

**Response by Gerard Kennedy, Leadership Candidate, Liberal
Party of Ontario, to Requests for Details About and Access to
Studies Behind the Decisions to Terminate *The Northlander* and
Divest the Ontario Northland Transportation Commission:
ONR-ONTC Research Task Force Interim Report 2E**

Dr. Barry Wellar, MCIP

Distinguished Research Fellow

Chair, ONR/ONTC Research Task Force

Transport Action Canada

Principal, Wellar Consulting Inc.



Report prepared for

Transport Action Ontario

and

Transport Action Canada

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1. Background

The Task Force Terms of Reference are introduced in Section 2 of [ONR-ONTC Research Task Force Interim Report 1: Requests for Details About and Access to Studies Behind the Decisions to Terminate *The Northlander* and Divest the Ontario Northland Transportation Commission](#), and are to present:

1. An inventory of the provided studies and other productions containing evidence, advisories, recommendations, opinions, analyses, etc., underlying the decisions made by Cabinet to terminate *The Northlander* and to divest the Ontario Northland Transportation Commission.
2. An opinion as to the soundness of the research undertaken; and
3. An opinion as to the extent to which the decisions by Cabinet to terminate *The Northlander* and divest the Ontario Northland Transportation Commission are based upon, supported by, justified by, or are otherwise derived from methodologically sound research.

Interim Report 1 contains the emails sent to Rick Bartolucci, Minister, Ministry of Northern Development and Mines (MNDM), as well as to the candidates for the position of Leader, Liberal Party of Ontario, requesting details about and comments on the studies and other productions used in the decisions to terminate *The Northlander* and divest the Ontario Northland Railway Commission.

The purpose of Interim Reports 2A to 2H is to present the replies received from Mr. Bartolucci and each of the leadership candidates, respectively. The replies are then combined in a summary report to meet the Task Force's first term of reference. The summary report is titled,

Inventory of the Provided Studies and Other Productions Containing Evidence, Advisories, Recommendations, Opinions, Analyses, etc., Underlying the Decisions Made By Cabinet to Terminate *The Northlander* and to Divest the Ontario Northland Transportation Commission

As per the list in Appendix A, ONR-ONTC Research Task Force Interim Report 1: Requests for Details About and Access to Studies Behind the Decisions to Terminate *The Northlander* and Divest the Ontario Northland Transportation Commission, 4 emails were sent to the candidates for the position of Leader, Liberal Party of Ontario, who were in Cabinet at the time of the termination and divestment decisions. Gerard Kennedy is one such candidate.

The dates and subject headings of emails sent to E. Kennedy are as follows. For tracking purposes the same No. system which is used in Interim Report 1 is used in Interim Report 2E.

No.	Date	Subject Heading
6	22-12-12	ONR/ONTC Research Task Force: Financial Domain
8	23-12-12	ONR/ONTC Research Task Force: Transportation Domain
10	23-12-12	ONR/ONTC Research Task Force: Northern Development Domain
28	27-12-12	ONR/ONTC Research Task Force: ONTC Domain

In addition, as part of the study design to ensure that all candidates are given the opportunity to “explain themselves”, and also be held to account by concerned citizens, enterprises, and institutions, Mr. Kennedy was copied on 14 emails sent to Mr. Bartolucci.

Sections 2 and 3 repeat the email texts and subject headings, respectively, and present the replies received from Mr. Kennedy.

2. Email Texts Sent to Gerard Kennedy and Replies Received

In this section each email sent to Gerard Kennedy is reproduced, along with the reply or replies received.

Insofar as providing adequate time for replies, it is my experience that most of the requests should be answerable in considerably less than an hour if the research work has in fact been done. And, if the research has not been done, then it should not take more than several minutes to undertake the queries and confirm the non-existence of research reports or other productions.

In either case, if the reply states that a response or a further response is in process, then that reply will be recorded and Interim Report 2E will be updated as we receive documentation from G. Kennedy. As noted in Interim Report 1, this is neither a Commission of Inquiry nor a “deep pockets operation, so updates will occur as volunteer time and resources allow.

And, as a final point of context, the emails sent to G. Kennedy are presented in the order of listing in section 1, and replies are entered in the order received.

