the day to control these activities closely for the protection of the public and railway employees.

Whether the companies were big or small, their operations were a far cry from those of today. Trains were short, slow, few and far between. The environment has changed. Canada's railways now move massive volumes of freight to and from factories, mines, farms and ports to keep the national economy healthy. The trains themselves have grown enormously. Fifteen-thousand-tonne trains are now commonplace, compared to 200- or 300-tonne trains at the time when the Railway Act was first written. Today's large trains move faster and with fewer stops than ever before.

Railways are in the midst of the technological revolution. Sophisticated communications equipment and computer systems now control the movement of trains. A major new development will soon allow the transmission of train movement instructions directly by radio to computers on board locomotives. The government is providing funding to encourage this development known as the "advanced train control system". This and other technological advances offer significant improvements to railway safety. The railways are making large investments in high technology, with much more to come.

However, while the transportation environment and the railways have changed, the legislation has remained the same. The railway safety regulator is handicapped while working under the existing Railway Act, which was designed for another era. This fact was reflected in the report of the commission of inquiry into the Hinton train collision. Justice Foisy was concerned that government is not keeping pace with the need to modernize rules and regulations.

Currently, matters of safety regulation, economic regulation, accident investigation, and the assorted provisions governing telegraph systems and railway corporate affairs are all combined in one voluminous Railway Act. The combination of safety and economic regulation and accident investigation in one agency of government is no longer considered to be in the public interest. There is a potential for conflict amongst these responsibilities and, while no such conflict has been evident in the performance of the Canadian Transport Commission or its successor, the National Transportation Agency, it is the policy of the government to separate these responsibilities.

● (1450)

The Railway Act has placed too great an emphasis on detailed regulation of routine construction work, which today is covered by nationally accepted engineering standards. It has many anachronistic references to operating practices that disappeared from Canadian railways years ago. It also imposes on the railway rule-maker the review procedure for government regulations, which were designed to protect the rights and privacy of individuals, not to deal with technical aspects of railway operations. The government regulator and the industry face serious delays when making needed changes to operating rules simply because the Railway Act requires it. Mr. Justice Foisy in his inquiry into the Hinton train collision was sufficiently concerned about these delays to recommend specifically that the government "take immediate steps to make the uniform code of operating rules current and to maintain it in that condition." It is difficult, if not impossible, to do so under the provisions of the Railway Act.

Today's safety concerns focus on how railways operate and maintain heavy density main lines involving the movement of 15,000-tonne freight trains and passenger trains carrying hundreds of people; yet the Railway Act gives limited powers of inspection to professional engineers. "Rules and operations" inspectors, who are not professional engineers, are performing essential functions without the legal backing to enforce their decisions.

The penalties found in the Railway Act are absurd by today's standards. An engineer can be fined $8 for failing to blow his whistle at a crossing, while a multimillion dollar corporation may face a fine of $100. The Railway Act also contains the threat of punishment by hard labour—a harsh, outdated concept, some may say.

Honourable senators, the need is clear: Railways and the transportation environment are changing rapidly and the legislation must meet the challenge.

Under the Criminal Code, it is a criminal offence to drink and drive or to drive dangerously. The public has a right to expect that these prohibitions apply to all transportation; but while they apply to trucks, airplanes and ships, it is surprising to know that these offences do not apply to persons responsible for the movement of railway equipment.

This unusual situation probably occurred because the railway companies own and control the railway equipment and the tracks over which it moves, employ the people who operate the equipment and have their own police forces. The combination of railway operating rules and internal enforcement may have been the justification for an otherwise unacceptable omission.

While the railways' absolute prohibition against impairment on the job has been effective in minimizing the threat to public safety, railway operating employees work difficult hours and spend much of their time away from home. Research into the use of alcohol and drugs indicates that these working conditions create a high risk of substance abuse.

The public is exposed to the operation of trains as passengers, as motorists at grade crossings and as individuals living or working near railway lines. Train crews routinely control the movement of freight trains, which, to an increasing extent, carry a wide variety of dangerous commodities. It is essential that their vigilance is not in any way impaired by alcohol or drugs. For this reason the Criminal Code provisions that apply to truck drivers, ships' captains, aircraft pilots and every motorist should also apply to railway employees. This is an omission which the new legislation corrects.

There are certain fundamental principles on which the regulation of railway safety in Canada must be based: Safety regulation must be separated from responsibility for economic regulation and accident investigation; the roles and responsibilities of the regulator and railway management must be clearly defined; the regulator must have the power to protect