

Our association would certainly recommend an amendment to clause 44 of the proposed legislation to this effect. We would also recommend an amendment to clause 44 to include a nomination from a public interest group. Subclause 44(8) states that one member is to represent the public. The questions that arise are: What group of the public, and where does this member come from?

Clause 1 states that there ought to be three members representing organized labour, two of whom shall represent the Canadian Railway Labour Association. Once again, the question that arises is: What group of the organized railway labour unions would this third member be from?

We are concerned with clauses 55 to 59, dealing with the Criminal Code. The proposed amendments are to the existing sections of the Criminal Code applicable to the operation of motor vehicles, aircraft and vessels. The objective is to extend the provisions of these sections of the Code to cover the operation of railway equipment that moves over the rails of the respective railways under federal jurisdiction.

Our association understands that the reason railway equipment has not been included in these sections of the Code is that, unlike motor vehicles, aircraft and vessels, railway equipment operates over a private right-of-way owned by the particular railway company. The only occasions when railway equipment touches private highways and large or small roads is at railway crossings, which are protected by various levels of protective devices according to the particular requirements of the crossing.

In our opinion nothing has changed that would justify the proposed changes to the Criminal Code to include railway equipment. Therefore, we are unable to understand the rationale for the proposed amendments to the Code. The railway system will not become any safer than it is now by the proposed amendments to the Code unless the amendments are based on the simplistic argument that if motor vehicles, aircraft and vessels are covered by the Code, then why not railway equipment? Our association cannot accept this as sufficient justification for the amendments.

The number of crossing accidents that result from railway equipment failure or human error on the part of a railway employee have been negligible in the history of modern railroading. There may have been crossing accidents as a result of the installation of inadequate protective devices at a particular crossing. This, however, will not be corrected by the proposed amendments to the Criminal Code.

According to the Department of Transport, in the five years from 1983 to 1987 there were 1,318 derailments across the country, 423 collisions and 3,437 crossing accidents, resulting in 361 deaths.

During my 27 and a half years of railway experience I was involved in 15 crossing accidents, where seven people lost their lives. People are killed trying to race the train to the crossing. A young gentleman, while going to the market in Windsor, played with us for two and a half years. One morning, I am

sorry to say, we nailed him; it was too late. While going over the railway crossing he took his time and did not make it.

We must look at the reasons why there have been so many accidents. There are thousands of level crossings in Canada. If we were to look at eliminating one crossing and replacing it with a subway, the cost would be between \$5 million and \$10 million. Another reason there are so many accidents is that perhaps the oldtimers are now retired or have passed on. These were men with 35, 40 or 45 years' experience, who, from practical experience and know-how, knew what to look for in heavy fogs, rainstorms or snowstorms. If you cannot see the road, then you must know the number of road crossings, the sounds of the rails when you cross the bridges, and the glimpse of the farmhouses you have passed. We were told by the oldtimers that these were the landmarks to look for. I must say if you are travelling at 85 miles per hour in a heavy fog or a snowstorm, and you are on a single track and have to meet a passenger train somewhere, you get a sinking feeling when you look for a farmhouse and it is not there. Therefore, experience is a great teacher.

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Another good, solid reason for the number of derailments and accidents is the fact that the railways have reduced and cut back their expenditures for maintenance equipment and trackage. Because of government decisions to deregulate railway and truck transportation, it is increasingly difficult to compete with the Americans in shipping. Therefore, the railway companies, like any other companies, continue to keep the volume of traffic they have had in the past. They will try to compete by cutting back on the maintenance of their equipment and tracks. We will see more accidents, possibly more collisions, and more derailments because of cutbacks. The section men and the carmen are the bloodline of safety of all railways, yet we cut them back.

We all remember when railway crossing arms at all railway crossings had signs that clearly stated: "Stop, look and listen." In the interval of trying to raise the millions of dollars to eliminate railway crossings, why not convert all road crossings to stop streets? Doesn't that make sense? Seldom do you hear of a bus being hit at a crossing. Why? Because they stop and look both ways before they cross over. That is safety, in my opinion.

All Voyageur and Greyhound buses stop at all road crossings. Honourable senators, adopting that practice would save hundreds of lives and millions of dollars in broken equipment.

The only way to improve this situation—if you want to spend the money—is to eliminate all grade separation crossings in Canada, which is costly, or to continue to upgrade the protective devices.

We strongly recommend to the committee that the proposed amendments to the Criminal Code to include railway equipment be deleted on the basis that they are unnecessary and not justified either by sound reasoning or by evidence that would support the amendments on the basis of increasing rail safety.