

**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**

**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***

**February 2013**

## 1. Purpose of Report

This report addresses the connection between the decisions made by Cabinet to terminate *The Northlander* (the passenger train service of the Ontario Northland Railway (ONR)) and to divest the Ontario Northland Transportation Commission (ONTC), and the research which was undertaken to provide the basis, logic, rationale, grounding, framework, criteria, etc., for the decisions.

In particular, and as the final report in this phase of ONR-ONTC Research Task Force activity, the focus of this report is on the question which was instrumental in launching the project:

**What is 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?**

The purpose of this report, therefore, is to confirm the extent to which the decisions by Cabinet to terminate *The Northlander* and to divest the Ontario Northland Transportation Commission were based on methodologically sound research, and to then outline some of the research-related implications and consequences that arise or could arise as a result of how Cabinet conducted the deliberations which resulted in the termination and divestment decisions.

## 2. Categories of Response to and Implications of the Question, What is 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?

There are three categories of response to this question, and three associated sets of implications as to what the responses are likely to mean in terms of research-related consequences, including the matters of sustaining or endorsing and challenging or rejecting the deliberations or the decisions.

### Category 1 Response to Core Question

If the decisions by Cabinet are totally based upon, supported by, justified by, or are otherwise derived from methodologically sound research which appropriately covers the pertinent subject matter domains, and uses appropriate research methods and techniques, then the Task Force would so inform Transport Action Ontario, Transport

Action Canada, and any other interested parties of the preeminent role that methodologically sound research played in Cabinet’s deliberations and decisions.

The general implication of this finding is that due to methodologically sound research underpinning the decisions by Cabinet, there are substantive grounds for sustaining and endorsing the deliberation processes and the decisions, and little or no substantive basis to challenge or reject the deliberation processes or the decisions.

### **Category 2 Response to Core Question**

If decisions by Cabinet are partially based upon, supported by, justified by, or are otherwise derived from methodologically sound research which appropriately covers the pertinent subject matter domains, and uses appropriate research methods and techniques, then the Task Force would so inform Transport Action Ontario, Transport Action Canada, and any other interested parties as to the partial extent to which methodologically sound research affected Cabinet’s decisions regarding the disposition of *The Northlander* and the Ontario Northland Transportation Commission.

The general implication of this finding is that because the research underpinning the decisions by Cabinet is incomplete, inadequate, technically flawed, or otherwise wanting for reasons related to methodology, the grounds for sustaining or endorsing and challenging or rejecting the deliberation processes and the decisions range from marginal to significant.

Two comments should be sufficient to illustrate the scope and depth of the task to either sustain/confirm or challenge/reject the deliberation processes and decisions.

With respect to subject matter that was considered, could have been considered, and should have been considered, the mix of possibilities is indicated in the publication, [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](#), which identifies 13 regional impact assessment study domains of interest, and the rail freight and rail passenger infrastructure and services aspects of the Ontario Northland Railway (ONR) and the ONTC.

And, I hasten to add, the word “indicated” is used advisedly. The 13 study domains were selected for the first round, but another 10-25 new or different study domains could be identified once it is learned which of the initial 13 study domains or parts thereof were the subjects of studies or other productions considered by Cabinet.

With respect to research methods and techniques that were considered, could have been considered, and should have been considered during the deliberation process or processes, the mix of possibilities is indicated in Table 2 (p. 8) of the ONR-ONTC Research Task Force report, [An Opinion as to the Soundness of the Research Underlying the Decisions Made by Cabinet to Terminate \*The Northlander\* and to Divest the Ontario Northland Transportation Commission](#).

Again, the word “indicated” is used advisedly. The 42 methods and techniques in Table 2 serve the important purpose of distinguishing between methodological and non-methodological approaches, but it is likely that another 150-250 new or different methods and techniques could be identified once it is learned which research methods and techniques were used in studies or other productions considered by Cabinet.

Further, and this point may be evident but is made explicit to avoid any future uncertainty, when the deliberations and decisions by Cabinet are partially based on methodologically sound research, then the research design for dealing with the situation is very similar for both the sustain/endorse and challenge/reject perspectives.

Or, to re-phrase, once Cabinet goes down the path of engaging in deliberations and making decisions which are partially based upon, supported by, or justified by methodologically sound research, then the door is opened for all kinds of modifications to the subject matter domains and the array of methods and techniques which could be and/or should be incorporated in the research design to underpin Cabinet’s deliberations and decisions regarding ONR rail freight and rail passenger infrastructure and services, and the ONTC.

