

October 29th, 2024

The Honourable Anita Anand
Minister of Transportation
330 Sparks Street
Ottawa, Ontario
K1A 0N5

Re: Grade Crossing Regulations' Urgent Effect on Canadian Farmers

Dear Minister Anand,

On behalf of Grain Growers of Canada, Canadian Canola Growers Association, Canadian Federation of Agriculture, and Grain Farmers of Ontario, we are writing to stress the urgent challenges posed by changes to the Grade Crossing Regulation faced by Canadian grain farmers. We recommend that the government support Canadian National Railway (CN)'s proposal to seek a regulatory exemption to Transport Canada's Grade Crossings Regulations for specific crossings where cost-effective alternative measures could be implemented that would provide the same level of safety. We also urge you to work with other railways, such as Canadian Pacific Kansas City (CPKC), to further identify additional crossings that could utilize complementary measures. Finally, we highlight the discrepancy between the coming into force date of the regulations and the availability of funds through the Railway Safety Improvement Program (RSIP).

Background

The Grade Crossing Regulations compliance deadline was extended in 2021 until November 28, 2022, for high-priority grade crossings and November 28, 2024, for all other grade crossings. According to Transport Canada, there are over 9,000 private grade crossings in Canada, many of which cross farmers' land. These farmers have long-standing arrangements with railways to access their farmland across the tracks. Without these crossings, farmers would be forced to transport farm equipment on public roads as a detour to access their farmland, or the land could remain inaccessible altogether. Under the new regulations, private grade crossings are split into two categories: Section 102 and Section 103 crossings. Section 102 crossings' construction and maintenance costs will continue to be paid by the railways, while landowners will bear the cost for Section 103 crossings. In the past, upgrades and maintenance of most existing private grade crossings, even when they were not considered Section 103 crossings under the *Canadian Transportation Act*, were performed by the railway at the railway's expense.

CN's Regulatory Exemption Proposal for Private Crossings

CN identified several Section 103 crossings where farmers are being informed that they are responsible for upgrades to comply with the Grade Crossing Regulations. Estimates for these upgrades range from between \$600,000 and \$2 million, in addition to annual maintenance costs of nearly \$10,000. These are costs far and above farmers' ability to pay and failure to undertake these upgrades will result in the closure of some private crossings, at the risk of some property owners losing access to landlocked, albeit productive, sections of farmland across Canada.

These exemptions are critical given that Rail Safety Improvement Program (RSIP) is no longer accepting proposals for new projects to improve rail safety at grade crossings and along rail lines. While we

strongly encourage the government to recapitalize the RSIP to assist with covering the costs of modifying private grade crossings, we recognize that any new funding will not be available in time to meet the November 28, 2024, deadline stipulated in the Regulations.

Recommendations

Given the upcoming November 28th implementation of the new Grade Crossing Regulations and the urgency for these affected identified producers, we hope that CN's proposal is granted. Should Transport Canada not grant these exemptions, we ask that the railways bear the cost of upgrades and improvements and that the financial burden does not fall to farm families. We also recommend that the government work with other railways, like Canadian Pacific Kansas City, to further identify specific crossings where cost-effective alternative measures could be implemented.

We hope you will address this pressing issue to ensure Canadian farmers retain access to private grade crossings without a financial burden. Thank you for your attention on this issue.

Sincerely,



Grain Growers of Canada – As the national voice for Canada's grain farmers, Grain Growers of Canada (GGC) represents over 65,000 cereal, pulse, and oilseed producers through our 14 grower groups. Our members are trade-oriented, sustainable, and innovative. As a farmer-driven association for the grain industry, GGC advocates for federal policy that supports the competitiveness and profitability of grain growers across Canada.

Canadian Federation of Agriculture – The Canadian Federation of Agriculture is Canada's largest general farm organization, representing approximately 190,000 farm families from coast to coast to coast. CFA's mission is to promote the interests of Canadian agriculture and agri-food producers and ensure the continued development of a viable and vibrant agriculture and agri-food industry in Canada.

Canadian Canola Growers Association – Canadian Canola Growers Association represents canola farmers on national and international issues, policies, and programs that impact farm profitability and has been an administrator of the Government of Canada's Advance Payments Program since 1984.

Grain Farmers of Ontario – Grain Farmers of Ontario is the province's largest commodity organization, representing Ontario's 28,000 barley, corn, oat, soybean, and wheat farmers. The crops they grow cover over 6 million acres of farm land across the province, generate over \$4.1 billion in production value, result in over \$27 billion in economic output and are responsible for over 90,000 jobs in the province.