

Submission to
The *Canada Transportation Act* Review Panel

TransLink
(Greater Vancouver Transportation Authority)

September 29, 2000



“When the oil crisis strikes again, we will have to downgrade the buses and go back to the rails, as Calgary and Vancouver have already done. The euphemism is light rapid transit; but, light or heavy, a train is still a train, and the day will come when we will welcome it back as an old and trusted friend.”

Pierre Berton, *Maclean's*, August 21, 1989

Summary and Recommendations

The Board of TransLink, the regional transportation agency for Greater Vancouver, has authorized this submission to the *Canada Transportation Act* Review Panel and appreciates the opportunity to make its views known. The submission reviews transportation issues in Canada today from TransLink's perspective, with particular reference to the development of national and local transportation infrastructure and sustainable development, drawing on the programs of other countries for examples. Specific recommendations relative to provisions for commuter rail, urban rapid transit use of rail rights of way, and preservation of rail rights of way in urban areas for future mass transit are provided.

This submission recommends:

- 1. That the Government of Canada develop and fund a comprehensive transportation infrastructure investment program supporting both national and local transportation needs.**
- 2. The *Canada Transportation Act* should be amended to incorporate provisions supporting commuter rail analogous to those submitted in Bill C-97 in 1986, obligating railways to provide or permit commuter rail operations and share costs and charge in an appropriate manner, with appropriate oversight and dispute resolution procedures.**
- 3. The *Canada Transportation Act* should make provision for shared use of active rail rights of way by light rail transit, with suitable safety requirements, and similar oversight provisions to conventional commuter rail.**
- 4. Given the existence of long term commuter rail agreements, the legislation should provide a process for "one time" review of all existing commuter rail agreements, under similar terms as are provided for new agreements.**
- 5. The *Canada Transportation Act* should be amended to require railways to provide access to rail rights of way for urban transit infrastructure where this is possible without undue interference to railway operations, and to provide a regulatory framework for negotiations between urban transit providers and railways, with a dispute resolution procedure.**
- 6. The *Canada Transportation Act* should be amended to designate urban rail corridors as general transportation corridors, and to require that the corridors should be made available for urban transportation at a value appropriate to a transportation corridor when required.**
- 7. That the federal government, in implementing financial support for enhanced national and local transportation infrastructure, use its funding and regulatory capability to build a broad constituency across all levels of government and the community to support movement towards sustainable transportation.**

Introductory Note

TransLink, the Greater Vancouver Transportation Authority, respectfully presents this submission. It was authorized by the TransLink Board on July 19, 2000.

TransLink is the regional transportation authority for the Greater Vancouver Region. It was created by a statute of the Province, following negotiations between the Greater Vancouver Regional District and the Province. Provincial assets for the operation of transit services in the region, the Albion Ferry service, selected bridges, and related Provincial employees were transferred to TransLink or its subsidiary corporations on April 1, 1999.

TransLink has a broad mandate to plan and fund transportation services in the region. It is responsible for bus services, SkyTrain (rapid transit), West Coast Express (commuter rail), the Albion Ferry, and (in partnership with municipalities) a regional network of designated major roads and bridges in the region. TransLink does not operate services directly. Services are delivered either through subsidiary companies, or through contracted services.

The *Greater Vancouver Transportation Authority Act* requires that TransLink plan and oversee the delivery of these services to move people and goods, and to support the Region's Growth Management Strategy and air quality and economic development objectives.

TransLink has recently completed its first Strategic Transportation Plan, and is now in the final stages of public consultation on the nature of the funding sources to implement the Plan. The plan includes a major expansion of bus services; substantial capital expenditures for improvement of the major road network; expansion of the SkyTrain system; increased commuter rail services; increased transportation demand management measures; and planning for a Richmond/Airport to Vancouver rapid transit link.

TransLink's broad responsibilities present a considerable challenge. Greater Vancouver contains key national transportation infrastructure in its railways, Ports and Vancouver International Airport. It includes a cross border link. It is a key gateway to Asia and to the western United States from Canada. As one of Canada's three urban regions, it is a key economic generator.

