

Session No. 034

Resolution No. 348

Moved by Michael Sel

Dated: February 24, 2020

Seconded by W. Bruner

**WHEREAS:**

1. A rail line operated and maintained by Canadian National Railway (“**CN**”) bisects the Town of Fort Frances (the “**Town**”), as depicted in the diagram contained at **Schedule “A”**;
2. These railroad tracks:
  - a. run westward to the City of Baudette, Minnesota, cutting through the municipalities of Alberton, LaVallee, Emo, Chapple, Morley, Dawson, and Rainy River, and the community of Rainy River First Nations, and
  - b. run eastward to a split, towards the City of Ranier, Minnesota, in one direction, and cutting through Couchiching First Nation towards the City of Thunder Bay in the other;
3. The twenty-fifth edition of *Rail Trends*, a publication of the Rail Association of Canada, states that there has been an increase in rail traffic over the past 10 years;
4. This increase in traffic has been observed in the Town as both an increase in the number of trains and their length;
5. In 2014, CN constructed an extension of their rail siding in the Town, resulting in trains idling in the middle of the community for lengthy periods of time;
6. The Town receives complaints from local residents on a regular basis as a result of long wait times at railway crossings and noise pollution caused by idling trains, high levels of rail traffic, and the coupling and uncoupling of train cars;
7. Information from CN shows:
  - a. that an average of 11,315 trains per year (or 31 trains per day) travel through the Town, and
  - b. that each train carries approximately 7,560 tonnes of material – meaning that approximately 85.5 million tonnes of material passes through the Town each year;
8. Many of the trains which travel through the Town and across the Rainy River District on this route consist of tank cars;
9. On February 18, 2020, a CN train derailed south of the Township of Emo, cutting off access to Highway 602 (the “**Emo Derailment**”);
10. Local residents within an 800 metre radius of the incident were evacuated, and the local school was closed the following day;
11. CBC reported on February 19, 2020 that over 30 cars were derailed, and that 5 cars carrying crude oil were leaking;<sup>1</sup>
12. The Emo Derailment is at least the sixth derailment along the rail corridor from Fort Frances to Chapple since 2013, as set out in the table contained at **Schedule “B”**;

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<sup>1</sup> Tweet from @CBCAlerts, dated February 19, 2020 at 06:51.

13. Since 2000, the Transportation Safety Board of Canada's database has listed 59 rail transportation occurrences in the Rainy River District which have been classified as derailments or collisions, the data from which is abbreviated in **Schedule "C"** hereto;
14. The 2013 disaster in Lac Mégantic, Quebec and the February 6, 2020 derailment and fire near Guernsey, Saskatchewan have made the public wary of the safety and environmental risks of rail traffic in or near their community;
15. Community members are increasingly concerned about the number of derailments in the Rainy River District;
16. An estimated 80 percent of the Town's residents live within 800 metres of the railroad through the Town;<sup>2</sup>
17. The Town passed a resolution on January 9, 2017 (the "**2017 Resolution**"), attached hereto as **Schedule "D"**, calling on the previous provincial government to address inequities in the manner in which railroad properties are taxed by municipalities;
18. Railway right-of-ways in Ontario are taxed per acre, with a rate set by the province, whereas other provincial governments allow for taxation on a tonne-kilometre basis;
19. The tonne-kilometre concept provides a more equitable form of taxation that takes into account usage volume, noise pollution levels, inconvenience to residents resulting from higher usage, and captures the enhanced risk from such increased traffic;
20. Forty-three municipalities provided support for the 2017 Resolution;
21. Representatives of the Town met with Ontario's Minister of Finance in August 2019 on the matter of railway taxation; and
22. The Town, like many municipalities, faces <sup>financial</sup> ~~operating budget~~ challenges that could be moderated by more equitable sources of rail tax revenue modelled on best practices from other jurisdictions;

