

amounts to \$10.5 billion compared with assets carried in its 1979 annual report of \$11 billion. We have already paid for the CPR, Mr. Speaker. That is why the New Democratic Party favours bringing the CPR under public ownership. That is why, in a sense, this bill can be considered irrelevant. However, let us recognize what I have described in the Hall commission report, the role of the CPR and how it needs to be compensated for abandoned lands. I think it is fair to recognize that this is an opportunity for Canadians to have one more chance to utilize abandoned rail lines in Canada. To that end, we are quite prepared on this side of the House to support the reference of this bill to an appropriate committee. In committee it will receive analysis, and hopefully action will be taken.

I close by quoting from the Royal Commission on the Natural Resources of Saskatchewan as follows:

—As time went on, additional land subsidies were promised to the Canadian Pacific Railway for subsidiary lines, and to other railway companies for other projected lines. By 1905, more than 55,000,000 acres of prairie lands had been so pledged, but only two-thirds of this acreage was earned by actual construction. Well before 1905, the policy of subsidizing railway construction by land grants had been discontinued but the process of selecting these lands so earned, and the aftermath of tax exemption, remained for many years to vex the growing communities of the west.

It should be pointed out that practically the whole burden of providing land for these railway subsidies, not only for the railways within the prairie provinces as set up in 1905, but for the railways to the north, as well as for portions of the Canadian Pacific lying in western Ontario and in British Columbia, fell to the lot of the three prairie provinces, chiefly to Saskatchewan.

As Hall indicated in his report, there should be no corporate crying over the return of rights of way to the Crown. As the hon. member who presented this bill has shown, there are some very exciting and dynamic possibilities with regard to the use of these abandoned rail lines both within our cities and adjacent to them. For that reason we would like to see this bill referred to committee as soon as possible for action.

Mr. Douglas Fisher (Mississauga North): Mr. Speaker, I like the idea behind this bill and I congratulate the hon. member for Châteauguay (Mr. Watson) for introducing it and for bringing to our attention once again the need to provide protection when a railroad line is abandoned and new uses for the land have to be found.

I come from Mississauga. Since last November, naturally everyone from Mississauga takes considerable interest in railroads and their behaviour, not just in the potential for dangerous accidents but also in the much broader question of good neighbourliness between these large corporations and the local municipality.

As a representative from a large eastern urban riding I particularly enjoyed the examples which the member from Châteauguay presented. I would like to read his explanatory note and put it on the record again. It states:

There is an increasing awareness in Canada of the potential for rapid transit or recreational use of abandoned railway lines or unused railway rights of way. Too often in the past sections of abandoned railways have been sold and buildings erected on the abandoned portion with the result that potential future uses such as urban transit or bicycle, pedestrian or snowmobile trails have been effectively blocked. The proposed bill would safeguard the long-term public

interest for both rapid transit and recreational uses of abandoned rail lines and railway rights of way.

● (1630)

As I mentioned, I like the idea of this bill. It proposes that we set up an authority which would advise the governor in council on the disposition of abandoned railway lines. Surprisingly, there is now no official advisory body on this question despite the wide range of regulatory and advisory bodies now in existence, not to mention government departments themselves. Despite all of this, the governor in council does not have some official source of advice on the disposition of abandoned railway property.

Not that the Railway Act is silent on the question of railway lands, or for that matter on the question of abandonment. The Railway Act offers literally dozens of pages dealing with the ways in which the railways may acquire and use lands.

The act contains extensive provisions dealing with applications by railways to the Canadian Transport Commission to abandon a branch line on the grounds that it is uneconomic, and the subsequent procedure, which is long, sensitive and complicated.

What happens when a line is abandoned? To be precise, section 106 of the act refers, not to the abandonment of the line itself, but to the abandonment of operations on a line. The railway must be granted permission to abandon operations on a line, but once that is granted, the jurisdiction of the CTC and of the federal government ceases, even though the track remains. From then on, the railway is empowered to, and I quote section 102(1):

—alienate, sell or dispose of, any lands or property of the company that for any reason have become not necessary for the purposes of the railway.

This power of disposal applies even to lands given by the Crown, with the exception of Crown lands entrusted to CN under section 19 of the CNR Act. In this special case, the land reverts to the Federal Land Management Committee for a recommendation on disposition. I note that Bill C-221 does not make mention of this special situation.

When federal jurisdiction ceases, it would seem that municipal jurisdiction is left to fill the gap with respect to land use. Although I admire the need for sensitivity as expressed by the hon. member for Châteauguay, I also feel we should continue to leave in the hands of the municipalities the final decisions on land use.

Abandoned rights of way are, unfortunately, not easy things to dispose of. In agricultural areas, farmers are often not eager to take the land as it consists largely of gravel and ballast. New roads are sometimes laid across the right of way leaving short, narrow sections of land too small for commercial development or unattractive for recreational use. In the absence of maintenance by the railway, drainage becomes a problem, and more often than not the right of way becomes an overgrown, neglected loss.

I am sympathetic with the need for sensitivity in our disposal of these lands, but it seems that a municipality and a local authority are best able to deal with these concrete problems.