Increasing road congestion threatens the efficiency of goods movement and the environment, as automobile traffic increases faster than population. Missing infrastructure elements compound this problem. In partnership with transportation agencies, the Province and municipalities, TransLink must attempt to provide services and infrastructure that will maintain the effectiveness of the region as a key transportation node, facilitate work and personal travel, and maintain the environment and quality of life in the region.

In that context, the Canada Transportation Act plays a significant role, more in what it does not address than in the regulations and processes it prescribes. The terms of reference for the Panel provide us the opportunity to address some of these issues. TransLink's Board of Directors appreciates the opportunity to present this submission.

This Submission

This submission consists of five parts:

- A commentary on transportation history and current issues
- Comments on commuter rail access to railway lines, costs, and operating conditions, and related recommendations
- Comments on access to rail rights of way for rapid transit infrastructure and related recommendations
- Comments on rail abandonment, the need to retain urban rail rights of way for future transportation use, pricing, and related recommendations
- A discussion of and recommendations on a desirable federal role in sustainable transportation.

Recognizing that the Panel will not consider individual disputes, examples cited in this submission are presented only to establish the nature of the issues involved.

Transportation Yesterday and Today

"They snared a savage continent in steel"¹

The role of transportation and specifically the railway is part of the legend of Canada – the story of the CPR appears in our literature, our poetry, and our music. The starring role of the railway in the creation and maintenance of Canada goes unchallenged, as indeed it should. The ability to move people and goods across this country in what was then a short time was central to the creation of our country. Though much changed, the continuing need to move goods and people across our country remains the primary focus of the Canadian Transportation Act.

But there was another, more local side to the story of the railways. Just as extensive land grants were provided nationally to the CPR in exchange for the obligation to provide transportation for building the nation, additional grants were provided at the provincial level on a similar basis – the provision of transportation services in exchange for land. In many places, railways provided local transportation services to move people and goods to support land development, and developed land to provide business for the railway, obtaining a return on their investment in both ways. The Greater Vancouver Regional District, and areas beyond, benefited from an extensive interurban railway system operated on CPR right of way, which continued to operate up until 1958.

Widespread use of the automobile, the development of the trucking industry, and the growth of great urban regions in Canada changed the landscape and the form of transportation. New situations brought new solutions, with suburbanization, the development of road networks, and the now familiar issues of congestion in urban travel. The new solutions brought their own challenges, which we face today.

Our national transportation infrastructure, and our economy, cannot perform adequately without attention to local transportation. The Chair of the Vancouver International Airport, in announcing funding for a study of rapid transit from the Airport and Richmond to Vancouver, noted recently that travel to a regional destination can take longer than the flight between airports². (Attachment 1 describes the rationale for the rapid transit system, reflecting the appropriateness of a federal role). Truck services to the Port of Vancouver involve significant costs and delays in the movement of containerized goods. Roadways serving these key gateways operate in congested or near congested conditions³. Costs of excess congestion to commercial vehicles in Greater Vancouver were estimated at \$516 million annually in 1999⁴. Traffic volumes in the Greater Vancouver region have increased at twice the rate of population growth over from 1996 to 1999⁵ and average commute travel times increased by approximately one third between 1985 and 1994⁶, a trend which continues today according to more recent data. Similar issues exist in major urban centers across Canada.

Overlaying these issues are questions of livability and the environment. Urban regions in Canada face air quality issues, in no small part a function of transportation. Global warming, driven by the consumption of fossil fuels, much of it in transportation, presents a major long term challenge to Canada and the world. Urban fuel consumption is a significant component of this phenomenon. According to a 1999 research report⁷ commissioned by the Transportation Table of the National Climate Change Process, reductions of 35 percent will be needed from the transportation sector in Greater Vancouver by 2010, just to meet Kyoto targets. The role of rail rights of way in urban areas needs to come full circle: from providing the impetus for development, to serving and supporting the great urban areas which are home to most Canadians and the source of much of our economic vitality.

An effective national transportation infrastructure requires an effective local infrastructure. Effective, sustainable transportation requires an integrated approach between governments at all levels, addressing modes of transport in an integrated way that recognizes their interdependence. Most important, our national transportation legislation must acknowledge the role of local infrastructure and services in providing a system that meets national needs for efficient and sustainable transportation.

