

June 25, 2025

Minister Rob Flack
Minister of Municipal Affairs and Housing
Government of Ontario
Email: minister.mah@ontario.ca

Re: ERO 025-0462 Proposed Changes to Complete Application Requirements

The Railway Association of Canada (RAC), which represents nearly 60 freight and passenger railway operators across Canada, appreciates the opportunity to provide comments on the proposed changes to the *Planning Act* regarding complete application requirements. RAC recommends the Ministry of Municipal Affairs and Housing make noise, vibration, land-use compatibility, and rail safety studies mandatory for all planning applications within defined proximity to rail, in accordance with the FCM-RAC Proximity Guidelines (Proximity Guidelines).

While the rail industry recognizes the province's objective to streamline the development approvals process to help spur an increase in housing supply to meet Ontario's growing population and housing needs, the 24/7 operational nature of rail creates unique land use compatibility challenges and safety concerns. To properly identify and mitigate risks, land use compatibility and rail safety studies must be completed at the outset of all development applications near rail. These studies are essential to ensuring public safety and livability, preserving operational integrity, and promoting sustainable community design.

The Proximity Guidelines provide best practices for municipalities and developers to follow. These include conducting land use compatibility and rail safety studies, such as noise and vibration assessments, air quality studies, and rail safety studies (for crash walls and risk assessments). We thank the Province of Ontario for acknowledging in the Freight Supportive Guidelines and in the "Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe" the importance of the Proximity Guidelines. Under the Proximity Guidelines, studies are required as follows:

- **Noise:** within a radius of 1000 metres of rail yards, 300 metres of principal main lines, 250 metres of secondary main lines, 150 metres of principal branch lines, and 75 metres of secondary branch lines and spur lines.
- **Vibration:** within a radius of 75 metres from a railway corridor or rail yard.
- **Rail safety and land use compatibility:** within 300 metres of a rail yard, 30 metres of a principal or secondary main line, and 15 metres of a branch or spur line.

These studies are further supported by the Canadian Transportation Agency which has determined that, “A Municipality takes a risk when deciding to allow housing development in close proximity to a railway right of way and the Agency is of the opinion that **Municipalities have a responsibility to assess compatibility issues** before approving a housing development along a railway right of way, and if they approve a development, to ensure that the necessary mitigation measures are implemented (Girard v. CP Rail – Decision No. 69-R-2014; emphasis added)”. This perspective supports the need for land use compatibility and rail safety studies early in the development process.

In conclusion, we respectfully urge the Ministry to include noise, vibration, land use compatibility and rail safety studies in the prescribed list of complete application requirements and to mandate their use for all developments near rail.

Thank you for the opportunity to provide input. We would welcome the opportunity to support implementation of this regulation in a way that supports both housing delivery and rail safety as a shared responsibility.

Sincerely,



Eric Harvey
President & CEO
Railway Association of Canada