

July 16, 2021

Sean Rogers
Director of Regulatory Affairs
Rail Safety
Department of Transport
427 Laurier Avenue West,
Ottawa, ON K1R 7Y2

Sent via email: sean.rogers@tc.gc.ca

Dear Mr. Rogers,

Re: Canada Gazette, Part I, Volume 155, Number 25: Regulations Amending the Grade Crossings Regulations, June 19, 2021

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

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. Safe rail transport of agricultural goods to market are important to the industry as is safe access to landlocked parcels via private crossings. 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.

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OFA supports the development of a measurable framework to determine the level of risk of a crossing. Consistent with a risk-based approach, Transport Canada is proposing the following amendments for private crossings:

1. Permanently excluding 30% of private crossings from the requirements (an estimated 3420 crossings) which meet the criteria for 'Low-Risk Crossings'
2. Providing a three-year extension for an additional 70% of private crossings which fall under the category of 'Other Grade Crossings.'

OFA fully supports the exclusion of Low-Risk Crossings from the regulations. We believe that the criteria provided by Transport Canada will help OFA members determine whether their private crossing falls into the Low-Risk Crossing category.

OFA fully supports the proposed three-year extension for Other Grade Crossings. In our previous submission to the 2021 Rail Safety Consultations, we had requested a deadline extension to allow enough time for any required upgrades to be made.

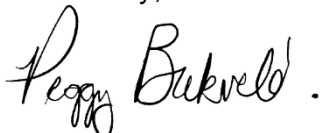
OFA does, however, continue to recommend enhancing the Rail Safety Improvement Program to provide financial assistance to fully cover the cost of grade crossing improvements required of the private landowner on crossings through farmland.

We 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 a database of crossings at which farmers can look up their crossing and determine where they fall on the risk spectrum associated. We will continue to share information about this resource with our membership, along with best practices for safety around private crossings and any funding opportunities which may arise.

Finally, OFA requests that at least 24 months prior to the new November 28, 2024 deadline, private landowners with private crossings requiring work to be brought up to the Grade Crossing Standards receive written notification informing them of the specific upgrades required. We believe a 24-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.

In conclusion, OFA is strongly in favour of exempting Low-Risk Crossings from the Grade Crossing Regulations and extending the November 28, 2021 deadline by three years for Other Grade Crossings. OFA welcomes the opportunity to work with Transport Canada to help communicate best practices for safety around private crossings to our members.

Sincerely,



Peggy Brekveld
President

cc: OFA Board of Directors