

J  
103  
H7  
1946  
R34  
A1

Rm. 10-A

Canada. Parl. H. of C. Standing Comm. on Railways, Canals & Telegraph Lines, 1946.		J 103
Minutes of proceedings & evidence.		H7 1946
DATE	NAME - NOM	R34
		A1

Canada. Parl. H. of C. Standing  
Comm. on Railways, Canals and  
Telegraph Lines, 1946.

J

103

H7

1946

R34

A1













SESSION 1946  
HOUSE OF COMMONS

---

STANDING COMMITTEE  
ON  
RAILWAYS, CANALS AND  
TELEGRAPH LINES

---

SUBJECT-MATTER OF BILL No. 3,  
AN ACT TO AMEND THE RAILWAY ACT

---

MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 1

---

WEDNESDAY, MAY 1, 1946  
TUESDAY, JUNE 25, 1946  
THURSDAY, JUNE 27, 1946

---

WITNESSES:

- Mr. A. R. Adamson, M.P., Sponsor of Bill No. 3.  
Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, Ottawa.  
Mr. William L. Best, Secretary, Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, Ottawa.  
Mr. H. B. Chase, Dominion Legislative Representative of the Brotherhood of Railway Locomotive Engineers, Montreal.  
Mr. J. L. D. Ives, Vice-President of the Order of Railway Conductors, Ottawa.  
Mr. W. H. Phillips, Vice-President of the Order of Railroad Telegraphers.  
Mr. K. D. M. Spence, Solicitor, Canadian Pacific Railway, Montreal.  
Mr. J. W. G. Macdougall, Assistant Solicitor, Canadian National Railways, Montreal.

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1946



## ORDERS OF REFERENCE

HOUSE OF COMMONS,  
FRIDAY, March 29, 1946.

*Resolved*,—That the following Members do compose the Standing Committee on Railways, Canals and Telegraph Lines:—

Messrs.

Adamson	Eudes	Michaud
Archibald	Farquhar	Mullins
Ashby	Gagnon	Mutch
Aylesworth	Gauthier ( <i>Portneuf</i> )	Pearkes
Beaudoin	Gauthier ( <i>Nipissing</i> )	Picard
Beaudry	Gourd	Pouliot
Belzile	Grant	Robinson ( <i>Simcoe East</i> )
Bentley	Harris ( <i>Danforth</i> )	Robinson ( <i>Bruce</i> )
Bertrand ( <i>Terrebonne</i> )	Hatfield	Ross ( <i>Souris</i> )
Black ( <i>Cumberland</i> )	Herridge	Ross ( <i>Hamilton east</i> )
Blair	Hodgson	Shaw
Bonnier	Irvine	Smith ( <i>York North</i> )
Bourget	Johnston	Stephenson
Breithaupt	Knight	Viau
Brooks	Lesage	White ( <i>Hastings-</i> <i>Peterborough</i> )
Campbell	Little	White ( <i>Middlesex East</i> )
Chevrier	Maybank	Whitman
Church	Mayhew	Winters—60.
Cloutier	McIvor	
Drope	McCulloch ( <i>Pictou</i> )	
Emmerson	McKay	

(Quorum 20)

*Ordered*,—That the Standing Committee on Railways, Canals and Telegraph Lines be empowered to examine and inquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records.

FRIDAY, April 5, 1946.

*Ordered*,—That the subject-matter of Bill No. 3, An Act to amend The Railway Act, be referred to the said Committee.

WEDNESDAY, May 1, 1946.

*Ordered*,—That the said Committee be given leave to sit while the House is sitting.

*Ordered*,—That the said Committee be granted leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of proceedings and evidence to be taken, and that Standing Order 64 be suspended in relation thereto.

*Ordered*,—That the quorum of the said Committee be reduced from 20 to 12 members, and that Standing Order 63 (1) (b) be suspended in relation thereto.

*Attest.*

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

REPORT TO THE HOUSE

1st May, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines begs leave to present the following as a

FIRST REPORT.

Your Committee recommends:

1. That it be given leave to sit while the House is sitting.
2. That it be granted leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of proceedings and evidence to be taken, and that Standing Order 64 be suspended in relation thereto.
3. That the quorum be reduced from 20 to 12 members, and that Standing Order 63 (1) (b) be suspended in relation thereto.

All of which is respectfully submitted.

L. O. BREITHAUP, *Chairman.*

## MINUTES OF PROCEEDINGS

WEDNESDAY, May 1, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 11 a.m. Mr. Breithaupt, the Chairman, presided.

*Members present:* Messrs. Belzile, Bonnier, Bourget, Campbell, Drope, Emmerson, Eudes, Farquhar, Gauthier (*Portneuf*), Gourd, Herridge, Irvine, Knight, Little, Maybank, McCulloch (*Pictou*), McIvor, McKay, Michaud, Mullins, Mutch, Shaw, Whitman, Winters—25.

The Order of Reference was read, viz.:—

FRIDAY, April 5, 1946.

*Ordered:* That the subject-matter of Bill No. 3, "An Act to amend the Railway Act", be referred to the Standing Committee on Railways, Canals and Telegraph Lines.

The Chairman informed the Committee that Mr. Adamson, the sponser of the Bill, was unable to be present this day, but that he would be available to attend the next meeting of the Committee.

On motion of Mr. McCulloch (*Pictou*), it was

*Resolved,* That the committee ask leave to reduce the quorum from 20 to 12 members.

On motion of Mr. Maybank, it was

*Resolved,* That the Committee ask leave to sit while the House is sitting.

On motion of Mr. McKay, it was

*Resolved,* That the Committee ask leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of proceedings and evidence to be taken before the Committee.

The Chairman drew the attention of the Committee to *Hansard*, April 5, 1946, at page 631. The Minister of Transport, speaking on the motion for second reading of Bill No. 3, said: "I think the proper thing is to refer this bill to the railway committee and to invite before that committee representatives of the Railway Association of Canada, of the railways and any others who want to give evidence".

The Chairman informed the Committee that the following were available to give evidence, when asked to appear: Mr. Hugh Wardrope, Assistant Chief Commissioner of the Board of Transport Commissioners for Canada; Messrs. A. Beatty Rosevear, Assistant General Solicitor, Canadian National Railways and Mr. Duncan McNeill, K.C., Assistant General Counsel, Canadian Pacific Railway, both representing the Railway Association of Canada; and the following nominees of the Dominion Legislative Committee of the Railway Transportation Brotherhoods of Canada: Mr. A. J. Kelly, Chairman; Mr. W. L. Best, Secretary; Mr. H. B. Chase and Mr. J. L. D. Ives.

It was agreed that the Committee would, at the next meeting, decide upon a date for the hearing of witnesses and the order of their appearance.

The Committee adjourned to meet at the call of the Chair.

T. L. McEvoy,  
*Clerk of the Committee.*

TUESDAY, 25th June, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met at 4.00 p.m. Mr. Breithaupt, the Chairman, presided.

*Members Present:* Messrs. Adamson, Archibald, Beaudoin, Bentley, Breithaupt, Drope, Emmerson, Farquhar, Herridge, Little, McIvor, Mutch, Robinson (*Simcoe East*), Shaw, Stephenson, Whitman, Winters.

The Committee commenced consideration of the subject-matter of Bill No. 3, An Act to amend the Railway Act.

Mr. Adamson, the sponsor, explained the purpose of Bill No. 3.

Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, Ottawa, was called, heard and questioned.

Mr. William L. Best, Secretary, Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, Ottawa, was called, heard and questioned.

Mr. H. B. Chase, Dominion Legislative Representative of the Brotherhood of Railway Locomotive Engineers, Montreal, was called, heard, and questioned.

Mr. J. L. D. Ives, Vice-President of the Order of Railway Conductors, Ottawa, was called and heard.

Mr. W. H. Phillips, Vice-President of the Order of Railroad Telegraphers, was invited to address the Committee. He stated that he had nothing to add to what had been said.

In response to a request made by Mr. Stephenson, Mr. Wardrope promised to supply the Committee with a statement showing the number of fatal accidents that have occurred at railway crossings (a) where signals are installed and (b) where signals are not installed.

The Committee adjourned until 4.00 p.m., on Thursday, June 27.

John T. Dun,  
*Clerk of the Committee.*

THURSDAY, 27th June, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met at 4.00 p.m. Mr. Breithaupt, the Chairman, presided.

*Members present:* Messrs. Adamson, Beaudoin, Black (*Cumberland*), Breithaupt, Campbell, Chevrier, Drope, Emmerson, Gauthier (*Portneuf*), Gourd, Hatfield, Hodgson, McCulloch (*Pictou*), Mutch, Robinson (*East Simcoe*), Stephenson.

The Committee resumed consideration of the subject-matter of Bill No. 3, An Act to amend the Railway Act.

The Chairman acknowledged receipt of a statement sent by Mr. Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, showing the number of fatal accidents that have occurred in recent years at railway crossings.

Mr. K. D. M. Spence, Solicitor, Canadian Pacific Railway, Montreal, was called, heard, and questioned.

Mr. J. W. G. Macdougall, Assistant Solicitor, Canadian National Railways, Montreal, was called, heard and questioned.

Mr. Adamson, M.P., sponsor of the bill, was heard briefly.

The Committee adjourned to meet at the call of the Chair.

John T. Dun,  
*Clerk of the Committee.*

## MINUTES OF EVIDENCE

HOUSE OF COMMONS,

June 25, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 4 o'clock p.m. The Chairman, Mr. L. O. Breithaupt, presided.

The CHAIRMAN: Gentlemen, the subject matter of Bill No. 3, introduced by Mr. Adamson, has been referred to this committee. But before we take that up, may I say that it has been very difficult to secure a room for committee meetings. I am advised that we can have this room—we will hardly be finished to-day, of course—for Thursday morning next at 11 o'clock. Is it your wish to make arrangements to have the room on Thursday morning next?

Mr. WINTERS: There are a good many of us tied up on other committees at eleven o'clock.

The CHAIRMAN: How about Thursday afternoon if we can get the room at 4 o'clock? Will that suit the members?

Some Hon. MEMBERS: Yes.

The CHAIRMAN: If it is the wish of the committee we will arrange for a continuation of this meeting on Thursday afternoon next at 4 o'clock.

The subject matter of Mr. Adamson's Bill No. 3 is before us, as I have said, and as a courtesy to him I believe that we should give him an opportunity to give us a short synopsis of it. I think the bill itself was covered in the House either by Mr. Adamson or by Mr. Graydon on his behalf. I imagine that ten minutes or possibly less would answer his purpose, as time is short. Is it your pleasure that Mr. Adamson be heard?

Some Hon. MEMBERS: Yes.

Mr. ADAMSON: Mr. Chairman and gentlemen, I think I would do better to show you a map, which may help to simplify the explanation of the bill. This is a map of Etobicoke Township, and I shall point out on it, as I go along, the crossings and areas to which I shall be referring.

The basic purpose of this bill is really very simple. When the Railway Act was written it was not envisaged that the cities would spread the way they have, and there was a limitation in the description of cities, towns and townships. Many of the larger cities of Canada have spread through adjoining townships or villages, and these villages and townships now have a density of population as great as or actually, as in the case I am going to explain to you, greater than that of the city itself. Certainly the Township of Etobicoke here has a greater density of population than the town of Weston which is up here (indicating). With the growth of the cities into the townships, the main lines of the railways running through the built-up area of a township had to obey the statutory clause in section 308 of the Railway Act and engines had to blow, sound their regular four blasts on the whistle starting at eighty rods, I think it is, from the crossing and be actually blowing while the engine is crossing the highway.

This area here (indicating), the shaded area, has a population now of some 11,000. In connection with that it may be interesting to note that any area having a population of over 10,000 is called a city in the province of Ontario. Because of geographical conditions in this district—and this applies to several other districts around Toronto—you cannot take this area out of the whole township and call it a city or call it a town because if you did so you would take much

of the taxpaying area out of the township, and that would mean that you would almost bankrupt the rest of the township. These are municipal facts, and I am just bringing them to your attention. So, in order to have a balanced economy in a township, this populated area must remain part of the township by name, for taxation purposes. The question of taxes must be considered for the entire township. Nevertheless, this district is extremely highly built up.

The main line of the C.P.R. passes from the Lambton Mills part of the township through the Islington area and has five crossings where there are wigwags of one kind or another or a system of gates, and three unprotected crossings. Here are the three crossings which are not guarded (indicating on map). There are emitted from trains passing through on the main line of the C.P.R., some seven hundred signal whistle blasts during the course of a single night at these crossings. Night is considered to be from seven o'clock in the evening until seven o'clock in the morning. That means that there is an almost continuous and perpetual din going on in this residential area.

I have a great many letters here to substantiate my submission; but as I promised the chairman that I would take only ten minutes now, I will leave the presentation of them for later on. Basically, what the bill asks is that where you have built-up areas in a township such as this, these areas may be considered in the same way as a town or city where there is a statutory clause dispensing with whistle blowing. The bill is not—and I want to emphasize this—a blanket bill. There is no intention that it should be a blanket bill. For example, referring to the map again, here is another railway crossing the north part of the township and here is another railway in the extreme south. Both of these are main lines but one railway passes through the industrial section and the other one passes through the rural area. The request is only made for the stoppage of train whistling while passing through the residential section. No request has been made or is being made under the bill that the whistle blowing be dispensed with at crossings up here in the rural area or at crossings down here in the factory district. That is the first point I want to emphasize.

The second point I want to emphasize is this. As the Railway Act now reads, at any crossings where the municipality wants to have whistling dispensed with, this warning cannot be done away with unless the safety measures at the specified crossings are approved by the Board of Transport Commissioners. So the matter of safety is already looked after. It is not a blanket bill at all. It merely wishes to overcome a very real and a very definite menace to the health of residents of areas similar to the designated area in Etobicoke Township.

One more thing, and then I will close my introductory remarks. This township anyway, and I understand other townships which are interested, are willing to assume the same liability as towns or cities; in other words, that of relieving the railway engineers or the railway trainmen if there is an accident, by undertaking the insurance or the liability in a manner similar to that followed in towns and cities.

I think, sir, that is the basis of the bill. It merely wants to extend the wording. I will just read to you the clause so there will be no difficulty about it.

"308, (2): Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law shall, if approved by an order of the board, to the extent of such prohibition relieve the company and its employees from the duty imposed by this section."



That is the way the bill reads now.

My proposed bill 3 merely asks after the words "city or town" shall be added the words "or of a township or village situated contiguous to or near such city or town". The second part of the clause is very definite. It says:—

(3) Where a municipal by-law of a city or town, or of a township or village situated contiguous to or near such city or town, prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, or township or village, such by-law, if approved by order of the Board, shall, to the extent of such prohibition, relieve the company from any penalty or liability under this section.

So that it does not take the prohibition of whistling out of the hands of the Board of Transport Commissioners who must satisfy themselves that each crossing is adequately protected if whistling is being dispensed with.

And now, sir, I think that is all I have to say at the moment. I have a lot of evidence here but I will deal with that at another time.

The CHAIRMAN: Thank you, Mr. Adamson.

We have a number of witnesses here who have asked through the Minister of Transport and through their associations to be heard in connection with this matter. We have Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commission, Ottawa. Is it your wish that Mr. Wardrope be heard, gentlemen?

Some Hon. MEMBERS: Agreed.

**Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, Ottawa, called:**

The WITNESS: Mr. Chairman, the Board I may say has in its long experience every sympathy with and understanding of the affliction that so many people now suffer through the statutory blowing of whistles at crossings outside of cities or towns where no by-laws have been passed prohibiting the blowing of these whistles. The Board if it is at all possible will be glad to see some measure of relief for a lot of these people. But at the same time, referring to the present proposed bill, there are features that give the Board some concern. First of all, the former section of the bill proposed to be amended is now quite specific. It offers relief—I refer to section 308—to towns or cities where they pass a by-law and where that by-law is approved by the board. Well now, that is quite specific. This phraseology tends to reduce the specific part of the clause to something more abstract and more general. For instance, it would be the duty of the Board, if it passes, to administer the bill, and one of the questions before this board is the question of "near"; how far is "near". The word "contiguous" is not so difficult; it means touching, or something like that; but "near" covers a lot of territory. Now, it may be that the board might get into this difficulty; there might be a by-law of one town or village where possibly what they might consider "near" to a city would be quite different from the application the same term might have in another case. That is one of the difficulties. We are the ones who will have to administer the Act and we feel that it may lead to some recriminations and injustice.

That is only one point. The more serious point to our mind is this. To the extent it proposes to embrace this new tariff rate, it tends to lower the barriers of protection now existing at these crossings by reason of whistle-blowing. Now, I think you will all agree with me when I say that while whistle blowing may be a nuisance to many people it is a certain protection and warning at all of these crossings. There are 33,000 crossings in Canada

and, as some of you are aware, of these unfortunately only about 3,300, in round figures, are now protected in any one form or other. And, let me say, that protection is an expensive item. At all these crossings where the whistle is sounded as a protection or as a warning it is a protection not only for the people on the highway, but also a protection to the travelling public on the railway. There is no getting away from that. And now, the more whistling is eliminated or restricted outside of cities and towns the greater the danger to the public at large will be. The more you lower whistle blowing at these built up places outside of cities the more you lower protection to the public. If that protection is taken away something may have to be put in its place. I think the municipalities which get this relief will have to be prepared to share in the cost of protection. We are trying to make the picture as clear as possible, and I am putting forward what I have in mind from our point of view and the public point of view.

Take the ordinary crossing. Once a train gets out of the city it gets away from the part where it has to go slower. Trains have got to move quickly these days. They have got to travel and be allowed to travel quickly to serve the public. If there is no warning at all these crossings that they may go over I frankly fear a considerable rise in the crossing accidents we may have unless some other form of protection is there. This will have to be considered by all those concerned. Take a bell and wigwag at a single track where the circuits are not too complicated. For a single track that will cost for flashing lights \$2,500 to \$3,000 for installation and perhaps \$200 to \$300 for maintenance each year. If you have a double track with circuits that are not too complicated that will go up to perhaps \$4,000 or \$4,500. With automatic gates attached to flashing lights and bells and wigwags, which undoubtedly is the best form of protection devised yet outside of subways and grade separations, that may go up to \$9,000. Some of them are going up to \$9,000 now and cost \$300 or \$400 a year for maintenance. Somebody will have to pay for that.

