

*Transportation*

drainage and weed control are both irritating and unnecessary.

This parliament has set up a number of planning boards to help avoid confusion and mistakes in our future development. Surely we are justified in giving the most careful consideration to some form of planning and regulation which might help to smooth out the process of railway abandonment.

The Railway Act occupies 203 pages of the Revised Statutes of Canada, 1952. It was passed in its original form when railway construction began and was intended to protect the interests of all concerned, both under conditions of construction and of operation. It has been amended from time to time to meet changing requirements. Railway abandonment now makes further amendment a prime necessity.

The Railway Act provides for a Board of Transport Commissioners to administer the act. This transport board has authority over all aspects of railway construction and operation. It can grant permission for a company to abandon a railway line but holds itself bound by a judgment in the case of Cairns Bros., written by Chief Commissioner Guthrie, November 17, 1936, which rules that the board has no jurisdiction over abandoned rights of way.

• (4:30 p.m.)

Once the rail lines are torn out, the board's jurisdiction ends. The board has no right to enforce conditions for abandonment. I am urging this parliament to provide the Board of Transport Commissioners, or the new authority, with both the authority and the responsibility for setting forth the conditions under which any railway abandonment may take place.

I suggest that one of the conditions for abandonment should be the appointment of an abandonment planning board for each line abandoned. This board should be representative of the various interests which will be affected. Such a board should have on it representatives of the railway company, of labour unions, of agriculture and of the municipalities concerned. The board should have the responsibility of recommending to the transport board the conditions under which abandonment could be permitted. Their recommendations should concern the best disposition of the right of way in the public interest, the disposition of the workers involved, consideration of compensation for rail-tied investment, and any other matters of vital public concern.

[Mr. Thomas.]

Where the right of way separates farm lands the right of way should be restored wherever practicable to the farm lot from which the land was originally taken. This would do away with crossing problems and the nuisance of working odd-shaped areas of land and cultivating odd-shaped fields. It would permit the farmer in each case to re-incorporate the right of way to the best possible advantage on his farm, and to control drainage and weed menace. Larger areas of property such as those in town sites should be disposed of in the best public interest after consultation with the municipalities concerned.

It is proposed that whenever an application for abandonment is granted by the transport board a waiting period should be allowed during which such a representative abandonment planning board as suggested could prepare a plan for abandonment. Provision could be made for settlement of disputes by arbitration. The services of municipal and provincial planning boards might be used where available.

I think this is most important. Boards have been set up under our conservation legislation for the purpose of planning in rural areas, and their services might be used to advantage in conjunction with the abandonment planning board I have suggested. Conservation authorities at various levels of government should be consulted.

These unnecessary railway lines have served their day and generation well. There is no sound reason why we should now abandon them in such a way as to leave ghost towns, broken fortunes and unsightly scars across the face of our country. I hope the government will recommend such action as is necessary to take care of this situation.

In the debate in 1963 the Minister of Agriculture (Mr. Greene) had something to say in regard to this proposal, and I quote from his opening remarks on that occasion as recorded at page 4038 of *Hansard* for October 25, 1963:

Mr. Speaker, may I, first of all, commend the sponsor of the bill before us. I think this measure is certainly a step in the right direction.

Those are very kind words from the minister. Later he went on to say:

The railways will make no attempt, as businesses in competitive spheres must do, to make these lines pay and to make them effective and efficient. If they decide the line does not make money easily their attitude is: "Let us get rid of it; let us fold it; never mind the effects on the localities and on the people." I suggest that any corporation that has had a monopoly from the