**THEREFORE, BE IT RESOLVED THAT** the Council of the Town:

23. Expresses its appreciation to all of those who have responded to the Emo Derailment and cooperated with local officials and work crews during this disruption;
24. Is concerned by the number of rail derailment incidents which occurred in the Rainy River District and the prospect that more may occur as rail traffic increases;
25. Requests that, as part of their inquiries related to the Emo Derailment, provincial and federal officials investigate the frequency of derailments in the approximate 40-kilometre span from Fort Frances to Chapple;
26. Reaffirms the concerns and principles expressed in the 2017 Resolution and requests further consideration of railway taxation by the Ontario government;
27. Directs the Town Administration to request that CN officials appear at Council and/or engage in local public communications or forums in the Rainy River District to address community concerns about train derailment, hazardous material spills and remediation, and the safety of railway operations in or near their communities; and
28. Directs the Town Clerk to forward a copy of this resolution, together with its schedules and a covering letter, to:
  - a. CN's President and CEO, Jean-Jacques Ruest, and Chairman, Robert Pace,
  - b. The Honourable Greg Rickford, MPP for Kenora—Rainy River,
  - c. Marcus Powlowski, MP for Thunder Bay—Rainy River,
  - d. The Honourable Rod Phillips, Minister of Finance,

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<sup>2</sup> Estimate provided by the Town's Operations & Facilities Division on February 19, 2020.

- e. The Honourable Caroline Mulroney, Minister of Transportation (Ontario),
- f. The Honourable Jeff Yurek, Ontario's Minister of Environment, Conservation and Parks,
- g. The Honourable Marc Garneau, Minister of Transportation (federal),
- h. The Rainy River District Municipal Association,
- i. The municipalities of Albertyn, LaVallee, Emo, Chapple, Morley, Dawson, and Rainy River,  
and Atikokan MB MB
- j. Couchiching First Nation and Rainy River First Nations.

	Yea	Nay	Disclosure of Interest
M. Behan			
W. Brunetta			
J. Caul			
A. Hallikas			
D. Judson			
J. McTaggart			
R. Wiedenhoeft			