I merely want to point out these two difficulties, first of all the difficulty, as we see it, of interpretation. It has a tendency to reduce specific legislation to more general legislation. I think we are all agreed that is not desirable if it can be avoided. Secondly it tends to reduce the protection when protection is needed at crossings both for trains and for the travelling public more than ever to-day.

*By Mr. Stephenson:*

Q. I should like to ask one question. If proper signals are installed at these crossings is it necessary for trains to blow whistles?—A. Yes, it is still necessary under the present Act.

Q. Even if signals are installed?—A. Yes.

*By Mr. Beaudoin:*

Q. May I ask you if subsection 2 of section 308 was in the original Railway Act?—A. I am afraid I could not answer that question.

Q. I should like to know when and why it was introduced?—A. To my knowledge it has been in there since the last revision of the Act, 1919, anyway.

*By Mr. Adamson:*

Q. Would it overcome your first objection if we altered the amendment and used the word "contiguous" only? That would make it specific.—A. Yes, that would facilitate interpretation. I would not like it to be understood that the board is objecting to the principle in this at all. The board is in full sympathy if something can be done that is reasonably safe to afford or extend

the relief now available in the Act to the more densely populated sections. "Contiguous", of course, is easier to interpret. I do not think there would be any difficulty there.

The CHAIRMAN: Are there any other questions you would like to ask Mr. Wardrope?

*By Mr. Robinson (Simcoe East):*

Q. Before approving a bylaw from a town do you satisfy yourself as to the other safety precautions at any particular crossing mentioned in the bylaw?—A. When the bylaw is submitted from a city or town one of our inspectors goes out and views all the crossings and makes a report on it to the board. It does not necessarily follow that the board orders automatic protection for any of these crossings. It may not, but in approving a bylaw it does not always approve the bylaw in toto if certain of the crossings are of such a nature that the board feels it to be entirely too unsafe.

Q. In other words, the bylaw will apply to the particular crossings which the board feels are safe without the ringing of the bell?—A. Reasonably safe in the locality.

*By Mr. Beaudoin:*

Q. That applies mostly to big cities?—A. Yes.

*By Mr. Robinson (Simcoe East):*

Q. The board could make up its mind in the same way with respect to the population of a township or part of a township?—A. Yes, it could.

The CHAIRMAN: Are there any other questions? If not, I believe we have Mr. A. J. Kelly, Chairman of the Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, Ottawa office.

Mr. BEST: Mr. Kelly was not able to come this afternoon. He had another appointment. Five members of our committee are here.

The CHAIRMAN: Have you a spokesman appointed?

Mr. BEST: There are representatives from the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railroad Telegraphers, and the Brotherhood of Maintenance of Way Employees. We have five of the six so-called railway brotherhoods represented to-day.

The CHAIRMAN: Do you mind introducing them? Do you know who is here?

Mr. BEST: I would be very glad to do that. There is Mr. H. B. Chase on my left, Dominion Legislative Representative of the Brotherhood of Locomotive Engineers; Mr. J. L. D. Ives, Vice-President of the Order of Railway Conductors; W. H. Phillips, Vice-President of the Order of Railroad Telegraphers, and Mr. J. J. O'Grady, Vice-President of the Brotherhood of Maintenance of Way Employees.

The CHAIRMAN: Would you mind giving us your name?

Mr. BEST: W. L. Best, representing the Locomotive Firemen and Enginemen. I happen to be secretary of the committee and probably had the first correspondence with the committee. The secretary kindly wrote me. I think we filed a letter first on the matter.

The CHAIRMAN: We have you here on the list, Mr. Best.

Mr. BEST: I feel quite sure that the representative of the Brotherhood of Locomotive Engineers will want to say something on this. This is merely an acknowledgment of the secretary's letter we wrote on April 15. The first paragraph is merely an acknowledgment of the secretary's letter which we wrote on April 15 and refers to Bill No. 3. The body of the letter reads this way:—

For your information, the Dominion Joint Legislative Committee of the Railway Transportation Brotherhoods, when meeting with the Prime Minister and his colleagues on the 9th instant, briefly referred to the Bill in question and suggested that if the scope of Section 308 was extended to include townships and villages, it seemed to us of vital importance that assurances be given that adequate protection would be provided at level crossings within the limits of such townships and villages as may pass a by-law to prohibit the sounding of whistle and ringing of bell. In other words, if the protection now provided in Section 308 for the audible warning of whistle and bell is removed, some other reliable and equally effective warning signals should be provided as protection to the public, the prevention of unnecessary accidents, and the conservation of human life and property.

Any one of the 33,000 level crossings in Canada mentioned by Commissioner Wardrope is a potential hazard not only to the operating employees but to the public who have to use the highway itself. Under subsection 3 of section 308—which by the way, was inserted in the Railway Act in 1919—if a by-law is approved under that subsection to the extent of that approval, as has been intimated, the employees of the company are relieved of responsibility. It might be said, "Well, you have not very much kick", but we are interested in avoiding accidents. The operating crew, of course, is involved in any accident that may happen at a level crossing, and sometimes it may be an accident to the train crew itself, depending on the seriousness of the accident. I do not think we can say anything. We are not opposing the bill. It is just the suggestion as contained in that paragraph that if you take away the audible signal, then there is a responsibility, and however the cost of it may be apportioned by the board, who have jurisdiction to administer, there must be some additional protection, in our opinion, to take the place of the sounding of the whistle and the ringing of the bell. I feel quite sure probably Mr. Chase and Mr. Ives may want to add something because Mr. Chase represents the eagle eye.

The CHAIRMAN: Thank you very much. Is it your wish to hear Mr. Chase at this time?

Some Hon. MEMBERS: Yes.

Mr. CHASE: Mr. Chairman and gentlemen: I have not very much to say other than this. The men I represent, namely, the locomotive engineers, would be very happy if they could get away from blowing whistles. They have no desire to wake people up in the small hours of the morning nor have people any desire to be wakened up, but there is this to it. As Mr. Wardrope has said, it is a problem to that engine crew to a very considerable degree. I do not suppose any of you men have ever been so unfortunate as to be on a locomotive which has run into an automobile and killed three or four people. We have had cases where engines have struck a gasoline truck and the engine crew have been burned to death by the flaming gasoline. You can readily understand from our standpoint it is a protection to us.

There is another thing. When I say that they would be pleased to get away from it, in the olden days locomotives only carried around 150, 180 or up to 200 pounds of steam. To-day it is up to 275 pounds of steam. With that whistle tapped in at the front end directly into the superheated steam if you want to get your ears knocked off just get up on the cab of an engine when an engineer blows the whistle for every crossing. You will wish you were

any place but on that engine. I do want to coincide with what my friend, Mr. Best, has said and with what Mr. Wardrope has said. Put the protection there. Have these crossings properly protected, and as far as we are concerned it will be fine and dandy. We will be happy to quit blowing the whistle.

Mr. McIVOR: Therefore the crews are not in favour of this amendment.

Mr. CHASE: We are not opposed to it if you make arrangements to have crossings properly protected. That is the first thing.

The CHAIRMAN: Gentlemen, we are considering the bill in its present form. The reference is not in connection with recommending any further protection much as that might be desirable. The reference is to consider the bill as presented by Mr. Adamson. I want to make that clear.

Mr. MUTCH: Is not the element of protection handled by the board itself because it appears to be clear that even should the amendment carry the municipality making the application would first have to satisfy Mr. Wardrope's board before this could be effected. Is that not correct? So that we would have to look for additional protection not to the terms of the bill itself but to the board.

The CHAIRMAN: That is right.

Mr. EMMERSON: What is involved in the installation of proper protection? That is, where does the expense come in, Mr. Chairman? It is expense to whom; to the municipality?

The CHAIRMAN: Mr. Wardrope could perhaps answer that.

Mr. WARDROPE: Usually, as I suggested before, in the case of a single bell and wigwag on a single line, \$3,000, say. The board has what they call a grade crossing fund. That is only applicable to the protection of grade crossings in existence before the year 1909 under the Act, and the board can make a contribution of 40 per cent of the cost of automatic protection or of the cost of grade separation. There are factors in certain cases that vary; but as a general principle it will be found that the balance of the cost has been divided equally between the railway and the municipality concerned.

Mr. EMMERSON: What about maintenance?

Mr. WARDROPE: The maintenance usually follows the cost of construction and is divided equally between the municipality and the railway.

Mr. MCKAY: I should like to have an expression of opinion from the witnesses, or at least from the representatives here of the running trades, as to whether they think that the wigwag signals are adequate protection against accidents.

The CHAIRMAN: Do you wish to address that question to Mr. Best as secretary or to Mr. Chase? Perhaps it should be addressed to Mr. Best.

Mr. BEST: There is only one safe protection and that is the separation of the level crossings. A wigwag is not absolute protection. We have gates at Bronson avenue in the city of Ottawa. On a slippery pavement, with people who want to be careful, they may not be adequate. A lady went right into the side of a Canadian National Railway train because, as she tried to stop, the wheels of her car locked; the car just went into the side of the train and it smashed her car to pieces. Fortunately she was saved from accident. We have had cars go into the side of a train and break the brakeman's leg in the city of Toronto.

Mr. McIVOR: When the wigwag was going?

Mr. MCKAY: No. That is a gate.

Mr. BEST: There were gates there, Mr. McIvor. There are gates at Bronson avenue, and they are down with the light showing towards the highway and hooded towards the way a train would be coming. That is just an indication that

there is nothing that is an absolute protection, because there may be some climatic or other condition which will prevent the person with the best intentions from stopping a high-powered motorcar. You know that some people are not just as careful as others. Where they go right into the side of a train they may be killed; or as I have indicated they may break the leg of the brakeman standing on the side of the ladder doing his switching going across that crossing.

Mr. MCKAY: The point I was trying to make is this, Mr. Chairman. In that particular instance and in many others of a like nature, the blowing of a whistle would not be a protection against accident. You said in this particular case the woman went right through the gates. She would do the same if she heard the whistle.

Mr. LITTLE: Not if the whistle sounded farther back.

Mr. MCKAY: My own experience is that a lot of people do not hear the whistle. If you are driving a car along the highway the car is making a noise and you do not hear the whistle at all. That is especially the case if the car is closed as it would be in the winter time. That is the reason I asked the question in the first place, or why suggestions were made by one of the witnesses that whistles are still blown in those districts where we have wigwag signals. Apparently there is a reason for it, and I should like to find the definite reason. If they do not think the wigwag is an adequate protection against accidents, it would seem logical that we should go further and make a recommendation somewhere—not in connection with this bill, perhaps—that some appropriation be made, and a substantial appropriation, to set up a fund to build overhead passes and other passes to take care of that situation. Apparently we have some 30,000 grade crossings to take care of, according to the figures we have heard to-day.

Mr. CHASE: Might I just say a word there, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. CHASE: In answer to the question I would say this. As far as the engineers are concerned, we have always held the view that at every crossing there should be a total stop for the people on the highways. We cannot get that over. We have never been able to get it over because the auto people and the truck people and so forth are a little bit too well organized. They do not want to stop at these crossings. Here is something else which may never have entered your minds. On the railway every man in engine service and train service has to pass an examination as to eyesight, colour vision and hearing every two years; and when you get to falling down, when a colour defect shows up or your vision gets down too far or your hearing gets down, you are relegated to the scrap heap. What about people driving these automobiles? With all due respect, how many have good eyesight? How many are colour-blind? How many could even hear the whistle? There is a part of the trouble; and if you want to do something which would make the thing safe and eliminate the use of the bell and the whistle at these crossings, it would be to have a positive stop sign, a stop order on the highway, see that it is enforced, and have that duty taken on by the police.

Mr. MCKAY: That is a good suggestion.

The CHAIRMAN: Does Mr. Ives wish to be heard?

Mr. J. L. D. IVES: Mr. Chairman and gentlemen, I do not think I can add a great deal to what Mr. Wardrope, Mr. Chase and Mr. Best have said; but I should like to draw to the attention of the committee that the conductors view with a great deal of concern any relaxation of the safety precautions at highway crossings. I know that I as a conductor have had several experiences of striking automobiles and trucks in villages; and if there is going to be no adequate protection afforded when the sounding of the whistle and the ringing of the bell

are prohibited, then I am afraid that the accidents will increase. I think Mr. Adamson was in error when he said that these whistles must be sounded until the engine passes the crossing. That is not my understanding of the Act. It provides that the whistle will be sounded 80 rods from the crossing and that the bell will be ringing until the engine goes over the crossing. The question was asked with respect to the protection afforded by wigwag signals. The wigwag signal may be very good protection on a single track crossing, but it is not very good protection on a double track crossing because a train may be approaching in the opposite direction and if a whistle was sounded, the person who is going to stop at the crossing, waiting until that train passed, the wigwag working, would have no indication that there was a train approaching on the opposite track in the opposite direction. I think that the committee should give some consideration before they recommend any relaxation in the safety precautions which are now in existence.

The CHAIRMAN: Thank you very much, Mr. Ives. Mr. Phillips is here, I believe. Do you wish to add anything to what has been said?

Mr. W. H. PHILLIPS: No, Mr. Chairman, I have nothing to add to what has been said by the members of my committee.

The CHAIRMAN: Are there any other witnesses to be heard to-day? If not, there are three witnesses who would like to be heard on this bill. They are Mr. J. A. Brass, General Secretary of the Railway Association of Canada; Mr. A. B. Rosevear, K.C., Assistant General Solicitor, Canadian National Railways, Montreal, and Mr. G. A. Walker, K.C., Vice President and General Counsel, Canadian Pacific Railway, Windsor Station, Montreal. As we have heard all the witnesses that are here to-day, I think we should notify these witnesses to appear at our meeting on Thursday, if that is your wish. In that case, we could adjourn now, unless there is some other matter to be brought up. Shall these three witnesses be notified to appear next Thursday at 4 p.m.?

Some HON. MEMBERS: Yes.

Mr. STEPHENSON: Before you adjourn, Mr. Chairman, I wonder if we could have information at the next meeting, or if it could be made available, as to how many fatal accidents have happened at crossings where there are wigwag signals and how many fatal accidents have happened at crossings where there are no signals at all?

Mr. WARDROPE: May I be allowed to say something in regard to that, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. WARDROPE: The board's annual report is in process of being printed. It is taking some time to be printed. It should be out any time now, and I think all that information will be found in the annual report.

Mr. STEPHENSON: Could that information be obtained for this next meeting?

Mr. WARDROPE: Yes.

Mr. STEPHENSON: If somebody could bring that, it would give us an idea of what protection these signals are affording to the public.

Mr. WARDROPE: What was the information you wanted, again?

Mr. STEPHENSON: How many fatal accidents have occurred at crossings where the signals are installed and how many fatal accidents have happened at those crossings where no signals are installed?

Mr. WARDROPE: For the last year?

Mr. STEPHENSON: Yes, or for several years back. It would give us a better picture.

Mr. WARDROPE: I think we can get that information for you. I will try to have the department do that. Who shall I have that sent to?

The CHAIRMAN: To the chairman.

Mr. MUTCH: I move that we adjourn.

Mr. ADAMSON: Mr. Chairman, might I just add one thing, as the question of the behaviour pattern of motorists with regard to wigwags and whistling has been questioned. I have some evidence here that I think might go on the record at this first meeting of the committee.

The CHAIRMAN: Mr. Adamson, a motion has been made to adjourn. A motion to adjourn is always in order. If that is withdrawn, we can proceed.

Mr. MUTCH: I am perfectly willing to withdraw it. I thought we were finished.

The CHAIRMAN: The motion being withdrawn, go ahead, Mr. Adamson.

Mr. ADAMSON: It will not take me more than three or four minutes. This issue has so vitally affected the area I speak of that several of the district committee spent an entire night at one of these crossings watching the behaviour pattern of motorists. The night was August 3rd of last year and the crossing was at Royal York Road and Dundas Street which is a main line crossing. I think it is rather interesting because it points out that the wigwag is the controlling feature, not the whistle. It is the wigwag that the motorist watches, and pays attention to. I will just read you the behaviour pattern and what happened:—

At 9.23 p.m. the wigwag and red light came on and traffic, 2 cars eastbound and 1 car westbound stopped 1 minute before the train whistle blew only 50 feet from the crossing.

At 9.45 p.m. the wigwag and red light came on and 2 cars stopped 1½ minutes before the train whistle blew. All traffic stopped when red light flashed.

At 10.22 p.m. no cars crossed at all at crossing.

At 10.31 p.m. 1 car westbound stopped at wigwag which was 2 minutes ahead of the whistle.

At 10.55 p.m. 1 car only stopped by wigwag 1¼ minutes ahead of the whistle which blew for the first time while the engine was actually on the crossing.

At 11.07 p.m. 3 cars eastbound, 1 westbound stopped at wigwag and red light 1 minute ahead of whistle, which blew only 40 feet from the crossing.

At 11.09 p.m. 2 cars westbound, wigwag stopped them 1¼ minutes before the whistle blew.

At 11.25 p.m. bus eastbound stopped 4 minutes ahead of train whistle.

At 11.32 p.m. 1 car stopped by wigwag 45 seconds ahead of train whistle.

At 12.26 a.m. no cars, no pedestrians.

At 12.40 a.m. no cars, no pedestrians. Train whistle blew for first time crossing crossing.

At 1.11 a.m. no cars, no pedestrians.

At 2.12 a.m. no cars, no pedestrians.

At 3.07 a.m. no cars, no pedestrians.

At 3.56 a.m. no cars, no pedestrians.

At 4.12 a.m. no cars, no pedestrians.



