

*Railway Act*

**Mr. McIlraith** thereupon moved for leave to introduce Bill No. C-111, to amend the St. Lawrence Seaway Authority Act.

Motion agreed to, bill read the first and second times and the house went into committee thereon, Mr. Batten in the chair.

On clause 1—*Power to borrow money.*

**Mr. Herridge:** Mr. Chairman, I appreciate the minister answered one of the questions I asked in respect to giving some illustration of the need. I thought that was pretty useful, but would he inform the committee of the timetable for construction, give a breakdown of the costs, and tell us when it is expected the works will be completed?

**Mr. McIlraith:** Assuming the authority is granted by parliament, it is expected the arrangements for the work will be put in hand immediately. I think the best way of illustrating the time of the actual construction is to give the payments per calendar year, because the payments will be made as the work progresses. The estimated expenditure in 1964 is \$10 million; in 1965, \$20 million; in 1966, \$40 million; in 1967, \$40 million; in 1968, \$40 million and in 1969, \$30 million. It is expected that the major portion of the project will have been completed in the first quarter of 1969.

Clause agreed to.

Title agreed to.

Bill reported and read the third time and passed.

**RAILWAY ACT**

AMENDMENT EXTENDING PAYMENTS FROM GRADE CROSSING FUND

**Hon. G. J. McIlraith (Minister of Transport)** moved the second reading of Bill No. C-110, to amend the Railway Act.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Batten in the chair.

On clause 1—*Speed limit in unprotected populated areas.*

**Mr. McIlraith:** Mr. Chairman, I would like to point out the nature of the amendments. The first part of the bill deals with the amendment I spoke of consequent on the Alberta court case, where section 312 of the act was interpreted in a way that had not been in accordance with the practice and what the section was thought to mean. The only change is that where the clause in the bill provides that "no train shall enter a highway crossing" the words used in the act were "shall pass" any highway crossing.

As I explained on the resolution stage, the control of the limit of speed has always been interpreted to be control of the speed at which a train enters the crossing, and not at which it passes over a crossing. For long trains moving slowly at ten miles an hour this actually means interference with the use of a crossing by motor vehicle traffic, instead of a measure intended to procure safety for the motor vehicles using the crossing. Therefore the word "pass" is being changed to "enter".

Also a clause has been added giving the board jurisdiction to fix the speed at which a train may enter a crossing, when the board makes these orders for works at any grade crossing.

Formerly it was statutory. The same remarks apply to the two related sections, 312 and 428. For some reason that is not wholly clear to me but is known to law officers concerned with drafting these things and is purely a legal reason, those clauses in the bill are put first, and the last clause in the bill is the one having to do with the extension of the provision of funds; that is, the limitation on the amount that can be spent under section 265 of the Railway Act. That section, although it bears a lower number, is put at the last part of the bill because it is an amendment to an amendment; the only change there is to provide for the addition of three extra years, changing the figure "6" to "9"; that is to say, nine years from January 31, 1958.

**Mr. Herridge:** Mr. Chairman, I have two questions to ask the minister, and I thank him for his explanation. Does this mean there will be a survey of railway crossings, and possibly new regulations as to speed imposed upon certain crossings where that is the most effective way of meeting the situation at the present time? My second question is: is there continuing research into the possibility of providing a cheap form of warning for those many crossings that would not warrant the expense involved in a survey?

**Mr. McIlraith:** Mr. Chairman, there is continuous work going on in this field; the engineers are constantly at work on it. I should add, by the way, something that was not adequately clarified by me previously. While the applications originate, in the normal course, from the provinces for the start of each year, and from the municipalities, if the board hear of any case where there is a dangerous situation, they immediately investigate it. That answers the question raised by the hon. member for Queens-Lunenburg. Any town or municipality can initiate such a project, but regardless of that, if the board