

From: Comox Valley Regional District [<mailto:no-reply@cverdwebsite.ca>]

Sent: Saturday, November 03, 2018 8:04 AM

To: administration <administration@comoxvalleyrd.ca>

Subject: Form submission from: Request to Appear as a Delegation

Submitted on Saturday, November 3, 2018 - 08:04

Submitted by anonymous user: 98.172.76.99

Submitted values are:

Name(s) of person(s) speaking: Denise Savoie

Sherry Durnford

Ian Andersen

Organization Information

Organization you are representing: Friends of Rails to Trails

Primary purpose of the organization: To utilize the old E&N corridor

Number of members: 1,500

Mailing Information

Mailing address: #602, 150 Promenade Drive

City: Nanaimo

Postal code: V9R 6M6

Contact name: Sherry Durnford

Meeting Details

Subject matter:

Goal is to familiarize Board members with the concepts of Rails with Trails versus Rails to Trails for the E&N rail corridor and to present costs and timelines of each.

Specific request of the regional district, if any (i.e. letter of support, funding):

Letter of support

Requested meeting date: Dec. 4, 2018

Audio-visual equipment needed: overhead projector and screen

Information for contact purposes only

Telephone number:

Email address:

The results of this submission may be viewed at:

<https://www.comoxvalleyrd.ca/node/1746/submission/1673>

F.O.R.T. VANCOUVER ISLAND

Island Corridor Foundation: Process for amending the purpose.

The Island Corridor Foundation (ICF) is Governed by The Canada Not-For-Profit Corporation Act and its own Articles and By-laws. The Articles lay out the purposes of the organization.

The Members of the ICF are the five Regional Districts and the five First Nations who are on or adjacent to the corridor who each nominate a director to the ICF Board. The board then appoints two members at large to complete the 12 director board. The board governs the ICF in accordance with its Articles and by-laws.

The members of the ICF can request the board of the ICF to call a special meeting of the organization at which each member has a designated representative. The designated representative for the meeting of members need not be the same person as nominated by the member as director to the board. The representatives at the special meeting may make, consider and pass a special resolution to amend the Articles or By-laws.

The procedure is as follows:

In accordance with the ICF By-laws:

Section 2.5 - Members calling a members meeting:

The board of directors shall call a special meeting of members in accordance with section 167 of the Act on written requisition of the members carrying not less than 5% of the voting rights. If the directors do not call a meeting within 21 days of receiving the requisition, any member who signed the requisition may call the meeting.

Section 2.2 - Designated Representatives of Members:

Each member shall appoint a designated representative to exercise its rights, including voting rights, at any meeting of members. The designated representative for meetings of members need not be the same person nominated by the member for director.

In accordance with the Canada Not-For-Profit Corporation Act:

Part 13 Fundamental Changes:

Amendment of articles or by-laws:

197(1) A special resolution of the members - or, if section 199 applies, to each class or groups of members - is required to make any amendment to the articles or the by-laws of a corporation to:

(j) change the statement of purpose of the corporation

Notes on the process:

- The processes for calling a meeting and voting are dealt with in sections 2.3 and 2.4 of the ICF by-laws.
- The distribution of votes is dealt with in the ICF Form 4031 Articles of Continuance. There are five Regional Districts who have collectively a total 100 votes. There are 5 (or 14 in the articles) First Nations who also have collectively a total of 100 votes. The total votes is 200
- 5% of the members voting rights can call a meeting. 5% of 200 is 10 votes. Therefore one Regional District (20 votes) can call a meeting.
- The resolution at the meeting would be a special resolution which is defined in the act as a resolution requiring a two-thirds majority of those present.
- The act states that where quorum is not defined in the articles a quorum shall consist of a majority of the members.

F.O.R.T. VANCOUVER ISLAND

DISCUSSION POINTS REGARDING THE BEST PUBLIC USE OF THE E&N CORRIDOR

BACKGROUND:

- The corridor is owned by The Island Corridor Foundation (ICF), a Federally registered non-profit organization established to hold and manage the corridor. The ICF is governed by the Canada Not-For-Profit Corporation Act and its own Articles and By-Laws. There is a procedure for amending the Articles including removing supporting a railway from the purposes of the organization.
- The ICF is governed by a board of directors appointed by the membership of the ICF which is the five Regional Districts and the five First Nations who are on or adjacent to the corridor.
- After many years of declining ridership, rail service on the corridor was shut down by the regulator in 2010 for safety reasons. No business plan to restore service has been made public.

