



**House of Assembly  
Nova Scotia**

**Graham Steele, MLA  
Halifax Fairview**



July 9, 2007

**Re: CN Rail Line – Joseph Howe Drive to Lakeside**

CN has applied to discontinue use of the rail line near your home. This is the rail line that leaves the main line behind the Superstore, runs across and then along Joseph Howe Drive, around the Fairmount subdivision, and out to Lakeside.

I am writing to everyone in my constituency who lives near the rail line because I believe it is important that you be informed, as early as possible, of significant developments that may affect your home and your neighbourhood.

At this point, the future of the rail line is uncertain. No-one, including me, has all the answers about what will happen. It seems most likely that the rails will eventually be removed, and that the rail bed (also known as the “right-of-way”) will be converted to a trail. However, there are other possibilities.

In this letter, I will set out the legal process that CN must follow. I will then discuss some of the options, what you might expect, and how you can get involved. It is my hope that, with this information, you will be in a better position to decide whether and how you wish to become involved in the process.

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## **The Discontinuance Process**

Whenever CN wishes to discontinue use of a section of rail line, anywhere in Canada, they must follow the legal process laid out in the *National Transportation Act*. The process is supervised by the Canadian Transportation Agency.

The process has five steps:

1. CN must publish a three-year plan showing which lines they intend to keep, and which lines they intend to discontinue. Before moving on to Step 2, the plan must show an intention to discontinue the line for at least one year.
2. CN must advertise the availability of the line for sale, lease, or other transfer for continued operations as a rail line. The offer must be left open for at least 60 days.
3. If Step 2 results in an expression of interest, CN must negotiate in good faith to transfer the line for its net salvage value, and has six months to conclude an agreement. If there is no expression of interest, or if no agreement can be reached, CN moves to Step 4.
4. CN must offer to sell the line to the provincial and municipal governments. A government may purchase the line for any purpose. The Province has 30 days to respond, and HRM has 60 days to respond. If the Province or HRM accepts the offer, they have 90 days to reach agreement on the price. If agreement cannot be reached, the Canadian Transportation Agency will decide the price.
5. If no government wishes to purchase the line, CN may abandon the line and has no further obligations under the *National Transportation Act*. CN would still own the line, and be responsible for it, until it was sold.

## **Where are we in the process now?**

Step 1 has already occurred.

Step 2 began on June 1, 2007, and runs for 60 days. That will take us to the end of this month (July 2007).

Step 3 likely will not happen, because I do not believe anyone wants to take over the line as a rail line. HRM Council decided on June 19, 2007, that it does not wish to operate the line. The Province also has no plans to operate the line. There are two businesses in Lakeside which use the line to send and receive goods, but it is highly unlikely that they will want to buy the line.

If no offer is made under Step 3, then Step 4 will likely begin at the end of July. The Province will have 30 days (until the end of August) to respond, and HRM will have 60 days (until the end of September) to respond.

Although it is certainly too early to say for sure, I think it is unlikely that the Province will be interested in buying the line. On the other hand, I think it is likely that HRM will carefully study purchasing the line. HRM might, for example, wish to study using part of the right-of-way to widen Joseph Howe Drive north of the Bicentennial Highway. It may wish to study using the rest of the line, south of the Bicentennial Highway, for recreation. There are many successful “rails-to-trails” projects throughout Nova Scotia and this could be one of them. Other uses are possible. That is why I will be keeping in close touch with your HRM Councillors, Russell Walker (District 14) and Linda Mosher (District 15) as this process unfolds.

If HRM decides not to buy the line, then we would move to Step 5. Under Step 5, anything could happen, including purchase of pieces of the line by neighbouring property owners.

## **How can you participate?**

I will keep you informed of developments as the process unfolds. I will update my website ([www.grahamsteele.ca](http://www.grahamsteele.ca)) with new information as I receive it. That will be the best place for you to get “up to date” information. I will also be sending more information letters like this one.

If you would like to read more about the rail-line discontinuance process, a booklet is published by the Canadian Transportation Agency. You can find it on the Agency’s website ([www.cta-otc.gc.ca](http://www.cta-otc.gc.ca), click on “Rail”), or I can e-mail it to you in PDF format, or you can call my office and I will deliver a copy to you.

The HRM staff report that was considered by HRM Council at its meeting on June 19, 2007, is available at the HRM website ([www.halifax.ca](http://www.halifax.ca), click on “Regional Council”, click on “2007 Council Agendas and Reports”, click on item 8.1). Any further staff reports will also be available on the HRM website.

If HRM does eventually buy the line (which would not be until the fall of 2007, at the very earliest), then I expect your HRM Councillors will be in touch with you to explain what HRM has in mind. I also expect there will be public meetings to obtain your views.

If you have ideas or opinions about the future of the CN line, I would be very glad to hear them. If you are a member of a residents’ association, this would be a good topic for discussion. United voices are always strongest. If there is anything I can do to help you better understand or participate in this process, I will be pleased to do so.

Yours sincerely,

Graham Steele, MLA  
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