

March 23, 2023

Tracy Robinson, CN Rail President and CEO
Montreal (Headquarters)
935 de La Gauchetiere Street West
Montreal, Quebec, Canada
H3B 2M9

Dear Tracy Robinson:

RE: Support for CN Railway Contribution Requirements under the *Drainage Act* and Impacts on Municipal Drain Infrastructure in Ontario

Please be advised that at their meeting held on March 21, 2023, the Council of the Township of Howick passed the following resolution:

Resolution No. 93-23

Moved by: Councillor Hargrave

Seconded by: Councillor Grimes

That Council of the Township of Howick support and endorse the Township of Warwick resolution, dated November 16, 2022; and

That Council of the Township of Howick requests that CN Rail:

- 1. be called upon to act as a partner to municipalities and agriculture in Ontario and reconsider its position that the Drainage Act does not apply to it as a public entity and*
- 2. That CN Rail contribute to all municipal drains in Ontario, as per section 26 of the Drainage Act, and work to expedite its response timelines to the fifty-five projects currently on hold in Ontario so that the projects impacting the agricultural sector can proceed and be dealt with in a timely manner after years of delay cause directly by CN Rail;*

And Further that this resolution be circulated to Minister of Agriculture, Food and Rural Affairs/Huron-Bruce MPP Lisa Thompson, Minister of Agriculture and Agri-Good Marie-Claude Bibeau, CN Manager of Public Affairs, Ontario & Atlantic Canada Daniel Salvatore, the President and CEO of CN Rail Tracey Robinson, Director of Government Relations, Railway Association of Canada Gregory Kolz and to all municipalities in Ontario for their support.

Attached is a copy of the Township of Warwick resolution for your reference. If you require any additional information, please do not hesitate to contact my office.

Sincerely,



Caitlin Gillis
Clerk-Administrator
Township of Howick
clerk@howick.ca
519-335-3208 Ext. 2

Cc: Hon. Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
Marie-Claude Bibeau, Minister of Agriculture and Agri-Food
Daniel Salvatore, CN Manager Public Affairs, Ontario & Atlantic Canada
Cyrus Report, CN Vice President, Public, Government and Regulatory Affairs
Jonathan Abecassis, CN Media Relations & Public Affairs
Gregory Holz, Director of Government Relations, Railway Association of Canada
All Ontario municipalities



TOWNSHIP OF WARWICK

"A Community in Action"

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BY E-MAIL ONLY

November 16, 2022

Tracy Robinson, CN Rail President and CEO
Montreal (Headquarters)
935 de La Gauchetière Street West
Montreal, Quebec, Canada
H3B 2M9

Dear Tracy Robinson:

Re: CN Railway Contribution Requirements under the *Drainage Act* and Impacts on Municipal Drain Infrastructure in Ontario

At the October 17, 2022, regular Council meeting Warwick Township Council discussed the continuing impacts of CN's decision not to participate in funding municipal drains in Ontario, as per the *Drainage Act*, and the negative consequences on our community and others in the Province and approved the following resolution to be circulated to CN and related partners:

WHEREAS municipal drains are considered critical rural infrastructure that support food production, food security, the environment and economic sustainability in rural Ontario;

AND WHEREAS the creation, maintenance and contribution requirements towards municipal drain infrastructure are governed by the *Drainage Act*;

AND WHEREAS an official from CN Rail has formally communicated to the Township of Warwick that "CN's decision is that it is a federally regulated entity under CTA guidelines, as such, are not governed by provincial regulations";

AND WHEREAS the implication that any public utility could become exempt from the financial requirements invalidates the underlying principle that all benefitting from municipal drain projects are required to contribute financially, including all public utilities;

AND WHEREAS there are currently at least fifty-five municipal drainage projects in Ontario being impacted by CN's actions and refusal to contribute as per the Drainage Act;

AND WHEREAS the Township of Warwick and many rural municipalities have expressed concerns over this CN Rail position to the Ministry of Agriculture and Rural Affairs consistently over at least the past four years;

AND WHEREAS the Township of Warwick and other rural municipalities met with Minister Thompson at the Association of Municipalities in Ontario (AMO) on this issue and Minister Thompson has confirmed it remains the Provincial government's position that the Drainage Act does apply to all federally regulated railways;

NOW THEREFORE the Council of the Township of Warwick hereby declares as follows:

THAT Ontario's Drainage Act is an important piece of legislation used to meet the drainage needs of a variety of stakeholders, including agricultural businesses and ultimately food production, thereby supporting families, neighbours, and thriving communities;

AND THAT CN Rail be called upon to act as a partner to municipalities and agriculture in Ontario and reconsider its position that the Drainage Act does not apply to it as a public entity;

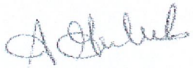
AND THAT CN Rail contribute to all municipal drains in Ontario, as per section 26 of the Drainage Act, and work to expedite its response timelines to the fifty-five projects currently on hold in Ontario so that the projects impacting the agriculture sector can proceed and be dealt with in a timely manner after years of delay caused directly by CN Rail;

AND THAT a copy of this resolution be circulated to Minister of Agriculture Food and Rural Affairs Lisa Thompson, local MPP Monte McNaughton, Minister of Agriculture and Agri-Food Marie-Claude Bibeau, CN Manager Public Affairs, Ontario & Atlantic Canada Daniel Salvatore, the President and CEO of CN Rail Tracy Robinson, Director of Government Relations Railway Association of Canada Gregory Kolz and to all municipalities in Ontario for their support.

- Carried.

Warwick Township Council looks forward to a timely response from CN in the hopes that this issue impacting rural Ontario can be resolved.

Sincerely,



Amanda Gubbels
CAO/Clerk
Township of Warwick

Cc:

Lisa Thompson, Minister of Agriculture Food and Rural Affairs,
Monte McNaughton, MPP Lambton-Kent-Middlesex
Marie-Claude Bibeau, Minister of Agriculture and Agri-Food
Daniel Salvatore, CN Manager Public Affairs, Ontario & Atlantic Canada
Cyrus Reporter, CN Vice-President, Public, Government and Regulatory Affairs
Jonathan Abecassis, CN Media Relations & Public Affairs
Gregory Kolz, Director of Government Relations, Railway Association of Canada
All Ontario municipalities
