

June 28, 2022

Mr. Joel Dei  
Director of Rail Policy Analysis and Legislative Initiatives  
Department of Transport  
Place de Ville, Tower C, 27<sup>th</sup> Floor – 330 Sparks Street  
Ottawa, ON K1A 0N5

Via e-mail: [joel.dei@tc.gc.ca](mailto:joel.dei@tc.gc.ca)

**Re: *Regulations Amending the Transportation Information Regulations (Freight Rail Data)***

Dear Mr. Dei,

The Canadian Canola Growers Association (CCGA) appreciates the opportunity to respond to these proposed regulations, as published in the *Canada Gazette, Part 1* on May 7, 2022. CCGA has monitored and participated in the development of these regulations since Transport Canada launched the process following the passage of Bill C-49, the *Transportation Modernization Act* in May 2018.

Overall, the proposed regulations will indeed formalize a new source of reporting on railway metrics, some publicly disseminated (e.g. service and performance information) and some confidential to the Department (e.g. waybill data), that should in theory provide new insight and understanding for interested parties (e.g. shippers, analysts, government, etc.), building on information captured under the currently available transitional information. That stated, the actual utility of the new information published, will be of limited value due to the nature of the metrics.

CCGA provided written input to Transport Canada on two occasions during the regulatory development process, via the submissions provided by the Crop Logistics Working Group (CLWG) and the periodic conversations with Transport Canada Rail Policy Staff in that venue. In May 2018, the CLWG provided a short submission regarding proposed definitions to be used in the Transitional Service and Performance Metrics. This was followed up by a substantive 47-page response on May 30, 2019 to Transport Canada's questionnaire. CCGA most recently provided Transport Canada further perspective in a letter and corresponding 29-page response on February 25, 2021 to Transport Canada's second consultative questionnaire.

The proposed regulations, as published in *Canada Gazette 1*, remain in an overall form that will be of limited functional utility to shippers, analysts and those monitoring the grain sector specifically, and rail freight more generally, in Canada. As noted in the May 30, 2019 submission:

*While we remain strongly supportive of Transport Canada's initiative, it is our belief that even with significant improvements to the service and performance measures that may result from this consultative process, it will still fall short of meeting the needs of freight shippers in Canada. Our view in this regard stems from our belief that a truly effective and robust performance measurement*

*program is underpinned by two fundamental principles namely, the independence of performance measurement and the auditability of performance data at a granular level.*

One new area in the proposed regulations, of particular interest to our sector, is the disaggregation of western grain in the methodologies, specifically in Section 3(b) where processed canola products will be reported on as a distinct commodity type from "all western grain". The canola sector is poised for significant growth in processing with four processing projects announced in 2021, an investment of approximately \$2 billion, all targeted to come on-line by 2025-26, increasing Western Canada's canola processing capacity by approximately 50% from today.

This will invariably have a material impact on the flow of products, transported by rail, from Western Canada. Ideally, reporting on canola oil and meal separately would have been more insightful, but Transport Canada's unwillingness to do that is understood in the context of the overall level of granularity of performance metrics across the regulation.

CCGA looks forward to monitoring the reporting flowing out of this regulation into the future.

Sincerely,

*Original signed by*

Rick White  
President & CEO

Cc: Dave Carey, Vice-President, Government & Industry Relations