

Railway Act

different than that which had been the basis of railway practice. The effect of the decision is that once an order for protection has been approved, the railways are then required by law to pass over the crossing concerned at 10 miles an hour. It had been the practice, where crossings of this type had been involved, and the time for installing the protection had passed, that trains should be required to pass over the intersection at this limited speed. The interpretation placed on it by the Alberta judgment also meant that trains could not speed up once they had entered the crossing.

Mr. Diefenbaker: Whose judgment is that?

Mr. McIlraith: Mr. Justice Manning's. Once the trains had entered the crossing it is felt they should be able to speed up. One result of the proposed change is that the board of transport commissioners can deal with the question of the speed when they are making the order. The effect of the judgment is that the practice of trying to get from the highways departments of the provinces the various crossings with which they are concerned and make the orders as early in each year as possible, although work on those orders might not be carried out until considerably later in the year, would have to be changed or discontinued; and it is thought that this would mitigate against the effective use of the grade crossing fund.

From my observations in the house over a vast number of years I must say that I think this is legislation of a nature that has commended itself to all parties in the house, and I would hope that the legislation for which leave is now being sought would appeal to the house in the same way.

Mr. Mather: Mr. Chairman, I wonder whether it would be in order at this time for me to ask the minister a question regarding these level crossing procedures. Has the government given consideration to the brief submitted by the Canadian Automobile Association and the representations of other road safety organizations, which I understand are advocating the arm type of railway crossing guard protection involving the lowering of the guard at the crossing? Further, has the department considered the wisdom of guarding crossing approaches by means of the standard highway safety signs used in the provinces?

Mr. McIlraith: I think I should point out to the hon. member for New Westminster that this is a matter that is dealt with by the board of transport commissioners, not by the department. Briefs have been submitted to them. The board of transport commissioners works very closely with the provinces in this matter. The relationship is quite close, and I have reason to believe it is relatively

[Mr. McIlraith.]

satisfactory to both parties concerned. The program also appears to have had some effect in reducing the number of accidents. I think hon. members will be glad to know that there is a declining number of accidents at these crossings each year. That process has gone on since 1958. This is particularly significant when you bear in mind the sharply increased number of automobiles on the highways each year and, regrettably, the sharply increased number of automobile accidents taking place each year.

Mr. Howe (Wellington-Huron): Mr. Chairman, I should like to say a few words on the very important piece of legislation before the committee this afternoon. That it is important practically every member in the house will agree, because they will have memories of tragic accidents that have occurred at level crossings in their ridings. I well remember some that have occurred in my riding or adjacent to it. One accident that stands out in my mind particularly took place at Hillsburgh, a few miles from Guelph, just a few short months ago. A school bus was struck by a train. Quite a number of young students as well as the driver of the bus were killed, and there were serious injuries to others riding in the bus.

Grade crossing separation is a progressive practice that has been going on for some time, and a great many have been installed at level crossings throughout the country. The fact is that trains are not running as regularly as they used to because of the reduction in traffic, but I think it is just as imperative now as it ever was that grade crossing separations be carried out. People become careless. When they come to a railway crossing they should realize that the only way to get across safely is to proceed on the basis that any time is train time, and take all the necessary precautions.

However, at times the public have to have this brought to their attention more forcibly through the installation of signal lights and crossing arms, which are still important factors in preventing accidents. In this day and age, when people are travelling faster in their motor cars and when railroad trains are travelling faster, I think it is important that this legislation be kept in force. I was noticing that in the estimates for 1960-61 the fund stood at \$10 million and was then reduced to \$5 million. Perhaps when the minister is replying he might tell us just where the fund stands at the moment. He might also be able to tell us how many applications there are before the board at the moment for the installation of signals, crossing arms or grade separation, as it is called.

There is one other point I should like to mention. When this act was being amended in