Email 6

From: Barry Wellar [mailto:wellarb@uottawa.ca]
Sent: December-23-12 9:05 AM
To: 'gk@gerardkennedy.ca'
Cc: jvanthof-qp@ndp.on.ca; gbisson@ndp.on.ca; vic.fedeli@pc.ola.org; mmantha-qp@ndp.on.ca; fgelinias-qp@ndp.on.ca; lavignem@ndp.on.ca; dorazietti.mpp@liberal.ola.org; Mayor Alan Spacek (alspacek@gmail.com); mayor.amaroso@cityssm.on.ca; Maggie Sigouin (maggie4@puc.net); 'Marie PRICE (coramarieprice@gmail.com)'; 'Linda Savory-Gordon <Linda.Savory-Gordon@algomau.ca> (Linda.Savory-Gordon@algomau.ca)'; 'dmiasek@rogers.com'; 'creative.translations@rogers.com'; hwgow@sympatico.ca
Subject: ONR/ONTC Research Task Force: Financial Domain

Gerard Kennedy,
Ontario Liberal Party Leadership Candidate

Dear Mr. Kennedy,

You were not a member of Cabinet in 2012 when the Ontario government (Liberal) terminated *The Northlander* and divested the Ontario Northland Transportation Commission (ONTC), and as a result it seems likely that you did not have access to the productions – study reports, survey reports, financial statements, value for money analyses, etc., – which were presumably considered by Cabinet in arriving at the respective decisions.

Nevertheless, since each decision has had and will continue to have major impacts on the residents, businesses, municipalities, institutions, organizations, and so on in the region of Northeastern Ontario and beyond, it seems to me that a candidate for the leadership of the Ontario Liberal Party would want to ensure that he or she has full and complete knowledge as to the financials of the termination and divestment decisions.

I would therefore appreciate learning what you have done or plan to do to become apprised of the financial aspects of the decisions, and upon receipt of that information I will have questions to ask of you regarding the financial domain of the ONR/ONTC Research Task Force initiative.

I look forward to receiving your reply at the earliest moment.

Sincerely,

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Chair, ONR/ONTC Research Task Force
Transport Action Canada

Response to email 6: none received

Email 8

From: Barry Wellar [mailto:wellarb@uottawa.ca]
Sent: December-23-12 7:36 PM
To: gk@gerardkennedy.ca
Cc: A. Spacek ; L. Savory-Gordon ; D. Amoroso; D. Orazietti ; F.Gelinis ; FONOM; G. Bisson ; G. Courville ; G. Mayer ; H. Gow; J. Fratasi; J. Vanthof ; M. Lavigne ; M. Mantha ; M. Price ; M. Sigouin ; P. Miasek ; P. Politis ; T. Turritin; V. Fedeli; W. Mitchell; W. Wilcox
Subject: ONR/ONTC Research Task Force: Transportation Domain

Gerard Kennedy,
Ontario Liberal Party Leadership Candidate

Dear Mr. Kennedy,

You were not a member of Cabinet in 2012 when the Ontario government (Liberal) terminated *The Northlander* and divested the Ontario Northland Transportation Commission (ONTC), and as a result it seems likely that you did not have access to the productions – study reports, survey reports, commissioned statements, expert opinions, comparative analyses, literature reviews, impact assessment reports, alternative transportation strategies, value for money analyses, etc., – which were presumably considered by Cabinet in arriving at the respective decisions.

Nevertheless, since each decision has had and will continue to have major impacts on the residents, businesses, municipalities, institutions, organizations, and so on in the region of Northeastern Ontario and beyond, it seems to me that a candidate for the leadership of the Ontario Liberal Party would want to ensure that he or she has full and complete knowledge as to the transportation aspects of the termination and divestment decisions.

I would therefore appreciate learning what you have done or plan to do to become apprised of the transportation aspects of the decisions, and upon receipt of that information I will have questions to ask of you regarding the transportation domain of the ONR/ONTC Research Task Force initiative.

I look forward to receiving your reply at the earliest moment.

Sincerely,

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Chair, ONR/ONTC Research Task Force
Transport Action Canada

Response to email 8: none received

Email 10

From: Barry Wellar [mailto:wellarb@uottawa.ca]
Sent: December-23-12 7:46 PM
To: gk@gerardkennedy.ca
Subject: ONR/ONTC Research Task Force: Northern Development Domain

Gerard Kennedy,
Ontario Liberal Party Leadership Candidate

Dear Mr. Kennedy,

You were not a member of Cabinet in 2012 when the Ontario government (Liberal) terminated *The Northlander* and divested the Ontario Northland Transportation Commission (ONTC), and as a result it seems likely that you did not have access to the productions – study reports, survey reports, commissioned statements, expert opinions, comparative analyses, literature reviews, impact assessment reports, alternative transportation strategies, value for money analyses, etc., – which were presumably considered by Cabinet in arriving at the respective decisions.

Nevertheless, since each decision has had and will continue to have major impacts on the residents, businesses, municipalities, institutions, organizations, and so on in the region of Northeastern Ontario and beyond, it seems to me that a candidate for the leadership of the Ontario Liberal Party would want to ensure that he or she has full and complete knowledge as to northern development aspects of the termination and divestment decisions.

I would therefore appreciate learning what you have done or plan to do to become apprised of the transportation aspects of the decisions, and upon receipt of that information I will have questions to ask of you regarding the northern development domain of the ONR/ONTC Research Task Force initiative.

I look forward to receiving your reply at the earliest moment.

Sincerely,

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Chair, ONR/ONTC Research Task Force
Transport Action Canada

Response to email 10: none received

Email 28

From: Barry Wellar [mailto:wellarb@uottawa.ca]

Sent: December-27-12 8:23 PM

To: gk@gerardkennedy.ca

Cc: A. Spacek ; L. Savory-Gordon ; D. Amoroso; D. Orazietti ; F.Gelinis ; FONOM; G. Bisson ; G. Courville ; G. Mayer ; H. Gow; J. Fratasi; J. Vanthof ; M. Lavigne ; M. Mantha ; M. Price ; M. Sigouin; P. Miasek ; P. Politis ; T. Turritin; V. Fedeli; W. Mitchell; W. Wilcox

Subject: FW: ONR/ONTC Research Task Force : ONTC Domain

Dear Mr. Kennedy,

As stated in the email of December 29, 2012 to Rick Bartolucci, copied to you and other candidates for the position of Leader, Liberal Party of Ontario, the Transport Action Ontario Task Force is investigating the soundness of the decisions to terminate *The Northlander* and to divest the Ontario Northland Transportation Commission. The general nature of the investigation is contained in the email of November 23, 2012, which follows below.

At this time I have several comments and questions for your consideration with regard to the ONTC component of the email of November 23, 2012.

1. The request for information about studies, etc., was made November 23, 2102, but to this point in time the communication has not been acknowledged much less shown the courtesy of a pertinent response. In your opinion, is this acceptable conduct on the part of the Minister and officials of the Ministry of Northern Development and Mines (MNDM)?
2. In the event that you do not consider this conduct to be acceptable, what will you do in the immediate term to oblige the Minister, Rick Bartolucci, and MNDM officials, to provide the requested productions so that the Task Force can undertake its research mission?
3. It is my understanding upon review of communications by residents, businesses, etc., affected by the termination and divestment decisions that their requests for information are being met by "stonewalling" on the part of the Liberal government. What will you do in the immediate term to oblige the Ministry of Northern Development and Mines to "open the files" so that ordinary citizens as well as Task Force members can examine the record of decisions and ascertain for themselves the soundness of the decisions to terminate *The Northlander* and divest the Ontario Northland Transportation Commission. I hasten to add in this regard by way of a "heads up" that I am explicitly requesting that you not go the FOI route. Rather, you are being asked to inform us as to what you will do to oblige the Ministry to "open the files" so that taxpayers can see for themselves what studies have been done to in association with the termination and divestment decisions.
4. I note for your consideration, and as per my repeated requests for digital productions, that Canada has been in the digital era since the 1970s, which makes the request for digital productions a very normal request. Moreover, given the distance factor, and the

cost factor, it is standard procedure in such situations to opt for e-communications at every opportunity. What will you do in the immediate term to ensure that the productions requested in Task Force communications as well as in communications by residents, businesses, institutions, etc., are in digital format?

5. As you may be aware, undertaking this kind of public interest research is supported by intervenor funding in several jurisdictions, including Ontario. What will you do in the immediate term to obtain funding from MNDM and/or other government agencies to support the Transport Action Ontario Research Task Force which was commissioned in part to address the failure of the Government of Ontario to properly inform residents, businesses, etc., as to the reasons and associated evidence behind the termination and divestment decisions.

Mr. Kennedy, there are other questions to be asked about the ONTC section of the email of November 23, 2012 to Rick Bartolucci, but these will suffice for starters.

On behalf of the Task Force, I look forward to receiving your response in the above regards at the earliest moment.

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Chair, ONR/ONTC Research Task Force
Transport Action Canada

From: Barry Wellar [mailto:wellarb@uottawa.ca]
Sent: December-26-12 8:45 PM
To: rbartolucci.mpp@liberal.ola.org; Rick Bartolucci; 'rbartolucci.mpp.co@liberal.ola.org'; Laura.Blondeau@ontario.ca
Cc: 'sandra@signup4sandra.ca'; 'contact@kathleenwynne.ca'; 'csousa.mpp.co@liberal.ola.org'; 'ehoskins.mpp@liberal.ola.org'; 'contact@renewliberal.ca'; 'htakhar.mpp@liberal.ola.org'; 'gk@gerardkennedy.ca'; A. Spacek ; L. Savory-Gordon ; D. Amoroso; D. Oraziotti ; F. Gelinas ; FONOM; G. Bisson ; G. Courville ; G. Mayer ; H. Gow; J. Fratasi; J. Vanthof ; M. Lavigne ; M. Mantha ; M. Price ; M. Sigouin; P. Miasek ; P. Politis ; T. Turritin; V. Fedeli; W. Mitchell; W. Wilcox
Subject: ONR/ONTC Research Task Force : ONTC Domain

Rick Bartolucci, Minister
Ministry of Northern Development and Mines (MNDM)

Rick,

You were Minister of MNDM and a member of Cabinet when it made the decisions to terminate *The Northlander* and divest the Ontario Northland Transportation Commission, and I believe you participated in both those decisions. If that statement is incorrect, please so advise me at your earliest convenience.

If you did participate in the decisions, I would appreciate learning the specifics behind your support for or opposition to the termination and divestment decisions.

In this communication I re-visit the matter of the Ontario Northland Transportation Commission (ONTC), a matter which was raised with you in the email of November 23, 2012, and to which you have not responded.

The part of the email pertaining to the ONTC is copied and repeated, as follows:

"ONTC

For the ONTC my focus at this time is on rail freight and rail passenger infrastructure and services, and the same two timelines are appropriate in this circumstance, that is, a 50-year historical timeline (1962-2012), and a 25-year projective timeline (2013-2038).

The ONTC domain of interest at this time involves studies and/or reports, internal and external, as to what was done, what could be done, and what should be done to maintain and/or increase rail freight activity and rail passenger activity for the historical period (1962-2012) and the projective period (2013-2038). Again I wish to be informed about the associated report or file titles and links."

By copy, the candidates for the position of Leader, Liberal Party of Ontario, are informed of the previous and current communications to you regarding the ONTC Domain. The Task Force has questions to ask of them regarding the statement [in quotes] above, as well as your response or non-response to this communication.

Barry

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Chair, ONR/ONTC Research Task Force
Transport Action Canada

From: Barry Wellar [mailto:wellarb@uottawa.ca]
Sent: December-26-12 2:42 PM
To: rbartolucci.mpp@liberal.ola.org; Rick Bartolucci; Laura.Blondeau@ontario.ca'
Cc: 'sandra@signup4sandra.ca'; 'contact@kathleenwynne.ca'; 'csousa.mpp.co@liberal.ola.org'; 'ehoskins.mpp@liberal.ola.org'; 'contact@renewliberal.ca'; 'htakhar.mpp@liberal.ola.org'; 'gk@gerardkennedy.ca'; 'sandra@signup4sandra.ca'; 'contact@kathleenwynne.ca'; 'csousa.mpp.co@liberal.ola.org'; 'ehoskins.mpp@liberal.ola.org'; 'contact@renewliberal.ca'; 'htakhar.mpp@liberal.ola.org'; 'gk@gerardkennedy.ca'; A. Spacek ; L. Savory-Gordon ; D. Amoroso; D. Oraziotti ; F. Gelinas ; FONOM; G. Bisson ; G. Courville ; G. Mayer ; H. Gow; J. Fratasi; J. Vanthof ; M. Lavigne ; M. Mantha ; M. Price ; M. Sigouin; P. Miasek ; P. Politis ; T. Turritin; V. Fedeli; W. Mitchell; W. Wilcox
Subject: ONR/ONTC Research Task Force : Proceeding with Requests for Evidence Behind ONR/ONTC Decisions

