

Abandoned Rights of Way

This bill was placed on the order paper on another occasion. It was debated during private members' hour on March 16, 1979. At that time, the hon. member for Châteauguay (Mr. Watson) said the bill would establish a committee to advise on the suitability of using certain rights of way for rapid transit or recreational purposes. The bill itself simply creates the advisory body; it does not give the body power to apply its decision. The NDP is prepared to consider the subject matter of this bill if it goes into committee, as the sponsor requested.

He said he favours this legislation because he wants the option of using abandoned rights of way for rapid transit or recreational use and seeks to ensure that these uses are fully considered at the appropriate time. He seemed to be primarily interested in abandoned lines near large metropolitan centres or between cities. One of my concerns is that this particular legislation may or may not be particularly relevant to the abandoned rail lines in rural areas of western Canada.

The Hall royal commission made specific recommendations about the disposition of rural rail lines on the prairies. The commission said in 1977 that abandoned rights of way should vest in the provincial Crown for disposition as might be mutually agreed to between the relevant province and municipal authorities.

This proposal certainly makes sense. By vesting title in the provincial Crown—instead of letting the railway auction it off to the highest bidder—the province and municipality could determine whether there was a public use for the land. Perhaps this could include use for a power transmission line, or a pipeline, or recreational parkland or for community gardens. In the last few months, some people have suggested that abandoned lines, particularly in an about large metropolitan areas, could provide for a whole range of possibilities. As agriculture becomes more important in Canada and as self-sufficiency in food production takes on greater urgency, there is an interest in community gardens. The possibility of using any land within our urban centres for the growing of food makes sense. Of course, recent studies on park land in Canada, particularly the metropolitan parks have indicated that the traditional large park lands which we find in the central parts of our cities are used inappropriately. Much more appropriate would be a long, thin park spread throughout a metropolitan area. This is the kind of possibility for land use that a committee could consider seriously. If there was no municipal or provincial use for the land, perhaps farmers could put some of the land back into production.

● (1620)

The Hall report recommended that in the interim provincial and municipal authorities should control weeds so that the seeds would not spread to adjacent lands. This is a very serious problem, particularly in western Canada where weeds have spread. One aspect of it is associated with the rights of way, particularly for railways.

The Hall commission report has not been fully implemented. I draw to the attention of the hon. member who proposed the bill the fact that we are still looking for some action on the

Hall commission report. The land of certain branch lines was transferred from the railways to the federal government under a gift agreement signed by Otto Lang. That land could be transferred to the provincial authority, as Hall recommended in his report. However, with respect to abandoned rights of way of branch lines not covered by that agreement, the Minister of Transport (Mr. Pepin) has suggested that the railways auction off the lands in the marketplace. Although the province would be able to buy the land in the open marketplace, this process is not in keeping with the Hall report because the railways are not entitled to any compensation for those abandoned lands. I will return to this point in a moment.

We must also consider whether the branch lines should be abandoned in the first place. There are still several rail lines in the west which elevator companies want kept in operation but which have been left out of the guaranteed network protected to the year 2000 by the previous Conservative government and the present Liberal government.

Abandonment of railway lines shifts costs from railways to farmers, who have to buy trucks, and to municipalities who have to repair roads. In other words, when we abandon a line in western Canada, we are really placing the burden of transporting grains on the farmers as opposed to the rail lines. In many cases abandonment is premature because the railway consumes only 670 Btu's to move one ton of freight one mile compared with 2,400 Btu's for truck transport.

I am certain every member in this House will appreciate the accelerating importance of energy costs. This has to be taken into consideration more than ever before. Perhaps, therefore, the idea of rail line abandonment, which previously has been accepted generally, ought to be reconsidered.

For the most part, the railways were given the lands for their stations and rights of way by the taxpayers of Canada. When the railways abandon the service for which the land was given, the land under an abandoned rail line should revert to the public.

The CPR was given 44 million acres by the taxpayers of Canada. The CNR system was given 8 million acres of land. The CPR, in particular, has been generously treated by the people of Canada. The Royal Commission on Railways and Transportation in a report dating back to 1917 stated that the CPR had received the following public assistance as of June 30, 1916: railroad completed by the government, \$37.8 million; cash aid \$66.9 million; value of unsold lands, nearly 11.5 million acres, \$119.3 million; lands sold minus cost of improvements, \$55.5 million for a total identifiable public aid of \$279.5 million. In addition, there was unidentifiable aid such as loans, since repaid; exemptions from taxes and exemptions from duties for construction material.

If one was to allow a 5.6 per cent annual rate of return, which is typical of public utilities applying for rate increases since 1916, the present value of those gifts today would be in excess of \$8.5 billion. On top of this, since 1967 the CPR has received \$900 million in operating subsidies. It now has deferred taxes owing to the extent of \$922 million. All together, the total identifiable public aid extended to the CPR