

*Railways*

derailment occurred 15 or 20 minutes later, it would have occurred in my constituency. Luckily it occurred in Mississauga, an industrial area, so no fatalities occurred. It could have occurred in my constituency or anywhere along the CP right-of-way in metropolitan Toronto, and I would hazard a guess that many hundreds or perhaps even thousands of people could have been injured by that very serious train wreck.

As I said, the current Railway Act provides for cow fencing to be installed along railway rights-of-way, but it does not provide specifically for chain-link fencing. An accommodation can be reached between a railway and a municipality after lengthy negotiation.

I should like to look at the correspondence I have received on this subject. Most recently I received a copy of an August 23, 1978, letter to Mr. J. D'Avignon, the secretary of the railway transport committee of the Canadian Transport Commission. It is quite obvious that the railways are not serious about protecting the young children of urban centres by taking the initiative and co-operating with municipalities in erecting this kind of fencing. My bill makes provision for a municipality—in my case, either the borough of East York, the city of North York or metropolitan Toronto—to make an application to the Canadian Transport Commission to instal chain-link fencing.

The railways argue against this by indicating that there will be many frivolous requests. That is the reason we specifically require an application to the CTC. I am sure there are rural members in the House today who know that to put chain-link fencing along the borders of the wheat fields of Saskatchewan or the farmlands in southwestern Ontario would be an exorbitant waste of money. But in urban areas, such as metropolitan Toronto in particular—and I am sure every other major urban area in the country—there is a need to protect the lives of innocent children.

The Toronto Transit Commission, which runs the electric rail system or the subways in metropolitan Toronto, obviously must put chain-link fencing along its rights-of-way because of the live third rail. But I would submit there is very little difference between a live third rail and a freight train with a hazardous cargo which, on the downhill on the CP track in my constituency, travels at least 70 miles per hour. These trains carry many hazardous and heavy loads; there are curves in the valley and braking is almost virtually impossible. In situations like that we need some protection for young children who trespass on railway rights-of-way. Basically, that is what the bill before us deals with. The city of North York in Toronto has been very supportive of this approach. In fact, there was a resolution of the works committee as adopted by the Borough Council, as it then was, in 1974 which I think succinctly summarizes the problem. I wish to quote from that works committee report:

Fencing along railroad tracks is erected by the railroad companies "for the purpose of keeping domestic livestock from railway property and protected from trains".

● (1710)

That quotation is from the Railway Act. The report goes on: The city of Toronto contends that more substantial fencing should be erected along railroads by the railway companies through urban areas than the type of fencing required along railroads through farmlands and recommends as follows:

"Whereas Section 277 of the Railway Act provides for the erection of fences to a height of 4 feet 6 inches on each side of a railway, for swing gates at farm crossings and for cattle guards;

"And whereas such fencing and gates are adequate for cattle but not for human beings;

"And whereas the Minister of Transport has advised the city of Toronto that he is not prepared to advocate an amendment to Section 277 of the Railway Act at this time,

"Now therefore be it resolved that the federal government be asked to give further consideration to amending the Railway Act so as to obligate the railways to provide adequate fencing for the protection of the public in urban areas beyond the amount authorized to protect livestock, having due regard for the commercial users of the railways."

I maintain that this will not cost an exorbitant amount of money in metropolitan Toronto, or in any other municipality, since private owners often erect, at their own expense, chain-link fencing to keep, for example, residents of an apartment building, or employees of a factory, from trespassing on the railways. They bear that expense.

In the city of North York I believe that almost half of the railway rights-of-way do have some kind of chain-link fencing. Thus, the cost will not be exorbitant. What I am asking for is the differential cost between the cattle fencing, which is now stipulated in the Railway Act, and chain-link fencing. The differential should be split 50-50, 50 per cent for the effective municipality and 50 per cent for the railway concerned. I believe this will go a long way toward keeping the very busy railway rights-of-way in urban areas safe.

Again, I wish to underline the fact that there have been discussions among the parties with respect to this matter. I have talked with the hon. member for Vegreville and with the hon. member from the NDP. There seems to be a general disposition to allow this bill to go to committee, to hear witnesses and to let the president of the Canadian Transport Commission be brought forth to explain the role of the Commission. The Minister of Transport should come forward to state government policy.

The railways may also come forward and object to providing what I consider to be a useful public service in the erection of chain-link fencing on railway rights-of-way in urban areas. But they would do this at their own peril, although I think that many Canadians, and certainly the mother of Sandra Jensen as well as many of my constituents who are affected by this particular problem, feel that it is almost an uphill battle to take on the railways. It has often been said that the Canadian Pacific Railway or CP investment is bigger than the government. I am sure some of my friends from out west would agree with me.

**Mr. Knowles:** True!

**Mr. Collette:** Here is a case where, over the objections of the railways which have asked that this bill not go forward, the