This is the busiest crossing in this area and when there was traffic the wigwag and red light was from 45 seconds to 4 minutes in advance of the train whistle. There are 6 level crossings in less than 1 mile in a closely congested area of approximately 9,000 people. From 7 in the evening until 7 in the morning about 30 trains blow 4 shrieking blasts for each crossing or a terrific total of 700 sleep disturbing whistles every night.

That shows the committee that it is the wigwag which controls the motorist and not the train whistle. Motorists see the wigwag. It is the wigwag that they are dependent upon.

I do not want to take up any more time of the committee. I am quite satisfied that any of the townships I am speaking of would be prepared to go very far with you, with the gentlemen of the brotherhoods, and with the Board of Transport Commissioners in installing safety measures.

That is all the evidence I have, to present at the moment. I thought it was germane to the evidence already given. I thought you would like to see exactly what does happen when the semaphore swings and lights.

Mr. BEAUDOIN: I move we adjourn.

The CHAIRMAN: It has been moved that we adjourn. Is it your pleasure? Carried.

The committee adjourned at 4.51 p.m., to meet again on Thursday, June 27.



# MINUTES OF EVIDENCE

HOUSE OF COMMONS,

JUNE 27, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 4.00 o'clock p.m. The Chairman, Mr. Louis O. Breithaupt, presided:

The CHAIRMAN: Gentlemen, we have a quorum now, so we will proceed with the deliberations of the committee. At the last sitting, Mr. Stephenson asked for information in connection with grade crossing accidents. I have received a letter from Mr. Hugh Wardrope of the Board of Transport Commissioners in which he encloses a statement in this connection. The letter reads as follows:—

In conformity with a request of one of the members of your committee sitting yesterday in room 268, I am enclosing herewith in duplicate a statement covering a period of four years, showing the accidents which occurred at level crossings throughout Canada during that period.

The statement gives in its summary the accidents involving death and injured at protected crossings and unprotected crossings, giving the killed and injured at each, respectively.

I suppose the best procedure in this connection is to embody it in the record. I have an extra copy here for Mr. Stephenson who asked the question. The statement is quite detailed, but as we will likely have another meeting, there is probably nothing in the statement which needs to be discussed now. The statement reads as follows:

June 26, 1946.

## LEVEL CROSSING ACCIDENTS

	GATES			FLASH LIGHT AND BELL			BELL AND WIG-WAG			BELL			WATCHMAN			UNPROTECTED			TOTALS		
	A	K	I	A	K	I	A	K	I	A	K	I	A	K	I	A	K	I	A	K	I
1941.....	7	3	8	.....	.....	.....	40	20	68	12	2	14	9	2	11	312	110	420	380	137	521
1942.....	6	2	7	2	.....	2	44	25	64	11	.....	21	6	.....	11	272	119	371	341	146	476
1943.....	5	.....	5	1	.....	2	37	17	57	7	15	6	2	1	3	249	78	366	301	111	439
1944.....	10	2	13	3	1	6	46	25	49	10	4	12	3	1	4	268	108	363	340	141	447
	28	7	33	6	1	10	167	87	238	40	21	53	20	4	29	1,101	415	1,520	1,362	535	1,883

*Summary of Totals—4 years—*

	A	K	I
Protected Crossings.....	261	120	363
Unprotected Crossings.....	1,101	415	1,520

*Symbols:*

- A—Number of Accidents.
- K—Number Killed.
- I—Number Injured

It was agreed at our last meeting that we would hear further evidence on the bill, Mr. Adamson's bill, No. 3; and today I am very pleased to announce that we have Mr. Spence, solicitor for the Canadian Pacific Railway, Mr. Macdougall, assistant solicitor for the Canadian National Railways, and Mr. Matthews from the Transport Department. If it is your pleasure, I shall call upon the first named as a witness, Mr. Spence, the solicitor of the Canadian Pacific Railway, Mr. Spence!

**Mr. K. D. M. Spence, Solicitor, Canadian Pacific Railway, called:**

The WITNESS: Mr. Chairman and members of the committee, Mr. Macdougall is with me, representing the Canadian National Railway, while I represent the Canadian Pacific Railway; so between us we represent the Railway Association of Canada. The railways are not opposing the principle of this bill. We realize that there are some municipalities which are, to all intents and purposes, a part of a city or town but which are deprived of the advantage of section 308, as it is worded at the present. However, there are some points about the bill that we would like to mention to the committee.

The first point relates to the words "contiguous or near". The clause reads:—

(2) Where a municipal by-law of a city or town, or of a township or village situated contiguous to or near such city or town," and so on.

We suggest that these words are perhaps a little too broad, and that they might be changed to something more precise; or that, perhaps, the words, "or near" might be struck out. It is the old question of how far is "near." From the distance away of Vancouver, Ottawa seems very near to Montreal, to carry the illustration to absurdity, of course. But from Ottawa, Montreal is actually 111 miles away. Each municipality may think that it is near enough to a city or town to be given the advantage of this bill. The matter would then be left entirely to the discretion of the Board of Transport Commissioners. Perhaps the board might not welcome the idea since it would lead, we feel, to a number of troubles, differences of opinion, and cases, before the board which, at the present time we do not have because the Act is precise.

I suggest that the words: "or near" be struck out. Perhaps that would not cover some meritorious cases because, if it is left only to municipalities that are contiguous, that is, actually with one boundary touching the boundary of a city or town, there may be some cases in which there is a slight separation of boundaries, and the result would be that the municipality could not take advantage of the bill.

Another suggestion is that we substitute the words, "metropolitan area". We might say: contiguous to or within the metropolitan area of such a city or town. I am not satisfied with either, because we would first have to define what is a metropolitan area; but first of all it might make it a little more precise than the word "near".

Now, on the general question of a possible extension of the power to pass anti-whistling by-laws, we think there are dangers that require very serious consideration. Many people of course are inclined to regard the whistling of locomotives as nothing but a public nuisance, whereas, in fact, it is, of course, designed to save human life. In cities and towns the danger is not so great because railway traffic and highway traffic are much more moderate than they are away from the cities and towns. But even in a case such as Islington, for example, we have trains travelling at very high rates of speed, sometimes as much as seventy to eighty miles an hour across level crossings, which are protected at the present time by either wigwags or gates, and in some cases they are protected as well by whistle signals. We have a double track line there and we have trains travelling very fast on both lines. When a man driving a car comes to one of those crossings he sees the wigwag working and sees a train pass, and the wigwag continues to work after the train has passed. It is not popularly known that a wigwag is designed to stop as soon as the end of a train passes the crossing. A motorist will see a wigwag still working and will drive across. If we have a whistle signal for a train coming the other way, the motorist will have that additional warning; but if you remove the whistle signal, he has no warning at all, so far as he knows. There is that danger at all crossings where there are two tracks.

Then, if we extend immunity from whistle signals, we increase the danger of derailment of trains by accidents, and danger to the engine crews, and danger to the passengers in the train arising from a sudden application of the emergency brake. We have had cases where trains parted into two or three sections when the brakes were applied suddenly because of a motor car on the crossing. We also have difficulty, if we get too many of these anti-whistling by-laws, the difficulty of giving instructions to our engineers who, particularly, if they be on a line that is not altogether familiar to them, may not know where one community ends and another begins, where the whistle must be sounded and where it may not be sounded. That is something for the railways to face; but with the human element involved, it may, at times, lead to accidents which might otherwise not have occurred. Then, if we extend this principle too far, the common law liability on the railway companies to take adequate precautions to avoid an accident, regardless of whether the statute says they must do so or not, is going to be increased if it is left more and more to the engineer of the train to make a split-second decision on whether or not he should blow the whistle, a decision that involves the lives of the public and perhaps \$1,000,000 worth of property.

Secondly, to sum up, while the railways are not arguing against the idea behind this bill, because we think it is a fair and reasonable idea, that is, to give to communities that are really parts of cities the right to pass the same sort of by-law that cities do—while we are not opposed to the idea behind the bill, we are afraid rather that the language employed may be broad enough as it stands at the present to permit an extension or application of section 308 far beyond what the drafters of the bill really intended it to reach, and also very much beyond the limits of public safety. I have nothing further to add unless the committee desires information on any particular point.

The CHAIRMAN: Are there any questions you would like to ask Mr. Spence?

*By Mr. Campbell:*

Q. Do the flashing lights ever get out of order?—A. They are designed to operate continuously if anything goes wrong. It is a very complicated wiring system. It is in a series of relays down the tracks; and if any one of those relays goes out of order, the lights flash continuously. The same thing applies to the wigwag. There is a possibility that the very last circuit, the circuit which leads to the lights, might get out of order; but that is a very, very rare occurrence; and as a rule the lights signal themselves if out of order, while signalling to the public that there is danger.

Q. Is it possible to draft a bill so that it would apply only to crossings where there is supposed to be adequate protection, or would that make it too much involved?

Hon. Mr. CHEVRIER: That is done already by virtue of the Board of Transport Commissioners.

The WITNESS: Yes, the board may select crossings at which it permits a by-law to eliminate whistling.

Hon. Mr. CHEVRIER: May I follow up the question that was asked. Assuming that this section were passed or a section similar to it, is there still not an obligation on the part of the Board of Transport Commissioners to see that, when a by-law is passed by a municipal corporation covering crossings such as this, the crossings are adequately protected before the by-law is accepted by the Board of Transport Commissioners?

The WITNESS: Oh yes, I understand it is still within the discretion of the Board of Transport Commissioners whether or not to approve the by-law. The only difficulty we foresee is that cases farther and farther away from cities and towns will be put up to the Board of Transport Commissioners and there may be considerable confusion as to which community is entitled to it.

The CHAIRMAN: The difficulty would be to define the words: "metropolitan area", and what is "contiguous".

The WITNESS: Yes, and what is "near". That is really the essence of the difficulty that we foresee.

*By Mr. Hatfield:*

Q. How many times is the engineer supposed to blow his whistle?—A. One set, one long and two short.

Q. The engineer, of course, is obliged to do so by statute?—A. Yes, the engineer is obliged by statute and by regulation of the board to give one long and two shorts, and if he sees a car approaching which he thinks should be warned still further, he may give a further whistle signal.

Q. I mean, when there is no car on the road, say about five o'clock on some Sunday morning. I live in a town where it often occurs. Some smart engineer wants to wake all the people up on some Sunday morning and he blows his whistle fifteen to twenty times while going through the town. It often happens. What about that?—A. I would like to have it reported to the general superintendent or to the officials of the railway. We frequently do get complaints from municipalities saying that the whistle is being blown unnecessarily; and we check up on our engineers and tell them to curtail their whistling to the minimum necessary for public safety. I believe in most cases they do so. If there are any cases such as you mentioned, we would be very glad to know about them.

*By Mr. Emmerson:*

Q. Where there is a wigwag, do they have to blow for that crossing?—A. Yes, regardless of automatic protection.

*By Mr. Robinson (Simcoe East):*

Q. Mr. Adamson's explanation of the bill at our last meeting referred to only one municipality which was in the neighbourhood of Toronto. Do you know how many municipalities there are to which this bill might properly be made applicable throughout the whole Dominion?—A. We hoped that it would be limited to Toronto and Montreal. I cannot give you that information off-hand, but I could get it for you and present it to the committee later.

Mr. McCULLOCH: The train goes through towns just the same as through cities.

*By Mr. Robinson (Simcoe East):*

Q. If the bill is designed to meet the situation in metropolitan areas, how many places in Canada would it apply to?

*By Mr. Stephenson:*

Q. As I understand it this bill applies to towns. Now there are a lot of towns which requested it to be done and they are within the present law; but it does not say that it applies to villages and townships.

Hon. Mr. CHEVRIER: The section as it now stands is on the other page. That is the law as it is today, section 308: This section is to break it down further and make an exception.

Mr. STEPHENSON: In fairness to those municipalities which adjoin the larger cities, it is only fair to give them the same right. You may have a population of from 20,000 to 30,000 in a township, and on the other hand you may have a population of only 6,000 in a municipality, as is the case in the

municipality where I live; yet in the latter case we might apply, yet the township with 20,000 is not entitled to do so. We are asking that this law apply to municipalities adjacent to cities.

Mr. ADAMSON: This municipality has a population of somewhat over 11,000, and the town of Weston has, I think, a population of some 7,000 or 8,000; yet the town of Weston can and has applied for the relieving prohibition; whereas this municipality cannot apply for it. I explained to the committee yesterday why you cannot take the built-up area of this township out and call it a city or town because of its relationship to the over-all economic tax structure of the whole township; it would be grossly unfair to the rest of the township to do so.

Hon. Mr. CHEVRIER: You asked, Mr. Stephenson, if that is not right. The answer depends on what is contiguous to or near.

Mr. STEPHENSON: You would have to modify it or make it specific. "Near" would be hard to define; but in a case where it joins a largely populated city, they ought to have the right to apply the same as the town I live in.

Mr. MUTCH: There does not seem to be any great difference of opinion as to the desirability of the municipalities, in the circumstances, being able to protect themselves. Above all, there remains to be considered whether Mr. Adamson's bill does, in fact, effect the relief desired; and secondly, whether it does so the best way it could be done; and there is another point, whether it exceeds the necessity.

Hon. Mr. CHEVRIER: I think the bill meets the situation in this particular municipality; but the question is, whether it would do so elsewhere.

Mr. MUTCH: Does it do so in the best way, or does it change the Act in a way that is less desirable than in some other way. I should think that the witnesses would know whether or not this bill meets the need, whether it does so in the best way; or whether there is a better way. Mr. Adamson is concerned in getting relief for his people; we should have expert advice on whether we are going far enough.

Hon. Mr. CHEVRIER: That was the object in sending the bill to this committee.

The CHAIRMAN: Would Mr. Spence care to give an opinion on that? He is still being questioned.

Mr. ADAMSON: I am perfectly willing, if the witness objects to the words "or near", to have them struck out of the bill. I think that would meet nearly all the objections mentioned so far except those which relate to double crossings.

The CHAIRMAN: I had really called on Mr. Spence.

Mr. ADAMSON: I am sorry, Mr. Chairman, for butting in.

The CHAIRMAN: It's all right.

The WITNESS: I would say that if the words "or near" were struck out, we could have very little further objections. I gave the example of the double crossings in order to illustrate the dangers prevalent everywhere at railway crossings where there were no whistles. That, of course, is the case just inside boundaries of Toronto, if there is a crossing of a similar kind there. It is the case, just the same inside boundaries as it is in Islington. Trains are slackening speed if they get inside to some extent, and Islington is a community which, in fairness, we think should be allowed to submit its case to the Board of Transport Commissioners for a by-law. In spite of the fact that there is a series of double crossings there, that is a matter which perhaps the board will consider in deciding whether it will approve the by-law or not. I was not trying to single out Islington; I was only giving that crossing because I

happened to see the map there on the wall, and I am familiar with it. What I meant was that there is a danger at all crossings all over Canada, and the more widely we expand the delays in whistling the greater the dangers.

The CHAIRMAN: Is your home in Islington?

The WITNESS: No, my home is in Montreal, but I know these crossings.

*By Mr. Adamson:*

Q. I have known these crossings pretty intimately. I realize the difficulty, but the whistle of the other train does not help; the wigwag still goes. The train that has already crossed the platform makes so much noise that the motorist is likely to cross because he cannot hear the whistle of the approaching train. The warning bell of the approaching train does not help the safety of highway traffic, because the noise made by the train in passing is so great that the whistle of the oncoming train is not heard by the motorist.—A. Yes, there is that difficulty, I admit. Also there is the train which has passed, so that the sound does not get across the crossing.

Q. That cuts it out too, so that the whistle is not a safety measure in the case of the double crossing.

The CHAIRMAN: We might hear from Mr. Macdougall now. He is the assistant solicitor of the Canadian National Railways.

**Mr. J. W. G. Macdougall, Assistant Solicitor, Canadian National Railways, called:**

The WITNESS: Mr. Chairman and members of the committee, as Mr. Spence said, he and I are jointly representing the Railway Association of Canada and I personally am representing the Canadian National Railways. I should like to say that I am in complete agreement with what Mr. Spence has said, and the main point in our mind is that the interpretation which could be put on this amendment would be too wide for it to be a proper one. I should also like to make it clear that the Canadian National Railways do not object to this amendment being made or to this bill being passed, but they do wish that the views of their operating officers as to the effect of such an amendment be put before you. Mr. Spence has mentioned most of the effects of this bill and in general the main objections against any widening of this regulation as an additional increase of hazard to the public. It is not a railway matter, it is a matter of the public. That is a question which is one for the House to decide—whether or not it is going to take on this additional obligation of putting this extra burden on the population.

There were several things Mr. Spence did not mention which are inherent in this additional hazard. One is the fact that if this bill were ratified in as wide a form as it is now it would be possible for an engineer to cover a whole run of 50 or 60 or 70 miles in a fairly populous area without once having to blow his whistle. The applications that would come in from all over the country under such a bill which allowed villages which are near cities or towns to make application could reduce this section to something which is worthless, and you would have trains covering long stretches of their runs without blowing whistles at all. That increases the danger.

Hon. Mr. CHEVRIER: Do you mean that a train entering the province of Ontario from Montreal at the Quebec border would travel almost right through to Toronto without blowing its whistle if all the villages contiguous to cities or towns made applications for the passing of a by-law and they were approved by the Board of Transport Commissioners?



