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May 5, 2019

The Honourable Marc Garneau, M.P.
Minister of Transport
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Minister:

I was thoroughly dismayed at the recent decision of yourself and your cabinet colleagues to summarily overturn, by means of an Order in Council, a legally correct ruling by the Canadian Transportation Agency ordering the City of Ottawa to reinstate and repair railway infrastructure leading to and through the interprovincial Prince of Wales Bridge connecting Ottawa and Gatineau. By arbitrarily intervening in this matter, you have seen fit to allow the City of Ottawa to commit, without penalty, the illegal act of abandoning *de facto* a section of rail line known as the Ottawa River Line, without going through a formal railway abandonment procedure as is clearly outlined in the Canada Transportation Act.

You and your colleagues really had no business intervening in such a way as to condone an illegal act. Formal railway abandonment procedures, as outlined in the Act, are there for good reason, and these were correctly interpreted by the CTA in its ruling. As the competent legal authority in these matters, the CTA's opinions and ruling should have been respected and adhered to, not summarily dismissed by less qualified interventionists.

I might add that in addition to the strict and clear legal requirements that would seem to have been ignored in this instance, this unfortunate and irresponsible decision by your cabinet has also had an immediate and detrimental impact in the matter of restoring a desperately needed interprovincial rail passenger/transit link. The current temporary closing of the Chaudière Bridge has served to highlight the terrible problem of interprovincial transport congestion that a rail link could greatly alleviate. Yet your Order in Council will simply make the realization of such a link that much more challenging.

The MOOSE Consortium is one organization that is, commendably, seeking to launch a rail commuter service across the Prince of Wales Bridge. They may now (I hope they do) seek to appeal your cabinet's ruling to the courts. However, none of this would be necessary had the CTA's ruling, and the proper legal process (which had been underway) been respected.

There are disturbing parallels between this matter and the infamous SNC Lavalin affair that suggest an underlying culture of disrespect for judicial or quasi-judicial bodies that arrive at decisions that are contrary to the wishes of your government. If someone, whether the CTA or the DPP or whomever, arrives at the "wrong" decision in the eyes of your cabinet, then arbitrary intervention to reverse the decision in question, would seem to be considered an entirely acceptable course of action. I think that is a rather appalling mindset.

I would close by saying that if a court challenge of your Order in Council is not successful, then I hope that a new Conservative government will reverse your decision pronto. That would seem to be an entirely plausible scenario given that recent polls show your party trailing the Tories (deservedly, I would suggest) by a dozen percentage points or so, with a surging Green Party possibly poised to become the Official Opposition. As far as I am concerned, a change of government cannot come soon enough.

Yours respectfully,



Roderick Taylor

CC.

The Honourable Catherine McKenna, M.P.
The MOOSE Consortium
M. Pierre Poilievre, M.P.