WESTERN CANADIAN GRAIN TRANSPORTATION AND THE MAXIMUM REVENUE ENTITLEMENT: SURVEYING THE 17-YEAR JOURNEY TOWARDS REGULATORY MODERNIZATION[1]

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Introduction

In the long history of economic regulation of the transport of Western Canadian grain, the current regulatory environment, created by the Maximum Revenue Entitlement (MRE), has been in effect since August 1, 2000. The MRE, as a regulatory framework, is statutorily enabled through the *Canada Transportation Act*[CTA], namely Sections 150-152 and the list of 'eligible grains' and products to which the regulation applies as listed in Schedule II of the Act. Although the administrative application of the regulation has evolved over time, specifically through the successive determinations of the Canadian Transportation Agency, the statutory foundation has remained static and untouched; even in the face of two major independent statutory reviews of the legislation which both recommended a gradual elimination of the regulation.

This paper does not present a specific argument regarding the MRE as a policy, its effects, its administration, etc. Rather, this paper surveys the way in which the MRE was treated under two comprehensive reviews of the *Canada Transportation Act* (in 2001 and 2015), summarizes how stakeholders viewed the regulation at those two specific junctures in time and what the two Review Panels recommended in their respective final reports. No major reform of the MRE was undertaken by government following the 2001 CTA Review, while a legislative package, in the form of Bill C-49, the *Transportation Modernization Act*was the government's response to the 2015 CTA Review (and subsequent Transportation 2030 vision consultation). Introduced on May 16, 2017, the Bill took over one-year to move through the legislative process, finally passing on May 23, 2018. The provisions within Bill C-49 representthe first legislative changes to the MRE in its 17-year existence.

Background: Implementation of the MRE (2000)

The MRE, as theeconomic regulatory framework pertaining to the rail-based transportation portion of Western Canadian Grain Handling and Transportation System (GHTS), was enabled by Bill C-34, which amended the CTA (1996) and came into effect on August 1, 2000. This policy approach of the federal government was the result of several years of intensive consultations, study and two major reports,namely the 'Grain Handling and Transportation Review' led by Estey (1998) and the 'Consultations on the Implementation of Grain Handling and Transportation Reform – Stakeholders' Report' led by Kroeger (1999). In the long history of federal economic intervention into the transport of grain in Canada, the MRE was the latest effort to loosen government regulation and provide greater flexibility; but not going so far as fully deregulating the sector.[1]

The *Canada Transportation Act* – Statutory Review and the intervening 14 years

When the CTA was originally enacted in 1996, superseding the *National Transportation Act* (1987), Section 53 contained a clause regarding 'statutory review'. It specified that a comprehensive review of the Act, and others pertaining to the economic regulation of a mode of transportation, were to be initiated no later than every four years and that the person, or persons appointed to do so would report to the Minister of Transport within 12 months, with the final report to be tabled in Parliament within 30 sitting days

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following receipt. This is what compelled the 2000 review. According to this stipulation, the next review would have commenced in, or around, 2005, but this did not occur.
On June 22, 2007, Bill C-11 received Royal Assent.[2] This changed the statutory review requirements, stipulating that the reviews of the Act will occur no later than eight years following coming into force of the amendment and that the report would be submitted to the Minister within 18 months and it would be tabled in Parliament within 30 sitting days following receipt. Section 53 of the Act exists today as it did in 2007.

Thus, according to the amended legislation, the next CTA Review was not to commence until 2015. In part as a political reaction to the issues arising in the winter of 2013-14 and the difficulty of rail-based supply chains in many sectors in Canada to maintain typical system fluidity and service, on June 25, 2014 the Minister of Transport announced that the statutory review of the CTA would be expedited, beginning a year in advance of the specified timeline.[3]

Two Canada Transportation Act Reviews – Perspectives on the MRE

Canada Transportation Act Review 2000-2001: *Vision and Balance*

The Minister of Transport announced the review of the CTA on June 29, 2000. The panel undertaking the review was to be chaired by Mr. Brian Flemming and was to provide an interim report to the Minister by December 31, 2000, with the final report being submitted by July 1, 2001.[4] As per Section 53 of the CTA, the Panel was to assess whether the legislation providesan “efficient, effective, flexible and affordable" transportation system for Canada and Canadians, andin so doing, the Panel would look at both the operation of the legislation, and the policy objectives on which it was based.[5]