The WITNESS: If that interpretation were put upon this section it is possible that could happen. Possibly it is an exceptional case and a stressed argument, but it is possible; but I should like to reiterate what Mr. Spence said about the difference in the speed of trains in rural and urban areas. At the present time section 308 of the Railway Act applies to cities and towns where the normal speed of vehicles is 25 or 30 miles an hour and trains also are operated at considerably reduced speed. If a wide interpretation were to be put upon this amendment, or if it allowed a wide interpretation, then you would have the prohibition against whistling and ringing of the bell in area where motor vehicles are travelling at 50 or 60 miles and trains travel at 80 miles an hour. The great worry of the railway is not necessarily the great worry of the public although the railway is interested in the public welfare. Then again, the more you increase this anti-whistling regulation the wider you make it and the greater is the danger of chances of derailment of a train. Every time there is a collision you have the danger of derailment when cars run into the side of trains and get under the wheels. There is that danger of derailment and serious injury or death to the passengers of the trains as well as to the people in the vehicles. I agree with Mr. Spence that should the words "or near" be taken out of the bill that would improve it tremendously and a great number of the objections would be nullified. I think it is most important from the railway point of view that the bill be made as specific as possible so that it leaves no chance for the dangers I have mentioned to creep in.

Hon. Mr. CHEVRIER: If you take out the words "or near" is there still not some objection? What I have in mind now is not the case we are dealing with, but towns and cities like Belleville, Oshawa and Cornwall, where there is a municipality and alongside of it there is a township with a population of maybe 2,000 or 3,000. It would mean that these municipalities could apply for a by-law such as is required here. Would it not be much better to limit the scope of this Act to larger areas like Toronto and put in a limitation with reference to population in addition to taking out the words "or near"?

The WITNESS: I think personally that that could be done to make it more satisfactory and to ensure that it is going to be used simply for the purpose for which it was originally conceived. That is the best policy that could be adopted.

Hon. Mr. CHEVRIER: I would like to make myself clear on this. What I find objectionable in this bill is that a municipality like the township of Cornwall—I refer to it because I know it—it is a small township and its population could apply under this and get relief and then a train might travel 40 or 50 miles without blowing its whistle at all. I think that is bad from the point of view of the public, although I would think it would not be bad in a municipality which is just adjacent to the city of Toronto. I believe that is all this bill seeks; that is a remedy for that particular situation.

Mr. MUTCH: Make the limitation to places contiguous to a city of 100,000.

Mr. STEPHENSON: Why the need of putting city or town in at all?

Hon. Mr. CHEVRIER: Because you already have it in section 308.

Mr. STEPHENSON: A town has that privilege; why a town?

Hon. Mr. CHEVRIER: I have no objection to taking that out. I should like to see some remedy for the situation because frankly it is not a good one; but, on the other hand, I would like to see as little by way of protection as possible taken away from the public. In other words, I should like to see preserved for the public all the rights we now have under section 308 (2) if that is possible.

Mr. STEPHENSON: It reads:—

...a township or village situated contiguous to or near such city or town...

and the town already has the privilege. You would limit it to a city?

Hon. Mr. CHEVRIER: Yes, having a population of 100,000 or more, or some such other limitation. I think that cuts the bill down still more, but I do not think there would be any objection from Mr. Adamson. I think he is seeking relief for his particular area.

Mr. CAMPBELL: Is there a need for this bill? I listened closely to the discussion and to my mind the House of Commons should not take away any protection that the public has as far as railway level crossings are concerned. I think our objective should be to do away with the level crossings. For instance, if the House of Commons passes a bill of any kind limiting the use of whistles in the larger cities, is it not going to be a headache for the railways and the Board of Transport Commissioners to keep all the smaller towns and villages from asking for the same thing?

Mr. STEPHENSON: They have that right now.

Mr. ADAMSON: We have that under the Act as it is.

Mr. CAMPBELL: Mr. Spence said something about the sudden braking of trains at 70 miles an hour. I was on a train two years ago when a drunken soldier, I think, pulled the cord and the emergency brakes were put on, and the engineer told us afterwards that his engine jumped, he figured, two feet off the rail and came back down again and pulled the first two cars apart and delayed the train for four hours. That might have caused death or injury to a lot of people. I do not like the bill. I think it would be possible for the Board of Transport Commissioners and the railways, knowing the feeling this raises in some of these centres, to get together and by cooperation eliminate a lot of this whistling without having the House of Commons pass a bill that I am sure is going to give us a lot of headaches and will take away a lot of the protection that the public now have.

Mr. ADAMSON: Mr. Campbell, that has been tried. I have taken this up with the Board of Transport Commissioners, and this is the only possible way by which relief can be given—passing a bill through the House of Commons. I think that all the witnesses we have had before us have agreed that some relief is necessary for the condition I am speaking of around the city of Toronto, and there is another case near the city of Montreal. I believe that nearly all the witnesses have said on cross-examination that the whistle was not the primary factor of safety if you have protection by wigwagging at your crossings. This bill does not increase the power of the municipality to-day to pass a by-law asking for this relief, and the relief is not granted unless the Board of Transport Commissioners approve of the safety measures taken at the crossings.

Mr. CAMPBELL: There is another point that has not been mentioned by anybody and that is the fact that we have very violent snowstorms and there will be times during those storms when a driver cannot see the wigwag working.

*By Mr. Hatfield:*

Q. Is it safe to operate a train through a thickly populated area over level crossings at 80 miles an hour? A whistle is no good at that speed.—A. I do not think anyone would operate a train at that speed through a town. The operation of railways always has a certain amount of hazard in connection with it, and it is regulations like this that keep accidents to a minimum.

Q. You said they operated trains through this town at 70 and 80 miles an hour.—A. If I said that I did not mean it. I am not sure what our time-table shows in that town, but it does operate in small communities at that speed.

Q. You could not operate through a town in the United States without a flagman or gates in towns.—A. I am not familiar with the American regulations, but I do know that they are governed by each city individually. They have their regulations which are somewhat similar to ours, and they vary in each state.

Mr. ADAMSON: In this case I mentioned, the town of Weston is actually farther away from the city of Toronto than the area I have given there, and the speed of the trains through Weston is probably just as high or higher than it is through this district, and yet Weston has the protection of the non-whistling clause, and this area I am referring to does not have that protection.

The WITNESS: That is quite true. We make no point of the fact that this regulation will work hardship on some people; it is bound to; and in this case it certainly seems to be doing so. We are as anxious as anyone to eliminate this noise, but the question is as to the wording of the actual bill so that it will not go farther than was originally intended.

*By Mr. Adamson:*

Q. If you remove the words "or near" that will remove the bulk of the objection, would it not?—A. It is my opinion if those two words are removed it would help considerably.

Q. With the safeguard that no municipality can pass a by-law and have it put into effect unless it is approved by the Board of Transport Commissioners?—A. That is the arrangement which is presently in effect.

Q. And under this Act the whistling prohibition shall only apply to such crossings as are designated by the municipality?—A. That also is the way the regulation is.

Q. That is the way the regulation reads?—A. It is not possible to pass a by-law prohibiting whistling in a town; it is only possible in relation to a specific crossing within a town.

Mr. ADAMSON: In this case there are only four or five crossings where we asked for relief. I explained to the committee at the previous meeting that the Canadian National Railways line which runs across the north part of the township, and the Canadian National Railways line which runs through the industrial section of the township are not affected, they are not a menace the way this railway is that runs through a very large residential section of the township.

*By Mr. McCulloch:*

Q. Do you consider the blowing of the whistle to be a safeguard?—A. It is done purely for the safety of the public.

Q. Don't you think it would be far better to blow the whistle than to have a certain number of people killed?

Mr. DROPE: Whistling has never killed anybody; but the train probably would.

Mr. McCULLOCH: The whistle might scare people enough to make them stop.

Mr. ADAMSON: The point of the bill is that we are only asking for relief at crossings that are protected by wigwags. As has been shown by witnesses appearing before this committee, it is the wigwag that stops the traveller, not the whistle.

Mr. HODGSON: If you drive a car you do not hear the whistle.

Mr. ADAMSON: Precisely; and those crossings that are not protected by wigwags will be protected by wigwags if we get this relief.

Mr. McCULLOCH: The driver of a car coming up to a wigwag might not be able to see the wigwag.

Mr. ADAMSON: Yes, and with a car closed up during a storm, you do not hear the whistle.

Mr. STEPHENSON: With regard to this particular argument, I would prefer that the matter be deferred until the next meeting. The statement submitted to us indicates that at crossings which were protected, for instance, during the

years 1941 to 1944, where it was possible to check, there were only 238 accidents where there were wigwags; and where there was no protection there were 1,520. I stopped once at a crossing where there was no signal yet the whistle was blowing. While we stood waiting, an old fellow who was apparently hard of hearing came along the other way. We watched him approach that crossing and we thought he would be hit; but he saw the train in time and drove his car into the ditch, yet the train was whistling and he did not hear it. There are lots of people driving automobiles who are hard of hearing; but most people driving automobiles have fairly good sight.

The CHAIRMAN: Are there any other questions that you gentlemen wish to ask Mr. Macdougall? I think before we consider the bill finally we should hear from the solicitor of the Transport Department; but he will probably have to wait until another meeting. Before we adjourn, if there are any other questions to be asked, now is the time to do so, when these gentlemen have been good enough to come here.

Mr. BLACK: Are there any double tracks or special crossings referred to in that municipality?

Mr. ADAMSON: The main line of the Canadian Pacific has a double track.

Mr. BLACK: I consider that double tracks are a very great menace. It is instinctive for a person, after seeing one train go by, to believe the track to be clear and to start across.

Mr. ADAMSON: The whistle does not help us. If it could be shown that the whistle helps in these cases, then there would be some objection to the bill; but the whistle in these cases does not help materially to cut down your accidents.

Mr. DROPE: We get reports only of the people who got hurt. We do not hear about the people who heard the whistle and stopped.

Mr. ADAMSON: According to the report that I gave at the last meeting, the people are activated more by the red lights than by the whistle. I gave you the details of a committee which spent an entire day checking at one of the main crossings. Their report showed that drivers will stop at a swinging wigwag or a red light wigwag, but they will not stop on the whistle; so the whistle was a redundancy, an unnecessary warning in these cases.

Mr. MUTCH: I do not think it is for this committee to decide what we are presently discussing, the efficacy of various types of warning devices. We all know that the purpose of a whistle is to be a warning to the public, and the same is true of gates and wigwags. We know, too, of instances where, in spite of both, accidents do continue because the human element enters into it and the motorist is sometimes unobservant of any warning. Have we not simply to decide, as the minister suggested a few moments ago, the matter of this particular bill? We could go on hearing evidence and expressing our own opinions until the end of the session without deciding the efficacy of the various systems; but what we have to decide is whether municipalities shall enjoy the same risks that their neighbouring cities enjoy. I do not want to be insistent about it, but one objection has been pretty well overcome by removing the words: "near to". If that does not go sufficiently far, perhaps the sponsor of the bill would move to restrict it further to eliminate this thing spreading out into small rural areas, and to confine it strictly to the larger centres. I do not know that we can accomplish anything more by a general discussion of wigwags versus bells. I remember once looking up into an engineer's face when it was too late to put on the brakes, when I steered my car into a cement post. That cement post stopped me or I would not be here to-day. It is an endless argument. I do not know whether you want to hear more evidence if this particular bill gives the relief required. We should make sure that it does not open up any other avenues.

Mr. ADAMSON: Just replying to Mr. Mutch for one moment: Let us suppose that the township of Cornwall, the city of Cornwall, should apply for relief and it was a rural area. The Board of Transport Commissioners would have to pass on that by-law; and if in their judgment it was not necessary for the relief to be granted, they could deny that relief. So, the idea of a train running from Montreal to Toronto without having to blow its whistle—unless the Board of Transport Commissioners were entirely out of their minds—they would not give such relief to those rural communities, even though they were adjoining or contiguous to a city.

Hon. Mr. CHEVRIER: That is the objection that I see to it; rural municipalities to my mind should not be given that opportunity because then you would have hundreds of applications likely to be made. That is the weak part of the bill as I see it.

Mr. ROBINSON (*Simcoe East*): Why should we burden the Board of Transport Commissioners with numerous applications of this sort?

The CHAIRMAN: That is exactly why I believe we should hear the solicitor for the transport commissioners and get his view on it before this matter is finally decided.

Mr. ADAMSON: Would the minister be agreeable, if we amend the bill in such a way that it would apply only to urban municipalities outside of or contiguous to cities of 50,000 or over?

Hon. Mr. CHEVRIER: The minister has nothing to do or say with this matter. It is for the committee to decide. I made my position quite clear in the House of Commons when I said there were some good and some objectionable features to this bill. That is why I moved it to be sent to the committee, so that the committee could decide what should be done with it. Mr. Adamson's point deserves serious consideration. There is certainly a difficult position being created adjacent to the city of Toronto; but I fear that by remedying the situation there you are going to do harm elsewhere. I do not think it is up to the minister to do or to say any more than he has already done.

Mr. MUTCH: Do you think that my suggestion might, in some degree, overcome that possibility?

Hon. Mr. CHEVRIER: If I were asked for an additional opinion, I would say that there certainly ought to be some limitation added to this bill in addition to that of removing the words "in or near". I think a reference to population should certainly go in there; because if you do not put in a limitation with reference to population, you are going to enable rural municipalities adjacent to cities all along the line to make applications.

Mr. MUTCH: Rural suburban municipalities.

Hon. Mr. CHEVRIER: Yes.

Mr. MUTCH: We should deal with that, when we come to clause by clause consideration of the bill.

Hon. Mr. CHEVRIER: It might be advisable to ask the opinion of the counsel of the Board of Transport Commissioners because I do not think I am competent to advise on the phraseology of a thing like this. In fact, I would not attempt to do so.

Mr. ROBINSON (*Simcoe East*): I asked Mr. Spence earlier how many metropolitan areas in Canada might be expected to meet a situation like this, as Mr. Adamson has described. Possibly if we knew that, we could deal with the bill in a proper manner.

The CHAIRMAN: I might point out to the committee that the bill would not be considered by this committee clause by clause. The reference was to the subject-matter of the bill, bill No. 3, an Act to amend the Railway Act. We cannot consider it clause by clause. It was not given second reading.

Mr. MUTCH: The reference was to the principle.

The CHAIRMAN: That's right.

Mr. ADAMSON: But this committee can amend the bill?

The CHAIRMAN: I would think so, and recommend it to the House.

Mr. ADAMSON: As amended.

The CHAIRMAN: If that is desirable.

Mr. STEPHENSON: What population would you suggest, Mr. Chevrier?

Hon. Mr. CHEVRIER: I think it should be 100,000 or more, although I have not given it any thought.

Mr. BLACK: Contiguous to an urban community of 100,000.

Hon. Mr. CHEVRIER: That raises the objection of what is contiguous; what does that mean.

Mr. BLACK: What urban municipalities or communities now have this restricting authority. Do any of them, even the small communities of say 10,000? I am not referring now to communities contiguous to urban communities themselves.

Hon. Mr. CHEVRIER: They cannot pass a by-law such as this, now.

Mr. BLACK: I understand that some urban, largely urban municipalities, now have authority to restrict the blowing of whistles within their boundaries.

Hon. Mr. CHEVRIER: Yes, cities or towns.

Mr. ADAMSON: Any city or town has that right.

Hon. Mr. CHEVRIER: Yes, a city or town has that right; but a township adjacent to a city or town has not got that right.

Mr. BLACK: How many cities or towns would ask for that right?

Hon. Mr. CHEVRIER: The Board of Transport Commissioners' counsel should give us that information.

The CHAIRMAN: We might have that information at our next meeting. I think that is a very interesting point. I think it is the crux of the whole thing.

Mr. BLACK: I think it would be a double safeguard to have the wishes of the urban communities themselves; and secondly, it would have to be ratified by the Board of Transport Commissioners.

The CHAIRMAN: We might give thought between now and the next meeting to a clearer definition of metropolitan area, to the contiguous phase of it, and to the size of the municipality, and get the opinion of the solicitor of the transport commissioners as to what they think about it. Now, unless some other member has more questions to raise about this bill, we might adjourn.

Mr. ADAMSON: I have not given any evidence to the committee yet as to the necessity of this bill for these smaller areas. I have a great deal of evidence here, but I think the committee is impressed enough with the fact that a very definite menace does exist to the health of the people who have to live in an area where 700 blasts of the whistle a night practically prevent any degree of sleep. I have letters here from the medical officer of health, the principal of the high school, and of course from the municipal officers, from several doctors, several clergymen, and the principal druggist in the district, showing the increase in the use of narcotics owing to the whistling. I think the committee and all the witnesses are convinced of the necessity of affording some relief to urban areas such as this.

Mr. McCULLOCH: Is that figure of 700 whistles an accurate figure or just a guess?

Mr. ADAMSON: It is an accurate figure; in fact, 712 is the precise number. The High School principal says:

In support of the protest against the disturbances caused by train whistling in the Islington-Kingsway area I am herewith stating the case for the pupils and teachers of Etobicoke High School.

As you know the school is situated on Montgomery Road about 250 yards north of the C.P.R. crossing. The trains running East whistle near the school for Islington Avenue, Montgomery Road and Dundas Street. Trains running west, while near the school building whistle for Montgomery Road and Islington Avenue.

This whistling naturally interrupts the concentration and recitation of the pupils and the presentation of work by the teachers. When the whistle blows teaching must stop. As two or three trains frequently pass during one 40-minute teaching period this means a loss of five or six minutes teaching time each period. Considering this as a loss of 10 per cent of time it is equivalent to a loss of one month in ten. That is, a year's work taken by the majority of schools in ten months must be done by Etobicoke High School pupils in nine months.

Anything that you do to stop the whistling of trains in this vicinity will indeed be appreciated by all connected with Etobicoke High School.

The CHAIRMAN: I believe the students would prefer to have the whistles and not work so hard.

Mr. ADAMSON: The druggist says:—

The whistling of trains is of concern to the pharmacist because, he realizes full well that there are many uses for the sleeping tablet and contribute very substantially to the reasons for their use. The research the hypodermic needle and that the screaming whistle of the train may departments of the large pharmaceutical houses are in constant search for medication less harmful and more effective to induce sleep to the light and troubled sleeper. If these trained scientists were satisfied that health would not be impaired and that the life span could not be shortened by the continued use of these unnatural sleep producers, there would be but little purpose in their constant endeavour to produce medication of a less dangerous nature. It is an accepted fact that natural sleep is far better than any form of induced sedation.