### **Category 3 Response to Core Question**

If the decisions by Cabinet are not based upon, supported by, justified by, or otherwise derived from methodologically sound research, then the Task Force would so inform Transport Action Ontario, Transport Action Canada, and any other interested parties that methodologically sound research played no role in Cabinet’s deliberations and decisions.

The implication of this finding is that because there is no methodologically sound research underpinning the decisions by Cabinet, there are no substantive grounds for sustaining and endorsing the deliberation processes and the decisions.

However, there is what might be termed “an open book” of substantive grounds for challenging or rejecting the deliberation process or processes and the decisions.

By way of brief comment on the contents of “the open book”, it could include all the subject matter and methods and techniques material presented in any of the Research Task Force reports, as well as any other research methods and techniques and bodies of subject matter that are pertinent to engaging in methodologically sound deliberations and making methodologically sound decisions with regard to the disposition of ONR rail freight and rail passenger infrastructure and services, and the Ontario Northland Transportation Commission.

Section 3 presents our findings with regard to the core question,

**What is 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?,**

and assigns a Category 3 rating to the decision-research connection.

Then, in Section 4, several research implications that arise from the Category 3 rating are outlined.

### **3. Finding: No Evidence Was Provided or Identified to Establish that Methodologically Sound Research Played a Preeminent or Partial Role in the Termination or the Divestment Decisions**

As discussed in *An Opinion as to the Soundness of the Research Underlying the Decisions Made by Cabinet to Terminate The Northlander and to Divest the Ontario Northland Transportation Commission*, no evidence of any kind was provided or has been identified which demonstrates that 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.

Rather, in the absence of evidence that methodologically sound research is the basis, rationale, etc., of the decisions, the default finding prevails in two respects.

That is, since there is no evidence to warrant assigning a Category 1 or Category 2 rating to the decisions-research connection, the only available rating is Category 3.

And, since there is no evidence that methodologically sound research was the underpinning of the two decisions, the decisions were based on one or more non-methodological methods and techniques such as anatomical sourcing, authority, committee approach, common sense, NIMBY strategy, squeaky wheel, and YIMBY

strategy, all of which fail analytical tests associated with such criteria as validity, reliability, reproducibility, generality, replicability, explicability, predictability, causality, consistency, evaluability, comparability, and representativeness of the research inputs, processes or procedures, and outputs.

#### **4. Implications of the “No Methodological Research” Finding for Sustaining/Endorsing or Challenging/Rejecting Cabinet’s Deliberations and Decisions**

There may be reasons for sustaining/endorsing the decisions to terminate *The Northlander* and divest the Ontario Northland Transportation Commission. Whatever those reasons might be, however, they apparently have nothing to do with methodologically sound research.

Consequently, due to the absence of methodologically sound research, there is no substantive basis to justify, support, maintain, retain, defend, uphold, stick with, promote, or otherwise find favour with the decision to terminate *The Northlander*, or the decision to divest the Ontario Northland Transportation Commission.

Moreover, due to the absence of methodologically sound research, there is no substantive basis for “fine-tuning” or “tinkering” with the decisions because there are no substantive grounds for soundly deciding what kind(s) and how much fine-tuning or tinkering should be done in any study domain, or with any aspect(s) of rail freight or rail passenger infrastructure and services.

A summary implication therefore, is that since there is no substantive research basis for sustaining or endorsing either the termination decision or the divestment decision, both decisions should be rescinded immediately and *The Northlander* and the Ontario Northland Transportation Commission returned to their respective pre-decision states.

Then, after an appropriate time for adjusting on the parts of *The Northlander*, the Ontario Northland Transportation Commission, and the individuals, businesses, and organizations affected by the termination and divestment decisions, the matter of re-visiting the two disposition questions in a methodologically sound research context could be considered.

As for “the open book” of substantive grounds for challenging or rejecting the deliberation processes and the decisions discussed above in Section 2, a word of caution is in order as part of this implication comment.

Compiling the entries – subject domains and measures and techniques – for this open book is potentially a very difficult and time-consuming multi-dimensional task, and is the

kind of task that governments at all levels prefer to off-load, down-load, or free-load onto ordinary citizens, rather than do the heavy lifting themselves.

It appears, therefore, that a double heads up may be in order about this implication.

First, the (Liberal) government of the day created what I believe is a research and policy research mess, and it did so by apparently not undertaking the proper methodological research to underpin decisions related to both *The Northlander* and the Ontario Northland Transportation Commission.

For various reasons I believe it would be best for all concerned if, after the termination and divestment decisions are rescinded and *The Northlander* and the Ontario Northland Transportation Commission are returned to their respective pre-decision states, pressure is applied to the Ministry of Northern Development and Mines (MNDM) and any other provincial agency with involvement in ONR, *Northlander*, or ONTC matters, to publicly undertake the methodologically sound research that is necessary should the present or a future government decide to re-visit the two disposition questions.

