

Will rails to trails derail over Line Fences Act?

by Jeff Green

A court ruling in southwestern Ontario could have a far-reaching impact on the Rails to Trails movement in Ontario, and trails advocates hope to see changes in the provincial Line Fences Act to support
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trail development and preservation before that happens.

As reported last week, the issue is coming to a head in Central Frontenac as the result of a request by three landowners to have a new fence built, with the township paying the entire cost, on the border between their land and the K&P trail. As well, a proposal in South Frontenac Township to purchase the section of the K&P line running south along Highway 38 in South Frontenac will be hamstrung if the township is to be faced with large fencing costs.

Meanwhile, the newly released party platform of the ruling Progressive Conservative party calls for an enhancement of recreational trails. Under the heading "The Road Ahead for Rural Ontario", there is an item which calls for the development of "an Ontario Recreational Trails Strategy intended to keep these trails economically sustainable while encouraging four season use. Key objectives of the strategy will be to address landowner concerns and protect safety, the environment and our cultural heritage while promoting tourism at the same time."

Patrick Conner, the Executive Director of the

Ontario Trails Council, is hoping to persuade the government to "establish a set of guidelines for how the Line Fences Act is applied, so fencing will be done where it is needed, and only where it is really needed, and the trails can be safe. If municipalities are forced to fence along the entirety of a trail regardless of the real need for fencing, we will lose the trails we have on abandoned railway beds and we will definitely not see any new trails develop along railway beds."

Line 98(1) of the municipal act allows municipalities to pass bylaws which override the Line Fences Act. However line 98(2) says line 98(1) does not apply to section 20 of the Line Fences Act. Section 20 is the one that provides for municipalities to pay for fencing on railway lands they purchase.

This has led municipal officials to say the Line Fences Act needs to be changed because the railway bed provision is inconsistent with the rest of the legislation. A request to change the legislation has been made by Grey County Council.

Mel Conboy, one of the landowners in Central Frontenac who is requesting a fence be built at the cost of the township, will be appearing before council at their meeting in Mountain Grove next Monday night.