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Farmers in urgent need of action: “Unacceptable” for railways to download costs onto farmers, rural landowners

By Drew Spoelstra, President, Ontario Federation of Agriculture

Several years ago, Transport Canada updated its safety standards for federally regulated railway crossings. A deadline of November 28, 2024 was set for all crossings to

meet the new *Grade Crossings Regulations*.

It's fast approaching and farmers and rural landowners with private crossings on their properties are finding themselves facing hefty bills for both the mandated safety upgrades and their annual maintenance costs. That's because rail companies, who have long borne these costs, are now stepping away from their financial responsibilities and looking to shift them onto someone else.

A similar situation is happening with costs for drainage infrastructure. In recent years, federally regulated railways have advised municipalities across Ontario that they will no longer be responsible for any costs of drainage infrastructure under the *Ontario Drainage Act*. Proper drainage is essential to managing water on farmland and keeping soils productive; crops can't grow in flooded or waterlogged areas.

So, what's the big deal?

First, a bit of context. Private railway crossings are those where there is no public use of the crossing, and the same individual or farm business owns the land on both sides of the tracks. The crossings were put in by the rail companies when rail lines were originally built so that landowners wouldn't be cut off from their own land as a result of the tracks going in.

There are a significant number of farms across Ontario with active railway lines passing through their land, which means they have a private level crossing that is their only way to access fields on the opposite side of the tracks.

Safety upgrades and ongoing maintenance of private railway crossings have always been performed by the railways, at the railways' expense. Now, in cases without pre-existing agreements, the railways have decided to make rural landowners and farmers pay instead and are threatening to remove existing and active private railway crossings if they don't.

At the Ontario Federation of Agriculture, we are hearing from our members of cases where farmers have had their crossing removed by the railway without notice, or that they've received 30-day notices of the closing of their crossings.

In other cases, our members are being required by the railway company to sign a private crossing agreement contract, shifting costs and responsibilities from the railway company onto the farmer.

The cost of the upgrades can be prohibitive, especially where automated warning systems with gates must be installed, estimated to cost between \$600,000 and \$2 million per crossing, with annual maintenance costs of nearly \$10,000.

The shift in cost responsibility places an immense and unexpected burden on farmers, impacting both financial and mental health. Farmers who cannot afford these costs may face crossing closures, which will cut off their access to some of their own land, impacting agricultural production and threatening livelihoods.



It's a similar situation with land drainage. If railways refuse to meet their drainage-related assessments and responsibilities under the provincial legislation, it will mean millions of dollars in costs becoming the responsibility of property owners, with the majority of those costs becoming the responsibility of farmers.

Businesses of all kinds, including farms, depend on agreements with stable terms and conditions and we believe it's unacceptable to suddenly force new contracts that can have very negative impacts and consequences.

That's why, along with the Canadian Federation of Agriculture (CFA), we've been urging the federal government take action:

Immediate moratorium: Impose an immediate moratorium on the closing of private grade railway crossings by the railway without the expressed consent of the property owner.

Railway responsibility: Direct the railway companies to continue to provide any necessary maintenance and improvements to existing private railway crossings at the railways' expense, as they have always done in the past.

Stop unilateral agreements: Prevent railway companies from simply imposing new agreements that shift the cost burden for maintenance and upgrades of private crossings onto farmers.

Government funding: Fully fund the Rail Safety Improvement Program to cover the costs of compliance with new safety standards for private grade crossings by the November 28, 2024 deadline.

OFA has had multiple conversations with federal representatives in the past and will continue these in Ottawa alongside CFA representatives. We look forward to working with Canada's newly appointed Minister of Transport Anita Anand to find an urgent solution to these challenges.

We also continue to work closely with representatives from the Rural Ontario Municipal Association, Ministry of Rural Affairs, Ministry of Agriculture, Food and Agribusiness and others on a resolution to the drainage issues farmers are facing that does not shift another cost burden onto farm businesses.

For more information, contact:

Chris Thomson, Communications Coordinator
Ontario Federation of Agriculture
519-821-8883, ext 236
chris.thomson@ofa.on.ca