

Abandoned Rights of Way

The bill before us proposes a national authority to advise the governor in council on the public use of abandoned railway lines. Nowhere in the country has there been such a rationalization of the rail network as in the west recently. As a result of a series of commissions, committees and reports on western grain movement over the last five years, we now have a basic rail network, guaranteed to the year 2000, of close to 15,900 miles. But as a result of these commissions, a substantial amount of trackage has been abandoned.

The normal course of events would have been for the Canadian Transport Commission to hear each application for abandonment from the railways, to decide whether to allow it, and to leave the railways free to dispose of the abandoned right of way. But the urgent requirement for rail rationalization in the west demanded that this process be speeded up. The various commissions recommended a number of lines for abandonment. The CTC accelerated its hearing process and abandonment orders began to appear. The federal government agreed with the railways to transfer 1900 miles of abandoned rights of way to the federal Crown. This agreement with the railways, which dates back to September, 1977, was known as the gifting agreement.

With a large volume of abandoned lines suddenly on their hands, the railways conceded that it was in the public interest to have these lands revert to the government. The government had to find a way of disposing of them. At first it appeared preferable to transfer the lands to what were expected to be the ultimate owners, that is, the municipalities and adjacent land owners. A notable exception was made in cases where the rights of way were within or adjacent to native reserves. In these cases, first priority for acquisition was given to the reserves, with the help of the Department of Indian Affairs and Northern Development.

However, the process became bogged down. In each case, several federal agencies became involved, and detailed legal work was required. The problem was compounded by agreements which the railways had made over the years for the installation of power, telephone, oil and gas lines and the like. It was clear by this time that a different approach had to be taken. During the past year, discussions with the three prairie provinces have taken place on the possibility of transferring the lands directly to the provinces. The provinces could in turn dispose of them as they wished. My understanding is that these discussions are now close to a satisfactory resolution.

As future rights of way become available to abandonment, it is intended that the federal government should not play an

intermediary role. The railways would negotiate ownership directly with the provinces. So you see, Mr. Speaker, this is quite a special case. To come back to Bill C-221, one could legitimately ask whether the proposed authority would have been able to advise the governor in council on disposition of abandoned prairie branch lines. The question is hypothetical but interesting anyway. The first thing that is clear is that the membership of the authority as proposed in the bill would not have been appropriate for the task. Other federal agencies would have had to be brought in and extensive consultation with provincial and local governments would have had to take place. It is also likely that the authority, with its proposed mandate of looking at rapid transit and recreation uses, would have been viewed with suspicion by municipalities. They would no doubt feel that someone else was doing their planning for them. This may be overstating the case with respect to the west because virtually none of the abandoned lines are urban, but the comment is probably valid in many other situations.

What I am saying, Mr. Speaker, is that each special case demands a special solution. In an area as closely related to local needs and aspirations, a new federal presence may not be the best solution. Like the previous speaker, I fully support the need for more co-ordinated planning of the use of abandoned rights of way. There is no question that they are a precious resource which is largely wasted, but I am not convinced that the proposed authority would achieve that objective. So I cannot support reference of the bill to the committee in its present form.

Mr. René Cousineau (Gatineau): Mr. Speaker, there seems to be unanimous consent to the following motion which I should like to move:

That Bill C-221 be not now read a second time but that the bill be withdrawn, the order discharged and the subject matter thereof be referred to the Standing Committee on Transport.

The Acting Speaker (Mr. Ethier): The House has heard the motion. Is there unanimous agreement to it?

Some hon. Members: Agreed.

Motion agreed to.

The Acting Speaker (Mr. Ethier): It is so ordered.

The hour provided for the consideration of private members' hour having expired and it being five o'clock, the House stands adjourned until next Monday at 2 p.m. pursuant to Standing Order 2(1).

At 5 p.m. the House adjourned, without question put, pursuant to Standing Order.