There are many factors which contribute to the cause of the use of sleeping potions and just where in the order of importance the train whistling factor fits I am not at all sure, but it is my personal belief that it is well toward the top of the list. I am thoroughly convinced that if the whistling of a train sufficiently stirs the human mind of the occupant of a humming motor car to cause him to stop his car, it must most certainly disturb the peaceful slumber of the tired worker tucked restfully in his quiet abode.

In conclusion, I wish to point out that large quantities of sleeping medicines are used in this Kingsway-Lambton area and while I have great respect for the painstaking scientists who have made them available for the benefit of the needy, I most emphatically state that it is my firm conviction that all unnecessary causes for their use should definitely be eliminated. I believe that the whistling of trains is a cause and it is, at least, my opinion than anything which may cause the habitual use of this type of medication should receive your careful consideration.

The CHAIRMAN: Shall we adjourn? I do not want to shorten any presentation, Mr. Adamson.

Mr. ADAMSON: This is from the Rector of St. George's Church On-the-Hill. I shall read only the second paragraph:—

My own family suffers as much perhaps as any. In the six years we have lived in St. George's Rectory, neither my wife nor I have had a single night's unbroken rest because of the train whistles. Our child is also frequently disturbed, particularly in the early morning. When this situation is common to thousands of homes in a district like ours, it constitutes a social problem of no inconsiderable proportion.

That is from the Rector, Mr. Newby, of St. George's Church, Islington. The situation is a serious one. In fact, it is a very serious one for the people resident in that district because it constitutes a definite menace to their health.

Mr. CAMPBELL: I notice that here in Ottawa a good many of the streets do not cross the railways, but every once in a while there are crossings and wigwags. Why cannot the committee take the attitude that we will do away with the level crossings, have fewer crossings and have them either underground or overhead?

The CHAIRMAN: That is probably very desirable, but I think we would have to consider the matter of cost.

Mr. CAMPBELL: We have 250,000 unemployed right now in Canada.

Hon. Mr. CHEVRIER: If you had been in the House yesterday you would have heard me give some information concerning that very thing, that a study was being made by a committee of the Board of Transport Commissioners and Reconstruction, respecting dangerous crossings, but that they have not reported yet. These things are being studied as post-war projects. I am not in a position to say when the report will be handed down, but I can assure you that the subject is being given careful consideration.

Mr. CAMPBELL: We could get the co-operation of the railways, the municipalities, the provinces and the dominion government to put them in.

Mr. ADAMSON: The cost of a level crossing in the particular case I have in mind would amount to about \$300,000, which would put the thing, from a practical point of view, beyond realization. The crossing at Dundas was surveyed and it came to that figure.

The CHAIRMAN: We will adjourn now to meet again at the call of the chair.

The committee adjourned at 5.18 p.m. to meet again at the call of the chair.



SESSION 1946  
HOUSE OF COMMONS

---

STANDING COMMITTEE  
ON  
RAILWAYS, CANALS AND  
TELEGRAPH LINES

---

SUBJECT-MATTER OF BILL No. 3,  
AN ACT TO AMEND THE RAILWAY ACT

---

MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 2

---

WEDNESDAY, JULY 10, 1946

---

WITNESSES:

Mr. A. R. Adamson, M.P., Sponsor of Bill No. 3;  
Mr. G. Graydon, M.P.

---

Also statement by Hon. Mr. Chevrier, Minister of Transport.

## REPORT TO THE HOUSE

THURSDAY, 11th July, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines begs leave to present the following as a

### SECOND REPORT

Complying with an order of the House of April 5, 1946, your Committee has given consideration to the subject-matter of Bill No. 3, An Act to amend the Railway Act, and has heard evidence from the Assistant Chief Commissioner of the Board of Transport Commissioners for Canada, from representatives of the railways, and from officials of various brotherhoods of railway employees.

Your Committee understands that the Board of Transport Commissioners will soon be engaged in a complete revision of the Railway Act. It is, therefore, recommended that the said board be asked to give consideration to a provision in an appropriate section of the Railway Act which would meet more adequately the situation sought to be met by the subject-matter of Bill No. 3, An Act to amend the Railway Act.

A copy of the minutes of proceedings and evidence is attached.

All of which is respectfully submitted.

L. O. BREITHAUP, *Chairman.*

## MINUTES OF PROCEEDINGS

WEDNESDAY, July 10, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met at 4.00 p.m., the Chairman, Mr. Breithaupt, presided.

*Members present:* Messrs. Adamson, Aylesworth Black (*Cumberland*), Bonnier, Bourget, Breithaupt, Brooks, Campbell, Chevrier, Clouthier, Drope, Eudes, Hatfield, Hodgson, Irvine, Lesage, McCulloch (*Pictou*), McKay, Mullins, Mutch, Pearkes, Robinson (*Simcoe East*), Robinson (*Bruce*), Ross (*Souris*), Stephenson, White (*Hastings-Peterborough*), White (*Middlesex East*), Winters.

The Committee resumed consideration of the subject-matter of Bill No. 3, An Act to amend the Railway Act.

The Minister of Transport stated that the Board of Transport Commissioners is reviewing the Railway Act and might, therefore, be asked to suggest an amendment thereto that would serve the desired purpose.

Mr. Adamson, the sponsor, was heard in recapitulation of statements made at previous meetings of the Committee.

By permission, Mr. Graydon, M.P., addressed the Committee in support of the subject-matter of Bill No. 3.

Mr. Adamson moved that the following amendments be made, and that, as so amended, the Committee report favourably on the subject-matter, viz:—

Line 9. Delete "or near such" and substitute therefor "a".

Line 10. Delete "or town" and substitute therefor "whose population is greater than 100,000."

Line 20. Delete "or near such" and substitute therefor "a".

Line 21. Delete "or town" and substitute therefor "whose population is greater than 100,000".

And the question being put on the said motion, it was resolved in the negative, Yeas 12, Nays 14.

Mr. Chevrier moved that the Board of Transport be asked to give consideration to an amendment to an appropriate section of the Railway Act which would meet more adequately the situation sought to be met by Bill No. 3, An Act to amend the Railway Act.

And the question being put, it was resolved in the affirmative.

*Ordered,* To report accordingly.

The Committee adjourned to meet to-morrow, July 11, at 4.00 p.m.

JOHN T. DUN,  
*Clerk of the Committee.*



## MINUTES OF EVIDENCE

HOUSE OF COMMONS,

July 10, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 4.00 o'clock p.m. The Chairman Mr. Louis O. Breithaupt, presided.

The CHAIRMAN: Gentlemen, if you will kindly come to order; we have more than a quorum, a very good attendance to-day. The procedure will be, with your consent, that the Minister of Transport will make a statement in connection with the proposed bill.

Hon. Mr. CHEVRIER: Mr. Chairman and gentlemen, the last time we met here there was some suggestion of getting more evidence about the number of level crossings that might be affected if the suggested amendment to 308 were passed, and about certain other installations, evidence which the committee thought would be available, or might be made available.

I communicated with the chairman of the Board of Transport Commissioners, and he told me that the desired information was not available in the hands of the Board of Transport Commissioners, and that it would take some time to get it from the railways. He felt that it would be difficult to get it immediately.

Since the last hearing, I have given some thought to this bill. Of course I am in the hands of the committee, but I wish to say this: that I am of the same view now that I was when the bill was introduced in the House, so far as the position of the people in the Toronto area are concerned; but having looked at the bill, I feel that it might be a mistake to pass it as such. My reason for saying that is this: at the last hearing I suggested a limitation of 100,000, so far as population goes. Since then, members have come to me and suggested that that figure be cut to 50,000; and still again to 25,000. If that were ever done, then there would be little or no protection under section 308. In other words, we would be doing negatively what we ought to be doing positively.

What we are attempting to do here is to give assistance to a community that is unquestionably suffering; but by doing that we are going to open wide the door to other communities which should not have this power, the right to pass such a bill. So, I say, therefore, that having given it some consideration, I have come to that conclusion. The Board of Transport Commissioners are now considering a revision—that may not be the correct word—of the Railway Act. They have set up a committee to prepare amendments to the Railway Act. Those amendments will be numerous. I am prepared to ask the board, in its survey of the Railway Act, to consider an amendment of the Act which might meet the Toronto situation.

Perhaps that could be done in this way. It might be possible, under some section of the Act, to give the board authority to pass regulations, or a regulation, covering a situation in a particular community such as Toronto, Hamilton, Windsor, London, and the larger centres. I refer, of course, only to the province of Ontario; but it would apply to Montreal, Quebec and other large centres across Canada.

Mr. IRVINE: Are we still discussing the Whistling bill?

The CHAIRMAN: It is bill No. 3, yes. I am sorry, I thought that was understood.

Hon. Mr. CHEVRIER: While I cannot give this committee any undertaking that an amendment will be introduced, I can give the committee my assurance that I will ask the Board of Transport Commissioners to remedy the situation for which Mr. Adamson seeks relief. That is all I have to say. The matter is in your hands.

Mr. ADAMSON: Might I, with your permission, just recapitulate what has gone on before. We have had, as you will see in the evidence, a number of witnesses before this committee and each one of the witnesses, I think, without exception, approved of the principle of the bill. They did raise two objections which I think will be met by a suggestion I have here. With your permission, Mr. Chairman, I would just like to read the evidence given by the witnesses. Mr. Hugh Wardrope—in case the committee has not read that evidence—said:—

The Chairman, the board I may say has in its long experience every sympathy with and understanding of the affliction that so many people now suffer through the statutory blowing of whistles at crossings outside of cities or towns where no bylaws have been passed prohibiting the blowing of these whistles. The board, if it is at all possible, will be glad to see some measure of relief for a lot of these people.

Hon. Mr. CHEVRIER: Your statement was that the witnesses approved the bill. All they said was that they had no objection to the bill and would like to meet the difficult position in which you find yourself. That is a different thing from approving the bill. That is not what Mr. Wardrope says there.

Mr. ADAMSON: He said that he would be glad to see some measure of relief.

Hon. Mr. CHEVRIER: And so would I.

Mr. ADAMSON: And that is just what the bill is really trying to do. He then says—I had questioned him as follows:—

Q. Would it overcome your first objection if we altered the amendment and used the word "contiguous" only? That would make it specific.

Then Mr. Wardrope said:—

A. Yes, that would facilitate interpretation. I would not like it to be understood that the board is objecting to the principle in this at all. The board is in full sympathy if something can be done that is reasonably safe to afford or extend the relief now available in the Act to the more densely populated sections. "Contiguous", of course, is easier to interpret. I do not think there would be any difficulty there.

Mr. IRVINE: What is your idea in asking to take away the whistle with nothing in its place to warn the public?

Mr. ADAMSON: As I have explained to the committee, relief is sought only for a few specific crossings. The evidence shows that those crossings are protected by wigwags or by gates, and that it is the wigwag or the gate, and not the whistle, that protects the public. That is according to the evidence of witnesses who spent long hours observing the behaviour pattern of traffic at those crossings for which I am asking relief.

Then, Mr. Best, the secretary of the Joint Legislative Committee of the Railway Transportation Brotherhood, Ottawa, said:—

We are not opposing the bill. It is just the suggestion as contained in that paragraph that if you take away the audible signals, then there is a responsibility, and however the cost of it may be apportioned by the

board, who have jurisdiction to administer, there must be some additional protection, in our opinion, to take the place of the sounding of the whistle and the ringing of the bell.

That we are willing to do by having wigwags or gates installed at the crossings which we want to have protected. Then, Mr. Chase, who is the Dominion legislative representative of the Brotherhood of Locomotive Engineers, Montreal, said this:—

Have these crossings properly protected, and as far as we are concerned it will be fine and dandy. We will be happy to quit blowing the whistle.

Then Mr. McIvor asked him:—

Mr. McIVOR: Therefore the crews are not in favour of this amendment?

Mr. CHASE: We are not opposed to it if you make arrangements to have crossings properly protected. That is the first thing.

Mr. Ives and Mr. Phillips both said they had nothing further to add to what had been said before. Then, Mr. K. D. M. Spence, solicitor of the Canadian Pacific Railway, said:—

The only difficulty we foresee is that cases farther and farther away from cities and towns will be put up to the Board of Transport Commissioners and there may be considerable confusion as to which community is entitled to it.

The CHAIRMAN: The difficulty would be to define the words: "metropolitan area", and what is "contiguous".

The WITNESS: Yes, and what is "near". That is really the essence of the difficulty that we foresee.

Then, further on, the same witness said:—

The WITNESS: I would say that if the words "or near" were struck out, we would have very little further objections.

Then, Mr. Macdougall, assistant solicitor of the Canadian National Railways, had this to say:—

I should also like to make it clear that the Canadian National Railways do not object to this amendment being made or to this bill being passed, but they do wish that the views of their operating officers as to the effect of such an amendment be put before you.

And he again said, the same witness:—

I think personally that that could be done to make it more satisfactory and to ensure that it is going to be used simply for the purpose for which it was originally conceived. That is the best policy that could be adopted.

Then, the minister said:—

Hon. Mr. CHEVRIER: If I were asked for an additional opinion, I would say that there certainly ought to be some limitation added to this bill in addition to that of removing the words "in or near". I think a reference to population should certainly go in there; because if you do not put in a limitation with reference to population, you are going to enable rural municipalities adjacent to cities all along the line to make applications.

That, in essence, was what you said to-day, Mr. Chevrier. Now, Mr. Chairman and gentlemen, I have endeavoured to meet the objections raised to this bill by the various witnesses and to meet the objections of some members of the

committee. I have endeavoured first of all, definitely, to strike out the words "or near", which confine it to townships or villages contiguous—which according to the dictionary means, actually touching—these large cities; and also to add a population limitation. The amendment in paragraph two of section 308 in the bill, would now read:—

Exception—Para. (2) Where a municipal by-law of a city or town, or of a township or village situated contiguous to a city whose population is greater than 100,000 prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, or township or village, such by-law shall, if approved by an order of the Board, to the extent of such prohibition relieve the company and its employees from the duty imposed by this section.

I will now read paragraph (3).

Exception—Para (3) Where a municipal by-law of a city or town, or of a township or village situated contiguous to a city whose population is greater than 1000,000 prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, or township or village, such by-law, if approved by order of the Board, shall, to the extent of such prohibition, relieve the company from any penalty or liability under this section.

Now, Mr. Chairman, there has been some discussion about the number of places which would be affected, if we limited it to 100,000 people. The cities in Canada whose population, according to the Canada Year Book, by census, was over 100,000, were Montreal, Toronto, Vancouver, Winnipeg, Hamilton, Ottawa, Quebec, and Windsor. Only eight places. And I submit, Mr. Chairman, and gentlemen of the committee, that very definitely limits the scope of the bill. It is my submission now that by imposing that limitation, the objections raised by the witnesses can be and are overcome.

With that, and with the words "or near" deleted, I contend, gentlemen, that all the objections raised by the witnesses are overcome; and I would ask the committee, most seriously, to consider recommending the bill as it is now amended.

Gentlemen, you have very little idea of the real hardship suffered by people living in an area such as I have spoken of. There are not many such places in Canada; and it is a fact that this one area, within a distance of a little over a mile, finds its inhabitants, the residents of the area, subjected to over 700 whistle blasts every night. Now, as one of the witnesses mentioned, the steam pressure that is now being used by modern locomotives is up around 300 pounds. Many of the whistles were designed for working pressures of from 100 to 150 pounds, and they really create a very definite physical menace to the well being of a community.

I realize that it is, perhaps, considered to be a small thing, a bill concerning whistling; but if you gentlemen lived in this particular community, you would realize what actually happens during the course of any one day.

I have a lot of evidence from members of the township council, doctors, school teachers, ministers and others. I have not called them because I thought the evidence was sufficiently clear and sufficiently definite to recommend this bill, if the objections of the witnesses and of the minister could be overcome. And I submit to you, Mr. Chairman and gentlemen, that with the amendments as they now read the objections are overcome and I would ask the committee to consider recommending the bill in its amended form to the House.

Mr. McKAY: I would like to ask Mr. Adamson his opinion as to why his recommendation with respect to the elimination of the whistling at crossings should apply only to communities of the size of the one for which he is speaking,



and at the same time I would like to ask the minister why limitation of places of 100,000 population or over should be made. For the information of the committee I might say that I visited the city of Saint John over the week-end, and the population of Saint John is certainly not much over ten thousand. We were told that there were 700 whistle blows a night at the point about which Mr. Adamson was speaking; if there was one, there were at least a thousand at Saint John because, as most of you know, two or three railways run through there. It seems to me that if we are going to go so far as to protect cities, or people living in the cities or near cities of a population of 100,000 or more, we should extend the same privilege to small communities of the type of Saint John. There is a lot to be said in favour of the elimination of unnecessary whistle blowing by trains, and in support of the convenience of the public, why cannot it be done with adequate protection to all concerned at any of these points?

Mr. ADAMSON: I would point out to my honourable friend that Saint John is a town which is presently protected under the Act.

Mr. MCKAY: You say it is now protected?

Mr. ADAMSON: The Railway Act now reads, any municipality which is a city or town, irrespective of size, can pass a by-law to prohibit whistling, and the people of Saint John—I haven't got the population here, but I imagine it is a little over ten thousand—if the municipal council of the town or city of Saint John pass a by-law and request the Board of Transport Commissioners to abolish whistling within the confines of their municipality, they can, as a town, have whistling wiped out.

Mr. MCKAY: Do I understand you to say that they can do that?

Mr. ADAMSON: Any city or town can do that, but what I am appealing for is municipalities which are outside the large cities; but which are really a part of the city, but because of the wording of the Act they haven't got the power of a city or of a town. This area about which I have been speaking has a population of some eleven thousand people, actually larger than many of the towns or cities that already have these whistling prohibitions in force; but because it is not a city or town but rather a township it cannot apply under the Act as it now reads. I am merely asking that it be amended so that a situation like this may be remedied and relieved. Saint John, or any city at the present time can apply to the railway board, I mean the Board of Railway Commissioners, they will send an inspector to satisfy themselves that the crossings are reasonably safe and if approved will dispense with whistle blowing.