The mandate of the Review was to examine the CTA (and other legislation pertaining to economic regulation of transportation under the responsibility of the Minister of Transport) with a two-fold lens:

1. Assess whether these acts provide Canadians with an efficient, effective, flexible and affordable transportation, and
2. Where necessary or desirable, to recommend amendments to the acts, including the national transportation policy set out in Section 5 of the CTA.[6]

A major contextual driver of this policy review of were the themes of commercialization and decentralization. As noted above, in the economic regulation of the rail transport sector, major steps had been taken in the recent past with the repeal of the *National Transportation Act* 1987 and the implementation of the CTA in 1996 and, specifically on the topic of the western Canadian grain handling and transportation system, two major investigations had been completed (Estey and Kroeger) and Bill C-34 ushered in the MRE. Furthermore, the mandate of the Review noted ‘issues requiring special attention’. The primary of these was the assessment of competitive rail access provisions, which included proposals to generally enhance railway competition, by means of running rights, regional railways and other conceptual approaches and to do so in consideration of ensuring cost-effective service for shippers and the context of North American integration.[7]

The Chair of the Review Panel formally solicited stakeholder submissions on September 12, 2000. At that time, the MRE as a regulatory framework had only been in effect for six weeks.[8]Of the 145 publicly available submissions to the 2001 CTA Review, 38 were reviewed in depth. Of these, 17were found to specifically discuss the MRE. This input to the 2001 Review is summarized in Table 1.

Table 1 –CTA Review 2001 –Summary of Stakeholder Input to Panel[9]
Factors noted in Support of MRE
• Allows grain companies and railways to rationalize the GHTS and use the rates paid by producers to finance the construction of new elevators through the Industrial Development Fund. • The MRE (as envisioned by Estey) was to be temporary until effective railway competition was demonstrated.If achieved, would not need to apply to any new market entrants as competition would naturally lower rates. If other competitive measure were not implemented, MRE should be retained, with amendment to reflect adjustment for proactivity gains • Rate differentials (under the MRE) must be limited (e.g. to safeguard producers' effective access to producer cars). • Government regulation of freight rates has been necessary to limit the potential of railways to abuse their dominant market positions. • MRE should be amended to include incentives, rebates or any similar reductions paid or allowed by railway companies to be included in MRE determination.
Factors noted in Opposition of MRE
• Creates a *de facto* export subsidy as rates for west coast export grains are lowered while eastbound movements do not receive similar favourable rate treatment. • Likely runs contrary to the Agreement on Internal Trade, as it effectively imposes a levy on grain moving west for domestic use – should apply to all grains and directions equally. • Grain freight rates would decline if the efficiencies of a fully deregulated transportation marketplace were available. • Government rate regulation of a commodity does not exist in the United States. • Railways receive built-in inflation protection without any method to return productivity savings to producers. • Reduces the cost of marketing Canadian grain to export markets (e.g. under Article 9.1(d) of the WTO Agreement on Agriculture) and creates problemswith compliance under international trade obligations; it constitutes an illegal export subsidy (e.g. under Article 9.1(e) of the WTO Agreement on Agriculture). • Is a government-directed provision of transportation services below commercially-determined rates. • Grain transport that mandates mileage based freight rates inhibits Western Canadian farmers from capturing the economies in using the efficient northwest rail line and terminal facilities (e.g. to Prince Rupert). • May lead to the repeat of service and investment problems as under the Crow Rate. • Grain is only regulated commodity and it is only regulated on the railway (e.g. there is no regulation on grain revenues for, trucking or marine, elevator revenues or fees or on transborder or domestic moved grain). • Has led to railway focus on more profitable bulk service and increased costs and decreased service have been borne by other shippers (e.g. unregulated grain products in the specialty crop sector). • Regulation is not delivering per tonne savings in cost (because Canadian Wheat Board had not been eliminated to date). • Imposition of MRE and exclusion of certain charges from determinations has led to increasing in shipper penalties to compensate loss (e.g. through demurrage tariffs). • Adversely affects the use of branch lines (As focus becomes on high-throughput facilities and supporting network).
Note: Several submissions discussed (several at length) the economic principles of railway differential pricing, cost recovery, comparative regulatory regimes, etc., which the MRE as an economic regulation squarely resides. Only specific mention of the MRE within stakeholder submissions are summarized in this table.

In the specific discussion of grain transport in *Vision and Balance*, the Panel notes that broader regulatory process that was recommended in the report was envisioned to be applicable to all and adequately address instances of market abuse. As such, "…the Panel sees no reason…why grain transported by rail should be treated any differently than other commodities". The final recommendation on this issue was:

> *Recommendation 5.9*
>
> *The Panel recommends that the grain handling and transportation system be moved to a more commercial basis, which could lead to repeal of the revenue cap on grains.*[10]

As noted above, no legislative action would directly stem from this recommendation of the panel.

Canada Transportation Act Review 2014-2015: *Pathways:Connecting Canada's Transportation System to the World*

The Minister of Transport announced the second review of the CTA on June 25, 2014. The panel undertaking the review was to be chaired by Hon. David Emerson with the final report being submitted by

December 31, 2015.[11]In the mandate of the Review, grain transportation issues were "to be given priority consideration", this stemming from the issue arising in the 2013-14 crop year. In examining the Act's provisions that impacted the movement of grain by rail, the Review was to "take into account the broader goal of a commercially based, market-driven, multi-modal transportation system that delivers the best possible service in support of economic growth…".[12]A general election was held in Canada on October 19th, 2015 and a new government was voted into power. The Chair of the CTA Review Panel submitted the final report to the new Minister of Transport on December 21, 2015 and the report was tabled in Parliament and made public on February 25, 2016 – twenty months following its launch.

Of the 227 publicly available submissions to the 2015 CTA Review, 48 submissions were reviewed in depth as they were related (directly or indirectly) to the transport of grain or likely had a policy interest in the MRE. Of these, 28were found to specifically discuss the MRE. This input to the Review is summarized in Table 2.

Table 2–CTA Review 2015 – Summary of Stakeholder Input to Panel[13]

Factors noted in Support of MRE

- Grain transported outside the MRE does not receive discernibly better service; maintain MRE until there is a known guarantee that service will be improved.
- Protects farmers from unreasonable increases in freight costs and arbitrary increases during times of relatively high commodity prices. If removed, costs to move Canadian grain would certainly increase, a portion of which will be passed to producers.
- Provides farmers a degree of stability in freight costs year over year.
- Guarantees railways generate sufficient revenues from grain transport.
- Acts as an inflationary control mechanism.
- Does not limit the amount of grain railways can handle, nor put in place a disincentive for the railways to handle grain.
- An increase in the cost of moving grain will have an effect on Canada's competitiveness internationally.

Factors noted regarding change to MRE (although supportive in principle)

- Examine regulation with view to remove any disincentives to investment in rail capacity or to expand capacity during the peak shipping season (e.g. impact of hoppers car replacement on MRE determinations).
- Any fundamental changes to regulation require specific study and consultation, which needs to be supported by quality data to assess full range of impacts of potential change.
- If regulation is a drag on railway profitability, railway costing data (related to transport of Canadian grain) needs to be made fully public to ascertain the validity. Maintain the MRE while quantifying railway profitability of the export of regulated grains to demonstrate if and how it is a disincentive to railway investment. Review the regulation to ensure the railways have incentives for investment and innovation and to ensure this is not coming at the expense of service or the public interest.
- Railways should be able to charge a premium above the MRE during certain portions of the year.
- Undertake costing review to account for efficiencies gained by railways over time. With each year it is not reassessed the MRE becomes more of a railway revenue-based calculation with little 'tethering' to railways' true cost-base, which was the original intention. Review the regulation to ensure it is still functioning as intended.
- Soybeans and chickpeas should be included as a Schedule II regulated grain. Schedule II should be periodically reviewed.
- Increase MRE penalties from 5% to 15% paid to the Western Grain Research Foundation (WGRF).
- Ancillary charges should be included in calculation.