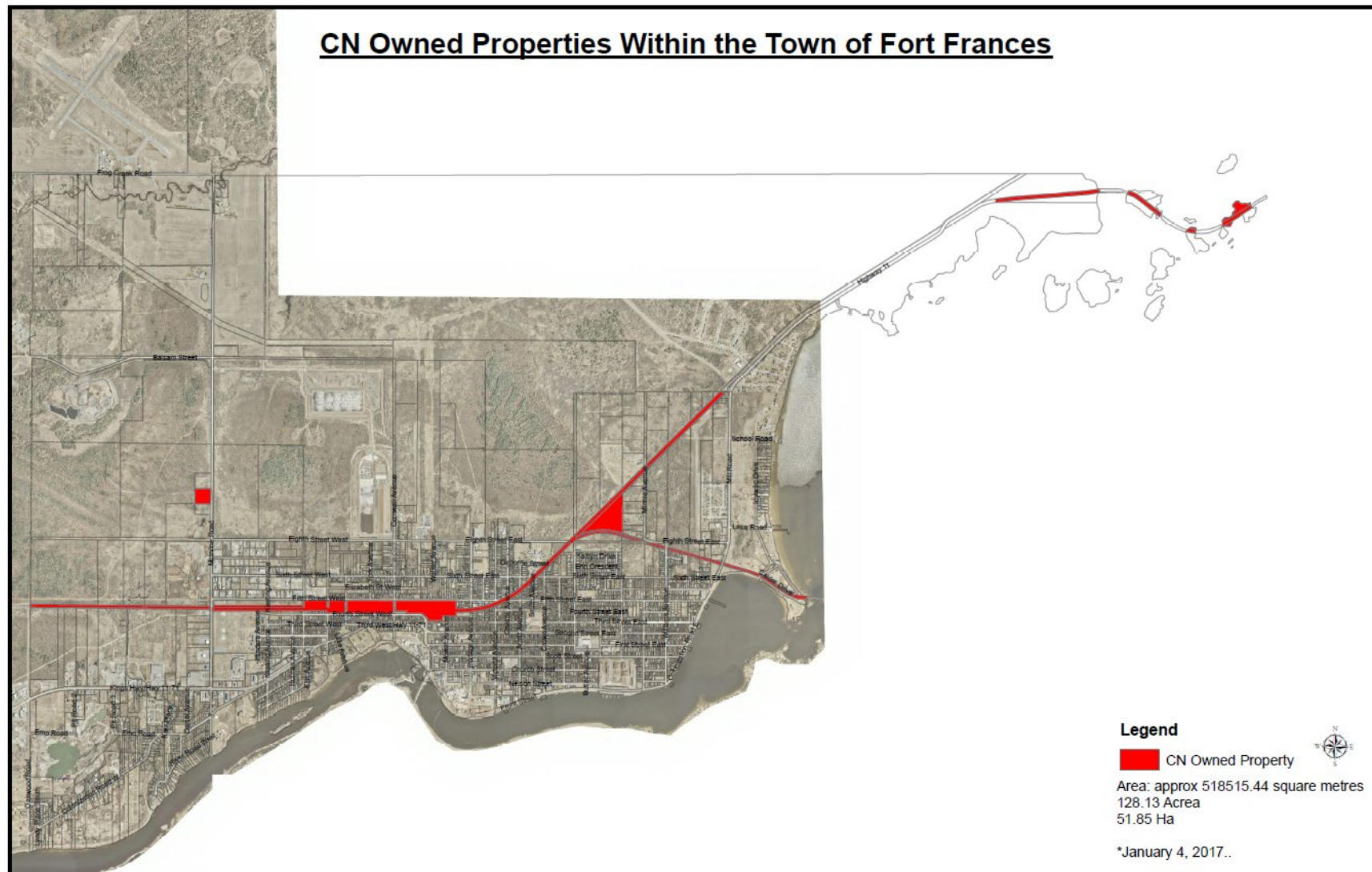
☒ CARRIED

☐ DEFEATED

Jim Caul

MAYOR or DEPUTY MAYOR

**SCHEDULE "A":  
MAP OF CN PROPERTIES IN THE TOWN**





**SCHEDULE “B”:  
DERAILMENT HISTORY**

<i>Date</i>	<i>Location</i>	<i>Description/Notes</i>	<i>Reference</i>
March 16, 2009	Rainy River First Nations	<ul style="list-style-type: none"> <li>13 cars derailed</li> </ul>	<a href="http://www.fftimes.com/news/news/train-derails-west-emo">http://www.fftimes.com/news/news/train-derails-west-emo</a>
November 10, 2013	Fort Frances	<ul style="list-style-type: none"> <li>40 cars derailed (grain)</li> </ul>	<a href="http://www.netnewsledger.com/2013/11/11/train-derailment-fort-frances/">http://www.netnewsledger.com/2013/11/11/train-derailment-fort-frances/</a>
May 23, 2014	Fort Frances	<ul style="list-style-type: none"> <li>35 cars derailed</li> <li>“A Transportation Safety Board report cites poor track conditions and maintenance deficiencies as the causes”</li> </ul>	<a href="https://www.cbc.ca/news/canada/thunder-bay/tsb-fort-frances-derailment-report-1.3493915">https://www.cbc.ca/news/canada/thunder-bay/tsb-fort-frances-derailment-report-1.3493915</a>
July 10, 2015	Chapple	<ul style="list-style-type: none"> <li>10,000-12,000 or 45,000 litres (conflicting reports) of petroleum distillates spilled during derailment</li> <li>Some residents evacuated</li> </ul>	<a href="https://www.cbc.ca/news/canada/thunder-bay/cn-train-derailment-cleanup-of-petroleum-continues-in-barwick-1.3149028">https://www.cbc.ca/news/canada/thunder-bay/cn-train-derailment-cleanup-of-petroleum-continues-in-barwick-1.3149028</a> <a href="https://kenoraonline.com/local/state-of-emergency-declared-after-train-derailment-in-barwick">https://kenoraonline.com/local/state-of-emergency-declared-after-train-derailment-in-barwick</a> <a href="https://www.ifallsjournal.com/big_fish_lifestyle/government/barwick-derailment-example-of-local-concern/article_a29a213b-b857-5ccf-9c6e-c69dca97dba5.html">https://www.ifallsjournal.com/big_fish_lifestyle/government/barwick-derailment-example-of-local-concern/article_a29a213b-b857-5ccf-9c6e-c69dca97dba5.html</a>
May 4, 2019	Chapple	<ul style="list-style-type: none"> <li>5 cars derailed</li> </ul>	<a href="http://www.fftimes.com/news/local/district/train-derails-barwick">http://www.fftimes.com/news/local/district/train-derails-barwick</a>
July 21, 2019	Fort Frances	<ul style="list-style-type: none"> <li>Collision between 2 trains</li> </ul>	<a href="https://www.tbnewswatch.com/local-news/derailment-in-fort-frances-closes-mcirvine-road-1596923">https://www.tbnewswatch.com/local-news/derailment-in-fort-frances-closes-mcirvine-road-1596923</a>