Rick Bartolucci, Minister
Ministry of Northern Development and Mines (MNDM)

Rick,

In the absence of a response to prior communications concerning Financial Domain studies done to justify terminating *The Northlander* and divesting the Ontario Northland Railway Commission, and no indication that a response is forthcoming, I am obliged to proceed without the guidance that the Financial Domain productions would have provided when prioritizing the other elements comprising the body of evidence to be reviewed under the heading, Regional Impact Assessment Studies.

You were previously informed about my interest in this regard in the email of November 23, 2012. It follows below for ease of reference.

I note for the record that the failure on your part to respond to my inquiry in a timely manner has compromised my ability to specify the order of priority for the requested digital productions, or the manual productions should there be materials which for some reason are still prepared, processed, etc., in the non-digital mode by DNDM.

Finally, and for reasons which you will readily appreciate, the candidates for the position of Leader, Liberal Party of Ontario are copied in this and subsequent communications to you about the body of evidence behind the termination and divestment decisions.

Barry

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Transport Action Canada

From: Barry Wellar [mailto:wellarb@uottawa.ca]
Sent: November-23-12 7:45 PM
To: Rick Bartolucci
Cc: charlie.angus@parl.gc.ca; carol.hughes@parl.gc.ca; Jay.Aspin@parl.gc.ca; jvanthof-qp@ndp.on.ca; dorazietti.mpp@liberal.ola.org; Bryan.Hayes@parl.gc.ca; mmantha-qp@ndp.on.ca; claude.gravelle@parl.gc.ca; gbisson@ndp.on.ca; lavignem@ndp.on.ca; vic.fedeli@pc.ola.org'
Subject: Information Request Re Studies Done to Support/Justify ONTC Divestment Decision

Rick Bartolucci, Minister
Ministry of Northern Development and Mines (MNDM)

Rick,

As per a prior communication (October 29, 2012), I was asked by Transport Action Ontario to make inquiries about the soundness of the ONTC divestment decision. The present

communication is a first step towards assembling the body of evidence which was used by the government to make that decision.

It is my expectation that all the requested materials are available in digital format, so there is no need to send paper documents, just the report or file titles and the links. In this way the referenced materials are readily available to members of the ONTC Research Task Force, as well as citizens, public interest groups, elected officials, business operators, the media, and so on.

For analytical purposes, there are two components to this initial information request, that is, a regional impact assessment component and an ONTC component. My interest in body of evidence materials is summarized as follows, and more details can be provided if needed.

A. Regional Impact Assessment Studies

The region involved is the area for rail freight and rail passenger service provided by ONTC, and I believe that two timelines are appropriate in this circumstance, a 50-year historical timeline (1962-2012), and a 25-year projective timeline (2013-2038).

Since I do not know how Northern Development and Mines or the ONTC categorize or label regional impact assessment studies, I am using generic terms which should be sufficient to begin to identify the body of pertinent documentation. And, again, should questions arise the terms can be sharpened as needed.

It is my expectation, therefore, that regional impact assessment study domains which are pertinent to the divestment deliberations include those listed below, and it is for these domains that I wish to be informed about the associated report or file titles and the links to those materials.

1. Economic
2. Economic development
3. Transportation infrastructure construction and maintenance
4. Municipal tax base
5. Financial
6. Social
7. Employment
8. Environment
9. Energy
10. Public Safety
11. Industrial development
12. Accessibility/mobility of area residents
13. Health/medical infrastructure/services

B. ONTC

For the ONTC my focus at this time is on rail freight and rail passenger infrastructure and services, and the same two timelines are appropriate in this circumstance, that is, a 50-year historical timeline (1962-2012), and a 25-year projective timeline (2013-2038).