Factors in Opposition to MRE

- Limits railway investment which limits potential railway efficiency measures.
- Negatively affects the use of containers to transport grain, deters railways from developing a program for repositioning empty containers in the prairie provinces and acts as a disincentive to using containers to address demand surges.
- Inclusion of interswitching revenues results in no compensation for providing services, which eliminates any incentive to invest in relevant rail infrastructure.
- Creates rigidities and distortions to commercial incentives and eliminate disincentives to innovation and investment.
- Each component of the regulation creates its own set of limitations on the functioning of the normal market. Viewed together, the existence of price controls, the wide range of shipper remedies and the increasingly intrusive nature of regulations, all become part of an institutional framework which deepens the mindset of dependence on the part of farmers and grain companies, to grow the business, gain market share and increase profits with the help of government support.
- Excess revenues must be paid out to the WGRF, while revenue shortfalls cannot be carried forward to the next crop year and never recovered.

- It is a structural impediment precluding the railways and the Western grain industry from responding more effectively to market and competitive forces.
- Railways cannot retain any revenue from peak-load or seasonal pricing needed to encourage more efficient distribution of demand and asset-use.
- Railways cannot retain any performance incentives that would be normally earned in commercial contracts for premium service quality.
- Railways are discouraged from increasing resources and assets to meet seasonal demand peaking.
- Railways are discouraged form investing in urge capacity for unexpected peaks.
- The MRE and statutory provisions that disallow revenue deductions for dispatch payments, discourage regulated railways from offering port terminal operators incentives to receive and unload trains quicker.
- MRE adjustments for grain car investments are limited when government cars are scrapped and replaced and adjustments for doing so are split.
- The United States does not have an analogous regulation.
- No other Canadian commodities are subject to a similar form of economic regulation.

The Review's final recommendation on this issue was:

> *Section 8.2 Transport of Grain - Recommendation 1:*
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> *The Review recommends that the Maximum Revenue Entitlement Program be modernized, in anticipation of its total elimination within a seven-year time horizon, as the Western Canadian grain-handling and transportation system evolves to a more commercially grounded framework. Modernization should consider, but not be limited to, all of the following:*
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> *a) Excluding the movement of containerized grain from Maximum Revenue Entitlement calculations;*
>
> *b) Allowing railways to set aside up to one-third of their respective railcar fleets, for which shippers may pay "freight premiums" to guarantee railcar supply and service;*[14]
>
> *c) Excluding interswitching (i.e. revenues earned, costs, and tonnage moved) from the Maximum Revenue Entitlement calculations to prevent unfairness and financial harm to railways and to remove a barrier to the use of interswitching;*
>
> *d) Reforming the Maximum Revenue Entitlement methodology to allow for attribution of individual railway investments in capacity, and creating incentives for overall railway investment in new equipment and railcars for the benefit of all shippers;*
>
> *e) Expanding the list of eligible crops subject to the Maximum Revenue Entitlement and listed in Schedule II of Canada Transportation Act to include chickpeas and soybeans, in recognition of their increased production in Western Canada.*[15]

The Review noted that the modernization of the MRE, in conjunction with the broader suite of recommendations seeking to create further efficiencies in the GHTS should be reviewed five-years from implementation to ensure they are "…successfully enabling on-going system fluidity (and allow for course correction) as the grain sector transitions to a fully commercial framework, absent the MRE".[16]

The Development of "Transportation 2030" andBill C-49, the *Transportation Modernization Act*(2017)

With the CTA Review Report in hand, the Minister of Transport announced the launch of a consultative process on April 27, 2016, initially dubbed "The Future of Transportation in Canada: Developing a long-term, Agenda for Transportation". Consultations occurred over the summer of 2016, focusing on five themes, of which rail transport, and the regulatory environment of grain transport, would fall under the theme of "trade corridors to global markets".[17] Stemming from this, on November 3, 2016 the Minister of

Transport announced: "Transportation 2030: A Strategic Plan for the Future of Transportation in Canada".

To begin operationalizing aspects of this new vision, Bill C-49 the *Transportation ModernizationAct* was given first reading in Parliament on May 16, 2017. In general terms, regarding the MRE, the Minister announced the government's policy intention to "modernize" the regulation by:

1. Making adjustments to incentivize hopper car investments.
2. Reforming the MRE methodology to reflect individual railway investment
3. Excluding interswitching and containerized goods movements from MRE calculations
4. Updating MRE provisions so as not to exclude key ports in British Columbia

Bill C-49 proposed to change five elements that directly related to the functioning the MRE. These are illustrated in Table 4.