February 18, 2020	Emo	<ul style="list-style-type: none"> <li>30 cars derailed; 5 leaking crude oil</li> <li>Residents evacuated</li> </ul>	<a href="https://www.tbnewswatch.com/local-news/train-derails-near-emo-ont-2102337">https://www.tbnewswatch.com/local-news/train-derails-near-emo-ont-2102337</a>

**SCHEDULE “C”:**  
**EXCERPTS FROM TRANSPORTATION SAFETY BOARD OCCURRENCE DATA**

<i>Line No.</i>	<i>Occurrence ID</i>	<i>Occurrence No.</i>	<i>Occurrence Date</i>	<i>Accident Incident Type</i>	<i>Station ID</i>
1	96245	R00W0094	5/1/2000	NON-MAIN-TRACK TRAIN DERAILMENT	ATIKOKAN
2	95837	R00W0016	1/22/2000	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
3	98446	R01W0188	10/17/2001	MAIN-TRACK TRAIN DERAILMENT	ROCKY INLET
4	98204	R01W0158	8/1/2001	MAIN-TRACK TRAIN DERAILMENT	ROCKY INLET
5	107653	R01H0384	8/8/2001	NON-MAIN-TRACK TRAIN DERAILMENT	
6	97854	R01W0089	5/19/2001	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
7	98979	R02W0026	3/3/2002	MAIN-TRACK TRAIN DERAILMENT	ELIZABETH
8	108264	R02H0418	11/22/2002	NON-MAIN-TRACK TRAIN DERAILMENT	
9	107944	R02H0098	2/26/2002	NON-MAIN-TRACK TRAIN DERAILMENT	
10	107878	R02H0032	1/16/2002	NON-MAIN-TRACK TRAIN DERAILMENT	
11	101545	R03W0204	12/19/2003	NON-MAIN-TRACK TRAIN COLLISION	BARWICK
12	108659	R03H0365	12/2/2003	NON-MAIN-TRACK TRAIN DERAILMENT	
13	108623	R03H0329	10/30/2003	NON-MAIN-TRACK TRAIN DERAILMENT	
14	108439	R03H0145	4/19/2003	NON-MAIN-TRACK TRAIN DERAILMENT	
15	109020	R04H0366	11/15/2004	NON-MAIN-TRACK TRAIN DERAILMENT	
16	109009	R04H0355	11/1/2004	NON-MAIN-TRACK TRAIN DERAILMENT	
17	108730	R04H0076	1/30/2004	NON-MAIN-TRACK TRAIN DERAILMENT	
18	103017	R04W0231	12/26/2004	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
19	102571	R04W0163	9/10/2004	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
20	103263	R05W0043	2/19/2005	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
21	105657	R06T0222	9/17/2006	COLLISION INVOLVING TRACK UNIT	RAINY RIVER
22	105657	R06T0222	9/17/2006	COLLISION INVOLVING TRACK UNIT	RAINY RIVER
23	106525	R07W0079	4/4/2007	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
24	109895	R07W0199	8/31/2007	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
25	106571	R07W0087	4/10/2007	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
26	106271	R07W0033	2/1/2007	NON-MAIN-TRACK TRAIN DERAILMENT	BARWICK
27	110545	R08W0005	1/8/2008	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
28	112377	R09W0060	3/16/2009	MAIN-TRACK TRAIN DERAILMENT	BARWICK
29	116190	R11W0276	11/26/2011	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
30	115151	R11W0050	2/24/2011	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
31	118782	R13W0257	11/10/2013	MAIN-TRACK TRAIN DERAILMENT	NICKEL LAKE

