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12 Beamish Road
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March 1, 2020

Subject: Amendments to the Railway Act

I am writing regarding the amendments to the Railways Act that I understand underwent first reading on Friday, February 28, 2020.

I am confused over the definitions of "non-operating" and "non-licensed" railways. It appears that the Railways Act will not apply to railways that are deemed to be "non-operating" or "non-licensed". Is this what is intended in the amendments?

A non operating railway that does not have to follow the Railways Act is a huge safety issue. These amendments will permit a railroad company to cease service, presumably without notice, neglect their infrastructure, cease all maintenance practices neglecting washed out, plugged and crushed culverts. Erosion will lead to unsupported railway tracks due to lack of maintenance. Unmaintained infrastructure including buildings, tracks and culverts, etc. could potentially cause damage to adjacent public and private property.

The general public, especially minors, will access unmaintained railway infrastructure and eventually injury and or death to individuals will occur.

By allowing a non operating railway, these amendments remove the requirement that a railway must file for discontinuance and eventually abandonment when the company ceases operation. This would allow a rail company to maintain ownership of their corridor forever without another rail company having the opportunity to purchase their infrastructure to resume rail service. Without having to file for discontinuance and or abandonment the Province would never have an opportunity to purchase the non operating railroad for a Provincially owned rail or commuter service, gas or water pipeline, trails or other uses that such an "abandoned" corridor might provide.

Non operating and non licensed railways should not be permitted to exist within the amended Railway Act.

Thank you,
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March 4, 2020

Subject: Amendments to the Railway Act – Law Amendments Committee

I am writing further to my previous email and letter regarding the amendments to the Railways Act that I understand underwent first reading on Friday, February 28, 2020. My first letter expressed my concern over the confusing terms “non-operating” and “non-licensed railways.”

I am currently involved in a NSUARB hearing regarding my complaint that the Windsor & Hantsport Railway Company (W&HRC) is not acting in accordance with their operating license, the Railways Act and its Regulations and therefore the Board should revoke the operating license of the W&HRC. The hearing has been stalled because the legal counsel for W&HRC has challenged our right to bring our complaint before the Board as they claim we have no “standing” to do so.

A railway corridor (often expropriated from the public) is for the benefit of the public and the Provinces economy. It is not solely for the economic gain of its owner or shareholders. The Railways Act should expressly provide for the right of the public to file a complaint with the NSUARB when the rail company is acting outside their license, the Railways Act and Regulations.

Please forward my concern to the Law Amendments Committee meeting March 5, 2020.

Thank you,
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