Table 4 – Summary of Bill C-49 changes to the CTA related to the MRE

Current *Canada Transportation Act*	**Bill C-49 Amendment**
No. 1 – Repealing definition of "government hopper car"	
S. 147 – Definitions, "government hopper car" ***government hopper car*** means a hopper car provided by the prescribed railway company by the government of Canada or a province or by the Canadian Wheat Board	39(1) **The definition of government hopper car in Section 147 of the Act is repealed.**
No. 2 – Amending definition of "movement" and "port in British Columbia"	
S. 147 – Definitions "movement" ***movement***, in respect of grain, means the carriage of grain by a prescribed railway company over a railway line from a point on any line west of Thunder Bay or Armstrong, Ontario, to: (a) Thunder Bay or Armstrong, Ontario, or (b) Churchill, Manitoba, or a port in British Columbia for export, But does not include the carriage of grain to a port in British Columbia for export to the United states for consumption in that country; S. 147 – Definitions "port" ***port in British Columbia*** means Vancouver, North Vancouver, New Westminster, Roberts Bank, Prince Rupert, Ridley Island, Burnaby, Fraser Mills, Fraser Surrey, Fraser Wharves, Lake City, Lulu Island Junction, Port Coquitlam, Port Moody, Steveston, Tilbury and Woodwards Landing;	39(2) **The definitions of *movement* and *port in British Columbia*in section 147 of the Act are replaced by the following:** ***movement***, in respect of grain, means the carriage of grain by a prescribed railway company over a railway line from a point on any line west of Thunder Bay or Armstrong, Ontario, to: (a) Thunder Bay or Armstrong, Ontario, or (b) Churchill, Manitoba, or a port in British Columbia for export, (c) a port in British Columbia **for export, other than** export to the United States for consumption in that country, or **(d) a point west of Thunder Bay or Armstrong, Ontario, if the grain is to be carried to a port in British Columbia for export, other than export to the United States for consumption in that country;** ***port in British Columbia*****includes**Vancouver, North Vancouver, New Westminster, Roberts Bank, Prince Rupert, Ridley Island, Burnaby, Fraser Mills, Fraser Surrey, Fraser Wharves, Lake City, Lulu Island Junction, Port Coquitlam, Port Moody, Steveston, Tilbury and Woodwards Landing;
No. 3 – Amending theMRE formula to exclude interswitching revenues and containerized traffic	
Items not included in revenue **150 (3)**For the purposes of this section, a prescribed railway company's revenue for the movement of grain in a crop year shall not include (a) incentives, rebates or any similar reductions paid or allowed by the company; (b) any amount that is earned by the company and that the Agency determines is reasonable to characterize as a performance penalty or as being in respect of demurrage or for the storage of railway cars loaded with grain; or (c) compensation for running rights.	40(2) **Subsection 150(3) of the Act is amended by striking out "or" at the end of paragraph (b) and by adding the following after paragraph (c):** For the purposes of this section, a prescribed railway company's revenue for the movement of grain in a crop year shall not include (a) incentives, rebates or any similar reductions paid or allowed by the company; (b) any amount that is earned by the company and that the Agency determines is reasonable to characterize as a performance penalty or as being in respect of demurrage or for the storage of railway cars loaded with grain; **~~or~~**