There is one thing more, gentlemen of the committee, which I thought perhaps I should explain. I have explained it before, but I think I should explain it again; when a municipality passes a by-law—and by that I mean a city or town—the mere passing of a by-law does not mean that whistle blowing is dispensed with. What happens then is that the Board of Transport Commissioners send an inspector into the area and he inspects each and every crossing, and if he is not satisfied about the safety measures in respect to each one of these crossings having been met he does not recommend that the by-law shall be approved. Safety measures still remain in the hands of the Board of Transport Commissioners.

Mr. MURPHY: What about the small towns?

Hon. Mr. CHEVRIER: That is the point which Mr. McKay brings up, that is exactly the problem with which I was faced the other day. It seems to me that there has to be some limit, and it also seems to me that limiting it to places with a population of 100,000 or more was about as far as we could go. If we were to extend it in the manner which has been suggested here then it would seem to me that there was practically no use for section 308 in the Act at all. That is the thing of which I was fearful when I came here this afternoon.

Mr. IRVINE: It is a funny thing to be afraid of, providing the safeguards for whistling are proper safeguards for the public, if they are not, I would say the danger is greater in cities having a population of 100,000 or over than it would be in municipalities.

Hon. Mr. CHEVRIER: What we are referring to is protective measures for the public as they presently exist under section 308. If, however, the Board of Transport Commissioners were to order safety measures at each crossing across Canada it would cost a tremendous amount of money. There are some 35,000 or 36,000 crossings, and it would be impossible to have wigwags, or flashlights, or other types of protective measures at every crossing.

Mr. IRVINE: I see your point now.

Mr. LESAGE: As it stands now the municipalities have to pass a by-law, that has to be approved by the Board of Transport Commissioners, and when it is approved by the Board of Commissioners as an adequate safety measure, then the municipality has to pay for it.

Mr. STEPHENSON: Mr. Chairman, I would like to say first of all that I am in favour of the bill; and, secondly, that Mr. McKay has brought up for discussion what I think is a very important point. If I may, Mr. Chairman, I would like to give you a case off the record.

(Discussion proceeded off the record).

I think it is a very good idea to include these small places.

Mr. ROBINSON (*Bruce*): Mr. Chairman, I would like to speak in support of Mr. Adamson's bill and the amendments which he has proposed to it. First of all let me say that I think everyone agrees that the witnesses said that if the word "near" were taken out of the bill it would make it all right. As you all know, there are many municipalities which have grown to considerable size adjacent to or adjoining cities. They are near, yet not part of them, and because of the fact that they are not constituted as municipalities—a town or a city—they have no right to apply under the bill as it now exists to the Board of Transport Commissioners to have whistle blowing dispensed with, and that notwithstanding the fact that towns with as few as 4,000 people may pass a by-law through their council and get that form of relief. Even when you have a residential area adjoining a city, and the population of that residential area reaches let us say 20,000, you still have not the right to apply for relief from this nuisance. I ask you, is that right; is it fair? Let me emphasize that point. As I say, a town of 5,000 can apply, yet a community of 20,000 cannot apply; so I think it is only fair to add that the bill should be extended to include such communities.

Now, if I may just supplement the material on the record, Mr. Chairman. It has been said that before these towns can have this relief they must install signals of a type satisfactory to and approved by the Board of Transport Commissioners. Here is something I would like to point out, if I may, for the benefit of the committee; and it is a recommendation I think which might very well be made to the House of Commons later on, that this should be done. I hold in my hand here a copy of the return showing the number of accidents that have happened all over this country during the last three or four years at railway crossings, both protected and unprotected. This return to me is very interesting. The type of signals that have been installed here are classified as being flashlight and bell. Over a four year period there have been only six accidents that have happened on crossings of that type. There was only one death and there have only been ten injuries. And now, with respect to the unprotected crossings we have a very considerable figure: 1,101 accidents: 415 people killed and 1,150 people injured. From that I think we may conclude that where a community is willing to install a proper protective signalling device and asks for the

elimination of whistle blowing it appears that the hazard is pretty well taken care of. So that if this community about which Mr. Adamson speaks, or any other community of that size, is going to install signal equipment, there would appear to be very little danger. Then, the figures go on to show that at crossings where there were gates installed there were 28 accidents, as against 6 where the bell and flashlights were installed. Where there is a watchman on duty there were 21 accidents, 4 killed and 29 injured.

Mr. BROOKS: Could you give us the total number of accidents?

Mr. ROBINSON (*Bruce*): The total is 1,883.

Mr. BROOKS: And what is the period covered by the return?

Mr. ROBINSON (*Bruce*): The return covers the period of the four years from 1941 to 1944. Where gates were installed, as I said, there were 28 accidents.

Mr. BROOKS: How many gates are there?

The WITNESS: I believe that table is available in printed form in the records of the house.

Mr. ROBINSON (*Bruce*): The return shows that where you had a flashlight installed, or a flashlight and bell as it is here, there were only six accidents; with the wigwag there were 167; where there were bells installed, 40; where there was a watchman on duty all the time, 30; where there was no protection at all, 1,101; making a total of 1,883 accidents. It also shows that the number of fatal accidents at unprotected crossings was 415. So, Mr. Chairman, I would like to support Mr. Adamson in this bill as it is now amended.

The CHAIRMAN: Gentlemen, Mr. Graydon has asked that he be heard in this matter. He is not a member of this committee but he has asked the privilege of being heard. I assume the committee is favourable to having Mr. Graydon address us, as briefly as possible.

Some hon. MEMBERS: Agreed.

Mr. GRAYDON: Thank you, Mr. Chairman, Mr. Minister and gentlemen, for giving me the privilege of saying a word. I will endeavour to be as brief and concise as possible in presenting my case which is a slightly different case to that which has been mentioned in your evidence before. At the south end of the constituency of Peel is a suburban township and village not contiguous to the city of Toronto but contiguous to the municipality which Mr. Adamson represents in the house. In his constituency and in my own, perhaps more than in almost any other part of the dominion, there has been a great uprising of public opinion which has been manifested in many ways with respect to this whistling nuisance. In the past few months I have received over four or five hundred signed protests of the type I hold here in my hand, coupons you might call them, from the citizens in my part of the country which indicates pretty largely the interest they are taking in this whistling nuisance. Now, on this particular point I was very interested in hearing some of the members here today speak of the protection afforded towns. Briefly stated, towns now have the right to pass a by-law. The difficulty is that a township such as Toronto township or the village of Port Credit of which I speak, are neither towns nor cities, and under the present Act have not that right; and still through that area from Toronto to Hamilton, which is strictly speaking a suburban area although not contiguous to the city of Toronto or the city of Hamilton, we have passing through an average of 134 through trains a day, and the crossings are very close. This means an almost continuous whistle nuisance from the time they reach one end of my county until they leave the other. The result is that the nuisance has become so great that public opinion has been aroused on the point, as I think it has not been aroused in any other part of Canada, except that part represented by Mr. Adamson.

I would like if I may to take a moment to indicate a report of the Board of Transport Commissioners in relation to this particular point. This report was made in September last and directed to me and in part reads as follows:—

The eastern part of the township, from mileage 9·82 to and including the village of Port Credit, mileage 12·80, is a fairly well built up suburban area and there are consequently many homes located in this territory, the majority lying between the railway and lake. The population of that portion of Toronto township in close proximity to the railway and affected by train whistles, is said to be approximately 7,500. Included in this figure is the population of the village of Port Credit, namely, 2,250.

The village of Port Credit extends in an east and west line for 1·9 miles and lies wholly between the lake and railway which forms its south and north boundaries, varying in depth from  $\frac{1}{4}$  to  $\frac{3}{4}$  of a mile. Due to these physical characteristics, practically the entire population of the village is well within the sound of locomotive whistles.

In that portion of Toronto township through which the Oakville subdivision of the C.N.R. passes, there are twelve public crossings as shown hereunder:—

<i>Mileage</i>	<i>Name of Crossing</i>	<i>Protection</i>
10·19	Dixie Highway	2 wigwags and 2 bells
10·58	Haig Boulevard	Protection under construction
10·84	Ogden Avenue	Unprotected
11·02	Alexander Avenue	Unprotected
11·46	Cawthra Road	Flashing light
12·01	Shaw Crescent	Unprotected
12·73	Hurontario Street	Automatic gates, 2 wigwags and 2 bells
13·09	Stavebank Road	2 wigwags and 2 bells
15·04	Lorne Park Road	Gates
16·08	Clarksons Road	Gates
16·62	County highway	Unprotected
17·92	Town line road	Unprotected

NOTE.—Haig Boulevard materials ordered and part on ground for installation of flashing lights.

Due to the close proximity of these crossings to one another, particularly in the east end of the township where the bulk of population is concentrated, the sounding of locomotive whistle signal 14L must, of necessity, closely follow the preceding signal. With high speed trains, running some 70 miles per hour, the sounding of this particular signal must seem to be almost continuous to the layman.

The complainants on hand claimed that with the number of trains operating over the Oakville subdivision the sounding of locomotive whistles has reached such a stage that it is seriously interfering with the health and morale of the population. It was stated that these whistles not only interfere with their sleep but also their educational, business, church and social activities.

Mr. W. K. Rogers, Assistant Superintendent, C.N.R., stated that train movements per 24 hours were as high as 134. On a basis of four blasts for each crossing, of which there are two in the village of Port Credit, this would total 1,072 per day or 53 per hour.

It must appear fairly obvious from the above, that the complaints on file are well founded. It was pointed out to them, that theirs was a problem that would be difficult to solve inasmuch as the railways were but carrying out the requirements of the law, which law makes no provision for a township or a village taking advantage of section 308 of the Railway Act.

May I, in conclusion, say this, Mr. Chairman: that there can be no harm to the public safety by this Bill that I can see. I was very interested in what Mr. Irvine said. We think that public safety—because public safety is the paramount concern—must be taken seriously into consideration; but you have two definite protections if you accept the proposed changes the the Railway Act. I do not want my representations to be made an excuse or even a reason for interfering in any way with the amendments which my honourable friend from West York considers to be a very urgent problem; but I would say that you have two protections if this Bill goes through as it is. First of all, your municipality—take Toronto township or Port Credit municipalities—they won't pass by-laws unless they are satisfied that the safety of the people within those municipalities is properly protected. That is the first thing.

In addition, the by-law, of necessity, has to come before the Board of Transport Commissioners who, following proper inspection with regard to safety devices and other things, will take the necessary steps to protect those crossings. So it seems to me, that passing the bill as it presently stands—and I say again, with much deference to my honourable friend who has done such great work in connection with this matter—no harm can possibly come to the safety of our citizens, with those two special safeguards existing.

I would like to plead with the committee, if I may, on behalf of those two municipalities which are suffering today, that those two municipalities be given the right, if they so decide in their municipal councils, to pass a by-law of some kind, just as if they were technically referred to as towns or cities. It seems to me so foolish and ridiculous that two big municipalities of that kind and incidentally having larger populations than many towns should, by reason of their not being incorporated as towns, should be denied the right to pass a by-law under the Railway Act. For that reason we feel that relief under such a measure as this is overdue and ought to be taken seriously by the committee and by the ministry.

I would add that the only difficulty with the suggestion of the Minister, so far as I see it, and I make this statement in all fairness, inasmuch as the matter has existed for months and years—these municipalities have waited for action and they are calling for action through their members and through other sources in a way which I do not think we can disregard much longer. By the time the Railway Act is later amended or new regulations are put forward, I am afraid that all of these nuisances, and these excessive whistlings will have continued to the detriment of the morale, the health, the comfort, and the contentment of the municipalities that I think are entitled to some relief.

Hon. Mr. CHEVRIER: There can be no disagreement, I think, with the first part of what Mr. Graydon has said. That is quite clear. But, with the second part, I believe there is some disagreement. That is, with reference to that part of his remarks with which I have some doubt. Section, 308, is the section which has been set up by parliament to protect the public against these accidents. It is by virtue of this section that an action is taken by a plaintiff who is hurt, or by his dependents when he is killed, against the railway; and that section has already been cut down in this subsection 2. What this bill seems to do is to cut it down still further by limiting it as Mr. Adamson has explained a moment ago.

Mr. Graydon says that he thinks no harm can be done to anybody; but I would say to the committee that if there is a possibility of harm, because of the extension of this Act, then this committee should be very careful how it extends these powers in taking away from the public a right which they already have.

Mr. Graydon refers to the fact that these towns are not incorporated. It is unfortunate that they are not, because incorporation gives certain rights and obligations. If they were incorporated, they would come clearly under subsection 2 of 308. My suggestion was not to pass these too lightly.

The Board of Transport Commissioners have set up a committee to revise the Railway Act of Canada; that committee is working, and I know it is their intention to bring in recommendations to that effect as soon as possible. Whether that will be done in time for the next session, I do not know. I do think that this problem can be met in another way. There is unquestionably a situation existing in the city of Toronto which I think should be relieved. My only doubt has been whether this is the way to meet it.

The suggestion offered is that the Board of Transport Commissioners, when it receives a complaint from a municipality adjacent to a large centre of population, be given power to pass a regulation authorizing such municipalities to pass a by-law to prohibit whistling, by relieving the railways of the necessity or the liability of whistling when they go through the said municipalities. That is the suggestion that I made to the committee. I am not advocating anything; I am in the hands of the committee. I am only anxious to see that this section is not so cut down that it will take away from the public its rights to the extent that there will be little or none left to them.

Mr. McKay raised the point a little while ago, that the population figure would soon be cut down to 25,000, then there would be no use to have section 308 at all.

Mr. ROBINSON (*Simcoe East*): Mr. Graydon's remarks served to emphasize an aspect of this bill that has given me some concern from the first. He mentioned a municipality which is not contiguous, as I understand it, to a metropolitan area such as Mr. Adamson has spoken of. It seems to me that if we pass this particular type of legislation, or approve of this particular type of legislation, we are throwing open the gates to similar applications from other municipalities. In other words, we are cutting down, very materially, the effect of section 308 as it now stands, for the protection of the public. I think there is some danger in that respect.

There is one other point which I would like to mention, which has given me some concern. Mr. Adamson, in his very able presentation of this bill, has referred to one particular community adjacent to the city of Toronto. Now, in previous meetings of this committee, I attempted to ascertain from the witnesses how many areas in Canada would be similarly affected. I have this point in mind. I think that every member of this committee is heartily sympathetic with Mr. Adamson's problem, but I think some of us feel that it is dangerous to pass general legislation to meet simply one particular situation.

I have tried to ascertain how many areas would be similarly affected, but I have not yet got that information. Mr. Adamson has spoken to-day about limiting the bills to cities having a population of more than 100,000. We have learned that there would be only eight or ten cities affected, that is, areas contiguous to eight or ten cities affected. But we do not yet have this information: whether there are in the vicinity of those cities situations similar to the Islington situation which Mr. Adamson has already brought to our attention. In other words, I think we need more study. We should have the information as to whether there are areas, contiguous to the cities which Mr. Adamson has mentioned in his previous remarks, that are in a similar situation to that of Islington, and whether this legislation would have some general effect. I therefore think some further consideration should be given to the matter and that this committee should have further information.

Mr. ADAMSON: In answering your remarks, the bill as it reads and stands now, even with my amendment, only includes one railway line in this area. There are a great number of railway lines running out of the city of Toronto and out of most of our metropolitan areas, but relief is only asked, and would only be asked, by this municipality for those five crossings that are definitely within the built-up urban community. There is a railway running across the

northern part of the township, and there is a railway running across the southern part of the township; but no relief is being asked in connection with the railway running across the northern part of the township. The railway line in the southern part runs through an industrial area, and I have received no complaints about that. What we are asking for is a specific and limited bill to cover situations such as this. I have stressed the fact that it is a very limited bill we are asking for. We are not asking for a blanket bill at all, because, if the municipality had this power now, they would make a request to the Board of Transport Commissioners in connection with those five crossings and no more.

If they put in a blanket order, it is unlikely that municipal officers, who are normally intelligent people—if they put in a blanket order, the Board of Transport Commissioners—all they would have to do is to say: "Gentlemen, we cannot approve of the northern railway because there is no need for this relief in that area."

There is another aspect that has not been brought to the attention of the committee, that is, that actually this bill is a safety measure because, if your municipality applies to the Board of Transport Commissioners, the board will say: "All right, we will grant you this relief, provided you put in safety measures." I am certain, speaking about this municipality and about other municipalities in north York, there is one particularly up there, where the municipality would install the safety features. The Board of Transport Commissioners and all the witnesses that we have had before this committee have said: "What an advantageous thing that would be to have more safety measures." Passing or recommending this bill to the House—which is all I ask at the moment—would aid greatly in installing more safety measures.

Hon. Mr. CHEVRIER: Have you any objection to the suggestion I made, Mr. Adamson? It does not hurt your position in any way to postpone it. That is all.

Mr. ADAMSON: Well, basically, I have an objection in this way, sir: I feel that we have had enough evidence before this committee to enable it to report favourably on the principle of this bill. That is all we are being asked to do. We have had enough evidence before this committee to enable it to make a decision. I know the Board of Transport Commissioners; I have been down there and had many an argument with them and taken them out and shown them the crossings; and they all admitted that relief is necessary. But they all said: that is up to your committee, that is up to parliament; we cannot do anything. We are stymied because of parliament. We are up against it, because we have to get an amendment to the Railway Act. That has happened to me for years.

I will ask this committee to go on record in favour of this bill because, if we do not, the Board of Transport Commissioners would say: "We would like to have an expression of opinion from parliament; so, if we failed to approve this bill, that would definitely impose another barrier to get over with the Board of Transport Commissioners."

Hon. Mr. CHEVRIER: By adopting this suggestion, the committee declares itself in favour of the principle. The Board says it is in favour and is sympathetic with the position, although there is a doubt whether this is the way in which to do it.

