



# TOWNSHIP OF WARWICK

“A Community in Action”

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**BY E-MAIL ONLY**

**5.11**

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