This need is recognized in the policies of other national governments. The United States government is investing some \$314 billion Canadian in transportation infrastructure over six years; Japan, some \$850 billion (Canadian) over five years; the United Kingdom, in the order of \$390 billion Canadian (public-private) over ten years⁸. These investment programs cover a wide range of national and local infrastructure improvements. By

comparison, Canada's infrastructure funding programs are modest, and cover a much broader range of investment – sewer and water systems, recreation facilities, and other needs. Canada is the only G-7 country without a national transportation infrastructure program, leaving its transportation providers without the necessary support to provide a truly effective and competitive transportation system.

The national role in local infrastructure in the United States and United Kingdom clearly shows their recognition of the need to solve local transportation problems. Vice President Al Gore has proposed a ten year \$37 billion program to “Keep America Moving”, which includes substantial investment in local transit⁹. President Clinton's 2000 budget proposals included \$9 billion for local transit alone¹⁰. In the UK, the Minister of Transport reported that the 10 year Plan for Transport included spending on railways of \$130 billion, on roads \$128 billion, and local transport, \$128 billion. (all figures in \$Canadian) The UK national investment in local transport will fund roads, and bus, tram, and light rail systems, including nineteen new light rail projects.^{11 12}

Actions by the national governments in the US and UK recognize that the development of appropriate infrastructure is beyond the financial capability of local governments and transport agencies. By comparison, Canada's investment in transportation infrastructure is exceedingly modest. Canada's legislation and policy are focused almost exclusively on regulation of countrywide infrastructure, ignoring the important role of local infrastructure in the national system, the economy, and the environment. Since the expiration of the (modest) Urban Transport Assistance Program in 1994, Canada has not had a financial or policy role in this key area. Bill C-97, tabled in 1986, which would have provided a regulatory context for local commuter rail (and possibly local transit) died on the order paper.

From the perspective of a regional transportation agency, the *Canada Transportation Act* through its selective view simply does not address an integrated, effective transportation system in either a regulatory or financial role. Later sections of this paper will address specific regulatory roles that should be incorporated into the *Act*. However, to establish a truly effective and sustainable transportation infrastructure, Canada must establish an appropriate transportation infrastructure program. To that end, the following policy recommendation is respectfully submitted:

Recommendation

- 1. That the Government of Canada develop and fund a comprehensive transportation infrastructure investment program supporting both national and local transportation needs.**

Commuter Rail

TransLink's subsidiary West Coast Express operates a commuter rail service from Vancouver to Mission. It operates on CP right of way, using CP crews. More than 4.4 million riders have used West Coast Express since its opening on November 1, 1995. Since opening, ridership has increased steadily from about 5,000 riders a day to over 7,600, with an overall growth of 52 per cent. As a result of the West Coast Express service, there are in the order of 3000 fewer cars on the road during each weekday peak period.

Fewer cars on the road mean less air pollution. West Coast Express staff estimate that their service reduces automobile emissions by 470,000 kg annually. GO Transit (Toronto) and AMT (Montreal) operate more extensive systems, doubtless with similar achievements in reducing congestion and automobile based pollution.

In the operation of these services, commuter rail agencies are essentially captive to the railways. There are no alternatives to using the existing rail infrastructure, yet prior to 1996 there was no framework through which commuter railways could negotiate acceptable and reasonable agreements in this monopoly situation. (Provincially designated commuter railways have had access to final offer arbitration under section 160 of the *Act* since 1996.) All commuter rail agreements prior to that date were negotiated when the railways could essentially set the terms of operation and related charges as they saw fit. The Canadian Transportation Act should be amended to provide for a one time review of these agreements to ensure they are in the public interest.

In 1986, the Minister of Transport introduced Bill C-97, "An Act respecting rail passenger transportation". (See Attachment 2) That Bill would have obligated the railways to provide for commuter rail operations and regulated the monopoly powers of the railways. It died on the order paper.

Two quotes from a letter from then MP for Mission-Port Moody Gerry St. Germain to David Driscoll, then Mayor of Port Moody, set out the situation that existed at that time well:

"As you are aware, C.N. Rail and C.P. Rail are currently under no obligation by statute to provide commuter rail services or to allow such services the use of their tracks. This fact has been a major impediment to the establishment of commuter rail line on the C.P.R. mainline between downtown Vancouver and the northeast sector."