The ONTC domain of interest at this time involves studies and/or reports, internal and external, as to what was done, what could be done, and what should be done to maintain and/or increase rail freight activity and rail passenger activity for the historical period (1962-2012) and the projective period (2013-2038). Again I wish to be informed about the associated report or file titles and links.

As noted above, this is the first round of the inquiry, and it is most likely that other topics will arise.

In addition, I appreciate the likelihood that MNDM has studies on file for domains other than or different from those named, as well as studies commissioned for divestment deliberations, and I would appreciate having the titles of those materials and the links brought to my attention at the earliest moment.

Rick, thank you in advance for your assistance in obtaining access [to](#) the requested documents.

As you are aware time is of the essence in this matter, and the sooner we can begin the review of documents the sooner we can present our findings as to the soundness of the ONTC divestment decision.

Regards.

Barry

Dr. Barry Wellar, MCIP
Distinguished Research Fellow
Transport Action Canada

Response to email 28: none received

3. Emails in Which G. Kennedy is Copied, and Replies Received

As noted above, G. Kennedy was copied on a number of emails sent to R. Bartolucci. The texts of the emails to which Mr. Kennedy responded are included in full for context purposes, and the convenience of readers. For those cases where Mr. Kennedy did not reply, only the subject heading is presented in the interests of space, time and convenience.

5. ONR-ONTC Research Task Force Request for Decision Evidence: Status of Response?

Response to email 5: none received

12. ONR-ONTC Research Task Force: Proceeding with Requests for Evidence behind ONR/ONTC Decisions

Response to email 12: none received

13. ONR-ONTC Research Task Force: Transportation Domain

Response to email 13: none received

14. ONR-ONTC Research Task Force: Northern Development Domain

Response to email 14: none received

15. ONR-ONTC Research Task Force: Economic Base

Response to email 15: none received

16. ONR-ONTC Research Task Force: Economic Development

Response to email 16: none received

17. ONR-ONTC Research Task Force: Accessibility/Mobility of Area Residents

Response to email 17: none received

18. ONR-ONTC Research Task Force: Municipal Tax Base Domain

Response to email 18: none received

19. ONR-ONTC Research Task Force: Employment Domain

Response to email 19: none received

20. ONR-ONTC Research Task Force: Social Domain

Response to email 20: none received

21. ONR-ONTC Research Task Force: Environment Domain

Response to email 21: none received

22. ONR-ONTC Research Task Force: Energy Domain

Response to email 22: none received

23. ONR-ONTC Research Task Force: Public Safety Domain

Response to email 23: none received

24. ONR-ONTC Research Task Force: Industrial Development Domain

Response to email 24: none received

25. ONR-ONTC Research Task Force: Health /Medical Services Domain

Response to email 25: none received

26. Information Request Re Studies Done to Support/Justify ONTC Divestment Decision

Response to email 26: none received

4. Comment on Contribution of Gerard Kennedy to Task Force Deliverables

At the date of this writing, January 10, 2013, no reply has been received from Gerard Kennedy to any of the 20 emails informing him of the Transport Action Ontario ONR-ONTC Research Task Force, and/or requesting details about and access to studies behind the decisions to terminate *The Northlander* and divest the Ontario Northland Transportation Commission.

Or, to re-phrase in the interest of explicitness, Mr. Kennedy has not responded to any communication regarding the termination and divestment decisions and, as a result, has not provided the Research Task Force any details or comments whatsoever about any study or other production containing evidence, advisories, recommendations, opinions, analyses, etc., underlying the decisions made by Cabinet to terminate *The Northlander* and to divest the Ontario Northland Transportation Commission.

In the event that pertinent information/productions are received from Mr. Kennedy, his contribution to the work of the ONR-ONTC Research Task Force will be updated as time and resources permit.

It is noted in closing that Mr. Kennedy was not a member of Cabinet when Cabinet made the decisions to terminate *The Northlander* and to divest the Ontario Northland Transportation Commission.

5. Communication Received from Gerard Kennedy Regarding Receipt of ONR-ONTC Research Task Force Emails

An email dated January 07, 2013 from Mr. Kennedy acknowledged receipt of the emails, and stated that the emails had been referred to his policy team for a response.