

Proceedings on Adjournment Motion

given to the railways to abandon service and rights of way also implied permission to abandon their responsibility toward farmers and landowners with respect to the maintenance of fences and drainage and the cutting of weeds.

I speak tonight on behalf of thousands of Canadians who have been inconvenienced and financially wronged by the frequent failure of the railways to fulfil their responsibilities to the farmers and landowners along rights of way when it comes to the maintenance of fences. I speak especially on behalf of farmers and landowners in the counties of Lanark, Frontenac, Lennox and Addington, as well as Hastings, whose properties border the now defunct and abandoned CP line from Glen Tay to Tweed.

I say to the minister, through you, Mr. Speaker, that when Mr. Pickersgill and his Canadian Transport Commission, or the Canadian Railway Transport Commission, both of which bodies adjudicate with respect to the abandonment of railway lines, allow railway companies to abandon a line, they should not allow them to abandon their responsibilities to their neighbours along the line. Robert Frost said that good fences make good neighbours. This is true. I have received many complaints from local farmers about the poor condition of the fences, as a result of which cattle stray and are lost. They complain that the railway no longer keeps the fences in order, that it no longer does its share of repair work. One man lost two head of steer.

When I drive along the right of way which is adjacent to No. 7 Highway I think of this strange, new, slack society of which this government is part, and the strange anomalies which result. Here we have a multibillion dollar corporation like the CPR—I used to be one of its great admirers, Mr. Speaker, having spent my early childhood in a community served by that line at Kaladar—branching out into many other lucrative lines of business, luxury hotels, mines and smelters, airlines serving the world, but taking a cavalier and careless attitude to local responsibilities. Fence posts are allowed to rot and break off. In addition, the company neglects to cut the weeds and the seeds are allowed to spread to adjacent farms.

Throughout the area, municipal councils are very concerned about this situation as are the conservation authorities, in particular the member municipalities of the Moira Conservation Authority. The representative for Kaladar township, Mr. Claude McArthur, has given me information in this regard. It has also been pointed out that the railways, along abandoned lines no longer devote any attention to drainage or to keeping ditches and key water courses operable and open. This complete dereliction of duty can no longer be tolerated by the neighbouring farmers and landowners.

• (2210)

Some time ago it was brought to my attention that the CPR intended to give this right of way to the Ontario Department of Lands and Forests to operate as a snowmobile trail. Who would then be responsible for the fences, Mr. Speaker? I cannot go along with this scheme because I do not think the stretch of right of way is adaptable for this purpose. I say that the land should be returned to the farmers and landowners along the right of

[Mr. Alkenbrack.]

way, each one to receive the land that fronts along his property.

I do not know what the railway paid for this land in 1880 when their charter was granted, but it should be given back to the farmers for a nominal fee of, say, \$1 per parcel to make it legal. Then they could join up their fences across the right of way and have use of what is their land just as their forefathers did before the building of the railway. In that respect, Mr. Speaker, I remind the minister that the deeds to the farmlands pre-date the federal charter to the CPR for this line. Moreover, the right of way land, because of its present condition, is not worth as much as before the line was built.

I respectfully ask the minister to convey my thoughts to the CRTC, the CTC and the CPR in order that this inconvenience to my constituents may be allayed and that justice for them may be obtained.

[Translation]

Mr. Gérard Duquet (Parliamentary Secretary to the Minister of Transport): Mr. Speaker, as the hon. member is proficient in both languages, he will certainly pardon me for replying in French, as he will easily understand my explanations.

As the question he asked today was much more general in scope than that which has been discussed tonight, my answer will not be as precise as he would have liked it to be and as I should myself have wished to make it.

In the meantime, I have been able to contact the officials of the Canadian Transport Commission to check on the limits of its jurisdiction in view of the right of ownership which could affect the discontinuation of railway transport.

When a railway is in operation, it is required by statute—in this case, under section 214 of the Railways Act—to put fences on each side of the track in order mainly to prevent animals to wander into the railway's property.

I want to make it clear that the matter involves farm lands located in rural areas. The purpose of this measure is to protect the land owner. The railway company is also responsible for destroying weeds on its own property and, in some circumstances, it must also insure the protection of animals.

Mr. Speaker, before the Board allows a rail service to be discontinued, it must bear in mind the representations made by the land-owners as well as by any other persons living along the railroad, who believe they are entitled to some consideration.

The major factor is that the abandonment of a rail line cannot affect the rights and responsibilities of farmers nor those of the railway company, since they are joint owners.

There may be some responsibilities resulting from continuing relationships between the railway company and its neighbour, as joint owners, that the Board may be authorized to control.

Had the hon. member had in mind this afternoon more specific points such as those he mentioned tonight, I should have been very happy to reply more adequately to his question, but since it was general in scope, I had to answer in the most appropriate way possible.