"The obligation [in Bill C-97] for CN and CP to enter into such agreements is in recognition that a commuter authority is captive to CN and CP infrastructure in the provision of commuter service".¹³

Without the passage of Bill C-97, this difficult negotiating environment provided the context for the Provincial government's negotiation with the railway to establish the West Coast Express. The result was a long term agreement for the service, including

commercial confidentiality requirements which prevent us from disclosing its terms in this submission.

It is fair to say that the railways have not been accommodating in these discussions. Even the Provincial government had great difficulty with their negotiations to establish West Coast Express. Subsequently (since the creation of TransLink), West Coast was unable to obtain CP agreement to put operation of the service (the crewing agreement) to open tender. In addition, CP has dictated the crews that must be provided to operate the trains. (If it could tender, West Coast would not require the staffing levels required by CP.)

When negotiations on the infrastructure agreement (payment for use of the rail right of way) stalled, CP would not finalize a crewing agreement and would not (and still has not) committed to maintain the service beyond the term of the agreements while discussions continued. Such tough negotiating tactics might be reasonable in a commercial context, where alternatives are available, or outside the context of a long term agreement. Where a monopoly supplier provides an important public service, such an approach is clearly not in the public interest. Equally, the requirement for commercial confidentiality where public funds are involved is unreasonable.

TransLink's Strategic Transportation Plan provides for the possibility of an additional train to expand the West Coast Express service, and additional cars have been purchased to expand the existing service at a cost in excess of \$20 million. Negotiations to implement such expansions face similar difficulties.

In Ottawa, OC Transpo encountered similar difficulties in trying to establish a private-public partnership to operate a trial of diesel light rapid transit on a little used CP right of way. CP refused to agree to a bidding process to pursue the public private partnership, and provided its own proposal at costs that OC Transpo simply could not afford. Subsequent negotiations with CP and Bombardier (which is supplying the diesel LRT cars) have resulted in agreement for a four year trial, but terms beyond that point have not been established.¹⁴ Reflecting its proposed operations in Ontario and Quebec, OC Transpo is applying for status as a federally regulated railway, in order to have access to the existing provisions of the *Act*.

Commuter rail has been a core transportation system in Europe. Many new systems are under consideration in the US. New equipment is permitting operation of diesel LRT "commuter" systems on existing operational rail lines, and US regulatory agencies have issued a statement both setting out the requirements for joint use and indicating support for such use:

"Expanded use of existing railroad lines to provide increased transportation opportunities for passengers in metropolitan areas is a development that FTA and FRA strongly wish to encourage. Working together, the two agencies intend to ensure that these efforts go forward

smoothly and in a way that guarantees that the blending of light rail and conventional rail operations continues their excellent safety records.”¹⁵

Attachment 3 provides the entire text of this document for reference. While TransLink personnel are unaware of similar proposals (other than OC Transpo) within Canada, the point is that there is no parallel federal role to support urban transit operations on existing active rail rights of way within Canada.

Commuter rail can have an increasingly important role in providing sustainable transportation in our urban centers. It is far preferable to automobile travel from an environmental perspective; it provides a way to service existing development that is relatively remote from urban centers. And, with adequate oversight of the negotiating environment to compensate for the monopoly position of the railroads, it can be cost-effective. The examples and issues cited above make it clear such oversight does not exist. Proper legislative provision to support commuter rail is in both the national and local interest.

Recommendations re Commuter Rail:

- 2. The *Canada Transportation Act* should be amended to incorporate provisions supporting commuter rail analogous to those submitted in Bill C-97 in 1986, obligating railways to provide or permit commuter rail operations and share costs and charge in an appropriate manner, with appropriate oversight and dispute resolution procedures.**
- 3. The *Canada Transportation Act* should also make provision for shared use of active rail rights of way by light rail transit, with suitable safety requirements, and similar oversight provisions.**
- 4. Given the existence of long term commuter rail agreements, the legislation should provide a process for “one time” review of all existing commuter rail agreements, under similar terms as are provided for new agreements.**

Provision for Rapid Transit Infrastructure on Rail Rights of Way

The case for urban rail transit systems is compelling in many venues. Urban rail systems are generally more attractive to users than bus systems, and normally provide much greater capacity in high use corridors. The high level of investment involved in rail transit and its greater attraction provides certainty to land developers that transit support will be available in the long term, and can help to shape development in a region (smart growth). Urban rail systems are highly preferred from an environmental perspective, resulting in much lower emissions for a given amount of travel.

