are provided with an inspection report detailing required upgrades specific to each private crossing. Further, OFA recommends Transport Canada postpone the Grade Crossing Regulations' implementation date for private crossings until such time that private landowners have had at least twenty-four months from the date they receive an inspection report. We believe a twenty-four-month period may be required to apply and receive financial assistance from the Rail Safety Improvement Program to fully cover the cost and allow enough time for any improvements to be made.

OFA appreciates the opportunity to provide our comments.

Sincerely,

A handwritten signature in black ink that reads "Peggy Brekveld". The signature is written in a cursive style and is positioned to the left of a vertical line.

Peggy Brekveld
President

cc: Mary Robinson, President, Canadian Federation of Agriculture
OFA Board of Directors