	(c) compensation for running rights; **(d) any amount that is earned by the company at the interswitching rate determined in accordance with section 127.1; or** **(e) any amount that is earned by the company for the movement of grain in containers on flat cars.**
No. 4 –Amending administration of the Volume Related Composite Price Index (VRCPI)	
Maximum Revenue Entitlement **151 (1)** A prescribed railway company's maximum revenue entitlement for the movement of grain in a cropyear is the amount determined by the Agency in accordancewith the formula **[A/B + ((C - D) × $0.022)] × E × F** where **A** is the company's revenues for the movement of grain in the base year; **B** is the number of tonnes of grain involved in the company's movement of grain in the base year; **C** is the number of miles of the company's averagelength of haul for the movement of grain in that cropyear as determined by the Agency; **D** is the number of miles of the company's average length of haul for the movement of grain in the baseyear; **E** is the number of tonnes of grain involved in the company's movement of grain in the crop year as determinedby the Agency; and **F** is the volume-related composite price index as determined by the Agency.	**41(1) The description of F in subsection 151(1) of the Act is replaced by type following:** **F** is the volume-related composite price index that **applies to the company**, as determined by the Agency.
No. 5 –Separating the VRCPI calculation by railway, rebasing the index	
	(2) Subsections 151(4) and (5) of the Act are replaced by the following:
Volume-related composite price index **151 (4)** The following rules are applicable to the volume-related composite price index: (a) in the crop year 2000-2001, the index is deemed to be 1.0; (b) the index applies in respect of all of the prescribed railway companies; and (c) the Agency shall make adjustments to the index to reflect the costs incurred by the prescribed railway companies for the purpose of obtaining cars as a result of the sale, lease or other disposal or withdrawal from service of government hopper cars and the costs incurred by the prescribed railway companies for the maintenance of cars that have been so obtained.	**Volume-related composite price index** **(4)** The following rules are applicable to **a**volume-related composite price index: **(a)** in the crop year **2016-2017, each prescribed railway company's**index is **1.**; **(b)** an index **shall be determined** in respect of each prescribed railway **company**; and **(c)** the Agency shall make adjustments to**each prescribed railwaycompany's**index to reflect the costs incurred by **the** prescribed railway **company to obtain hopper** cars **for the movement of grain** and the costs incurred by the prescribed railway **company** for the maintenance of **those hopper** cars.
When Agency to make determination **(**5) The Agency shall make the determination of a prescribed railway company's maximum revenue entitlementfor the movement of grain in a crop year under subsection(1) on or before December 31 of the followingcrop year and shall make the determination of the volume-related composite price index on or before April 30of the previous crop year.	**When Agency to make determination** **(5)** The Agency shall make the determination of a prescribed railway company's maximum revenue entitlement for the movement of grain in a crop year under subsection (1) on or before December 31 of the following crop year and shall make the determination of **a prescribed railway company's** volume-related composite price index on or before April 30 of the previous crop year.

In speaking at length about the Bill in the House of Commons at second reading, theMinisterof Transport characterized the intended results of modernizing the MRE as being increased investment by the railways into the system, specifically in hopper cars.[18]In Committee testimony, the Minister was questioned by an Opposition party Member of Parliament as to why, following two successive CTA review Reports (commissioned by two different parties) that recommendedphasingout of the MRE as a regulatory intervention into the grain supply chain, the government chose to fundamentally maintain the regulation. As the Minister of Transport noted: "We think the provisions that have been put in place, taken as a whole, will continue to allow grain to move efficiently to our ports for export. We're satisfied that we've achieved the right balance, including with the MRE."[19] Bill C-49 became law on May 23, 2018,effecting

the first movement towards modernization of this regulation in its 17-year existence. Railway companies announced significant hopper car investment shortly thereafter. As it currently stands, the next review of the CTA should occur in 2023.

Endnotes

[1]See: Pratte, S. (2017). Western Canadian Grain Transportation and the Maximum Revenue Entitlement: Process, Design Considerations and Final Implementation. Canadian Transportation Research Forum – 46th Proceedings. p. 23-30.

[2]SC 2007, c. 19. *An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts.*

[3]Transport Canada (June 25, 2014). News Release: Minister Raitt launches review of Canada's transportation legislation: Appoints eminent Canadians to start review by looking at grain by rail.

[4]Transport Canada (July 1, 2000). News Release: Transport Canada Announces Review of the Canada Transportation Act. The panel also included Mr. Jean Patenaude (vice-chair), Mr. Glen Findlay, The Hon. Robert Rae and Mr. William Waters.

[5]Canada Transportation Act Review (September 12, 2000). Invitation for Submissions.

[6] Canada (2001). *Vision and Balance: Canada Transportation Act Review*. p. 2.

[7]Transport Canada (January 10, 2001). News Release: Transport Minister releases interim report on rail access issues.

[8]Canada Transportation Act Review (September 12, 2000). Invitation for Submissions.