Mr. ADAMSON: It is a matter of urgency.

Hon. Mr. CHEVRIER: The Railway Act has not been amended in some cases for fifty years.

Mr. ADAMSON: I have been trying to get this done for four years and I feel that waiting for another year or two is just two more years of discomfort to the people in this district. Gentlemen, there is a basic rule of government, namely,

the greatest good for the greatest number. I have yet to see any evidence adduced to the committee that dispensing with whistles in this particular instance would increase accidents; but I have all kinds of evidence, and the committee has heard all kinds of evidence from every witness we have had, that a very unhealthy condition does exist. It is like a situation where you have a mosquito swamp, and the mosquitoes are enemies to the health of the people. You have a gang of men going in there to clean up the swamp and somebody makes an objection to sending in the gang of men because somebody might fall into the swamp and get drowned. Now that is the type of objection that I feel has been raised before the committee.

We have evidence that it is not the whistle which is the safety measure in this area. We have abundant evidence that a very great deal of discomfort is now suffered. For years I have had arguments about this with the Board of Transport Commissioners and for years the Board has been vacillating and putting things off. I suggest, gentlemen, that there is very great urgency now that this bill should receive favourable notice from this committee.

Mr. CAMPBELL: Is this a slum area that you are talking about?

Mr. ADAMSON: No, it is a workmen's area. There is a wartime housing development going on, and many veterans are being housed there now. It is an area that is growing very very rapidly. I would say it was a middle class area, typically suburban.

Mr. LESAGE: I would ask the minister of his opinion about the wording of section 2, subsection 3: "If approved by order of the board."

Does not that give a discretion to the board?

Hon. Mr. CHEVRIER: It gives the board a discretion, unquestionably.

Mr. LESAGE: Is it sufficient with what you had in mind?

Hon. Mr. CHEVRIER: As I expressed myself at the outset, I have doubts about it because it cuts down the statutory rights contained in section 308.

Mr. LESAGE: Your opinion is that even with this amendment it would be too large?

Hon. Mr. CHEVRIER: It would leave the door open.

Mr. LESAGE: And there would be no check.

Hon. Mr. CHEVRIER: There would be some check.

Mr. LESAGE: But not a sufficient check.

Mr. AYLESWORTH: What effect would there be in passing this bill, in view of the fact that an amendment to the Railway Act will be coming forward?

Hon. Mr. CHEVRIER: It would leave the door open to other municipalities to pass by-laws in the meantime, municipalities in rural areas, for instance.

Mr. AYLESWORTH: I take it that this report would be in very soon, perhaps not at the next session, but probably at the following session. There could not be very many requests made during that short time?

Hon. Mr. CHEVRIER: I cannot say when the report would be in; I would be hopeful that it would be in soon, but I could give no undertaking to the committee as to how soon it would be in. Meanwhile, if this bill were adopted, it would constitute a liability.

Mr. AYLESWORTH: Yes, until such time as the whole thing is amended.

Hon. Mr. CHEVRIER: Yes.

Mr. AYLESWORTH: But there should be no difficulty arising out of putting this bill into force, pending the amendment coming forward.

Hon. Mr. CHEVRIER: That is what the committee has to decide.



Mr. ADAMSON: Surely the English language, if it means anything, means that the board has complete power. The words are these:—

Such by-laws shall, if approved by an order of the board, to the extent of such prohibition relieve the company and its employees from the duty imposed by this section.

I do not see how it could be made any more clear. If the English language means anything, I think that wording makes it very clear. The effect of it is, as I said, that the by-law must be approved by the Board. Surely that gives the Board all the safeguards it needs to ensure protection. Surely, the English language does not mean anything if this does not mean that the Board has complete and absolute control over this matter. I mean, Mr. Chairman, let us not spend our time in useless argument. There is the wording of the Act itself. The Board has complete control. If a municipality passes a by-law of which the Board does not approve, the Board has control; it says, no. Where would there be any danger with that absolute and complete authority invested in the Board? Then there is the further point, that with this restriction it involves only eight municipalities in all of Canada with which the Board may have to deal.

Mr. LESAGE: And could we not put a limitation on the discretion of the Board, something that would ensure that if in the opinion of the Board itself such changes as are asked for are essential to the welfare of the population and are in the interests of the township, village or community affected?

Hon. Mr. CHEVRIER: You already have enough limitations in the bill as it is now. I do not know that I would add any more to them.

Mr. CAMPBELL: Could anyone tell me how many towns or cities are making use of the present Act with regard to the stopping of whistle blowing?

Hon. Mr. CHEVRIER: That is information that would have to be obtained from the railways, and that is the same information that I was hoping we would be able to get for this meeting, but it will take some time for us to get it.

Mr. CAMPBELL: There are some?

Hon. Mr. CHEVRIER: Oh, yes.

Mr. ADAMSON: The huge majority of them.

The CHAIRMAN: Gentlemen, we have had a pretty full discussion on this thing. We apparently have no more witnesses. Are there any more gentlemen who would care to speak now?

Mr. McCULLOCH: I would move that the suggestion advanced by the Minister (Hon. Mr. Chevrier) be adopted, and that the committee report accordingly.

Hon. Mr. CHEVRIER: I think the committee will have to dispose of the bill first.

Mr. ADAMSON: As it is the bill I move that the subject matter—I think that is the way our terms of reference reads—I will move, seconded by Mr. Stephenson, that the subject matter of the bill as amended be approved by this committee.

The CHAIRMAN: It has not been amended yet, Mr. Adamson.

Mr. ADAMSON: Then I will move the amendment which I read, both amendments.

Mr. IRVINE: Mr. Chairman, is this bill before the committee? Would it not be necessary for us to go over it clause by clause?

The CHAIRMAN: No, it is not. Our reference is the subject matter of bill No. 3.

Hon. Mr. CHEVRIER: The bill as I understand it would go back to the committee of the whole and be discussed there clause by clause if it is reported favourably by this committee to the House.

Mr. IRVINE: Oh, I see. That makes a difference.

Mr. ADAMSON: I made these amendments to overcome difficulties raised by witnesses, and as I understand it we have the right in reporting that subject matter to include amendments.

Mr. IRVINE: That means the bill would go back to the committee of the whole?

Mr. ADAMSON: Yes, the bill goes back to the committee of the whole.

Hon. Mr. CHEVRIER: I think, Mr. Adamson, if you will move the amendments you have suggested here you will have to start all over again. I have been informed that it is just the subject matter of the bill that has been referred to the committee.

Mr. MUTCH: In that case the procedure would be to refer it back to the committee of the whole, and I suggest it would be in order to move an amendment which would make the bill more acceptable in the committee of the whole.

Hon. Mr. CHEVRIER: Yes.

Mr. MUTCH: Then, you should move, Mr. Adamson, that the amendment be adopted. In the committee of the whole you can make your amendment and make your bill acceptable to the House.

The CHAIRMAN: Mr. Dun, who has experience in these matters in these various committees might be able to put us straight on the matter. I would ask him to give us his interpretation.

Mr. DUN: Mr. Chairman and gentlemen, it would appear that only the subject matter of this bill has been referred to this committee. In other words, the bill never got second reading in the House. Apparently the House refused to give it a second reading and instead referred it to this committee. You can make any recommendation you like, but the bill would have to be reintroduced, it would have to be given first reading and second reading, and then, if the House so decides, be referred back to this committee again.

Mr. ADAMSON: Then the bill could be amended in committee of the whole?

Mr. DUN: The bill is dead, as it stands. It is only the subject matter of this bill which remains, and that is what has been sent to this committee. If you make any recommendations from this committee to the House, the House may or may not adopt them. If they were to adopt them you would have to start in all over again by giving notice of a bill. A new bill would have to be introduced to amend the Railway Act. It would have to be a new bill, it would not be this bill 3.

Mr. ADAMSON: Was the bill to be reported back?

Mr. DUN: The subject matter could be, yes; with a recommendation.

Mr. LESAGE: May I ask you this, could we report the subject matter of this bill back to the House with the amendments?

Mr. DUN: Oh, yes.

Mr. ADAMSON: If the committee reports favourably on the subject matter, what did you say happens?

Mr. DUN: You would have to start all over again. It would be the subject of a new bill which would take a new number.

Mr. ROBINSON (*Bruce*): Providing Mr. Adamson brings the bill in as it is it could be amended on second reading?

Mr. DUN: You could not very well bring the bill in as it is because the House has already disposed of it. The House only referred the subject matter of the bill to this committee.

Mr. ROBINSON (*Bruce*): But, with the amendments?

Mr. DUN: The bill has been rejected by the House in its present form, the subject matter only was referred to this committee.

The CHAIRMAN: Is that your understanding of it?

Mr. DUN: Yes.

Mr. ADAMSON: If the committee want to report favourably on the subject matter?

Hon. Mr. CHEVRIER: That is the question before the committee.

The CHAIRMAN: I will put the motion.

Mr. ADAMSON: Apparently then that must be the motion, that the committee report favourably on the subject matter.

The CHAIRMAN: Does that include these two clauses which you presented by way of amendments?

Mr. ADAMSON: Yes, because these were amendments which would meet objections raised by witnesses and members of the committee.

The CHAIRMAN: I will put the motion.

The motion having been put it was declared lost.

The CHAIRMAN: Mr. McCulloch, do you wish to put your motion?

Mr. McCULLOCH: Yes.

Hon. Mr. CHEVRIER: Before you put the motion, I have drafted a wording here which perhaps might cover the point and be acceptable to the committee:—

That the Board of Transport Commissioners be asked to give consideration to an amendment to an appropriate section of the Railway Act which would meet more adequately the situation sought to be met by bill No. 3, an Act to amend the Railway Act.

The CHAIRMAN: Gentlemen, you have heard the motion, what is your pleasure?

Carried, unanimously.

Gentlemen, there is nothing else before the committee, except that I would like to ask your guidance in connection with the date of the next meeting.

Mr. GRAYDON: I would like to make one suggestion, if I may?

The CHAIRMAN: All right, Mr. Graydon, go ahead.

Mr. GRAYDON: With the consent of the committee I desire to point out that what we are all interested in is immediate and urgent action to solve a very acute problem. Far be it from me to make more than a suggestion to the committee because I am not on the committee; but may I make this suggestion to the minister (Hon. Mr. Chevrier), that at this session of the House, if this bill is not going to be reported upon favourably, which would appear to be the case, then I would like the Minister (Hon. Mr. Chevrier) to give consideration to the bringing in of some emergency legislation that would permit the Board of Railway Commissioners to deal with some of these most acute problems before they go on for another year or two years. This bill is the one that we want and we are not in anyway receding from our position in connection with it.

But this problem is so acute and the committee having decided against the present Bill I do suggest to the Minister that he try to find some way in this session to give sufficient power to the Board of Railway Commissioners to deal with this acute situation instead of allowing it to continue indefinitely.

The CHAIRMAN: I think that is a very reasonable request.

Hon. Mr. CHEVRIER: I will be glad to give consideration to that.

Mr. STEPHENSON: I wonder if the committee would agree with me in suggesting that signals be put on every railway crossing in Canada, not only in towns and cities.

The CHAIRMAN: I am afraid we could not do that because of the great expense.

Mr. LESAGE: May I tell the committee that the town of Montmagny has had an application before the Board of Transport Commissioners for some eight months now. They have such a great lot of work ahead of them that it takes a very considerable time to get a hearing. We are hopeful that we may get before them not later than December.

The CHAIRMAN: Before we adjourn, we will have to have another session of the committee on bill letter B9 of the Senate, an Act to incorporate the Prescott and Ogdensburg Bridge Company. Unless there is objection we will call a meeting for tomorrow afternoon at four o'clock. Is there any objection to that?

Mr. IRVINE: I think some of us have to be in committee at that time.

The CHAIRMAN: If you are referring to the Banking and Commerce Committee, I understand that is to sit in the evening at eight o'clock.

The committee adjourned at 5.25 o'clock p.m. to meet again on Thursday, July 11, 1946, at 4.00 o'clock p.m.

SESSION 1946  
HOUSE OF COMMONS

---

STANDING COMMITTEE  
ON  
**RAILWAYS, CANALS AND  
TELEGRAPH LINES**

---

BILL No. 345, AN ACT RESPECTING THE CONSTRUCTION OF A  
LINE OF RAILWAY BY CANADIAN NATIONAL RAILWAY  
COMPANY FROM BARRAUTE TO KIASK FALLS  
ON THE BELL RIVER, IN THE  
PROVINCE OF QUEBEC

---

MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 3

---

MONDAY, AUGUST 12, 1946

---

WITNESS:

Mr. S. W. Fairweather, Vice-President, Research and Development,  
Canadian National Railway Company.

OTTAWA  
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
CONTROLLER OF STATIONERY  
1946



## ORDERS OF REFERENCE

HOUSE OF COMMONS,  
FRIDAY, March 29, 1946.

*Resolved*,—That the following Members do compose the Standing Committee on Railways, Canals and Telegraph Lines:—

### Messrs.

Adamson	Eudes	Michaud
Archibald	Farquhar	Mullins
Ashby	Gagnon	Mutch
Aylesworth	Gauthier ( <i>Portneuf</i> )	Pearkes
Beaudoin	Gauthier ( <i>Nipissing</i> )	Picard
Beaudry	Gourd	Pouliot
Belzile	Grant	Robinson ( <i>Bruce</i> )
Bentley	Harris ( <i>Danforth</i> )	Robinson ( <i>Simcoe East</i> )
Bertrand ( <i>Terrebonne</i> )	Hatfield	Ross ( <i>Souris</i> )
Black ( <i>Cumberland</i> )	Herridge	Ross ( <i>Hamilton East</i> )
Blair	Hodgson	Shaw
Bonnier	Irvine	Smith ( <i>York North</i> )
Bourget	Johnston	Stephenson
Breithaupt	Knight	Viau
Brooks	Lesage	White ( <i>Hastings-</i> <i>Peterborough</i> )
Campbell	Little	White ( <i>Middlesex East</i> )
Chevrier	Maybank	Whitman
Church	Mayhew	Winters—60.
Cloutier	McIvor	
Drope	McCulloch ( <i>Pictou</i> )	
Emmerson	McKay	

(Quorum 20)

*Ordered*,—That the Standing Committee on Railways, Canals and Telegraph Lines be empowered to examine and inquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records.

WEDNESDAY, May 1, 1946.

*Ordered*,—That the said Committee be given leave to sit while the House is sitting.

*Ordered*,—That the said Committee be granted leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of proceedings and evidence to be taken, and that Standing Order 64 be suspended in relation thereto.

*Ordered*,—That the quorum of the said Committee be reduced from 20 to 12 members, and that Standing Order 63 (1) (b) be suspended in relation thereto.

MONDAY, August 5, 1946.

*Ordered*,—That the following Bill be referred to the said Committee, viz:—

Bill No. 345, An Act respecting the construction of a line of railway by Canadian National Railway Company from Barraute to Kiask Falls on the Bell River, in the province of Quebec.

*Attest*

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

---

## REPORTS TO THE HOUSE

MONDAY, August 12, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines begs leave to present the following as a

### FOURTH REPORT

Your Committee has considered Bill 345, An Act respecting the construction of a line of railway by Canadian National Railway Company from Barraute to Kiask Falls on the Bell River, in the Province of Quebec, and has agreed to report it without amendment.

A copy of the minutes of proceedings and evidence is appended.

All of which is respectfully submitted.

L. O. BREITHAUPT,  
*Chairman.*



## MINUTES OF PROCEEDINGS

MONDAY, August 12, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met at 3.30 o'clock p.m., the Chairman, Mr. L. O. Breithaupt, presiding.

*Members present:* Messrs. Beaudoin, Belzile, Bourget, Breithaupt, Campbell, Chevrier, Farquhar, Gagnon, Gourd, Hatfield, Lesage, McCulloch (*Pictou*), McKay, Mutch, Robinson (*Simcoe East*), Whitman.

*In attendance:* Mr. S. W. Fairweather, Vice-President, Research and Development, Canadian National Railway Company.

The Chairman read the Order of Reference, viz.:

MONDAY, August 5, 1946.

*Ordered:* That the following Bill be referred to the said Committee, viz:—

Bill No. 345, An Act respecting the construction of a line of railway by Canadian National Railway Company from Barraute to Kiask Falls on the Bell River, in the Province of Quebec.

Hon. Mr. Chevrier explained the purpose of Bill No. 345.

Mr. Fairweather was called, heard, questioned and retired.

Clauses one to ten, inclusive, the schedule, the preamble and the title were adopted.

The Bill was adopted and the Chairman ordered to report to the House accordingly.

At 4.30 o'clock p.m., the Committee adjourned to meet at the call of the Chair.

A. L. BURGESS,  
*Clerk of the Committee.*



## MINUTES OF EVIDENCE

HOUSE OF COMMONS,

August 12, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 3.30 o'clock p.m. The Chairman, Mr. L. O. Breithaupt, presided.

The CHAIRMAN: Gentlemen, if you will come to order we will consider Bill No. 345. The reference is that the following bill be referred to the Standing Committee on Railways, Canals and Telegraphs: Bill 345. An Act respecting the construction of a line of railway by Canadian National Railway company from Barraute to Kiask Falls on the Bell River, in the province of Quebec.

The Minister of Transport is here. Is there anything you wish to say, Mr. Chevrier?

Hon. Mr. CHEVRIER: Mr. Chairman and gentlemen, there is nothing I wish to say more than this, that the bill has been referred to this committee by the House of Commons sitting in committee of the whole. The members will remember that the bill has to do with the construction of a branch line from Barraute on the National Transcontinental to a place called Kiask Falls—a branch line fifty-five miles in length. The projected line is in the Abitibi country, about 400 miles west and north of Quebec city. I outlined the facts concerning the authority that is sought by parliament for the construction of this branch line—and I do not want to repeat them—as well as the policy of the Canadian National Railway when lines of this sort are built, and I referred also to the guarantee by the Canada Paper Company for a portion of the projected line. The bill was referred to this committee, and there are witnesses here who will explain this matter to you: Mr. Fairweather, Mr. Maxwell and Mr. Rosevere of the Canadian National Railways. They are prepared to answer any questions if the committee is ready to discuss the bill clause by clause.