Given the provincial record to date, the sooner that undertaking on the part of MNDM, and/or the Ministry of Transportation, and/or any other provincial agency begins in earnest, the better.

And, as part of that pressure, I believe it is necessary that Transport Action Ontario, Transport Action Canada, and the individuals, businesses, and organizations affected by the two disposition questions, pursue funding from the provincial government that enables striking an independent body which performs the kind of public interest research which is outlined in the reports produced by the ONR-ONTC Research Task Force.

Second, there is the matter of difficulty in obtaining details about and access to provincial government studies and productions which are “done on the public’s dime”, and are the property of the public in principle, but when it comes to practice there can seemingly be no end to the revolving door, foot-dragging, file-shuffling activities that come to the fore when sharp questions commence to be asked about the evidence behind provincial policy and program deliberations and decisions, including those involving *The Northlander* and the Ontario Northland Transportation Commission.

Based on the evidence, there is no reason whatsoever to assume, presume, or even hope that requests for details about and access to studies and other productions involving *The Northlander* or the Ontario Northland Transportation Commission will be made readily available in a timely, complete, and digital manner.

Or, to re-phrase, just because it may be the right thing to do from the perspective of such good governance *desiderata* as accountability, transparency, openness, integrity, competence, credibility, and service to citizens, the right thing to do seemingly has little or no clout relative to the other factors driving political choices on a day-to-day basis.

As a result, I believe that discussions should be held at the earliest opportunity with the Information and Privacy Commissioner, Province of Ontario, to learn how the Commissioner can assist in obtaining details about and access to provincial files, studies and other productions associated with *The Northlander* and the Ontario Northland Transportation Commission.

A previous report, [Elements of Applications Requesting the Information and Privacy Commissioner, Province of Ontario, to Assist in Obtaining Access to Records Used in the Decisions by Cabinet to Terminate \*The Northlander\* and to Divest the Ontario Northland Transportation Commission](#), provides a number of suggestions in that regard.

## 5. Conclusion

Due to the absence of methodologically sound research, there is no substantive basis to justify, support, maintain, retain, defend, uphold, stick with, promote, or otherwise find favour with the decisions to terminate *The Northlander* or to divest the Ontario Northland Transportation Commission.

Moreover, due to the absence of methodologically sound research, there is no substantive basis for “fine-tuning or “tinkering” with the decisions because there are no substantive grounds for soundly deciding what kind(s) and how much fine-tuning or tinkering should be done in any study domain, or with any aspect(s) of rail freight or rail passenger infrastructure and services.

A summary implication therefore, is that since there is no substantive research basis for sustaining or endorsing either the termination decision or the divestment decision, both decisions should be rescinded immediately and *The Northlander* and the Ontario Northland Transportation Commission returned to their respective pre-decision states.

Further, a reasonable amount of time for adjusting on the parts of *The Northlander*, the Ontario Northland Transportation Commission, and the individuals, businesses, and organizations affected by the termination and divestment decisions, should be established at the outset to provide the temporal frame of reference for potentially revisiting the two disposition matters.

Further, it is deemed best for all concerned if, after the termination and divestment decisions are rescinded and *The Northlander* and the Ontario Northland Transportation



Commission are returned to their respective pre-decision states, that pressure is applied to the Ministry of Northern Development and Mines (MNDM) and any other provincial agency associated with the Ontario Northland Railway, *The Northlander*, or the Ontario Northland Transportation Commission, to undertake the methodologically sound research that is necessary should the present or a future government decide to re-visit the two disposition matters.

And, as part of that pressure, Transport Action Ontario, Transport Action Canada, and the individuals, businesses, and organizations affected by the two disposition questions are advised to pursue funding from the provincial government that enables striking an independent body to perform the kind of public interest research which is outlined in the reports produced by the ONR-ONTC Research Task Force.

Finally, there is the matter of difficulty in obtaining details about and access to provincial government studies and productions in general, and those involving deliberations and decisions with regard to *The Northlander* and the Ontario Northland Transportation Commission in particular.

It is seen as necessary that discussions are held at the earliest opportunity with the Information and Privacy Commissioner, Province of Ontario, to learn how the Commissioner can assist Transport Action Ontario, Transport Action Canada, and the individuals, businesses, and organizations affected by the two disposition questions to readily obtain details about and access to provincial files, studies and other productions associated with the Ontario Northland Railway, *The Northlander*, and the Ontario Northland Transportation Commission.