

*Abandoned Rights of Way*

The municipality has the authority and the expertise to handle land use planning within its boundaries. In most cases, the disposition of title to the land is up to the railways, which may sell to the province or private interests as well as to the municipality.

The next step, the use of the land, is the proper decision of the municipality. At the moment, as this bill states, the governor in council does not receive any official advice on the disposition of railway lines. The authority proposed in this bill would perform that function.

There are certain technical aspects to this bill and I would like to comment on some of these specific provisions. I am interested in the rationale for the membership of the proposed authority. First, an employee of the Canadian Transport Commission provides valuable knowledge of the history of the rail line up to abandonment. However, the role of the commission as a regulatory agency is quite strictly circumscribed by law. Participation of one of its employees on a separate statutory body such as the authority could cause problems. Speaking without the benefit of legal advice, I wonder if this participation might require amendment to either the Railway Act or the National Transportation Act.

Second, an employee of the Department of Transport, while raising less of a legal problem, might not be in a position to contribute a great deal in individual cases of abandoned lines. The federal government does have a program of urban transportation assistance, but the determination of priorities with respect to individual operations is left to the provinces and the municipalities. Therefore, the reference here to use for rapid transit would have to come within that context. Third, while the Department of Indian Affairs and Northern Development is included, appropriate representation might also come from Parks Canada, which now reports through the Department of the Environment.

Under the bill, the authority is established to advise the governor in council on, among other things, "the acquisition of title to any abandoned railway line or railway right of way determined by the Canadian Transport Commission to be either abandoned or unlikely to be used for railway purposes in the future".

This responsibility creates difficulties in connection with the CTC's mandate. As described above, the CTC simply makes a decision as to the abandonment of the operation of a railway line. Despite the implication of this section, the CTC makes no judgment on the future of the land itself. The reference to acquisition of title raises yet another problem, repeated later in the bill, of funding. While not explicitly stated, there is a hint that the authority might recommend purchase of some abandoned rights of way by the federal government. This, of course, is a matter that could be clarified.

● (1640)

On the question of the CTC being requested for particulars of abandoned lines, I am advised by the commission that no further records are maintained once operations on a line are approved for abandonment.

Finally, the requirement for a one year's notice of abandonment could work both ways. At present the absolute minimum is three months, and six months, and six months is quite normal, so there is a certain amount of notice under the existing system. There might, however, be situations where quick abandonment would be desirable, in which case the requirement contained in the bill would then become a handicap and not an aid.

I see merit in this bill. The bill makes it clear that careful thinking should be done on the future of abandoned rights of way. However, the question remains, how can this best be done? Each part of the country has unique problems and unique opportunities. In September when the Standing Committee on Transport, of which I am a member, travelled through the maritimes, we heard submissions about the use of abandoned land. In my constituency of Mississauga North our city has a well-developed planning department which undoubtedly prefers to become involved when new land use opportunities are opened up.

It seems to me that the most productive approach to this question would be a reliance on local level decisions. That should not, of course, preclude provincial or federal participation on an advisory basis. The consultative process between levels of government and orders of government is now a fact of life. The key question is whether we need to formalize or enshrine in legislation a special body to deal into this question. In an area like this I am convinced that specific problems can be solved locally with good will, co-operation and imaginative thinking between all three levels of government.

It seems to me that the author of this bill, the hon. member for Châteauguay, has raised an important topic. We need to find ways to make railroads and municipalities better neighbours; we in my area know that well.

Thank you, Mr. Speaker, for this opportunity to comment on this bill. I would like also to congratulate its author for an important start on this interesting question.

**Mr. Fred McCain (Carleton-Charlotte):** Mr. Speaker, this bill implies that we will be continuing to abandon railroad properties. I think the last speaker has touched upon a subject matter which would perhaps bear a little expansion. Not only do we need a policy for the disposition of the rights of way which have been abandoned, but we also need very urgently a long-term policy on transportation as it pertains to Canada as a whole and particularly as it pertains to the rails.

I do not think we have a proper analysis at hand of what is the most viable and serviceable means of transportation. I do not think we have made use of the respective capabilities of the various forms of transportation. Until this is done I do not think there should be anything but a freeze upon the abandonment of rail lines, wherever they may be.

While the Hall commission permitted some abandonment and created some of the lands which are the primary subject of this debate, it did at the same time emphasize that there were certain lines which must be kept in place. A later study suggested that the Hall commission had perhaps given assent