In many cases, active rail rights of way provide desirable alignments for rapid transit, and have sufficient width to accommodate the necessary infrastructure for separated operation. Developed urban areas provide few corridors where separated transit rights of

way can be created. The creation of entirely new corridors is either impossible or impractical for reasons of disruption and cost. In particular, underground transit construction, frequently the only viable alternative, can be prohibitively expensive for the nature of the service to be provided.

As noted above, both the US and UK governments recognize the merits of rail transit, and provide extensive funding support for this infrastructure. At least in the US, a regulatory environment is also provided. Attachment 3 referenced above, the “Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems” of the US Federal Railroad Administration and Federal Transit Administration, also deals with this situation. Where separate trackage within rights of way can be achieved, the document suggests that Federal Railroad Administration will address crossing issues and support the development of systems to avoid any collisions between light rail and conventional equipment, but generally will be supportive.

The Canadian Transportation Act is silent on the utilization of active rail rights of way for rapid transit infrastructure. As a result, the railways are again in the position of a monopoly provider of real estate rights.

This issue has arisen recently in the construction of extensions to the SkyTrain system in Greater Vancouver. The SkyTrain system shares a part of the Burlington Northern Santa Fe right of way in New Westminister and Vancouver. (Although BNSF is a US railroad, it is subject to Canadian legislation as a result of its operations in BC and Manitoba.) In New Westminister, the Provincial Crown Corporation Rapid Transit 2000 was required to negotiate rights to occupy the right of way; in Vancouver, the City had purchased rights to a portion of the right of way some time earlier, facilitating the discussions. The proposed alignment in Port Moody anticipates the sharing of CP right of way.

Significant issues have arisen in these discussions. In regard to the New Westminister portion of the right of way, BNSF required indemnity provisions far beyond those conventional in a Canadian context. BNSF also sought, in the context of the rapid transit discussions, to alter existing indemnity provisions in a totally unrelated agreement relating to West Coast Express operations. The resulting negotiations were extended, leading to significant delays in the rapid transit project.

In another part of the line, the City of Vancouver requested that an adjustment in rail alignment be considered, citing a number of benefits to private and public developments in the area, and benefits to BNSF. Their request was set out in a letter to Rapid Transit 2000 (see Attachment 4), which was negotiating the rail alignment with BNSF (changes in alignment were required in any event to accommodate SkyTrain). The City’s request was apparently rejected without comment; Rapid Transit 2000 has requested comments in writing from BNSF, but these have not been received to date.

Lengthy negotiations and arbitrary positions can fairly – at least from a local perspective – be said to have characterized these discussions. Such positions arise naturally when one party is in a wholly dominant position, as in this case, and generally where an urban rapid transit project is seeking to negotiate access with a railway. Under these circumstances, where significant public interests are at stake in negotiations between an urban rail system and a railway, a balanced regulatory environment is required. The Act should be amended to provide that negotiating context.

An argument that such legislative changes would interfere with the railways' ordinary property rights could be raised. The response is straightforward: in their "contract" with Canada, the railways received railway corridors, land and compensation for the construction of the railway and the provision of transportation service. In many cases, as in the Greater Vancouver Region, the railways actually provided local service, or provided rail rights of way for others to provide local service. When the transportation needs of society changed, those services were abandoned. Transportation needs have changed again, and where they remain, those rights of way are required to provide other transportation services. Regulation and management of the railway rights of way to meet those needs where they are not met by the railways themselves is consistent with the original intent of the "contract" with Canada, or indeed land grants provided by the provinces.

Recommendation re use of Active Rail Corridors for Urban Transit Systems

- 5. The *Canada Transportation Act* should be amended to require railways to provide access to rail rights of way for urban transit infrastructure, and to provide a regulatory framework for negotiations between urban transit providers and railways, with a dispute resolution procedure.**

Rail Service Discontinuation

The *Canadian Transportation Act* allows a railway to discontinue service after following a process under which it advertises its intent to do so, receives offers from other rail operators for the line (if any), and offers the line to the federal, provincial, and municipal or district governments. When this process is completed without offers to purchase, the railway may dispose of the line. If an offer to purchase is received, the Canadian Transportation Agency may determine a "net salvage value". The basis for this determination is not set out in legislation.