WHY RAIL SERVICE IS NOT THE BEST USE:

- The railway was built in the 1870's to carry coal more efficiently than in horse drawn wagons. An act of Parliament allowed it to be built cheaply with tighter curves than were normally allowed. Because of this the maximum allowable vehicle speed on the right of way is about 65 Km/Hr (1) . This eliminates any kind of rapid transit even if the rails were replaced and it cannot carry traffic at highway speeds.
- A 2010 report by IBI Consulting (2), for the Province, estimated the total costs to bring the rail infrastructure up to a safe condition at more than \$600 million. The same report found that a \$20.00 subsidy per passenger trip would be required for operation. This is much higher than any other operating railway they studied.
- The West Coast Express, for instance, carries 11,000 people daily for a subsidy of \$6.00 per passenger trip. This subsidy makes sense because the train makes a significant contribution to a transportation problem and is part of a transportation plan. Subsidising E+N rail service to carry at best, 50 to 100 people a day is neither viable nor sensible. Halcrow consulting expressed this as carrying less than 1% of the traffic on the Malahat for an operating subsidy of \$1 million a year (3). Halcrow also pointed out that this demand could be met by express busses at half the cost of rail and without the massive costs of rebuilding a victorian railway.

- Many roads have been built since construction of the railway. There are now more than 240 roads crossing the right of way. No estimate of the costs to bring them up to modern standards has been done. The IBI report did suggest that some grade separations costing \$15 - \$20 million dollars each may be needed.
- In short, bringing the railway up to safe standards will be very costly and it will not result in a modern railway since the original design limitations will remain. Also, because of present and predicted future population densities on the East Coast of the Island, the potential passenger and freight traffic will not justify the large investment and continuing high subsidies required.

WHY A MULTI-USE TRAIL IS THE THE BEST PUBLIC USE:

- Changes in transportation technology away from heavy rail has led to the repurposing of former rail rights of way all over the world as highly successful multi-use trails. There are many reasons for this success. Generally the rights of way are too narrow for highways but just right for trails, they are flat - perfect for cycling and they often connect settlements now by-passed by larger highways where they can support and rejuvenate small business and tourism opportunities.
- A right of way preserved as a continuous corridor is especially valuable. The Kettle Valley Trail in the Okanagan has quickly become a major tourism draw with significant supporting economic spin-offs. The Galloping Goose Trail in Victoria which attracts up to 2500 cycling trips daily and the same number of pedestrians has become a very significant element of the transportation and recreational network.
- The Route Verte is a multi-use trail system in Quebec. In 2000 when only partially complete, cyclists on it spent \$95.4 million dollars corresponding to approximately 2000 jobs and \$27 million in taxes. In 2005 bike tourists spent \$93 per day, higher than the \$66 dollar average of other tourists (4).
- First Nations on the E+N railway have benefitted little from the rail service and have lost utility on their territories because the railway is a barrier . First Nations in other parts of Canada have benefitted economically and culturally from the opportunity trails provide. A recent Globe and Mail article these First Nations opportunities is attached.

WHY RAIL WITH TRAIL IS NOT A GOOD PUBLIC OPTION

- The continuity of a trail is important. Small local sections of trail may have some value but the larger potential of the corridor is lost when connection is lost. There

are many sections on the right of way where rail and trail is not practical such as bridges, embankments and cuttings. Nanaimo has identified 40 such sections in its Regional District. To have a continuous trail the rail must be removed. The Okanagan Region used the value of the rails removed to offset the costs of the trail.

- The costs of constructing trails beside the rails is much higher than for trail alone. The E+N trail beside the rails in Victoria cost more than \$2 million per Km. to construct. An estimate obtained from the capital Regional district to build a compacted gravel trail was \$65 thousand dollars per Km. The huge additional cost comes from the costs of bridges, crossings, barriers and the high safety measures imposed by the pretence of dual use.

References:

- (1) Trans-Canada Highway 1 - Malahat Corridor Study
Ministry of Transportation
Final Report, July 2007
(Stantec)
- (2). Ministry of Transportation and Infrastructure
Evaluation of the E+N Railway Corridor: Foundation Report
Summary Report 2010
(IBI Group)
- (3) Trans-Canada Highway 1 - Malahat Corridor Study
Appendix K
Assessment of Inter - Regional Transit Options, July 2007
(Halcrow Consulting)
- (4). The Economic Benefits of Bicycle Infrastructure Investments
League of American Bicyclists