



6 March 2019

Ms. Indrani Hulan  
Director, Rail Policy Analysis and Legislative Initiatives  
Transport Canada  
330 rue, Sparks Street,  
Ottawa ON K1A 0N5

**Subject: Moose Consortium Inc. (Moose) addendum to our Petition under Section 40 of the Canada Transportation Act requesting that the Governor in Council vary the Order to the City of Ottawa, in Agency Determination No. R-2018-23. This is in response to the 1 March 2019 invitation by Rail Policy Directorate for the parties “to provide, by March 6, 2019, any new information that you believe should be taken into consideration”.**

Dear Ms. Hulan,

Thank you for your update regarding the status of Moose Consortium Inc's petition in which we ask the Governor in Council (GIC) to exercise its powers under section 40 of the Canada Transportation Act, to vary Agency Determination R-2018-23. Prior to a final recommendation being made, you invited Moose Consortium Inc. (Moose) and the City of Ottawa a final opportunity to provide, by March 6, 2019, any new information that we each believe should be taken into consideration. Moose submits the following.

### **The Relevance of Section 5 of the Canada Transportation Act**

1. On 21 January 2019 the organizers of a UK conference entitled “Rail Stations and Property Summit” invited Joseph Potvin, Director General of Moose to participate in the opening keynote panel on 27 February, alongside the Director of Development for Network Rail, the owner of UK railway infrastructure, and the Head of Economics for Savills, one of the world's leading property agents. <http://landor.co.uk/railstations/2019/programme.php> The organizer explained in his email: “The model you have ticks lots of boxes and I’m sure will generate real interest.” He was referring to the UK Department of Transport’s “Rail market-led proposals” (MLP) policy guidance issued on year ago which encourages new railway development proposals that are independent of government initiative. A PDF copy is attached for reference and it can be downloaded from: <https://www.gov.uk/government/publications/rail-market-led-proposals>. In particular, the UK policy guidance documents explicitly describes as a Category 1 MLP:

*“A Category 1 MLP is one which:*

*Does not require public funding that is provided either directly or indirectly by central or local government such as government grants or public financing guarantees;*

*Has no contractual requirements that involve government action such as changes to franchise agreements or usage guarantees;*

*Involves no asset exclusivity requests, such as government guaranteed exclusivity for the scheme.”*

2. Although a UK government policy guidance document has no particular relevance to Canada, we suggest that in its substance the UK policy provides a helpful and complementary elaboration of the very succinct but clearly-expressed intent of Section 5 of the Canada Transportation Act which we submit, is highly relevant to the overall context of this Section 40 Petition. The companies associated with Moose that have invested creative effort, focused work, and scarce funds in a project to independently bootstrap and develop a metropolitan-scale passenger rail system for Canada's Greater National Capital Region genuinely believe that the intent of the Canadian Parliament, in its wording of Canada's National Transportation Policy, is to accommodate exactly the types of initiatives that the UK Department of Transport refers to as a Category 1 MLP. We suggest that our initiative is well-described by that category.
3. The submissions by City of Ottawa in relation to this Section 40 Petition express, entirely to the contrary, a municipal government's exclusivist approach to the development of railway undertakings in Canada's National Capital Region. The City of Ottawa, while correctly concerned first and foremost with its own plans, nevertheless is inappropriately foreclosing the potential within its territory for independent passenger rail undertakings, and therefore has positioned itself in opposition to Canada's National Transportation Policy.