The terms of reference for the Review Panel specifically identify for its consideration "the advisability of specific measures designed to preserve urban rail corridors for future mass transit use in the rail line abandonment process". TransLink is most encouraged by this specific direction to the Panel.

Railway lines for the most part were created on vacant land, and to a large degree, served both as transportation corridors and a catalyst for the development of land along the corridor -- the Greater Vancouver Region had the benefit of an extensive urban-suburban rail system, parts of which continued to operate until the late 1950s. As noted in the previous section of this report, new linear corridors in urban areas are hard to achieve. Where existing rights of way provide an opportunity for the construction and operation of rapid transit, they offer great benefit. TransLink's SkyTrain system now operates in part on rights of ways that were part of the railway system, and current SkyTrain extensions will use active rail rights of way.

In some cases, these existing corridors offer early potential for light rail transit operation. All such corridors offer potential future benefit as the region develops -- the challenge of creating new linear corridors is significant.

The Arbutus rail right of way offers an instructive and immediate example. (The CPR received 5,795 acres of Vancouver, from Trafalgar to Ontario, and from False Creek/Kitsilano to around 60th Avenue in the land grant.) Part of the old interurban system, regular transit service was provided until 1958. The right of way is now used only weekly to serve a single remaining industrial customer. CP has included the ten kilometre right of way in its three year plan as a candidate for discontinuance. CP has suggested the land has a value in the order of \$100 million if developed for housing and retail under new zoning; it currently pays taxes based on a "railway use" value of \$409,000. (This value reflects an agreement reached between the Province and CP on valuation of rail facilities in British Columbia for property taxation.)

Transport Canada's recent review of the potential for a rapid transit service to Richmond and the Airport from Vancouver, commissioned by Transport Minister Collenette, identified the Arbutus corridor as one such potential link. Transport Canada and Vancouver International Airport have recently committed to provide \$250,000 each to support a further study of the proposed rapid transit connection, to be led by TransLink with the participation of seven other interested agencies, including Transport Canada and the Province. Clearly, the transportation needs of Canada and the Greater Vancouver Region suggest that this corridor may be needed for transportation purposes in the near future.

Under a unique power to establish Official Development Plans, which includes the designation of transportation corridors, the City of Vancouver has taken action to designate the Arbutus rail right of way for transportation purposes. This action would make it impossible for the right of way to be developed for other uses. CP has filed a court challenge to this designation. In the short term at least, this dispute may effectively protect the corridor.

In the absence of the City's legislative powers, however, local agencies would only have the ability to purchase the corridor for "net salvage value" through the discontinuance procedure. However, if CP's real estate value of \$100 million were considered to be "net

salvage value”, the cost could be prohibitive, simply to maintain for transportation a corridor granted for transportation. Given the role of the corridor in the development of the City, it seems not unreasonable that the corridor should continue to serve the community in its current state.

The discontinuance process does not reflect the role of regional transportation service providers. TransLink, as a regional entity exclusively devoted to transportation, may well not have status in the discontinuance process, and would have to act through the Greater Vancouver Regional District or the City of Vancouver if it wished to participate. This limitation would create unnecessary procedural complications.

The Arbutus corridor is one of many rail corridors in the region. A review of rail links throughout the region would likely identify several locations where transportation uses might be considered in medium term. Such a review is envisaged in TransLink’s Strategic Transportation Plan. However, every linear corridor is potentially beneficial in the long term, and this should be recognized.

Plans and reviews, however, cannot address the loss of existing rail corridors under the existing discontinuance procedure. The potential funding requirement under the current legislation would likely exceed local “protective” funding capability, and in any event would draw funding away from more immediate priorities.