The CHAIRMAN: Do you wish to hear Mr. Fairweather and get some detailed description of the line, or do you wish to discuss the bill clause by clause?

Mr. WHITMAN: Let us hear Mr. Fairweather.

Hon. Mr. CHEVRIER: I think it would be advisable if we could hear evidence from Mr. Fairweather.

The CHAIRMAN: None of us knows very much about this matter, and I think it is desirable to call Mr. Fairweather. Would you proceed, Mr. Fairweather?

**Mr. S. W. Fairweather, Vice-President, Research and Development Department, Canadian National Railways, called:**

The WITNESS: Mr. Chairman and gentlemen, this area of northern Quebec which is proposed to be developed by the branch line under consideration is an area of rather extensive and diversified natural resources. It is an area which

the Canadian National has had under observation for many years. I remember nearly twenty years ago having made a study of this area and at that time we reached the conclusion that it was inevitable that this area would be developed, and in that course of development a railway would be necessary. However, at that time there was not any necessity for constructing such a line because there was a superabundance at that time of pulpwood much easier of access, and at that time also the agricultural development in that area was not as well known as it is now.

However, in the later stages of the war when it became evident that we could plan in the reasonably near future for further expansion we made another survey of this area and this further survey confirmed the previous conclusions. But at this time there was a difference because while we were in the process of making our survey we were contacted by the Canada Paper Company to see whether they could interest us in building a branch line into that area; also the Department of Colonization in the province of Quebec were anxious to get a line into that area. As a result of negotiations which were conducted over quite a considerable period of time the Canada Paper Company made a proposal to the Canadian National to guarantee a minimum amount of traffic over the lower portion of the line as far as the mouth of the Taschereau River.

Mr. CAMPBELL: How many miles would that be?

The WITNESS: 43.7 miles to the mouth of the Taschereau river. The project was considered by the board of directors of the Canadian National Railways and it was recommended to the government.

In order that we may get some idea of the terrain, we have prepared this general map showing the relationship of the branch from Barraute to Kiask Falls in relation to the other lines of the Canadian National and to the country generally. Here, on the map, you see the National Transcontinental Railway running approximately along the height of land and going down into Quebec. Then from this point there is a line of railway going down to Sherbrooke and in the general direction of Richmond and Portland, Maine; and down on that line is Windsor Mills.

Now, the prime object of this branch line, so far as the Canada Paper Company is concerned, is to obtain pulpwood from an area of timber lands which they have been granted to the east of the Bell River, together with pulpwood which they hope to buy from settlers on the west of the Bell River, and moving it to their pulp mill and paper mill down at Windsor Mills. This mill at Windsor Mills draws its pulpwood at the present time from the area in eastern Quebec, which is not sufficient to support the pulp mill in its present output; and moreover the Canada Paper Company have in mind an expansion program to increase the size of this plant, and they simply had to obtain an adequate source of pulpwood. Consequently, they negotiated with the province of Quebec and they obtained the cutting rights on this area coloured in blue (east of the Bell River), which consists of approximately 700 square miles containing 4,850,000 cords of pulpwood. That was conditional upon them being able to get a railway built from the National Transcontinental up to these limits.

Coming back to the general map, I would like to point out that Quebec in a sort of focal point from which lines radiate down to the maritime provinces, down to Montreal and down to Sherbrooke and Windsor Mills in the eastern townships of Quebec. The Quebec bridge being the dominating controlling factor in that picture, giving access to the area lying south and east of the St. Lawrence River. To and from this northern area everything passes over the Quebec bridge. Over here we have the Lake St. John country, served by the Canadian National Railways by a line starting from Quebec and running up through Riviere a Pierre, up to Lake St. John and coming down into Chicoutimi and Arvida, where the big Aluminum Company is located, and also where there are pulp and paper mills.

While there is no intention at this time of extending this branch line, the location of the branch line was necessarily considered in relation to possible future development and its strategic location was picked so it would serve a number of purposes. First and foremost it must be located so as to tap the pulpwood limits coloured in blue on the large map (east of the Bell River); then also it had to be located to serve the agricultural and colonization possibilities of the area. And that leads me, perhaps, to a discussion on this map. The Bell River which runs northerly to Lake Mattagami marks the approximate boundary between the rugged terrain lying to the east and the clay belt lying to the west. This country lying to the east has no agricultural possibilities; it is rough and rugged and wholly rocky, and while it has mineral possibilities and is heavily timbered, it is not suitable for settlement. For that reason the Quebec government confined the timber limits which were granted to the Canada Paper Company to the area lying to the east of the Bell River. To the west of the Bell River, however, the condition is entirely different, and this whole area is the largest area of the clay belt which is to be found in northern Quebec, or northern Ontario for that matter. It is really the bed of an old glacial lake. At one time the glaciers made an escarpment along the northern portion of it and the water backed up between there and the height of land and in that lake was deposited fine clay and silt and alluvial deposits, so that this area along the Bell River and the Harricanaw River is composed of a very fine type of soil very well suited for agriculture. The only question that arises with regard to it at all is whether or not it is so far north that you cannot get constant crops. That is a matter which has been determined and settled by the courage of the pioneers of Quebec, because they settled along the line of the National Transcontinental on a portion of the clay belt lying adjacent to the National Transcontinental Railway and just about on the height of land, and they settled there so successfully that there are now something like 60,000 of them living off the land in that area, and you can see that they have developed the agricultural possibilities of that area to the practical extent of development over the existing railway.

HON. MR. CHEVRIER: Are there not about 75,000 people in that country?

THE WITNESS: There are about 75,000 in the country but about 15,000 of them live in towns and villages, and the rest live on the land.

So that question has been settled, and it has been proved that people can live up in that country and make a decent living from agriculture. There is no question about it at all. The soil is good. It is true that the climate does have its own peculiarities and the farmers have to learn how to manage their crops, but there is no reason to believe that that country is not a proven pioneering country. The amount of settlement, however, is limited by the distance you can go back from the railways with supplementary highways. The studies we have made indicate that with modern motor transport and highways, a railway will develop a belt about 25 miles on each side efficiently. Before the development of motor transport, that belt was much narrower and only amounted to about 12 miles on each side, but the effect of motor transport is to just about double the economic zone of the line. You can see that settlement has just about reached that level, because these roads indicated on the map are about 25 or 30 miles back from the N.T.R. The province of Quebec, faced with that situation, desire to develop an area even farther north and there arises immediately a question whether, what has been proven in the area on the height of land, remains true of the area as you go further north. We know that the soil is good. We know that the soil is excellent. So far as the climate is concerned, there is a rather happy compensating feature which is present. This whole country slopes to the north and the consequence is that as you go north you lower the elevation; and the lowering of the elevation offsets the increase in the more northerly location. The result is that the climate as you go north is really

milder from an agricultural standpoint than it is on the height of land. That is proven by the fact that down here on the height of land the virgin forest growth averages about 10 inches at the butt. Down here at Lake Mattagami, just about 100 and some odd miles north of the N.T.R. it will average close to 20 inches on the butt in the virgin forest. Of course that is very conclusive evidence that the climate is satisfactory. In any event, the province of Quebec has definitely laid plans for colonization of that area which I am outlining here and which is composed of the townships of Themines, Comptois, Vassal, Despinaissy, Bartouille, Iaas and Hurault; and they plan in that area to locate in the next 10 years, I think it is, 1,700 families. They count their colonization in family units.

*By Hon. Mr. Chevrier:*

Q. That is roughly, 10,000 people?—A. That would be 10,000 people, as the minister points out. There are two other natural resources to which reference might be made.

Q. Might I interrupt you there, Mr. Fairweather?—A. Yes, certainly.

Q. It has been suggested that 10,000 people could hardly make a railway of that nature or a projected line of that nature a paying proposition. What do you say to that?—A. Oh, I would differ on that statement. I should think that 10,000 people when settled along a branch line 40 miles long is a more dense population than you will find in most agricultural communities. It is certainly much denser than you would get in the west. I am glad the minister interrupted me on that point.

This agricultural development here (west of the Bell River) is of a dual nature. It is agriculture mixed with lumbering. The area is not only suitable for agriculture—but it is also excellent forest country in its own right. The province of Quebec very wisely is adopting a policy that only about 60 per cent of the land will be brought under cultivation and 40 per cent of it will be maintained in permanent forest and will be cut as a crop which, gentlemen, you will realize is a much greater prospective traffic-giver than would be a purely agricultural community; because if you figure even on the annual increment of the portion of the area which will be left in permanent forest, that in itself would be sufficient to pay the expenses of the line, to say nothing of the agricultural development and to say nothing of what might be cut in the forest area lying to the east of the Bell River.

I was proceeding to mention the two other natural resources which we did not take into account in estimating the results of operation, but which we feel have distinct possibilities. One is the mining possibilities. The area along the branch line is in a very favourable territory, structurally, for the location of, or discovery of mines—copper, zinc and gold chiefly. Geologically this country again divides along an axis that extends approximately from Parent up to the Lake St. John country, and the country lying to the east of that line is made up of a complex of granites and gneisses in which there are practically no economic metals. But the country lying to the north and west of that axis is composed of the ancient lavas and sedimentary rocks of the pre-Cambrian shield which are intruded by molten magmas from below which have been fractured and sheared and constitute a very valuable source of minerals. Actually, geologists can trace the breaks and the formations extending from the Porcupine and the Larder Lake area of Ontario right up through Bell River country here and up to Chibougamau, which is up around here (indicating). That axis of favourable mineralization passes right through the area that the branch line is located on. Prospects have been discovered on Lake Mattagami. They have been discovered up in Currie Township in the Wedding River area. That is, that area there and also in the Chibougamau. Some of those prospects have made small mines.

*By Mr. Whitman:*

Q. Is Normetal there?—A. No. Normetal is farther west (indicating) and it is a zinc-copper proposition; chiefly zinc.

Q. It is farther west?—A. It is farther west. But the Opemiska Copper is up in the Chibougamau area as well as the Chibougamau Consolidated. There is the Wedding River Area up in here (indicating). As I say, there were gold mines located around the Wedding River area that were in production until they were interrupted by the war. They were high grade mines and it is quite possible they will resume production, in which event a line extending up even as far as Kiask Falls would be of very great assistance to them. But gentlemen, I should like you to understand that in making the estimate of the economic results of this line, we have given no weight at all to the mineral development, although I for one feel that 10 or 15 years from to-day there will be producing mines in that area.

The other natural resource is one which we in the east have not as yet paid very much attention to, and that is freshwater fisheries. Freshwater fisheries have developed into a major industry in western Canada. In eastern Canada there have not been readily accessible waters that were suitable. But the Bell River and Lake Parent have distinct possibilities. But again, we considered that too speculative to include in the estimates of production. Consequently we have based our estimates upon the natural resources which we knew were in process of development—that is, forest wealth and the agricultural settlement; and, based upon those resources we have satisfied ourselves that this line of railway will improve the net position of the Canadian National Railways.

I have endeavoured, Mr. Chairman, to give in a sketchy outline the location of the line and what it means. I might say that at Kiask Falls, where the terminus of the present line is intended, there is a waterfall there or two waterfalls with a total height of about 100 feet, and there are considerable power possibilities. Of course, the actual extent of the power you could get would depend upon the degree to which you regulated the river system. If you did not regulate the river system at all, you would have a minimum power of about 20,000 horsepower. If you regulated the river, you might get 100,000 horsepower at that point.

The CHAIRMAN: Thank you, Mr. Fairweather. The Committee, I believe, in common with all members of the House, are anxious to finish the business of the session, but they are not anxious to do it at the expense of not knowing what it is all about. So if there are questions which any of the members wish to ask of Mr. Fairweather on any points that are not quite clear, they may be asked now.

*By Mr. McKay:*

Q. I have just one question. I am rather interested in this project. It seems to me it is going back to the days when we really opened this country up, and I think it is a project to be commended. I should like to question Mr. Fairweather regarding this clay belt that he referred to. It seems to me that the minister mentioned something in the House, when this bill first came up for discussion to the effect that there were some 250,000 acres available there. Was it adjacent to this railway or did it include all this clay belt? Surely it would not include all the area Mr. Fairweather mentioned?—A. The answer to that, sir, is that the 275,000 acres was strictly limited to the area which will be developed by this limited branch line.

Q. Within 25 miles of the railway?—A. A belt 25 miles on each side of the railway.

Q. Yes.—A. So far as the area itself is concerned, it has vastly greater potentialities than that.

*By Mr. Hatfield:*

Q. What is your estimated revenue from the forest and what is your estimated revenue from agriculture?—A. Of the gross revenues that we estimate will result from the line in the period of the guarantee, which amount to about \$3,000,000—\$3,007,000, to be exact—68·5 per cent of that will come from pulp-wood; other outward freight,—and that would represent agricultural commodities and specialties of one kind and another—7·3 per cent; inbound freight—and that would be supplies for the settlers and the lumber camps, machinery and stuff like that—14·2 per cent; passenger, mail and express, 10 per cent. That makes up the total. So you can see that roughly two-thirds of the revenues in the first 6-year period will come from the exploitation of the forest resources.

*By Mr. Campbell:*

Q. How soon do you expect the line to pay its own way? It will not pay its own way the first two or three years, will it?—A. Of course, that is the purpose of the guarantee. You cannot expect a branch line to pay in the first few years. You have to take a wider point of view, and we consider that the development period to test out an area is from 5 to 10 years. In this case, we settled with the Canada Paper Company on a 6-year spread; and in that period we demanded from them a traffic guarantee which would be sufficient to make the line pay—that is, it would break even. The C.N.R., under the guarantee, is bound to break even; and by breaking even I mean that is after paying all the operating costs, all the maintenance costs, all rental on equipment and interest on the cost of construction.

Q. How far north is that? In what township would the end of the line be?—A. The end of the line is in Laas township.

Q. I do not know where that is. What township would it be?

Hon. Mr. CHEVRIER: It is in Laas township. That is the township.

*By Mr. Campbell:*

Q. What county?—A. It is in Abitibi county, Laas township.

Q. What parallel would that be?—A. Well, it is the 49th parallel almost exactly.

Q. It would be about the same as Edmonton, then. How far north, or on what parallel is Edmonton?—A. Edmonton is farther north than that.

*By Mr. Mutch:*

Q. That is on the 49th?—A. Yes. Edmonton is on the 54th.

Q. The 49th parallel is the boundary in the west.—A. The 49th parallel is the international boundary in the west.

Q. That is south of Winnipeg. The boundary is the 49th parallel.—A. The 49th parallel constitutes the boundary between Canada and the United States in the west and it continues through this area (indicating). You see, we are just about there (indicating). So that you are south of Winnipeg and about the international boundary.

Q. The 49th parallel is as far south as you can get in the west?—A. You cannot get any further south in the west, no. But from the point of view of geography, of course, we must remember that the Hudson Bay dominates the climate in the east.

*By the Chairman:*

Q. Considering the timber limits that have been purchased by the Canada Paper Company up there, how long will that last, with the present capacity of the Windsor mills plant? Of course, they are augmenting that, I understand. They are enlarging that, are they not?—A. I am glad that point has been



raised. The Canada Paper Company has also embarked in this venture on a new policy. They do not intend to go into that area and clean it off. They intend that to be a permanent forest and they plan to cut never more than about 2 per cent of the area; that is on the average. They figure that they can take off this about 100,000 cords a year.

*By Mr. Gourd:*

Q. In perpetuity?—A. In perpetuity.

*By the Chairman:*

\*Q. Will they undertake any reforestation or will they let nature take its course?—A. There are two methods that they are using. The one is to cut selectively. Whether that can be used up in that area or not, they are not quite certain. They do use that method down in the eastern townships.

Hon. Mr. CHEVRIER: There will be no question of stripping the country?

The WITNESS: No.

*By Mr. Mutch:*

Q. Apart from fire, is it not correct to say that the experience in comparative areas is that it grows as fast as you can cut it on regulated cutting?—A. If discretion is used in the cutting you can cut about 2 per cent of your stand.

Q. It is a fifty-year cycle?—A. Yes, a fifty-year cycle.

*By Mr. Lesage:*

Q. I understand that the proposed railway will run north and northeast so that it touches the Canada Paper Company area. Would it not be more suitable for the proposed colonization area if the line went due north up from Barraute?—A. Well, sir, that is a very good point, and I will refer to it briefly. When we were negotiating with the province of Quebec they were strongly in favour of a line that went north from Barraute, but that left the Canada Paper Company up in the air. The economics of building a line true north and over to tap this pulp area was less favourable than building a line diagonally. The diagonal line does everything that the province wants to do in the next ten years. That is capable of developing this area which is marked on the map in dots and is an area of 700,000 square miles. Now, when they have finished the development of that area the question will then arise as to further expansions to tap further areas, and as I previously mentioned this line is strategically located so that this additional line can be built.

Hon. Mr. CHEVRIER: That is west and north of Kiask Falls?

The WITNESS: West and north of Kiask Falls, and you can hit down towards Mattagami, you can hit over toward Chabougamau; it depends on whether you wish to tap agricultural possibilities or mining territory or timber-land; but the line is deliberately located along the axis to meet the views of both the Canada Paper Company and of the Department of Colonization.

Mr. MUTCH: Ten years is long enough to look ahead.

The CHAIRMAN: Shall we proceed now with the clauses of the bill?

Clauses 1 to 10 carried.

The CHAIRMAN: Shall the schedule carry?

Carried.

Shall the preamble carry?

Carried.

Shall the title carry?

Carried.

Shall I report the bill?

Carried.

There is nothing else before the committee and a motion to adjourn is in order. •

The committee adjourned.