### **Recent Developments Concerning the Overall Context of the Moose Project**

4. Beginning in January 2019 Moose commenced direct discussions with a number of major property investment interests in the Greater National Capital Region in pursuit of our initial sale of "Linked Locality Station Licences". The PDF of our recently published "Primer for the Entrepreneurial Commercial/Residential Property Value Investor: Strategic Start-Up 2019-2020" is attached for reference.
5. Two recent articles are attached as PDF files, which provide additional background to the project and business model being elaborated by Moose. They can also be downloaded as follows:
  - *Rail-Powered Property - Property-Powered Rail: a transformational approach?* (4 February 2019) <https://www.transportxtra.com/publications/local-transport-today/news/60202/rail-powered-property--property-powered-rail-a-transformational-approach->
  - *Rail finance meets smart contracting* (11 February 2019) <https://www.transportxtra.com/publications/local-transport-today/news/60210/rail-finance-meets-smart-contracting>
6. As general contextual evidence of community engagement, currently 18 fourth-year civil engineering students, 12 from UOttawa and 6 from Carleton, are being co-supervised by Wojciech Remisz, President of REMISZ Consulting Engineers, as they work on 4<sup>th</sup>-year 'capstone' projects related to the Moose railway development initiative. We attach letters from the two of these student teams (the capstone project team names do not represent 'organizations'), and a faculty member, and also a recent article about both UOttawa student teams published in *Ottawa Construction News*:
  - 12 UOttawa civil engineering students to help advance MOOSE Prince of Wales Bridge rehabilitation (November 8, 2018) <https://ottawaconstructionnews.com/local-news/12-uottawa-civil-engineering-students-to-help-advance-moose-prince-of-wales-bridge-rehabilitation-concept-and-modular-start-up-station-system-for-ncr-interprovincial-rail/>
7. Given ongoing uncertainty of more than eight years about whether or not the Canadian Transportation Agency will act in any tangible way upon Division V discontinuance and Section 138 running rights requirements of the Canada Transportation Act, Moose has included in its overall system design options a scenario in which it would not operate its regional trains through the Bayview Station area. In this scenario, Moose would terminate its regional (approximately once hourly) service from Quebec after crossing the Prince of Wales Bridge and transfer all passengers to Ottawa's high-frequency LRT at Bayview Station. Also in this scenario, Moose

would stop on a siding at the Ellwood Diamond (Sawmill Creek) and transfer passengers to the high-frequency LRT, before proceeding to the Tremblay Road station. However recent articles in local news media and discussions at City Council have raised serious issues regarding winter performance weaknesses of the LRT. This therefore points to how the current scenario planned by the City of Ottawa results in a very “brittle” regional transit system.

- 'Unreliable' LRT trains can't handle Ottawa winters, internal reports reveal (4 March, 2019)  
<https://www.cbc.ca/news/canada/ottawa/lrt-trains-unreliable-says-report-1.5038832>

Once both Ottawa’s currently planned LRT system and Moose’s regional system are in operation, that’s to say, if Moose (and/or any other eventual independent railway operator) is blocked from operating through trains along the Ellwood Sub between Ottawa and Gatineau, then any factor which prevents the LRT system from operating will trap large numbers of in-bound passengers at Bayview, Sawmill Creek and Tremblay Road. On the other hand, Moose (and/or any other eventual independent railway operator) is able to operate through trains along the Ellwood Sub between Ottawa and Gatineau, then should the LRT ever have operational problems such as have been demonstrated during this winter’s testing, passengers will still be able to get around, and arrive from throughout the region to the highly-serviced Bayview Station, even if less efficiently. For this reason along with many others, it is crucial to maintain the system-level capability for both local LRT and regional ‘heavy’ passenger train services.

The present letter and attachments are copied to the same stakeholders as have previously been kept informed by Moose.

Respectfully,



6 March 2019

Joseph Potvin

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c.c.

Mayor Jim Watson, City of Ottawa

Maire Maxime Pedneaud-Jobin, Ville de Gatineau

John Manconi, General Manager, Transportation Services, City of Ottawa

Marc Rousseau, Directeur général, La Société de transport de l'Outaouais

The Hon. Jeff Yurek, Minister of Transport, Ontario

l'Hon. François Bonnardel, Ministre des Transports, Québec

Marc Seaman, Chair and Board Members, National Capital Commission

Christian Richard, VP Business Development, Genesee & Wyoming Canada (Québec Gatineau Railway)

Jean-Francois Allaire, Directeur Infrastructures et Ponts, VIA Rail Canada

Marc Brazeau, President and CEO, Railway Association of Canada

Fred Gaspar, Chief Compliance Officer, Canadian Transportation Agency

Allan Matte, Counsel, Legal Services Directorate, Canadian Transportation Agency