Discontinuance is not just a threat to rail corridors that are essentially unused. In 1996, Metro Toronto staff reported on proposals to discontinue rail lines in use by GO Transit. Their report states:

“The abandonment of rail rights-of-way would, therefore, have serious consequences for GO Transit service. The three existing services that would be affected by abandonment of the above-referenced lines carried a combined total of 3.65 million passengers in 1995 (Milton - 2,846,000, Bradford - 364,000, Stouffville - 440,000). While transit ridership in general has fallen dramatically throughout the GTA as a result of the recession, commuter rail ridership continued to increase until the implementation of service cutbacks beginning in 1995. Based on the Provincial Government's forecasts of population and employment growth in the GTA, which will largely occur in the regions surrounding Metro, GO Transit has planned to increase the level of service and the number of stations on existing lines.”¹⁶

The full text of the staff report is presented in Attachment 5. The nature of this issue, however, demonstrates that the existing discontinuance procedure does not reflect the transportation needs of the 21st century in any meaningful way, and that “specific measures designed to preserve urban rail corridors for future (and even present) mass transit use” are clearly necessary.

The nature of the specific measures is more difficult, and would represent a significant change in the current status of railway company rights in respect of rights of way in urban areas. It would seem, however, that if a local government (Vancouver) has power under land use controls to designate a corridor for transportation, Canada under its powers could designate urban rail corridors as long term transportation corridors, and require that they be made available for that purpose under a financial formula that reflects their use for transportation works for the benefit of urban transportation and the environment, supporting of national.

Public opinion in Vancouver suggests that would be an appropriate course if discussion related to the Arbutus corridor is any guide. The Vancouver Sun reported on a poll regarding preservation of the Arbutus corridor:

“The poll, conducted over the last week by Viewpoints Research for the Society Promoting Environmental Conservation, found that about 43 per cent of respondents said they strongly supported preservation of the corridor and about 29 per cent were “somewhat” in favour.”¹⁷

The City of Vancouver Planning Commission, a citizen advisory panel, also took a strong position:

“The Vancouver City planning commission has added its voice to the chorus of opposition to Canadian Pacific Railway's plans to redevelop the Arbutus corridor.

The commission, an advisory body appointed by city council, voted unanimously Wednesday to send a letter to council urging it to “stand firm” in support of retaining the corridor for transportation.

The Arbutus corridor has unique potential as a north/south transportation connector and/or greenway,” says the letter to be sent by planning commission chairman Robert Buller. “It offers links to the Fraser River, the airport, Richmond, the False Creek rail corridor and downtown. As such it is a critical component of the city's transportation grid.”¹⁸

One letter to the editor, published in the Vancouver Sun, reflected many comments at public meetings on the nature of the “contract” with the CPR:

“The land in the Arbutus corridor was given to CPR in exchange for providing rail transportation to the people of Vancouver. CP was also given an enormous area of other lands in western Canada, including a sizeable chunk of Vancouver, yielding it equally enormous profits from investments in natural resource extraction and real estate development.

If CP no longer intends to operate rail transit on the Arbutus corridor, the land should revert to the Crown, because the agreement has ended. Any future use of the Arbutus corridor should be determined by the people of this city and this province, for our benefit, and not that of Canadian Pacific.”¹⁹

The preservation of urban rail corridors for future transportation links must be a component of national transportation policy.

Recommendation re Preservation of Urban Rail Corridors

- 6. The Canada Transportation Act should be amended to designate urban rail corridors as transportation corridors, and to require that the corridors should be made available for urban transportation at a value appropriate to a transportation corridor when required.**

Sustainable Development Objectives

The Review Panel’s terms of reference include a review of “the extent to which the current framework provides the government with the necessary powers to support sustainable development objectives”. Again, TransLink welcomes the opportunity to comment on this important question as it applies to urban regions. Without sustainable urban development, Canada as an increasingly urban nation cannot achieve overall sustainability.

The Transportation Table on Climate Change has identified many of the issues and opportunities clearly.²⁰ Transportation is a major contributor to air pollution and greenhouse gas emissions. Sustainable urban transportation can only be achieved with “smart development” which minimizes transportation requirements, with additional transit investment, with new vehicle and traffic management technologies, with tax treatment for employer supplied transit which parallels the treatment of employer provided parking, and probably only with unpopular tools like charging for road use or parking surcharges.

Transport Canada’s recent discussion document “Toward Sustainable Transportation”, reiterates some of these themes, but carefully avoids identifying the obvious need for a direct federal financial and partnership role in implementing these themes in urban areas, noting that these are the responsibilities of provinces and local governments.²¹

Earlier recommendations of this report dealing with establishing the role of commuter rail and urban transit systems in the *Act* are small steps toward achieving sustainable transportation and development in urban areas. Clearly, however, urban regions cannot themselves fund the necessary investments to achieve sustainable transportation. That will require financial support and leadership from the federal and provincial governments, perhaps including financial support tied to unpopular policies. The current actions of the United Kingdom government in providing significant funding for transportation improvements, while at the same time considering road pricing and workplace charging for transportation demand management and to generate funds for investment in transportation, suggest the directions that should be considered.

The *Canada Transportation Act* is essentially silent on all these issues. With its broad responsibilities for transportation and the environment in Canada and the management of greenhouse gas emissions, however, Canada must take a leadership role in establishing new and sustainable directions. If the *Act* is to play a role in sustainable development, urban transportation issues must be acknowledged.

An earlier recommendation of this submission suggested that the federal government must fund the development of national and local transportation infrastructure. A more aggressive regulatory role may also be required. For sustainable transportation to be achieved, or even approached, the federal government must also use its financial and regulatory capability to take leadership to build partnerships across governments and with the community to establish an effective program in a difficult and challenging area: changing the way we act.

Recommendation re Sustainability

- 7. That the federal government, in implementing financial support for enhanced national and local transportation infrastructure, use its funding and regulatory capability to build a broad constituency across all levels of government and the community to support movement towards sustainable transportation.**

Conclusion

The *Canada Transportation Act* must be amended to reflect today's circumstances: the need for sustainable development, the role of urban transportation, and the new opportunities and requirements for urban rail rights of way. The recommendations of this report are directed to that end, and TransLink respectfully submits them to the *Canada Transportation Act* Review Panel for consideration.

References

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- ¹ Charles C. D. Roberts, “These three score years”, read at the New Brunswick celebration of Canada’s Diamond Jubilee, July 1, 1927.
- ² Speech by Graham Clark at the announcement of Airport and Federal funding for a study of rail transit from Richmond and the Airport to Vancouver, Friday September 22, 2000.
- ³ B.C. Freight Transportation System Study, Transport Canada (1996).
- ⁴ Submission by the BC Trucking Association to TransLink Board of Directors, March 20, 2000
- ⁵ Cordon counts, TransLink, Ministry of Transportation and Highways, and municipalities
- ⁶ Analysis and Historical Comparison of Travel Characteristics, Greater Vancouver Regional District, December 1995
- ⁷ Strategies To Reduce Greenhouse Gas Emissions From Passenger Transportation In Three Large Urban Areas, Final Report, Delcan Corporation, 18 June 1999
- ⁸ TransLink presentation to the Prime Minister’s Task Force on the Four Western Provinces, May 17, 1999
- ⁹ Cited in The Arkansas Democrat-Gazette, June 30, 2000
- ¹⁰ White house web site
- ¹¹ Covering letter submitting 10 Year Plan for Transport from UK Minister for Transport to the Deputy Prime Minister, undated.
- ¹² Birmingham Evening Mail August 29, 2000, Tuesday
- ¹³ Letter from Gerry St. Germain, MP, Mission-Port Moody to David Driscoll, Mayor, Port Moody, describing the import of Bill C-97, March 4, 1986
- ¹⁴ Meeting discussion, TransLink and OC Transpo, Ottawa, September 13, 2000
- ¹⁵ Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems, July 10, 2000
- ¹⁶ Report from the Planning and Transportation Committee to the Metropolitan Toronto Council recommending adoption of a report from the Deputy Commissioner of Planning, April 29, 1996.
- ¹⁷ Vancouver Sun, January 28, 2000
- ¹⁸ Vancouver Sun, January 27, 2000
- ¹⁹ Letter to Vancouver Sun, January 17, 2000 from Anita Romaniuk, Vancouver
- ²⁰ Transportation and Climate Change: Options for Action, Options Paper of the Transportation Climate Change Table, November, 1999
- ²¹ Toward Sustainable Transportation: A Discussion Paper for Transport Canada’s Second Sustainable Development Strategy, May 2000