

Section 256.

Subsection 1 of this section is amended by adding two important clauses, viz. (a) the Board shall not grant leave to carry a street railway or tramway, or any railway to be operated as a street railway or tramway, along any highway in any city or incorporated town until the company has first obtained consent therefor by a by-law of the municipality and (b) where leave is granted to carry any railway along a highway, the Board may require the company to make such compensation to the municipality as the Board deems proper.

Remarks:

These two clauses are important to the city, and as it is quite possible that the railways will endeavour to prevent their insertion in the new Act, the representatives of municipalities should use their efforts to support the clauses.

Section 259.

“The Board shall without limiting any general power elsewhere conferred, have power, for the purpose of diminishing the danger at any highway crossing with any railway heretofore or hereafter constructed, to order, (a) that any trees, buildings, earth or other obstruction to the view which may be upon the railway, the highway or any adjoining lands, shall be removed; (b) that nothing obstructing the view shall be placed at such crossing or nearer thereto than the Board designates; and for any such purpose the Board shall have power to authorize or direct the expropriation of any land, the acquirement of any easement and the doing of anything deemed necessary, and shall have power to fix and order payment of such compensation as it deems just.”

Remarks.

This is a new section and is quoted above in full, as it may be of such far-reaching importance to the city, that it requires careful study. For example, if this section becomes law, the City might perhaps become involved in damage suits by reason of giving building-permits and levels for the construction of buildings in the immediate vicinity of the railway where it is intersected by a street. This, and numerous similar questions which may arise in connection with this section, is a matter to be dealt with by the Law Department.

It may be noted here, that from an engineering viewpoint the principles of the section are desirable, in the interests of public safety. Frequently in the past, disputes have arisen between municipalities and railways, more especially in regard to serious obstructions to the view at country highway crossings, where the danger could be materially decreased by removing trees, buildings, hillocks, &c. Such cases have been settled by the Board, without any special powers therefor being provided in the Railway Act.

It is possible that the framers of the Bill do not intend that the principles of this section shall apply more extensively in cities than they have in the past, but I suggest that it may be well worth while for the Law Department to see whether the Section should be altered in any way to protect the rights of the City.

Section 263.

Contains several amendments (dealing with the ‘Railway Grade Crossing Fund’) all of which are favourable to the interests of municipalities and are merely cited here for the information of the Law Department.

Subsection 1, is amended by a clause restricting contributions from this fund to cases ‘where the companies are not under obligation to bear the whole cost.’

Subsection 3, is amended by increasing the maximum percentage from 20 to 25 per cent of the cost of actual construction work and increases the maximum amount of such contribution from \$5,000 to \$15,000; and the words: