

Railway Act

establish negligence on the part of the railway in court. Of course, the railway can afford to wait a long time and may not be in a great hurry to settle. The railway can also afford to hire high-priced legal help to present its case, while the individual farmer or group of farmers would not be in the same position.

The need for change is obvious. The appropriate way to proceed would be for the Standing Committee on Transport to seek expert advice on what would be an appropriate compensatory figure, and perhaps an improved process. In that manner, a farmer or group of farmers would be able to expedite a presentation regarding a fire on their property caused by one of Canada's railways.

Mr. Alan Redway (York East): Mr. Speaker, when I came to the House tonight, I did not intend to speak on this subject. However, as I listened to other Hon. Members make their comments, the subject aroused my interest and raised my recollection of a rather major fire, probably only one of many major fires that have been the result of railway operations, the Mississauga derailment and the damages that flowed from that incident.

The motion before us this evening states:

That, in the opinion of this House, the Government should consider the advisability of introducing legislation to amend the Railway Act to provide for increased compensation to victims of fires set by railway operations in order to reflect current replacement costs on items lost through property damage.

As I read it, that is an attempt to increase the total amount of damages to be paid on the basis of absolute liability, and not on the basis of negligence by a railway in the event of any fire caused by railway operations.

I have been listening carefully, and I have heard two Hon. Members from the NDP Party talking about fires that may be caused on a farmer's property, or on a farmer's field. But what they have neglected to mention, and to my mind what is more probable in this day and age, is the fire that may be caused in an urban area rather than a rural area. I draw the attention and the recollection of the House to the Mississauga train derailment a few short years ago.

That incident involved a train carrying 14 to 16 different cars containing a variety of hazardous materials. It was travelling from London, Ontario to the marshalling yard in Agincourt, which is part of Scarborough in Metropolitan Toronto. When the train reached Mississauga, there was a derailment of some of those cars. What followed was what the transportation and safety experts referred to as a *bleve*, which is an explosion of this hazardous material. It hurled a fireball into the air and caused it to ignite and damage property for many kilometres around. I did not bring with me the exact details of the damage caused, or the numbers of people evacuated. My recollection is that the population in that area was evacuated from their houses for a period of up to and in excess of one week for a distance of some 10 kilometres on each side of the railway track.

At that time, that section of the railway track was in a relatively low density area, even though it was in what we might consider to be an urban area. Notwithstanding that fact, the subsequent claims to the railroad as a result of that *bleve*, the derailment, and the disaster, were in the many millions of dollars. The damages claimed for property damage alone, not for personal injuries, were perhaps in the range of hundreds of millions of dollars.

Immediately after that derailment there was a judicial investigation and inquiry headed by Mr. Justice Samuel Grange of the Ontario Supreme Court. I believe that you were a member, Mr. Speaker, of the former Government which appointed Mr. Justice Grange to head that inquiry. That inquiry resulted in a long list of recommendations on improving railway safety, and many of those recommendations have been carried out. There continues to be a substantial number of derailments of trains that are carrying hazardous materials. On average, after the Mississauga disaster, it was considered that every year within the confines of the greater Metropolitan Toronto area there are at least two derailments of trains with cars carrying hazardous materials. There is every likelihood that there will be another Mississauga train derailment and disaster with property claims in the millions of dollars.

What concerns me about this issue is the fact that if that train that derailed in Mississauga had stayed on the track for a further 20 minutes, it would have derailed in the middle of my own constituency and community. I would have been one of those people evacuated and making the property damage claim, as would many people in my own community. That same rail line which runs through the heart of Metropolitan Toronto abuts on extremely high density apartment buildings and office buildings. The civil defence officials in Metropolitan Toronto have indicated that if the Mississauga train derailment had occurred in the middle of Metropolitan Toronto in one of the high density areas, in no way could there have been an evacuation such as took place in Mississauga. Perhaps as a result of the escape of the poisonous gases, there would have been a substantial number of fatalities.

● (1730)

That is the type of potential situation about which we are talking when we talk about a derailment or a fire caused by a train in this day and age. It may very well involve a spark from a steam locomotive on an historic ride with a load of people who belong to an historic train club. Perhaps that is the sort of thing about which we are talking, but we are also talking about a substantial potential disaster involving millions and millions of dollars.

At present in Metropolitan Toronto there is a task force on rail safety in the greater Metropolitan Toronto area. It was established by the former Minister of Transport, the present Deputy Prime Minister (Mr. Mazankowski), some months ago to study the possibility of relocating tracks, re-routing hazardous trains, examining speed limits on railways, and looking at various safety measures which might be brought to