[9]See CTA Review 2001 Submissions: British Columbia Agricultural Council (December 13, 2000). p. 2.; British Columbia (February 5, 2001). p. 37.; Canadian National (November 2000). p. 16-17.; Canadian Wheat Board (October 6, 2000). p. 2.; Manitoba Transportation and Government Services (March 2001). p. 47; National Farmers Union (October 6, 2000). p. 2.; Ogilvy Renault (November 24, 2000). p. 18, 47-49, 58.; Ogilvy Renault (April 18, 2001). p. 4-5.; Prince Rupert Port Authority (November 15, 2001). p. 1.; Railway Association of Canada (November 17, 2000). p. 5, 41-42.; Saskatchewan Association of Rural Municipalities (October 6, 2000). p. 6-7.; Saskatchewan Highways and Transportation (December 30, 2001). p. 29.; Saskatchewan Pulse Growers (November 30, 2000). p. 1.; Western Canadian Wheat Growers Association (November 9, 2000). p. 2.; Western Grain Elevator Association (October 18, 2000). p. 2.; Western Rail Coalition (October 5, 2000). p. 5.

[10]Canada (2001). *Vision and Balance: Canada Transportation Act Review*. p. 73.

[11]The other panel members were: Mr. Murad Al-Katib, Mr. David Cardin, Mr. Duncan Dee, Ms. Marie-Lucie Morin and Ms. Marcella Szel.

[12]Canada (2015). *Canada Transportation Act Review: Pathways: Connecting Canada's Transportation System to the World – Volume 2*. p. 205.

[13]See CTA Review 2015 Submissions: Agricultural Producers Association of Saskatchewan *et al*. (December 2, 2014). p. 13.; Alberta Agriculture and Rural Development (October 31, 2014). p. 1-2.; Alberta Agriculture and Forestry (July 20, 2015); Canadian Canola Growers Association (November 10, 2014). p. 2.; Canadian National Railway Company (March 10, 2015). p. 36-44, 52.; Canadian Oilseed Processors Association (August 2000). p. 11.; Canadian Pacific Railway (February 2, 2015) p. 54-60.; Canadian Transportation Act Review Coalition (February 2015). p. 25-26.; Coleman and Doern (January 2015), p. 17.; CPCS (November 28, 2014). p. 9.; CPCS (January 20, 2015). p. 94-99.; Crop Logistics Working Group (June 12, 2015). p. 1, 10.; Grain Growers of Canada (June 20, 2015). p. 7.; Keystone Agricultural Producers (December 31, 2014). p. 16.; Manitoba Infrastructure and Transportation & Agriculture Food and Rural Development (January 2015). p. 14, 16-17.; Parrish & Heimbecker (October 31, 2014). p. 2.; Prairie Oat Growers Association (December 5, 2014). p. 16-18.; Prentice, B. (March 10, 2015). p. 9-14.; Railway Association of Canada (April 10, 2015). p. 14-15.; (Saskatchewan Association of Rural Municipalities (December 30, 2014). p. 5.; Saskatchewan Barley Development Commission (December 2014). p. 4-5.; Saskatchewan Ministry of Agriculture (November 28, 2014). p. 7-8.; Saskatchewan Ministry of Highways and Infrastructure (April 27, 2015). p. 9-10.; Western Canadian Wheat Growers Association (June 30, 2015). p. 6-8.; Western Grain Elevator Association (December 18, 2014). p. 15-17.;

[14]Canada (2015). *Canada Transportation Act Review: Pathways: Connecting Canada's Transportation System to the World – Volume 1*. p. 159. The text of Recommendation 1 (b) continues: "These 'premiums' would be excluded from the railways' respective Maximum Revenue Entitlements and charged under specific programs or conditions (e.g. winter premiums from December to March, or an auction to the highest bidder, etc.); such programs should be designed to include the less than unit-train shippers."

[15]Ibid. p. 159-160.

[16]Ibid. p. 160.

[17] The Minister of Transport did convene a grain-producer focused roundtable, where the MRE formed a central point of the discussions. See: Transport Canada (February 23, 2017). Minister-led Roundtable: Transportation of Grain by Rail – Summary of Discussion.

[18]Garneau, M. (June 5, 2017). "Transportation Modernization Act". Canada. Parliament. House of Commons. *Edited Hansard187*. 42nd Parliament, 1stSession.

[19]Canada. Parliament. House of Commons. Standing Committee on Transport. (September 14, 2017). *Minutes of Proceedings*. 42nd Parliament, 1st Session, Meeting no. 70.