<i>Line No.</i>	<i>Occurrence ID</i>	<i>Occurrence No.</i>	<i>Occurrence Date</i>	<i>Accident Incident Type</i>	<i>Station ID</i>
32	119020	R13W0300	10/5/2013	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
33	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
34	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
35	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
36	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
37	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
38	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
39	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
40	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
41	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
42	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
43	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
44	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
45	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
46	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
47	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
48	119800	R14W0137	5/23/2014	MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
49	119613	R14W0100	4/6/2014	MAIN-TRACK TRAIN DERAILMENT	RAINY RIVER
50	119897	R14W0154	6/17/2014	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
51	121768	R15W0168	7/10/2015	MAIN-TRACK TRAIN DERAILMENT	BARWICK
52	123163	R16W0120	6/13/2016	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
53	124389	R17W0076	4/7/2017	NON-MAIN-TRACK TRAIN COLLISION	FORT FRANCES
54	124679	R17W0142	6/23/2017	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
55	126962	R18W0314	12/15/2018	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
56	126084	R18W0127	5/18/2018	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES
57	128059	R19W0221	7/21/2019	MAIN-TRACK TRAIN COLLISION	FORT FRANCES
58	127730	R19W0145	5/4/2019	MAIN-TRACK TRAIN DERAILMENT	BARWICK
59	127962	R19W0199	6/29/2019	NON-MAIN-TRACK TRAIN DERAILMENT	FORT FRANCES

Full dataset retrieved from <http://www.bst-tsb.gc.ca/eng/stats/rail/index.html>

**SCHEDULE "D":  
2017 RESOLUTION**

682 Brunetta - Perry: WHEREAS it has been identified that Railway Companies in the province of Ontario, do not pay a proportionate share of municipal property tax as compared to other properties in their class, or compared to any other municipal tax class; and

WHEREAS in other provinces and jurisdictions the railway companies do remit a more equitable share of taxes to the local tax base; and

WHEREAS taxes in other jurisdictions for railway properties are calculated using a ton-mile concept; and

WHEREAS said fees are reviewed and adjusted on a regular basis according to inflation and ongoing current conditions; and

WHEREAS the Province of Ontario has continued to fall further and further behind in their approach to railroad property taxation over the past 112 plus years;

THEREFORE BE IT RESOLVED THAT the Town of Fort Frances call upon the Minister of Finance for the Province of Ontario to implement a new system of municipal property taxation for railroad right-of-way properties based on utilizing a per ton-mile concept; and

FURTHER BE IT RESOLVED THAT the new tax system when implemented, be reviewed on a regular basis, similar to the MPAC four-year assessment cycle; and

FURTHER BE IT RESOLVED THAT this resolution be sent to every Municipal Council within the Province of Ontario seeking their support, the Premier of Ontario, the Minister of Finance of Ontario, Ontario MPPs, Local MPs, RRDMA and NOMA and AMO and FONOM.

CARRIED